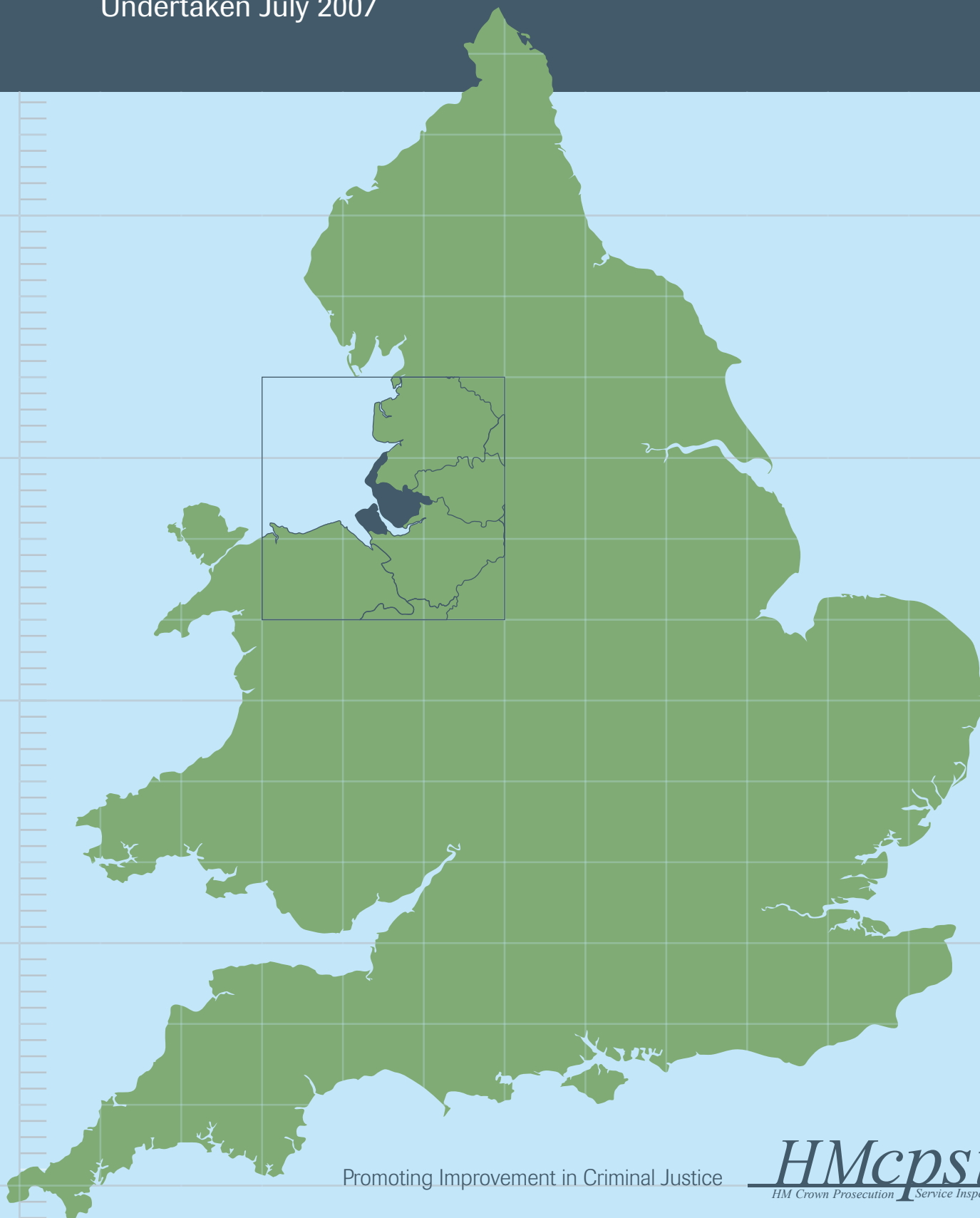


CPS Merseyside

# Overall Performance Assessment

Undertaken July 2007



Promoting Improvement in Criminal Justice

**HMcp*si***  
HM Crown Prosecution Service Inspectorate



CPS Merseyside

# Overall Performance Assessment

Undertaken July 2007



Promoting Improvement in Criminal Justice

***HMcp*si****  
HM Crown Prosecution Service Inspectorate

## 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		

# CONTENTS

<b>A</b>	<b>Introduction to the overall performance assessment process.....</b>	<b>2</b>
<b>B</b>	<b>Area description and caseload.....</b>	<b>3</b>
<b>C</b>	<b>Summary of judgements .....</b>	<b>4</b>
<b>D</b>	<b>Defining aspects .....</b>	<b>7</b>
1	Pre-charge decision-making: management and realising the benefits.....	7
2	Ensuring successful outcomes in the magistrates' courts .....	10
3	Ensuring successful outcomes in the Crown Court .....	14
4	Progressing cases at court.....	17
5	Sensitive cases and hate crimes.....	19
6	Disclosure .....	21
7	Custody time limits .....	23
8	The service to victims and witnesses .....	24
9	Delivering change .....	27
10	Managing resources .....	29
11	Managing performance to improve .....	31
12	Leadership .....	33
13	Securing community confidence.....	35
 <b>Annexes</b>		
A	Performance data .....	37
B	Criminal justice agencies and organisations who assisted with this overall performance assessment. ....	40

## **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 Merseyside 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 6 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 Merseyside serves the area covered by the Merseyside Police. It has five offices, three in Liverpool and one each in Crosby and Birkenhead. The Area Headquarters (Secretariat) is based at the office in the Royal Liver Building, in Liverpool.

Area business is divided on geographical lines into three districts, for Liverpool, the Wirral, and the North Mersey area. Within the districts, teams are allocated to a youth and expedited section (YES) or a contested section, dealing with both magistrates' courts and Crown Court cases. The Area also has a unit dealing with the work of the North Liverpool Community Justice Centre, a Witness Care Unit (WCU), a Complex Casework Unit, and a team of Higher Court Advocates (HCAs).

During the year 2006-07 the Area had an average of 2674 full time equivalent staff in post, and a budget of £10,940,675. This represents a 6.3% increase in staff, and a 13.2% increase in budget since 2004-05, the period covered by the Area's last OPA.

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

### Pre-charge work<sup>1</sup>

2004-05		2006-07	
Written advice	2,777	Decisions resulting in a charge	11,733
Pre-charge advice (where available)	11,414	Decisions not resulting in a charge <sup>2</sup>	8,873

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	36,478	25,770	- 29.35%
Other proceedings	1,013	675	- 33.37%
<b>Total magistrates' courts proceedings</b>	<b>37,491</b>	<b>26,445</b>	<b>- 29.46%</b>

### Crown Court proceedings

(including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Cases sent or committed to the Crown Court for determination	3,246	3,083	- 5.02%
Committals for sentence <sup>3</sup>	475	524	+ 10.32%
Appeals from the magistrates' courts <sup>3</sup>	280	286	+2.14%
<b>Total Crown Court proceedings</b>	<b>4,001</b>	<b>3,893</b>	<b>- 2.7%</b>

In 2006-07, 47.9% 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**

CPS Merseyside has been through a period of considerable organisational change set against a background of falling caseload; the consequent reduction in budget in the current year has partly driven the need for change, which is ongoing. The caseload still contains some very serious crime, but some of the more minor cases are now being dealt with by the police issuing warnings or fixed penalty notices, which has shifted the balance. A period with no permanent business manager and the significant commitment by the Chief Crown Prosecutor (CCP) to national initiatives have also presented challenges for the Area.

### **Summary**

Public confidence in the criminal justice system in Merseyside has declined, as it has nationally. Locally, this is despite good work engaging with communities and the sensitive handling of cases with the potential to impact on confidence, such as the racially motivated murder of Anthony Walker and the death of a child from injuries inflicted by a dog. The Area has focussed much of its engagement on victims' groups, a focus that is merited by the impact that victim and witness withdrawal of cooperation has on successful cases and effective trials. Timeliness of letters under the Direct Communication with Victims initiative (DCV) is improving, as is the number of letters sent, albeit at a slower rate. More work is needed to address witness issues at the earliest possible stage and to make sure that special measures are sought in good time. The Area has worked well with criminal justice partners to ensure effective integration of CPS and police IT systems within the Witness Care Unit (WCU). Witness issues are still a significant contributory factor in cracked trial rates in all courts, and in ineffective trials in the Crown Court. Lack of readiness impacts on ineffective trial rates, but overall, these have improved markedly. Effective trial rates are still poorer than nationally by virtue of higher cracked trial rates.

The performance culture is embedded and there is considerable joint work to support delivery of criminal justice objectives and Area business, and performance on a range of measures has improved since the last OPA. However, despite established processes for monitoring adverse outcomes and sharing data with partners, some aspects, such as the rate for successful outcomes for all cases, are still worse than national averages, although most are better than last year. Also worse than nationally is the rate of successful outcomes in hate crime cases, an area of casework that is particularly affected by witness attrition and relevant in Merseyside.

