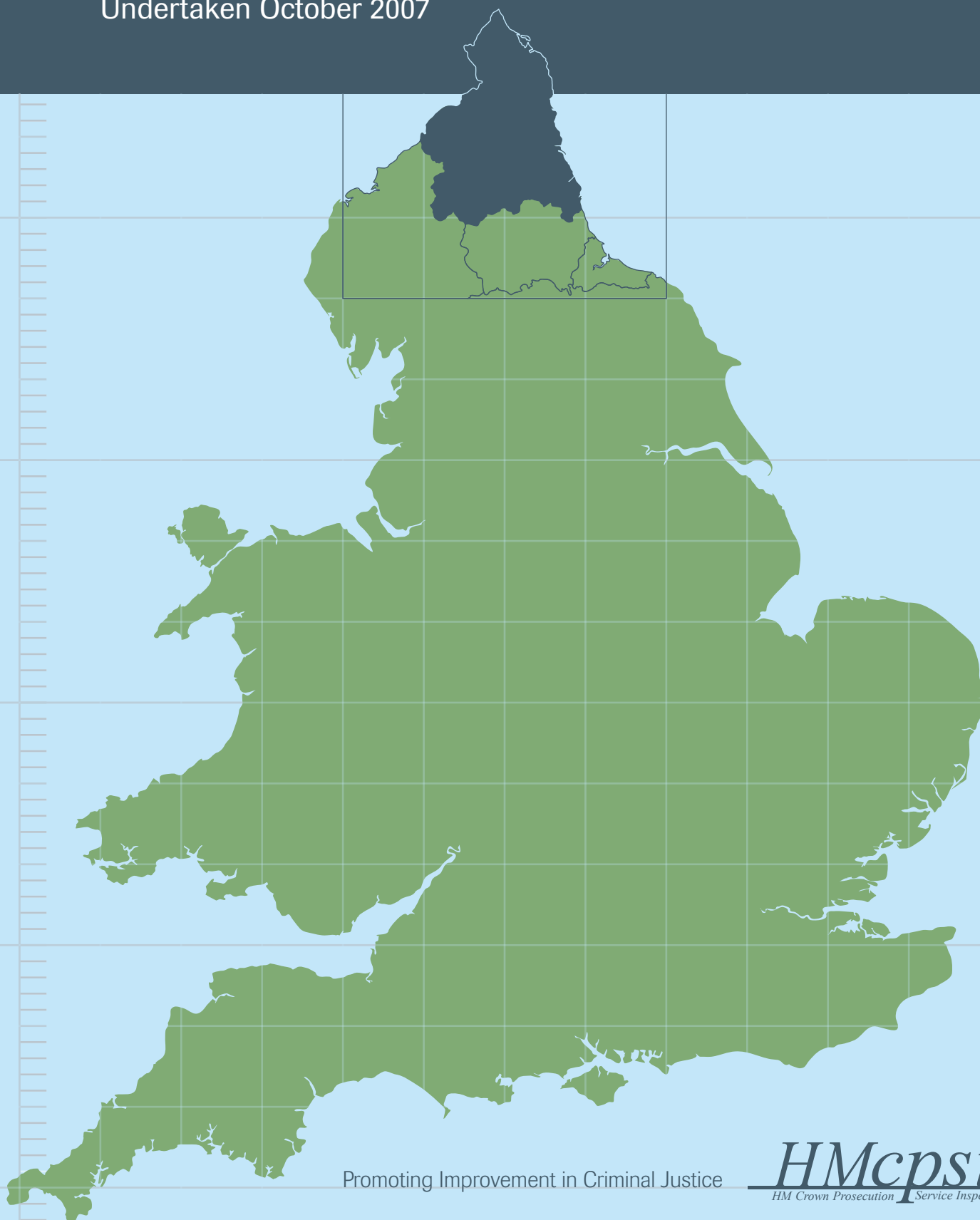


CPS Northumbria

Overall Performance Assessment

Undertaken October 2007



Promoting Improvement in Criminal Justice

*HMcp*si**
HM Crown Prosecution Service Inspectorate



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ABBREVIATIONS

Common abbreviations used in this report are set out below.

Local abbreviations are explained in the report.

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

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A INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

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

Assessments

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

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

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

The table at page 8 shows the Area performance in each category, as well as the 'direction of travel' since the previous OPA.