Statutory charging and conditional cautioning are well established, and out of hours advice being given under a pilot scheme is welcomed by the police. Most of the benefits of charging are being realised, but with work to do to meet national averages in some respects. Joint monitoring of charging processes and outcomes is in place. There are aspects of casework and case progression which need further attention; in particular, compliance with court orders, vetting cases to ensure that they are ready for trial, and the rate of discharged committals. The Area relies considerably on self-assessment within the casework quality assurance scheme (CQA) to identify how well cases are being handled. However, without suitable training in the CQA scheme to ensure consistency of interpretation and standards of assessment, and rigorous monitoring of the process, it is difficult to see how the Area can be assured that the process satisfactorily identifies, or addresses, any shortcomings. More needs to be done to ensure that time limits in custody cases are handled properly; the Area has had four failures in the last three years, and in three of those, effective monitoring would have identified the errors which led to the failure. Closer liaison with the court, efforts to improve the standard and timeliness of police files, and



the implementation of the minimum standards for the Criminal Justice: Simple, Speedy, Summary (CJSSS) initiative should lead to better performance across the range of casework. In some respects, notably in cases involving persistent young offenders (PYOs) and Proceeds of Crime Act (POCA) applications, the Area's casework is productive and effective and demonstrates a capacity to improve. Disclosure of unused material continues to be an aspect where strong performance and a productive relationship with the Crown Court are manifest.

There is a robust approach in the Crown Court to case progression which has yet to be duplicated in the magistrates' courts. The effectiveness of first hearings has not met the target set by the Merseyside Criminal Justice Board, and adjournments per case and the average number of days to complete cases are higher than national averages. Counsel and agents are selected for their expertise, and will benefit from the improved standard of instructions, an aspect where the Area was failing and which was not identified from self-assessment of casework quality. In-house advocates are well-respected by criminal justice partners, and are increasingly being used in all the courts. The usage of HCAs has led to better identification of casework issues as well as to significant savings to supplement the non-ring fenced running costs. These were overspent in each of the last two years, and by more in 2006-07 than in 2005-06. The reduced caseload and reduced funding means that the Area is now overstaffed at administrative levels which presents another challenge to the budget. Related strategies to deal with this are beginning to take effect.

There is a significant change programme underway partly to address budgetary constraints, but also to make the Area fit for purpose. The change programme is cohesive and structured, and supports a clear sense of purpose and the Area's vision and values, which are communicated to staff. Risks are assessed and training needs identified, although the training and development plan needs more work to ensure that it is comprehensive and effectively supports delivery. Governance of the change programme and the Area generally is systematic. Corporacy is promoted but communication has been an area of weakness, as identified in the 2006 staff survey. Senior managers have endeavoured to become more visible and to address these concerns and also those expressed in the staff survey regarding recognition of good performance. Managers set standards for their own conduct and for what is expected of staff, and isolated instances of inappropriate behaviour have been addressed. Although there is more to do to ensure that the CPS Merseyside is representative of the communities it serves, equality and diversity are mainstreamed into the Area's processes and management standards. Managers are pro-active, promote an open and constructive relationship with criminal justice partners, and lead on key initiatives

### **Direction of travel**

Despite the challenges it faced in 2006-07, the Area maintained its position on the majority of the aspects assessed although some decline is evident. In some respects, such as magistrates' court discontinuances and Crown Court successful outcomes, performance has worsened since last year or since the last overall performance assessment, but generally, key measures show improvement. There is still work to be done to match or better national performance in a number of areas, but significant blockages are being tackled and improved joint working is beginning to show results. The change programme should be used to ensure that improvement is consolidated and maintained.

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

<b>OVERALL ASSESSMENT</b>		<b>FAIR</b>		
<b>Critical aspects</b>	<b>Assessment level</b>			
	<b>OPA 2005</b>	<b>OPA 2007</b>	<b>Direction of travel</b>	
Pre-charge decision-making	Good	<b>Good</b>	<b>Stable</b>	
Ensuring successful outcomes in the magistrates' courts	Fair	<b>Fair</b>	<b>Stable</b>	
Ensuring successful outcomes in the Crown Court	Good	<b>Fair</b>	<b>Declined<sup>4</sup></b>	
The service to victims and witnesses	Fair	<b>Fair</b>	<b>Improved<sup>5</sup></b>	
Leadership	Good	<b>Good</b>	<b>Stable</b>	
<b>Overall critical assessment level</b>		<b>Fair</b>		
Progressing cases at court	Good	<b>Fair</b>	<b>Declined</b>	
Sensitive cases and hate crime	Good	<b>Good</b>	<b>Stable</b>	
Disclosure	Good	<b>Good</b>	<b>Stable</b>	
Custody time limits	Fair	<b>Poor</b>	<b>Declined</b>	
Delivering change	Good	<b>Good</b>	<b>Stable</b>	
Managing resources	Fair	<b>Fair</b>	<b>Declined<sup>6</sup></b>	
Managing performance to improve	Fair	<b>Fair</b>	<b>Stable</b>	
Securing community confidence	Fair	<b>Good</b>	<b>Improved</b>	
<b>OVERALL ASSESSMENT</b>	Fair	<b>FAIR</b>		

<sup>4</sup> Ensuring successful outcomes was a separate aspect in the OPA in 2005, in which CPS Merseyside was rated as Fair. This aspect has been subsumed into the aspects dealing with magistrates' and Crown Court casework, and, as successful outcomes remain fair in the Area, the rating for Crown Court casework appears to have declined.

<sup>5</sup> Although remaining within the Fair rating, arrangements for delivering the service to victims and witnesses have improved.

<sup>6</sup> Whilst remaining at Fair, the Area's performance has declined within that rating as a result in drops in performance on financial controls, and managing staffing levels and the budget.

## D DEFINING ASPECTS

<b>1</b>	<b>PRE-CHARGE DECISION-MAKING: MANAGEMENT AND REALISING THE BENEFITS</b>	OPA 2005	OPA 2007	Direction of travel
		Good	<b>Good</b>	<b>Stable</b>

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

- Duty Prosecutors (DPs) provide full time face to face advice to the police between 9 am and 5 pm at seven centres, according to need, as follows:
  - Liverpool North – two lawyers
  - Liverpool South – one lawyer
  - Wirral – one lawyer with a nominated lawyer available in the CPS office to deal with bail returns
  - St Helens – one lawyer
  - Knowsley – one lawyer
  - Sefton (Copy Lane) – one lawyer
  - Sefton (Southport) – one lawyer Tuesday and Thursday with telephone advice provided by a nominated lawyer Monday, Wednesday and Friday.
- The Area is also operating a pilot at Liverpool North charging centre for the provision of out of hours advice between 5.30 pm and 8.30 pm Monday to Friday and between 11 am and 3 pm on Saturdays.
- The Area runs an appointments system which is managed by police evidence review officers (EROs). Each appointment is scheduled for 45 minutes. The majority of advice (81.2%) is provided during face-to-face consultations.
- These arrangements ensure that early advice is provided in most cases. Complex or serious cases which are suitable for bail are submitted to district offices and reviewed by prosecutors of appropriate experience. In such cases, there is often early liaison between police and CPS at the start of an investigation. The Complex Casework Unit deals with the majority of advice work in relation to cases which will be dealt with by the Unit. This frequently involves the provision of work out of normal hours when in-house advice is considered appropriate.

- The percentage of cases in which no further action was advised (NFAs) in 2006-07 was 34.3%, higher than the national average. The EROs are responsible for ensuring that only appropriate cases are submitted for a charging decision. Currently, the ratio of charge to NFAs differs across the districts, indicating a variable performance from EROs. Their role is to be re-evaluated as the CJSSS initiative rolls out, in which the emphasis will be on improving the quality of police files for first appearance. In addition to the EROs' checks, lawyers and designated caseworkers (DCWs) monitor compliance with the charging regime in overnight and bail cases when preparing their courts.
- Disagreements over decisions are few and generally resolved within the charging centre. There is, however, a formal escalation procedure for settling disputes which cannot be resolved locally.
- Only a small proportion of cases result in the bailing of the suspect pending further enquiries. The CPS ongoing cases report produced each month shows those cases in which the police have not resubmitted a case after initial advice to obtain further evidence. This is discussed in monthly Prosecution Team Performance Management (PTPM) meetings and action taken on outstanding cases. The police also monitor bail-back cases. A standard system of monitoring has recently been introduced to ensure a consistent approach.
- The great majority, if not all, of pre-charge decisions are recorded electronically in charging centres or the CPS office. Each DP produces a daily log of their records of decisions (called MG3s) which are then checked to ensure that the case has been recorded on the CPS case management system (CMS). The recording of ethnicity and gender of defendants on CMS is dependent on the police supplying the information but a recent internal audit found very few deficiencies in this respect. Our reality checks showed that ethnicity and gender were noted on CMS in every case examined.
- There are established processes for managing the Area's relationship with CPS Direct (CPSD) which ensure that out of hours charging cases are recorded promptly and any issues of dispute are easily resolved, and that liaison is effective.
- Conditional cautioning was rolled out fully in the Area in November 2006, after a comprehensive training programme for all lawyers and DCWs. Between then and April 2007, 42 cautions were issued, most of which required payment of compensation, and very few were breached. The Area is now developing a number of referral schemes, for example in alcohol-related cases, to expand the range of cautions. There is an emphasis on identifying suitable cases within custody suites before charge. Currently, some 75% to 80% are issued before charge.

**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**

- IT links at each charging centre ensure that DPs have access to CPS legal guidance. A new Area MG3 Analysis Standard, which is available to all DPs, has been developed by an internal working group in the wake of the Proactive Prosecutor training. It sets out the criteria for proper case analysis including consideration of the evidence, public interest, conditional cautioning and ancillary issues.