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

Direction of travel grade

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

Improved reflects a significant improvement in the performance;

Stable denotes no significant change in performance;

Declined where there has been a significant decline in performance.

B AREA DESCRIPTION AND CASELOAD

CPS Northumbria serves the area covered by Northumbria Police. It has an office in Newcastle upon Tyne and teams based in co-located units at police stations in Bedlington, North Tyneside (North Shields), Gateshead, Sunderland and South Tyneside (South Shields). The Area Headquarters (Secretariat) is based at the Newcastle office.

Area business is divided into multi-functional units which serve the North and South of the Area. The units handle cases from the pre-charge decision stage to disposal in either the magistrates' courts or the Crown Court. Each unit has a Crown Court team based in the office at St. Ann's Quay in Newcastle and there are magistrates' courts teams serving the police divisions, some of which are co-located.

In the North Unit there are three magistrates' courts teams, namely: Newcastle, North Shields (co-located) and South East Northumberland and County (part co-located at Bedlington). In the South Unit there are also three magistrates' courts teams, namely: Sunderland, South Shields and Gateshead, all of which are co-located. A Complex Casework Unit has been established at the Newcastle office to handle the most complex and often most sensitive casework in the Area.

During the year 2006-07 the Area had an average of 241.6 full time equivalent staff in post and a budget of £10,176,613. This represents a 3.2% increase in staff and a 9.4% increase in budget since 2004-05, the period covered by the Area's last overall performance assessment.

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

Pre-charge work¹

2004-05		2006-07	
Written advice	1,094	Decisions resulting in a charge	13,113
Pre-charge advice (where available)	15,315	Decisions not resulting in a charge ²	7,240

Magistrates' courts proceedings	2004-05	2006-07	Percentage change
<i>(including cases previously subject to a pre-charge decision)</i>			
Magistrates' courts prosecutions	41,070	40,700	- 0.9%
Other proceedings	253	322	+27.3%
Total magistrates' courts proceedings	41,323	41,022	-0.7%

Crown Court proceedings*(including cases previously subject to a pre-charge decision)*

Cases sent or committed to the Crown Court for determination	2,353	2,549	+8.3%
Committals for sentence ³	374	375	+0.3%
Appeals from the magistrates' courts ³	534	655	+22.7%
Total Crown Court proceedings	3,261	3,579	+9.8%

In 2006-07, 47.7% of offences brought to justice were the result of convictions.

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

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

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

C SUMMARY OF JUDGEMENTS

Contextual factors and background

There has been stability in the Area in terms of the senior team for some time. The Chief Crown Prosecutor (CCP) has been in post for eight years and the Area Business Manager (ABM) was also well established, although after our visit the ABM left to take up a post with another Area. The Area has undergone some restructuring since the last overall performance assessment (OPA) in 2005 which has resulted in some changes to the senior team.

The Area is undergoing a phased process of restructuring. The first phase, already undertaken, has been the transition from functional units to two multifunctional units in the north and south although within the units separate Crown Court teams have been retained. The proposal for phase two is a move to more integrated multifunctional units; the detail necessary in order to achieve this has still to be developed. A Complex Casework Unit has also been created and is fully operational; this will form the basis of the Group Complex Casework Unit to be established in 2008.

There have also been substantial changes in accommodation, moving from three offices in Newcastle, Cramlington and Washington, to a single site at St Ann's Quay in Newcastle; this is in addition to the co-located sites that have been maintained. There have been financial and business benefits from the early surrender of leases at Cramlington and Washington.

Summary

The Area performs well in terms of casework outcomes and has been consistently above national performance; however there has been a slow decline over a significant period of time which has continued into 2007-08, although the conviction rates in the magistrates' courts and the Crown Court still remain better than the national averages. There was also some evidence that cases have tended to drift through the system, thus impacting on timeliness and case preparation. Performance in relation to persistent young offenders (PYOs) was less good; throughout the year it was consistently worse than the 71 day target from arrest to disposal and despite significant remedial action internally and jointly with partners, performance improvements have been slow in coming.