- The Analysis Standard encourages DPs to consider all issues at pre-charge stage including, in addition to those referred to in the preceding paragraph, witness needs and Proceeds of Crime Act issues. The new MG17 form, which deals with confiscation of assets, has been linked to the MG3 to remind prosecutors of their responsibilities in this connection. Early indications of a lack of knowledge of the form by police and prosecutors led to action to raise awareness.
- The quality of decision-making is monitored through the CPS CQA scheme, although this has been adapted by the Area so that prosecutors assess the quality of their own casework subject to assessments being signed off by their line manager. In addition, the Assistant District Crown Prosecutors (ADCs) monitor a selection of MG3s for quality of decision-making, and the Area and police consider cases where lessons can be learned at monthly PTPM meetings. Reality checks on CMS, of cases which had been the subject of a pre-charge decision showed that the MG3 contained a proper record of the advice in nine out of the ten cases examined. NFA cases are monitored as part of the above procedures. District Crown Prosecutors in those districts which have high NFA rates have been given a specific brief to identify reasons and improve rates.

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

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	17.8%	16.9%	11.0%	13.1%	12.2%	12.4%
Guilty plea rate	52.0%	69.2%	65.2%	69.1%	68.0%	66.5%	67.8%	67.3%
Attrition rate	31.0%	22.0%	26.4%	23.4%	23.0%	22.2%	23.9%	22.6%

- The Area is realising three of the six expected benefits of charging, and performance has improved since the last OPA. However, the overall conviction level for cases that have been subject to pre-charge advice, at 76.8%, is worse than the national average of 78%.
- The magistrates' courts discontinuance rate does not meet the national target and is worse than the national average of 15.7%. Other performance is close to the national averages.
- Each district prepares reports on adverse outcomes which have been the subject of a pre-charge decision. Although the reports vary slightly in presentation, they consider reasons for case failures. The highlighting of any other issues revealed by cases in a way that facilitates lessons being learned is not systematic.
- PTPM packs are produced at Area and district level for discussion with the police. Charging performance is discussed at PTPM meetings and at meetings of the local delivery board (a sub group of the Merseyside Criminal Justice Board), and criminal justice practitioners. Performance information is also disseminated and discussed internally at District Management Team meetings and in team meetings and briefings. Where appropriate, actions are assigned to the relevant person or organisation and progress monitored in future meetings

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

**2A Successful outcomes are increasing**

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	12.0%
No case to answer	0.2%	0.4%
Dismissed after trial	1.9%	1.7%
Discharged committals	0.2%	0.4%
Warrants	2.6%	2.3%
Overall conviction rate	84.3%	83.3%

- Conviction rates are slightly worse than the national average, but have improved since 2005-06 and across the year 2006-07. The rate for cases dismissed by the court after a finding of no case to answer and discharged committals are both twice the national average. The rate for acquittals after trial is better than nationally, which represents an improvement on the position in the OPA in 2005.
- The high rate of discharged committals was an aspect for improvement in the last OPA. The formal joint monitoring of the quality and timeliness of files from the police under the effective trial management programme (ETMP) does not encompass committal files, although the reasons for committals being discharged give some indication and some informal monitoring has been introduced. The absence of a file or of essential evidence is a significant contributor to the high rate of discharges, and despite efforts to address failings with the police, levels are still too high. As a proportion of total committals and sent cases, 3.7% are discharged, compared to 2.5% nationally. Other factors appear to be delays in preparation and in lawyers' vetting of the committal files prepared by caseworkers.
- Discontinuances are worse than the national average and the Area's performance last year, and did not improve across 2006-07. They, and all other adverse case outcomes, are monitored through CQA, this is largely based on self-assessment which may not be sufficiently robust (as discussed in Aspect 11, Managing Performance to Improve, on page 33) and by Assistant District Crown Prosecutors (ADCs) on a monthly basis. Casework meetings are held between the ADCs and District Crown Prosecutors, but the discussions focus on sensitive and high-profile cases, and are aimed at forestalling unsuccessful outcomes in these cases. The adverse case reports prepared by ADCs are not uniform, but most have considerable detail about the relevant events in a case, and some (but not all) identify where more could have been done to avert the adverse

outcome. However, none of them draws together themes or patterns or any trends, and lessons to be learned are not always readily identifiable. Individual lawyers are given feedback on their cases, and wider action has resulted, such as guidance on assaults or cases involving theft from an employer, and an action plan for domestic violence cases. However, there is scope to make more effective use of the analysis to identify lessons and drive forward improvements.

- The Area discusses adverse results internally at the Area Strategic Board (ASB), District Management Team meetings (DMT), and at team meetings, although the minutes of these meetings often do not reflect the level of discussion. The data and reports are also shared with partners at PTPM meetings and at the Merseyside Criminal Justice Board (MCJB) local delivery boards (LDBs) and performance meetings, called Quantum. There is evidence of improvement in the overall rate of successful outcomes, although some categories of case outcome have yet to be improved through joint working.
- The target for offences brought to justice (OBTJ) is a shared one set by reference to the criminal justice agencies. The ability of the CPS to influence it is limited because the target includes offences dealt with by non-prosecution disposals. The CPS contribution comes through managing cases to keep discontinuance low, good decision-making and case management. The Area has contributed to the target through joint work to improve successful outcomes; the percentage of the total OBTJ made up by convictions is less than the national average, but this is primarily due to the number of warnings and fixed penalty notices issued. The OBTJ for 2006-07 was 10% above target.
- Performance on the timeliness of handling cases involving PYOs has been very good. The Area has adopted the national good practice guide which covers relevant matters, and works closely with partners at local delivery boards and the MCJB sub-group which tracks all PYO cases. There was a slight dip towards the end of 2006, but this was rectified, and the annual average for 2006 was 65 days from arrest to conclusion, which is markedly better than the national target of 71 days and national average of 72 days, and matches the stretch target recently set.

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

<b>Trial rates</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Effective trial rate	43.8%	35.9%
Cracked trial rate	37.3%	47.2%
Ineffective trial rate	18.9%	16.9%
Vacated trial rate	22.5%	19.6%

- The quality and timeliness of police files has been a cause for concern for some time, although improvements have lately been made. There is formal monitoring, although this is dependent on lawyers accurately marking the standard of the file, which has not always been done consistently. There were also considerable difficulties with the standard of files under a new police system for electronic data exchange in one district, which delayed its implementation across the Area.
- The problems with police files have impacted on the Area's ability to prepare cases for trial, as have administrative blockages and delays in casework, such as requests for full files and caseworkers and lawyers preparing or vetting trials. These have led to late discontinuance of cases (much higher than the national average), and a lack of compliance with court directions or timescales, which has damaged the standing of the CPS with the magistrates' courts, and caused some ineffective trials. The Area decided to remove the formal CPOs, and to devolve their duties to administrative staff, but has yet to assess that decision for its impact on performance and partner confidence. Reality checks on files confirmed that readiness for pre-trial reviews was problematic in around a quarter of cases, and indicated that the Area could do more to avoid delays.
- Delays in case preparation also came about as a consequence of the police practice of waiting until the Area requested a trial file before carrying out further enquiries set out at the charging stage in the action plan. This has been resolved as part of the preparation for CJSSS. The implementation team for CJSSS is working well after a late start which necessitated pushing back the planned introduction in Sefton to September and the Area-wide rollout to December. Agreement has been reached with the court regarding the definition of straightforward cases which will be included in CJSSS, and the timescales for pre-court work and standards for file quality are being addressed.
- The rate of ineffective trials has shown great improvement and is now better than the national average; the Area met the national target and nearly met the Area target for 2006-07. Vacated trials are better than nationally, but a high cracked trial rate means that the effective trial rate is still worse than the national average. Prosecution reasons account for 7% more ineffective trials than nationally, but for about the same number of cracked trials. For cracked trials, witness absence plays more of a part in CPS Merseyside than nationally, whereas for ineffective trials, it is the prosecution not being ready and witness issues impact less. For vacated trials, lack of readiness and witness issues are both higher than the national average.
- Reality checks showed that decisions on the tests under the Code for Crown Prosecutors on sufficiency of evidence and public interest are sound. The Area monitors the standard of decision-making, case preparation and case progression through CQA, the analysis of failed cases and ineffective trials, and by checks of the task lists on the CMS. Monthly CMS reports are provided to managers, and there are individual and district targets for performance. The rate of usage of CMS for reviews in magistrates' court cases has improved significantly since the start of 2006-07, but there has been much less progress in the numbers of hearing outcomes and finalisations done within a day.
- Ineffective trials are examined and the data and reasons are discussed at Quantum, LDB and PTPM meetings. Internally, district quarterly reviews also examine performance including cracked and ineffective trials. The analysis done by the Area with its partners is systematic, yet seems to attach significance to witness issues which represent only part of the picture. The need to be more pro-active in identifying witness issues at the earliest possible stage has yet to become



embedded. The Area's own analysis of ineffective trials could be more challenging on the standard of case preparation, and would benefit from more clarity on lessons to be learned, trends and any themes emerging. Individual feedback is given to staff, and more general matters are raised at team meetings.

- Youth cases benefit from a dedicated team with specialist prosecutors and regular inter-agency meetings to track and discuss youth defendants. The timeliness for youth guilty pleas and trials are better than nationally, although there has been some slippage since last June. There is a good practice document for youth cases which provides useful guidance for charging lawyers and the police, and for case handling generally.

<b>3 ENSURING SUCCESSFUL OUTCOMES IN THE CROWN COURT</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Fair</b>	<b>Declined</b>

**3A Successful outcomes are increasing**

<b>Case outcomes in the Crown Court</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Judge ordered acquittals	13.1%	12.4%
Judge directed acquittals	1.4%	1.3%
Acquittals after trial	6.5%	7.9%
Warrants	1.3%	1.2%
Overall conviction rate	77.7%	77.1%

- The conviction rate in Crown Court cases is slightly below the national average and its performance last year, and deteriorated across 2006-07. The rates for judge-directed acquittals and discontinued cases, the latter of which has improved since 2005-06, are better than nationally, but the acquittal after trial rate is worse, an outcome which the Area attributes to cultural influences locally. The overall caseload in the Crown Court has fallen, but there has been a small increase in the proportion of more serious cases.
- Adverse outcomes, including discontinued cases, are monitored by Assistant District Crown Prosecutors (ADCPs) during their dip samples of lawyers' self-assessed CQA, and reports are prepared on failed cases. These are shared with the police and discussed at prosecution team performance management (PTPM) meetings, at the Merseyside Criminal Justice Board (MCJB) local delivery boards (LDBs) and performance meetings, called Quantum.
- Internal review, as in magistrates' court cases, is conducted at casework meetings between District Crown Prosecutors (DCPs) and the ADCPs, at the Area Strategic Board (ASB) and at district management team (DMT) meetings. Reports of all adverse cases are prepared by ADCPs, and contain sufficient detail in most instances, but could be improved by clearer identification of lessons to be learned, and by the inclusion of any trends, patterns or themes. Individual feedback and general guidance to lawyers and other staff are systematic, although not as well documented in team meeting minutes as they might be. ASB and DMT minutes also do not set out a clear audit trail of performance discussions. Joint and internal performance monitoring is leading to more noticeable improvements in discontinuance rates in Crown Court cases than in the magistrates' courts.
- The Area has demonstrated effective joint working in the handling of proceeds of crime (POCA) cases. The target for the number of orders was missed by five orders or 2.9% but the target value of orders was exceeded by over £1.5 million or 45%. There is close liaison between the Area,

particularly the Complex Casework Unit, and the police Financial Investigation Unit, and regular meetings with court staff to monitor enforcement. There has been a range of measures implemented to improve performance, such as training of Area staff and the police, workshops on POCA, actions in district plans, tracking of relevant cases, a clear specification for the role of POCA champion and effective dissemination of guidance.

### **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%	42.2%
Cracked trial rate	39.5%	45.9%
Ineffective trial rate	12.4%	12%

- The standard of decision-making and case preparation is self-assessed by lawyers using CQA, which is then dip-sampled by ADCPs. Decision-making and compliance with the evidential and public interest tests in the Code for Crown Prosecutors in the reality checks conducted were sound. The ADCPs and DCPs use adverse case reports and cracked and ineffective trial monitoring to assess case progression and the standard of casework. In addition, many of the cases are handled by HCAs at some point, and the head of the HCA unit feeds back lessons to the DCPs. A review in July 2006 identified a number of aspects for improvement, including lack of continuing review, careless mistakes being made which had not been picked up in the vetting process, and lack of action to build strong cases and enhance their presentation at trial. These were fed into a training plan. Whilst issues remain, such as the timely lodging of applications and complying with court orders, the scale of the problem appears to have improved significantly.
- Case progression systems are embedded, and are enforced robustly by the Resident Judge, and there is a local practice direction which provides for preliminary hearings in certain cases. Certificates of readiness are required of prosecution and defence, and cases are expected to progress at each hearing. Changes in personnel in the case progression officer role have led to there being no designated point of contact, which has caused difficulties for partner agencies, and a reality check showed that in one of two relevant cases, delay could have been avoided by CPS action. However, the court's case progression report on the number of review hearings needed, and the compliance with the case progression requirements shows improvements have been made since late 2006.
- All youth cases are fast-tracked in the Crown Court, and, as in the magistrates' courts, are dealt with by a dedicated youth team. All cases go to a preliminary hearing, and are checked again to ensure that the defendant has not become a persistent young offender since the first hearing date. There are regular inter-agency meetings to discuss any matters relating to youth casework.
- The proportion of trials which are effective is 6% worse than the national average; this is entirely due to the high rate of cracked trials. The rate for ineffective trials has improved significantly since the last OPA and is now better than the national average. The biggest contribution to

cracked and ineffective trials comes from the defence, and for the former is largely due to late guilty pleas. Cracked and ineffective trials which are the fault of the prosecution are a slightly higher proportion of the total than nationally. For cracked trials, witness issues are largely responsible, and for ineffective trials it is witness issues and lack of readiness for trial.

- The data for effective trials and the reasons for ineffective trials are discussed at the Crown Court Delivery Board, and at monthly meetings between the police, CPS, and the Resident Judge. An ineffective trial action plan was introduced in November 2006, which may have contributed to the improved performance, although there is no evidence it was updated thereafter. The agencies are now shifting the focus to effective trials, and to ensuring that more witnesses attend for trial. Reports are prepared by DCPs for internal and inter-agency performance meetings; they are detailed, and contain some analysis of themes emerging. There is some identification of lessons to be learned, or action points, although this is not consistently done. Internal discussions of effective trial rates take place at the ASB, DMTs, and District quarterly performance reviews. Where necessary, individual members of staff receive feedback and team meetings or staff briefings are used to disseminate key messages.
- The rate of usage of CMS for reviews of cases by lawyers is worse than the national average and has not met the Area or national target. The poor rate is dragging down the Area to 35th position out of the 42 areas for overall CMS usage. Performance has improved across 2006-07 but from a very low starting point. More work needs to be done on timely hearing updates and finalisations to match that improvement.

<b>4</b> <b>PROGRESSING CASES AT COURT</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Fair</b>	<b>Declined</b>

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

- Cases do not always progress at court hearings. The number of adjournments a case has on average is higher in CPS Merseyside than nationally, as is the average number of days from first hearing to completion. The Area monitors the data on adjournments and time taken for cases with partners, with mixed results. The Merseyside Criminal Justice Board has set a target of 40% for resolution of cases at first hearing which has not yet been met; at the time of this assessment, 34% of cases were being finalised at the first hearing. Changes to the national legal aid system and the local police practice of issuing more fixed penalty notices have impacted on performance. The percentage of adult guilty plea cases finalised within 59 days is worse than the national average, and has deteriorated since June 2006. However, the percentage of adult trials finalised within 143 days has improved, and is better than nationally. Youth guilty plea and trial timeliness are better than nationally, but both are not as good as last June.
- A robust approach to case progression in the Crown Court is being enforced by the Resident Judge, and a revised practice direction provides for preliminary hearings in certain cases, including those involving domestic violence or youth defendants. There are clear expectations set for progressing cases and certifying readiness for trial. Whilst advocates are instructed to progress cases in all courts, efforts have been hampered by the quality and timeliness of police file preparation reflected in, amongst other things, the proportion of discharged committals. The courts have expressed significant concerns with the preparedness of the CPS and lack of compliance with court orders and directions. The Area and police have been working together to resolve the difficulties, and their efforts have been given added impetus by the forthcoming implementation of CJSSS. Despite the courts' concerns, there have been no wasted costs ordered against the Area in 2006-07.
- The timeliness of instructions to Counsel is worse than the national average, and has deteriorated since the last OPA in 2005. However, it has recently improved again in all three districts. Reality checks showed that the standard of instructions was weak on analysis of the case in one of five cases, and on acceptable pleas in one of the two cases where it was relevant. The Area has a dedicated unit of HCAs who cover many of the Crown Court hearings. They are briefed in the same way as other advocates, which has enabled closer monitoring of the quality of briefs, and has identified weaknesses in the analysis of the case and the absence of any instructions about pleas, which has, in turn, led to some improvement.
- Advocates are selected with regard to their skills and abilities; each district has information available on the merits and experience of local Counsel, and any agents used in the magistrates' courts are very experienced. In-house advocates are allocated to their own cases as far as possible, although court listing processes and late changes can make this more difficult on occasions. An agreement with the court exists, and covers the transfer of cases in such a way as to enable advocates to prepare properly, but there are still instances of cases being moved without consultation, to the disadvantage of witnesses or proper preparation.

- The Area has no systematic advocacy monitoring and depends on feedback from the court and other agencies for much of its information on advocates' professionalism and their timely attendance at court. The feedback to the Area and to inspectors indicates that in-house advocates are well-regarded, provide good witness care at court, and are viewed as often being better prepared than external advocates, particularly agents in the magistrates' courts. The extended use of HCAs and DCWs has enhanced the standing of the Area with its partners.

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

#### **5A The Area identifies and manages sensitive cases (including hate crime<sup>7</sup>) effectively**

- Duty prosecutors (DPs) are responsible for identifying sensitive cases on CMS at the charging stage. If they fail to do so, administrators are responsible for flagging the case. Administrators also attach an appropriate stamp to the front of the file. Reality checks showed that sensitive cases were flagged on CMS in eight out of 11 cases where this was relevant. All sensitive cases are captured on serious and sensitive case reports, which are completed by Assistant District Crown Prosecutors (ADCPs), and discussed regularly with the DCPs as a means of monitoring decisions and case progress. The outcome of hate crime cases forms part of a monthly performance report which is discussed at district level.
- The Area has appointed specialists and champions for all sensitive casework, and a list is available in each charging centre so that DPs know whom to consult for advice if necessary. Sensitive and specialist cases are handled, or supervised, by a specialist. Some specialisms, for example, rape and domestic violence, have Area co-ordinators who hold meetings for district specialists.
- All prosecutors are given relevant training and have appropriate experience before dealing with sensitive cases. Training has recently been provided on racially and religiously aggravated crime, domestic violence and anti-social behaviour orders. The Area is reviewing its approach to rape specialists following recent Headquarters guidance. All specialists meet the criteria with the exception of having observed a complete rape trial. This aspect is now an urgent priority. The Area's rape co-ordinator is currently drafting the national Proactive Prosecutor Programme training package for the handling of rape cases.
- There are specialist domestic violence courts in the Area and a fast track procedure in the Crown Court to identify contested domestic violence cases and ensure an early trial date.
- Cases of local concern and high media profile usually form part of the serious and sensitive case reports. Cases likely to be of media interest are reported to the Area Communications Manager. The Area responded positively in a recent high profile case involving a racially motivated murder. Area prosecutors worked in close contact with the police from a very early stage and with the family of the victim, keeping them closely informed of case progress and events. Subsequently, the CPS Equality and Diversity Unit produced a report on the case which was published by the Director and disseminated to all Areas as an example of how such cases should be dealt with.
- The Area considers all HMCPSI thematic reviews. Lead co-ordinators in specialisms check Area policies and procedures and action is taken to incorporate any relevant recommendations. Area procedures have been adapted to reflect the recommendations made for the handling of rape offences and cases arising from fatal road traffic collisions.