The Area was one of the first to roll out statutory charging in June 2004 which involved the CPS assuming responsibility for the initial decision whether to charge in all except minor cases. Previously this was a matter for the police. The Area is realising four of the six targets which are used to measure the success of statutory charging, but is failing to meet national discontinuance rate targets in the magistrates' courts and the Crown Court with performance declining against an improving national trend. This may be in some part due to the reluctance on the part of the police to introduce a gatekeeping system across the Area, preferring to rely on supervising officers. Where the gate-keeper role has been introduced to support the implementation of Criminal Justice: Simple, Speedy, Summary (CJSSS) initiative, in the form of Investigative Support Units, there are measurable benefits, for example, in Bedlington this resulted in a significant reduction in caseload and the discontinuance rate.

The effective, ineffective and cracked trial rates in the magistrates' courts are all worse than national averages but there is a trend of improvement for the ineffective rate. In the Crown Court all three rates are significantly worse than national averages. The Area and its partners have identified that victim and witness issues have contributed to the high rates and action is being taken to address this. In contrast the rates for cracked and ineffective trials that are attributable to the prosecution are better than national performance.

At the time of sign off for No Witness No Justice (NWNJ) by the National Implementation Team in July 2006 the Area was making progress towards meeting the minimum requirements; however police staffing difficulties and the inconsistency of performance between the seven Witness Care Units (WCUs) has prevented the Area from achieving them and it is currently unclear how many are being met. The Area has recognised that more could be done to improve service to victims and witnesses and has established a working group to facilitate compliance with NWNJ and the Victims' Code. A recent agreement with the police to centralise all WCUs at the St Ann's Quay offices should have significant impact on performance.

The Area has regular contact with criminal justice partners at strategic and operational levels, and the relationships are generally open and constructive, although there is scope for more effective partnership working with the HM Courts Service. The Area and the local criminal justice agencies could have been more dynamic in their joint approach to key initiatives, which may account for the mixed success in relation to the implementation of projects, jointly and unilaterally.

The Area has introduced new mechanisms for case progression to support the introduction of CJSSS and to tackle the CPS role in the drift in cases, which has led to repeated hearings and the significant backlogs in the courts. The newly appointed case progression officers, once fully trained in their roles, should help achieve a greater level of consistency across the Area.

The structures, mechanisms and expertise are all in place to ensure effective management of sensitive cases and hate crime and have produced some very good results; the proportion of hate crimes that result in an unsuccessful outcome at 31.7%, bettered the national average and target although this just missed the local target of 31%. The work undertaken in relation to allegations of rape is impressive; this has been led by the Area coordinator with the support of the CCP who leads at the national level.

Performance in relation to the handling of unused material has remained stable since the last OPA. The Area has tried to improve performance through the provision of internal training, some joint training with the police and by trying to ensure that disclosure is addressed at the charging stage. The Area needs to ensure the issues first highlighted in 2005 and confirmed during reality checks are addressed, namely the review and handling of sensitive material, the proper use of disclosure record sheets to provide a full audit trail and a more proactive approach to continuing disclosure obligations. The Area had one custody time limit (CTL) failure in March 2006 resulting in a full review of its system. The Area still needs to ensure that the standard of endorsements is improved as reality checks highlighted weaknesses.

The Area has performed consistently well in its use of Higher Court Advocates (HCAs) and has appointed a coordinator to manage HCA usage and listing; this should assist in negotiations with partners to drive up performance further and increase the depth and range of HCA work. In contrast, the Area did not meet the target for designated caseworker (DCW) usage during 2006-07 although performance has improved during the first and second quarters of 2007-08. The Area covers more in-house advocacy than the national average which continues to increase albeit inevitably at the expense of some office time for review and preparation. The Area is trying to compensate through redeployment of administrative staff to undertake case preparation and progression tasks to release lawyer time, but the demands will be ever greater in the future with increased HCA time in court and limited agent usage. The Area has also accomplished much in terms of adaptation of the case management system (CMS) to suit business needs and improve usage; the Area coordinator has been integral to this success. This project should help ensure that there is consistency at administrative levels for key processes.

The Area is committed to improving confidence in the community and has undertaken a significant number of activities although these are not extensive in terms of wider engagement with representatives of community groups. The Area is aware of the groups to target for future engagement activity and the need to concentrate on evaluation of activities to support improvement of service delivery.

The Area has adopted clear value for money principles and has operated within budget over the past two years. There is an established performance regime enabling the Area to be alive to issues which have caused a decline in many performance outcomes. There are also mechanisms in place for managing performance jointly with partners and improvement strategies have been implemented, for example in relation to the implementation of CJSSS.