<sup>7</sup> 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 Area rate of unsuccessful outcomes in hate crime cases is 36.5% which is worse than the national average of 32.8%. However this represents a significant improvement on the previous year's performance of 46.5% (although the figure for the final quarter of 2006-07 showed a deterioration on the previous two quarters). In domestic violence cases, the rate is 38.6% against 34.8%. Again, this is a considerable improvement on the previous year's rate. These figures are indicative of long standing problems in Merseyside with witness attrition, particularly in some serious assault cases, and often in the face of a commitment by the witness to attend the trial. Recent Area concerns in respect of allegations of hate crimes which were followed by retraction led to the Merseyside Criminal Justice Board commissioning a review. This resulted in recommendations about the handling of cases and suggested measures to strengthen the support for victims.
- There is regular analysis of hate crimes generally to see if lessons can be learned. This includes those cases which are dropped or where the hate element of the offence is removed or reduced. All such cases must be referred for to an ADCP before a final decision is made. District co-ordinators hold meetings to look at hate crime data and share lessons and good practice. In addition, all sensitive cases are monitored through CQA, although they are not specifically targeted as such. This is unlikely, of itself, to be sufficient but cases are also discussed with the police in PTPM meetings and at meetings of specialist co-ordinators.
- Area plans do not contain specific reference to safeguarding children but the principles are included in other measures and actions for the care of victims and witnesses including young witnesses. A Crown Court protocol ensures that there are special arrangements for child witnesses to reduce their waiting times in court. There are arrangements between the Area, the police, courts and Witness Service to identify cases involving vulnerable witnesses, to ensure that special measures are in place to assist them in giving their evidence, although some applications for special measures could be more timely. The Area has regular contact with the local Safeguarding Children Boards and a standing invitation to attend, although most issues under discussion are outside the CPS role in child protection.



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

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

- Previous inspections, and the OPA in 2005, found that the Area performs well in respect of disclosure. As part of this assessment, reality checks were carried out on ten cases to see whether this performance is being maintained. They showed that, in general, the disclosure of unused material was well managed in most aspects, particularly in respect of the location of documentation. Initial disclosure was dealt with properly in nine cases. In the one exception, the prosecutor's completion of the disclosure schedule did not comply with the requirements of the disclosure manual, although the instructions were clear. Continuing disclosure was properly handled in three out of five relevant cases.
- There were two cases in which there was sensitive material, and it was correctly dealt with in one of the two. In the other, the prosecutor had not endorsed the schedule of sensitive material. Disclosure record sheets (DRSs) had been fully completed showing an audit trail of decisions and actions in five cases. Four of the others were completed in part.
- Compliance with the Criminal Procedure and Investigations Act 1996 (CPIA) is monitored through CQA and when adverse case results are considered. Any issues arising from cases are taken up on an individual basis. Any general lessons to learn are discussed internally and with the police through regular performance meetings. Crown Court case progression meetings tend to highlight disclosure issues which are likely to affect a forthcoming trial.
- Discussions about the Crown Court Protocol on the handling of unused material took place in early 2006 and secured a commitment to strengthen the approach to disclosure issues covered within the Protocol. There are frequent discussions with the Crown Court which help to maintain the level of compliance. Judges are ready to take defence solicitors to task for any failure to supply timely defence statements. This more robust approach by the Area and the Court has led to an improvement in the quality of defence statements.
- Disclosure schedules and any accompanying material are kept on the file in a separate disclosure folder which also contains the DRS. Schedules of sensitive material are kept on the file within the disclosure folder. Most sensitive material is of a low sensitivity, usually comprising unedited details in crime reports and other documents. Any material of a higher sensitivity, if forwarded to the CPS office, is kept secure with restricted access.
- There are two Area disclosure champions both of whom are proactive in their efforts to maintain performance. They provide advice and assistance to other prosecutors and caseworkers on disclosure issues, particularly in the more complex cases and continue to provide internal training and joint training with the police on a number of courses which include Criminal Investigation Department training. They also deliver training on disclosure to the police on some of the more serious and complex aspects of the handling of unused material.

- The Area's continuing efforts to improve CPS and joint performance on disclosure include careful scrutiny of any case which fails because of an issue relating to disclosure. The only example of such a case within the last 12 months occurred through something which the Area could not control but led to joint action with the police to improve.

<b>7 CUSTODY TIME LIMITS</b>	OPA 2005	OPA 2007	Direction of travel
	Fair	<b>Poor</b>	<b>Declined</b>

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

- The Area has a written custody time limit (CTL) system that complies for the most part with the latest national guidance. Some aspects are covered in the Area's legal guidance document, which is intended to be read in conjunction with the primary document setting out the Area's system. The legal guidance is comprehensive and a useful guide for staff.
- All staff have been trained in the Area's system, and there are standing instructions on CTLs in briefs to Counsel in the Crown Court. Agents are rarely used in the magistrates' courts and not at all in cases where defendants are in custody.
- The Area had two CTL failures in 2005-06, one in 2006-07, and another in 2007-08; one resulted in a defendant being released on conditional bail. In the other cases, the defendants were in custody or serving a custodial sentence on other charges, so were given notional bail. In one case, there was a misunderstanding during the application to extend the time limits, which led the Area to think that they had been extended when they had not. In the other cases, the errors were in identifying different limits for different charges, in calculating the number of days spent in custody before a period on bail, and in awareness of the law relating to time limits for fresh indictments. In each case, the error was realised quickly, a review carried out, and a full and robust report produced for CPS headquarters.
- The Area's system provides for monitoring actions, including use of the CMS task lists and a diary record of review and expiry dates. If carried out, these steps should ensure that time limits are being handled soundly. However, in three of the four CTL failures, it was apparent that the checks either had not been carried out or had not identified the errors which led to the failures. After the most recent failure, the Area's appointed champion for CTLs conducted a thorough review of the processes in all three districts, from which it was also apparent that managerial checks were not always being carried out as required by the system. The champion produced an action plan which has recently been introduced. It addresses the matters which gave rise to the failures and requires a clear audit trail of the monitoring in custody cases. Further training has been given on the monitoring systems.
- The Area has an informal arrangement with the courts to ensure that CTLs are correctly calculated which has yet to be formalised, although a draft service level agreement has been in existence for some time. In one of the cases where a time limit was missed, a disagreement between the CPS and the court as to the expiry date contributed to the failure. The Area will wish to ensure that a formal agreement is reached as soon as possible, and that lawyers and caseworkers endorse the fact of agreement, the agreed expiry date, and the custody status, on the file, since these are yet to become routine.
- Reality checks carried out on seven files showed that in all but one, the expiry date had been calculated correctly. In the one where it was wrong, none of the checks by the Area had identified the error. In only one case was it evidenced on the file that the expiry date had been agreed with the court. There were some inconsistent practices in endorsing review dates on the files.

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

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

- The Area ensures compliance with its obligations under the Victim's Code and the Direct Communication with Victims scheme (DCV) in a number of ways. The Area Victims and Witnesses Group, established in February 2006, discusses Area procedures involving victims and witnesses. CPS Merseyside is keen to ensure that all relevant staff understand their obligations under the DCV scheme and has introduced desktop instructions to remind them when letters must be sent. In 2006-07, 78% of DCV letters were sent within 5 days against a national average performance of 73%. This was by far the best performance of the larger CPS Areas.
- Performance against the Area's proxy target for letters sent to victims has been variable. The monthly target for 2006-07 dropped to 177 letters from 285 in the previous year. This saw an immediate improvement in performance from 69.1% in March 2006 to 89.3% in April. The target was later revised to 171 and then to 180 and 179 for the third and last quarter of 06-07 respectively. The Area was generally performing well above target until recording methods changed in December 2006. It has steadily improved since then and performance for the rolling quarter ending March 07 was 68.4% against a national 76.3%. Area performance is discussed in Area Strategic Board meetings and in District and team meetings. The quality of letters is monitored by District Crown Prosecutor (DCPs) and Assistant District Crown Prosecutor (ADCs) who dip sample cases.
- The view of victims and witnesses are sought through the WAVES Survey. This indicates that 74% of witnesses are satisfied with the overall service from the criminal justice system, 72% are satisfied with the information and support provided to them, and 62% are satisfied with the information given to them on how their case was progressing.
- Duty prosecutors are encouraged to consider witness needs as part of the pre-charge decision process. This is reinforced by guidance in the charging analysis standard and by the recent Proactive Prosecutor training. Compliance is monitored by the sampling of records of charging decisions by ADCs and by CQA self assessment which can monitor later aspects of witness care such as special measures applications.
- The timeliness and standard of special measures applications are monitored and discussed by the Crown Court Delivery Board (a sub-group of the Merseyside Criminal Justice Board (MCJB)). The Area acknowledges that some applications have not been timely. This led to special training to assist WCU officers to identify appropriate cases at an early stage so that lawyers and caseworkers, whose responsibility it is to do so, can prepare and make prompt applications.
- The WCU is the point of contact for victims and witnesses to keep them informed of progress. Performance is monitored within the WCU and discussed in the Area's Prosecutor Management Group. A police-CPS complaints management protocol ensures that any issues affecting performance can be dealt with effectively by a joint approach.

- Other than in a few cases in which witnesses are warned by specialist police units, the WCU has responsibility for all witness warning. Communication flows between CPS districts and the WCU (which is divided along district lines) are regulated by a joint protocol to ensure timely witness warnings. The CPS target is to have details of witnesses required to attend trial communicated to the WCU within 48 hours of a plea of not guilty. Witness warning procedures are reviewed within a range of monitoring systems, including those for adverse outcomes and cracked and ineffective trials. Merseyside has traditionally experienced problems with witnesses, including victims, in often very serious cases failing to attend to give evidence. Recent initiatives surrounding the operation of the WCU have improved the situation to the extent that attendance rates have varied between 77% and 89% against a baseline figure of 65.5%.
- There is no specific monitoring of prosecutors at court which ensures that they comply with the prosecutors' pledge in engaging with witnesses. Area managers rely on the Witness Service (WS) and other support groups to provide feedback. Feedback as part of this assessment confirmed that the treatment given to witnesses by CPS staff at court was generally good. Weekly meetings held between CPS, WS and the Crown Court provide a forum for raising and discussing issues.
- The Area has piloted the use of witness intermediaries, and is one of two areas participating in a project on intimidated witnesses being run by the Office of Criminal Justice Reform.

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

- The Area has a single WCU which is based in central Liverpool. It is, however, structured internally along district lines. The centralised location means that the unit does not have access to the CPS file but relies on joint IT systems for relevant information. At the time of the last OPA, the joint IT was being piloted in one district. Concerns highlighted in an earlier joint inspection of the Merseyside criminal justice area that the centralised approach was high risk were reflected in the OPA. Those concerns centred on the detrimental effects upon witness care due to the possible absence of full information about witnesses and led to a recommendation that the MCJB should ensure the effectiveness of the supporting IT systems in this respect. Considerable effort has gone into ensuring that the reservations expressed in previous reports were overcome. The IT pilot was regarded as a success and implemented county-wide at the end of 2005, and the Area is now one of the few producing performance information from the electronic witness management system. The national No Witness No Justice scheme (NWNJ) sign-over review in September 2006 did not identify any risks directly connected to IT.
- The Area action plan prepared in response to the sign-over review identifies those actions required to be undertaken to meet the NWNJ minimum requirements. The plan indicates that the minimum requirements of NWNJ were not then being met in a number of aspects including early consideration of witness needs and provision of information and case results to witnesses. The Area's business plans for 2006-07 and 2007-08 contained specific objectives and milestones towards the achievement of those objectives and some progress has been made. WCU officers are given initial and continuing training to ensure they are aware of their responsibilities under NWNJ and the unit has regular team meetings. Performance is monitored and the CCP provides monthly reports to the MCJB.

- The WCU prepares monthly performance information from a number of sources, broken down into districts, which deals with the unit's performance in respect of the primary and secondary measures. Performance is also reported to Quantum (the MCJB performance group). There are discussions at local delivery boards and performance data is made available to staff at team meetings. The Area has yet to satisfy some of the measures, however. Ineffective trials due to witness issues are worse than nationally in magistrates' courts and the Crown Court, as is the rate for trials cracking for witness reasons in the Crown Court. The magistrates' courts rate for witness issues leading to cracked trials, however, is markedly better than the national average.
- The WCU holds regular unit meetings which deal with a range of issues relating to performance, the unit's processes and staffing arrangements. Processes were reviewed and updated in March 2007. Concerns earlier in the year over staffing levels have been resolved by the secondment into the unit of additional staff.
- Formal joint analysis of NWNJ is carried out by the MCJB in accordance with its business plan and in the Victim and Witness Strategy Group. Staff receive information about the project in a number of ways, including team meetings and the Area Newsletter.

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

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

- The Area has a clear sense of what needs to be achieved. The Area's priorities for 2006-07 were aligned to the national CPS and Public Service Agreement objectives and targets, and were relevant to nationally-led initiatives and local needs. There were clear responsibilities for the delivery of actions within the Area business plan (ABP), with some milestones and outcomes, although the latter were mostly quantitative. The ABP lacked detail in parts, making it difficult to determine how Area vision would be delivered in a holistic way. Planning for 2007-08 (both the ABP and the change management programme) is an improvement on the previous year.
- Progress against the business plan is reviewed at the monthly Area Strategic Board (ASB) meetings, and updated on a quarterly basis. The change management programme introduced towards the end of 2006-07 is used to drive mainly internal changes and has monthly update reporting to the ASB on the various work streams in progress.
- For 2007-08, the Area has introduced district and individual unit plans, the purpose of which is to identify team objectives, to link into staff personal development reviews, and to support the delivery of the overall ABP, rather than individual plans being used to drive the delivery of district or unit business.
- Joint planning with CJS partners is evident both at the prosecution team level with the police, and at Merseyside Criminal Justice Board (MCJB) level. The MCJB structure has senior staff across the agencies accountable for its main deliverables, with underpinning local delivery boards and the performance group 'Quantum' which monitors and addresses delivery of outcomes. Where the CPS has greater ability to influence targets, the majority were achieved in 2006-07. Whilst there was some initial delay, the secure data exchange programme between the police and CPS has progressed to the electronic receipt of full files at Wirral, and a pilot at Liverpool, which should significantly impact upon the often late receipt and incompleteness of full files.

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

- Nationally-driven change within the Area has been effectively implemented, with evidence of review and improvements made. Quarterly performance meetings with police at the prosecution team joint management group support the delivery of statutory charging and NWNJ as business as usual. Work is currently being undertaken to develop the remit of conditional cautioning. There was a slight delay in the appointment of a project manager for CJSSS; however the initiative is now being rolled out across the Area.
- In the latter part of 2006-07, the Merseyside change management programme was introduced to progress internal change relating to Area structure and processes. This is a cohesive and structured programme; work streams include the restructure of the Area, advocacy strategy, and

reviews of staffing, management roles and administrative processes. A clear governance structure is in place, the CCP is the Senior Responsible Officer (SRO) and there is monthly reporting on the development strands to a project manager, which is then fed up to the ASB in a monthly highlight report. There is management of project interdependencies, with links between the projects, and training and processes established, for example, the training of staff lacking experience in Crown Court work. Clear progress has been made against detailed work. The Area has in addition commenced work with CPS Cheshire as a result of the CPS restructure.

- The Area's advocacy strategy was driven by the need to supplement the non-ring-fenced running costs (NRFC). This has resulted in an emphasis on delivering and exceeding targets for HCA savings to supplement the NRFC budget. The Area has successfully introduced a HCA unit and has achieved the desired outcome regarding the NRFC.
- During 2006-07 the Areas management of risk was not systematic; risks were considered during the Area Strategic Board (ASB) meetings, but the comprehensive review of all risks and updating on a formalised basis was limited. The Area recognised that its management of risk has not been effective, and as a result requested Headquarters assistance at the end of the year. For 2007-08, Area wide risks have been identified, and a risk register for the change management programme is in place; the latter is updated on a monthly basis.

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

- Training is managed by an Area training committee chaired by a District Crown Prosecutor with membership across the grades. During 2006-07, the Area did not have a Learning and Development (L&D) plan, the main emphasis of training being on key mandatory courses; the Proactive Prosecutor programme, domestic violence training, conditional cautioning and performance management have all been delivered. A calendar of training was in place, which was accessible on the Area's electronic drive, and courses were also notified using the monthly Area newsletter.
- The absence of an L&D plan during last year means that it is possible all training needs were not identified and consequently equality of access to training across the Area cannot easily be demonstrated. However, training other than key mandatory courses has taken place and examples were given of presentation skills training, CTL training and job shadowing.
- For 2007-08, an L&D plan has been established and this links to the objectives in the ABP and forward job plans. Development has been slow, and at the time of our visit, the plan required further work which needs to be completed as a priority. The calendar of training for the current year is again accessible to staff but needs to be supported by a completed plan.
- Evaluation of training has recently commenced. This mainly relates to attendee levels rather than qualitative assessment of the benefit to the individual and Area as a whole. Further development of training evaluation is required and the Area intends to address this.



<b>10 MANAGING RESOURCES</b>	OPA 2005	OPA 2007	Direction of travel
	Fair	<b>Fair</b>	<b>Declined</b>

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

- The Area overspent its non-ring fenced running costs budget (NRFC) for the last two financial years. In 2005-06, 100.9% of the NRFC budget was spent, and in 2006-07, performance deteriorated to 103.1%. A declining caseload has resulted in a reduced proportion of funds being allocated to the Area.
- Financial controls in the Area have been less than effective and slow to address the impact of the reducing funds, particularly on staff numbers and Area recruitment. A clear strategy to manage the NRFC overspend was introduced in October 2006. Area budget monitoring arrangements are satisfactory, although the Area Secretariat will need to ensure tight controls are maintained and spend continues to be effectively monitored.
- The vast majority of the NRFC budget is staffing costs and, according to the CPS National Cost model, the Area is significantly over-staffed, mainly at administrative grades. The Area's calculations indicate that, once account is taken of non-operational functions, the over-staffing level is 48. This has a considerable impact upon the Area's ability to manage its budget. The Area has recognised this, and mechanisms are in place to keep overspend to a minimum, but this will be a challenge as the current NRFC allocation for 2007-08 is a reduction on the previous two years' final allocations. Measures include work undertaken through the change management programme, and regular monthly financial reporting to the Area Strategic Board (ASB) at an Area and district level.
- The Area's budget is allocated to district level for non-ring fenced and prosecution costs, and monitored by the Area Secretariat. Managers are aware of the budget constraints and the need to ensure value for money. The Area has recognised the need to realise the benefits of in-house advocacy and is managing vacant posts.
- During 2006-07, additional funding was received for initiatives, including a specialist prosecutor for anti-social behaviour orders, proceeds of crime applications, and NWNJ. The Area also received an underpin of £296,000 and an £86,000 contingency fund, which were used to meet commitments and deliver everyday business. The Area substantially improved its deployment of HCAs to obtain further funds and again supplement the budget.
- Performance on payments under the graduated fees scheme (GFS) have declined during 2006-07, with the one month and four month payment times falling below the national average in the last half of the year. This is attributable to increased responsibilities on the GFS team for the administration of HCA work, which has been recognised by the Area. Systems are in place for the monitoring of prosecution costs but the Area overspent its budget by 4% in 2006-07 which compares unfavourably with the national average of 101%.

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

- Since the last OPA, Merseyside has introduced the North Liverpool Community Justice Centre, the Complex Casework Unit, and an HCA unit, and restructured into contested units, and youth and expedited sections (YES) that align with police districts. The structure of the contested and YES teams was reviewed in 2006, which identified issues such as process blockages and inconsistency of roles across the districts. Significant work is being undertaken through the change management programme to align roles and processes, and to ensure that the organisational structure is fit for purpose. However, this is against a background of too high staffing levels. The districts are currently restructuring into combined units, and it is too early to see the benefits of this or work that is being undertaken through the change management programme.
- The Area also continues to review its structures using the CPS National Costing model, and there is evidence of redeployment of staff to address potential imbalances of work.
- Clear expectations for lawyer deployment in the new combined units have been set at seven half-day sessions per full time lawyer each week at court or in charging centres. Agent usage, at 7.3%, compares favourably with the national average of 19.6%, and agent spend is carefully monitored.
- In 2006-07, DCWs covered 16% of magistrates' court sessions (national average 14.7%). Coverage increased across the year from 13.2% of court sessions covered in the first quarter to 18.2% in the second. The Area did not achieve its target of 22.5%, but a more realistic target of 20% has been set for 2007-08. By the end of the financial year, the Area had 8 DCWs. At expected court coverage of six sessions per week each, this equates to 252 sessions per DCW. During 2006-07, the DCWs covered 2094 sessions which equates to 104% of available DCW time, and is good usage. A protocol has been introduced establishing DCWs as an Area rather than a district resource.
- The Area has been successful in its deployment of HCAs during 2006-07. The target savings of £159,936 were exceeded significantly, with a total achieved of £403,729. There are five HCAs deployed in the dedicated unit who cover just HCA work, and approximately three further qualified HCAs on each of the districts. The latter retain other casework responsibilities so are deployed less frequently and for simpler matters. A formalised advocacy strategy was introduced in December 2006, which includes an action to introduce development plans for each of the HCAs, and formal monitoring. In 2006-07, a total of 131 trials were covered by HCAs, and one trial featured an HCA appearing as junior counsel.
- Managers have received training on managing attendance, and sickness absence within CPS Merseyside is reducing. At 9.6 days on average, it is higher than the national rate (8.5 days) but is a significant improvement on last year's performance (12.1 days). The Area is supportive of flexible working, and has a number of staff working reduced and compressed hours. There is a sensible approach to balancing the needs of the individuals with those of the organisation, for example by partnering together employees who are working reduced hours.

<b>11 MANAGING PERFORMANCE TO IMPROVE</b>	OPA 2005	OPA 2007	Direction of travel
	Fair	<b>Fair</b>	<b>Stable</b>

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

- There is regular consideration of performance at Area Strategic Board (ASB) meetings, at District Management Team (DMT) level, and at other team meetings throughout the Area, although this is not always clearly evidenced by minutes from the meetings. Monthly performance reports are produced in an easily understandable format, and a précis of some performance information is included within the Area monthly newsletter.
- The monthly performance reports are relevant and pertinent, containing information at Area and district level. They are aligned to the main CPS performance indicators, but also include local performance issues such as the number of discharged committals. A dashboard 'traffic light' approach has been adopted for all the performance indicators, including monthly performance against target, and has also been introduced by Cheshire, with whom the Area will be restructuring. The Area resources and performance manager (ARPM) also produces analysis of the monthly performance across the indicators to identify any trends, and poor or improving performance. There is occasional benchmarking against other Areas.
- A recent audit by the CPS Management Information Bureau identified room for improvement in the Area's regime for ensuring quality control and the accuracy of data processes. Standard monthly reports are produced at a district level to ensure the quality of data entry, and these are monitored by the ARPM. The Area has now introduced a dip sample of files to ensure accurate recording of monitoring codes, and witnesses' and defendants' gender and ethnicity.
- Performance outcomes in the Area have improved in some aspects since the last OPA in 2005. Casework outcomes at the magistrates' courts and Crown Court are better, although they are worse than national averages in, for example, discharged committals and discontinuance. The key performance indicators for statutory charging have all improved and ineffective trial rates for both the magistrates' and Crown Court are better. However, performance against targets was mixed, and timeliness of preparation of cases and, as a result, case progression at court is problematic.
- Managers are expected to take corrective action where performance needs improving. A process review has recently been undertaken by the change management programme to identify performance blockages, and ensure regularity of roles. This has shown inconsistent practices which have developed across the Area and a need for some procedures to be standardised; the recommendations are to be progressed. The CTL system has also recently been reviewed as the result of continuing failures. Other reviews have been undertaken, for example a file review on casework quality. Whilst good work is clearly undertaken, performance can slip as a result of competing priorities, as demonstrated by the declining performance in payment of the graduated fees scheme.
- District Crown Prosecutors are held accountable for the performance of their teams. Each DMT has a quarterly performance review with the CCP, Area Business Manager (ABM) and ARPM, which is based around the CPS key performance measures. Issues are highlighted and actioned.

The Area did not hold quarterly reviews in the final quarter of 2006-07. For 2007-08, the Area intends the process to become more robust.

- During the last financial year, individual staff objectives fed into the Area Business Plan (ABP) to drive understanding and achievement of Area targets. For 2007-08, each district and team has its own objectives supporting delivery of the ABP, which then link to the individual objectives of staff. Examples include usage of the CMS and the timeliness of letters to victims where a case has been dropped.

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

- CPS managers are actively engaged in multi-agency meetings at which joint performance is discussed and managed. There are monthly meetings with police at a district level at PTPM meetings where topics include statutory charging, unsuccessful outcomes and the timeliness and quality of police files. Performance data is made available by the CPS and the police for these meetings. On a quarterly basis, prosecution team joint performance management group meetings take place to provide strategic direction for joint initiatives, and drive performance improvements.
- The Merseyside Criminal Justice Board's (MCJB) performance against its targets and key indicators are monitored, and issues addressed, through its performance group and local delivery boards. At a joint level there is evidence of improvement strategies being implemented. At the MCJB level, delivery plans address actions that need to be progressed, and from a prosecution team viewpoint, issues are addressed and progressed through the various meetings.

#### **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 operation of the Area's CQA scheme has not been systematic. Return rates for the four quarters of 2006-07 were 55%, 56%, 50% and 62%, which were worse than national averages. In October 2006, the Area introduced a self-assessment process. Individual lawyers and DCWs are responsible for their own assessment, with CQA forms being quality assured by Assistant District Crown Prosecutors. This report makes clear the extent to which the Area relies on CQA self assessments. However, without suitable training in the CQA scheme to ensure consistency of interpretation and standards, and rigorous initial monitoring of the self assessment process, it is difficult to ascertain how the Area can assure itself that this is satisfactory. We received some anecdotal evidence to suggest that already relevant performance issues are being missed.
- The Area's CQA assessment rates are reasonably consistent with the average national performance figures. CQA return rates and assessment rates are included within monthly performance information provided to the ASB. The CQA scheme is backed up by the one-off file review undertaken, and the feedback provided by HCAs to prosecutors on the quality of Crown Court files, and there is also comment on monthly performance reports of headline issues. However, as a result of the self assessment process it is less likely that the Area will be able to identify any trends.
- Advocacy monitoring occurs on an informal basis, and usually happens once a year for in-house prosecutors. Less experienced prosecutors will be monitored on a more regular basis. The HCA head intends, as part of the advocacy development plans, to introduce more regular monitoring of the developing HCAs, but this is not yet in place. There is monitoring of Counsel for grading purposes only. The Area receives feedback on the performance of its advocates from the courts and Witness Service.

<b>12 LEADERSHIP</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Good</b>	<b>Stable</b>

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

- The Area's visions and values closely follow those set nationally and the Director's vision for the CPS. They are incorporated into the Area's business plan and change programme, with key priorities identified. Although the district plans are not intended primarily to promote the vision, managers are held to account for how their district or team delivers the Area's priorities.
- Key messages are cascaded and corporacy promoted from the Area Strategic Board (ASB) through District Management Teams to the staff by the use of updates on the ongoing change programme, the Area's monthly newsletter and team meetings. There is scope for managers to improve the confidence of staff in their line managers. The staff survey showed deterioration since 2004 in advice and encouragement to help staff do their jobs, and in active support of learning and development.
- Team meetings and Whitley Council meetings are used to promote a dialogue with staff, although the former are not consistently held on a regular basis across the whole Area. The 2006 staff survey showed poorer than national returns from staff for adequate channels to contribute their views on change and for managers explaining the reasons for change. Partly in order to address this, the CCP and ABM have held roadshows and open meetings throughout the Area explaining the change programme and other important developments. These, and the District Crown Prosecutors' (DCPs) briefings, have been used to make managers more visible and to give staff an opportunity to raise any concerns.
- There is regular and effective contact between senior managers and criminal justice partners, and senior managers promote an open and constructive approach. The CCP, ABM and DCPs all take lead roles for a variety of initiatives or Merseyside Criminal Justice Board (MCJB) actions. Working relationships are established and maintained at a range of inter-agency meetings, including local delivery boards, performance groups and the MCJB. The feedback from criminal justice agencies is positive and Area managers are described as pro-active and playing a key role in improvements.
- There is a strong focus on performance within the ASB and the MCJB, and on learning from failed cases, although the drawing together of themes and trends from adverse cases and their dissemination to staff could be improved. The Area also seeks to draw out useful lessons from what has worked well, and from the experiences of other areas, especially those areas which have succeeded in a particular aspect of work, or which have similar features or challenges.

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

- The staff survey in 2006 indicated that only a tenth of the staff felt that there was an effective system to recognise those who perform well; this was fewer staff than nationally and fewer than in the survey in 2004. The Area has put in place a number of measures to recognise good work, including a bonus scheme for worthwhile ideas put forward under the staff suggestion scheme, regular examples of successes and good results in the monthly newsletter, and personal commendations from the CCP. Staff are regularly put forward for national awards or commended to the DPP.
- There is a standard set for managers to ensure that they act as role models for the values and ethics of the Area. There is a champion for equality and diversity, but the role is not defined in clear terms of reference or expectations, which risks hampering its effectiveness. Equality and diversity are not separate topics within the standard, but the principles set out in the various sections (on the CPS, people, results and managers' conduct) mainstream equality and diversity into the standard. Equality issues and the single equality scheme are also integrated into area plans, actions on community engagement, and managers' roles in MCJB initiatives; one such example is the creation of a cross-community victim and witness consultative group.
- Managers are required to ensure that staff behave appropriately towards one another. The 2006 survey returned a better than national result for being treated with fairness and respect, and showed a significant improvement on the results from 2004. However, there was less confidence than nationally or than two years ago that a complaint about treatment at work would be dealt with fairly. No formal or informal complaints have been made in 2006-07 about treatment by managers, and there was no evidence of cliques or prejudice in the workplace. Managers have identified isolated instances of unacceptable conduct relating to use of the IT systems, and these have been addressed appropriately, with reminders issued to staff.
- The make-up of staff did not reflect the community served by the Area at the time of the last overall performance assessment. Although the disparity is not as marked now as it was then, the Area has still not achieved representative levels of black and ethnic minority staff. The Area's efforts to address this have been hampered lately by a low staff turnover and a freeze on recruitment. The data available on the make-up of the local population is much fuller in two districts than in the third. The Area has data for the composition of its staff, but it is not broken down into self-declared ethnicities or the constituent groups within the black and other ethnic minority classification. Additionally, there is a significant minority of staff who choose not to designate ethnicity or disability; whilst this is an acceptable choice for staff to make, the Area will wish to consider whether it ought to do anything to drive up the self-declaration rate so as to assist with ensuring accurate representation.

<b>13 SECURING COMMUNITY CONFIDENCE</b>	OPA 2005	OPA 2007	Direction of travel
	Fair	<b>Good</b>	<b>Improved</b>

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

- Senior managers show a high commitment to community engagement and engagement activity is part of core business. The Area's business plans for 2006-07 and 2007-08 contain actions in respect of community engagement, although the earlier plan was less specific. A community engagement strategy has been produced for 2007-08 with agreed actions and milestones. Each manager has a community engagement-linked objective as part of their performance development review for 2007-08.
- The CCP chairs both the MCJB Victim and Witness Strategy Group and the Victim and Witness Consultative Group, the latter of which includes key community representatives. District Crown Prosecutors (DCPs) and Assistant District Crown Prosecutors (ADCs) attend meetings of the local Crime and Disorder Reduction Partnerships as a response to their concerns about community confidence at the more local level.
- Senior managers are involved in a wide variety of community activities and groups with the focus currently being on victims' groups. These are specific, for example rape victims, as well as those more generally representative.
- The Area is making good efforts to get staff at all levels involved in community engagement. Activities are assessed to ensure that staff with the appropriate experience and knowledge undertake a varied range of engagement. All engagement is recorded on a community engagement log. Administrators attend careers fairs and conferences dealing with victim issues. The roles of specialists and champions include relevant community engagement responsibilities.
- The Area maintains a comprehensive database of local community groups and has up to date information on local demographics. There are meetings with many groups representing those at risk of greater exclusion. The Area has established some dialogue with seasonal workers' groups, although identifying an appropriate contact for these groups and the Polish community has proved difficult. The current business plan contains reference to the establishment of a Hate Crime Scrutiny Panel for the Area, although this is on hold following the recruitment of three Regional Equality and Diversity Officers and CPS reorganisation.
- The Area evaluates the benefits from its community engagement activities but could be more structured in this regard in showing resulting improvements to the service it provides. The Area Communications Manager (ACM) highlights staff and community engagement within the Area newsletter. A training package for secondary school students designed to be used with the schools' citizenship module has been used in two districts and is now being extended throughout Merseyside.

- Public confidence in the local criminal justice system has declined in the six months between December and June 2006. It is worse than the national average, although this has also experienced a decline greater than that in Merseyside. Despite this, the Area's handling of the Anthony Walker case and the subsequent report had a positive impact within the black community.
- The Area has a very positive relationship with the media and managers frequently give media interviews in local cases of high profile interest which have included the public announcement of a manslaughter prosecution in a case involving the savaging by a dog of a young child. Potential cases are identified at an early stage by prosecutors and included in a media report to the ACM.



## ANNEX A: PERFORMANCE DATA

### Aspect 1: Pre-charge decision-making

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance 2005-06    2006-07		National target March 2007	National performance 2006-07	Area performance 2005-06    2006-07	
Discontinuance rate	11.0%	15.7%	17.8%	16.9%	11.0%	13.1%	12.2%	12.4%
Guilty plea rate	52.0%	69.2%	65.2%	69.1%	68.0%	66.5%	67.8%	67.3%
Attrition rate	31.0%	22.0%	26.4%	23.4%	23.0%	22.2%	23.9%	22.6%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	76.8%

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

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

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	35.9%
Cracked trial rate	37.3%	47.2%
Ineffective trial rate	18.9%	16.9%
Vacated trial rate	22.5%	19.6%

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

<b>National target</b>	<b>National performance 2006</b>	<b>Area performance 2006</b>
71 days	72 days	59 days (up to Mar 2007)

*Offences Brought to Justice*

	<b>CJS area target 2006-07</b>	<b>CJS area performance 2006-07</b>
Number of offences brought to justice	38,496	42,647

<b>Percentage make up of Offences Brought to Justice</b>	<b>National 2006-07<sup>8</sup></b>	<b>Criminal justice area 2006-07</b>
Offences taken into consideration (TICs)	8.5%	5.2%
Penalty notices for disorder (PNDs)	10.3%	18.7%
Formal warnings	5.8%	16.9%
Cautions	26.5%	11.2%
Convictions	48.8%	47.9%

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

	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Successful outcomes (convictions) as a percentage of completed Crown Court cases	77.7%	77.1%

<b>Trial rates</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Effective trial rate	48.2%	42.2%
Cracked trial rate	39.5%	45.9%
Ineffective trial rate	12.4%	12.0%

8 Final figures awaited.

<b>Proceeds of Crime Act orders</b>	<b>Area target 2006-07</b>	<b>Area performance 2006-07</b>
Value	£3,444,087	£4,989,399
Number	172	167

### **Aspect 10: Managing resources**

	<b>2005-06</b>	<b>2006-07</b>
Non ring-fenced administration costs budget outturn	100.9%	103.1%

<b>Staff deployment</b>	<b>National target 2006-07</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
DCW deployment (as % of magistrates' courts sessions)	17.2%	14.7%	16%
HCA savings against Area target	100%	138.4%	252.4%
Sickness absence (per employee per year)	7.5 days	8.5 days	9.6 days

### **Aspect 13: Securing community confidence**

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

<b>CJS area baseline 2002-03</b>	<b>2004-05 (last OPA)</b>	<b>Performance in 2006-07</b>
43%	45%	38.5% (up to Dec 2006)

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

### **Police**

Merseyside Police

### **HM Courts Service**

Liverpool Crown Court

City of Liverpool Magistrates' Court

### **Victim Support**

Victim Support Merseyside

### **Community Groups**

Black and Racial Minority Network

Sefton Women's and Children's Aid

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

**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](http://www.hmcpai.gov.uk)**

HM Crown Prosecution Service Inspectorate

London Office:

26 - 28 Old Queen Street

London SW1H 9HP

Tel. 020 7210 1197

Fax. 020 7210 1195

York Office:

United House, Piccadilly

York, North Yorkshire, YO1 9PQ

Tel. 01904 54 5490

Fax. 01904 54 5492

Website:

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

© Crown copyright 2007