Direction of travel

The Area's performance has improved in one aspect, been maintained in eight aspects but declined in four. The Area needs to ensure that the second phase of restructuring and the consequent re-skilling of staff are undertaken in a manner that leaves them well placed to address the decline in some performance outcomes and deliver improvements across the board. The Area is fully aware of where improvements are needed but needs to be clear on the structures necessary to support staff in learning the skills and developing the confidence to ensure the improvements are achieved. The Area considers that there is a wealth of talent amongst its staff who just need to be equipped with the right skills and confidence to deliver the improvements. Although this may be the case it is also essential that there is robust management structures and mechanisms in place, as well as a supporting vision of how this will be delivered. In the light of our findings, the Area's overall performance is **FAIR**.

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

D DEFINING ASPECTS

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

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

- The Area was one of the first CPS areas to roll out statutory charging in June 2004. Pre-charge advice is provided at ten charging centres as follows:-
 - Gateshead - Monday to Friday, 9am to 5pm
 - Newcastle Etal Lane - Monday to Friday, 9am to 5pm
 - Newcastle Market Street - Monday to Friday, 9am to 5pm
 - North Tyneside - Monday to Friday, 9am to 5pm
 - Sunderland - Monday to Friday, 9am to 5pm
 - South East Northumberland - Monday to Friday, 9am to 5pm
 - South Shields - Monday to Friday, 9am to 5pm
 - Alnwick and Berwick - every Monday, 9am to 5pm (split into morning cover at one site and afternoon at the other)
 - Hexham - Wednesdays, 9am to 5pm
 - Washington - Monday, Wednesday and Friday, 9am to 5pm.
- Cover outside these hours at Alnwick and Berwick, Hexham and Washington is provided by lawyers in the co-located police stations or in the main CPS office in Newcastle. There have been no concerns over the level of cover and the workload at the smaller charging sites would not justify cover being increased. Lunchtime cover is provided by telephone or by staff in the co-located units.
- There is a 45 minute appointments system in place in all charging centres which is managed electronically by the police. The Area has maintained a high level of face to face consultations with 81% of decisions being direct with a police officer in 2006-07.
- The charging centres are covered mainly by magistrates' courts lawyers, although the two Crown Court Unit (CCU) teams also cover one to two days per week. Officers are proactive in seeking early advice on cases, particularly in relation to large scale operations or investigations concerning covert surveillance. Serious and complex cases where the defendant is on bail will usually be referred to the CCU where they are dealt with by specialists. The Area does not have set criteria for referral, which is at the discretion of the duty prosecutor (DP) and often police officers will bypass the charging centre and approach the CCU direct for advice.
- There has been no police gate-keeping system in place across the Area and the police have preferred to rely on supervising officers to check that cases are suitable for referral to the DP. An important part of the role of the gatekeeper is to ensure that only appropriate cases are submitted to the DP for a charging decision. A lack of gatekeepers can result in too many

inappropriate requests for advice, where either the case is not ready because further investigation is necessary or there is clearly insufficient evidence and the decision to take no further action (NFA) can be made by the police. The Area has been aware that these have been issues in Northumbria for some considerable time but negotiations with the police to deploy gatekeepers have lacked vigour.

- Following a pilot at Gateshead the police have recently introduced Investigative Support Units (ISUs) who act as gatekeepers at Bedlington and South Tyneside. The Area has undertaken an analysis of outcomes at Bedlington for a two month period with the ISU in place compared to other charging centres without an ISU. This has shown 26% of cases were inappropriately referred for PCD and could have been filtered out by gatekeepers. Furthermore the number of appointments at Bedlington has reduced from eight a day to two or three a day.
- There is an established procedure to allow police to appeal against the decision of a duty prosecutor, with escalation to CCP level if necessary. There have been very few appeals with most disagreements being resolved informally at Team Leader level. Due to the very low numbers the Area does not keep a log of appeals.
- There are few breaches of the Director's Guidance and when they occur it is usually where the officer has completed further work requested by the duty prosecutor but has not returned to the charging centre to have the charge formally authorised. Such cases are identified by designated caseworkers (DCWs) or prosecutors prior to the first hearing and are brought to the attention of Team Leaders. All such cases are logged on a spreadsheet and referred to the Chief Inspector and discussed at joint performance meetings.
- The management of bail is the responsibility of the police and the Area undertakes regular checks of outstanding cases on the case management system (CMS) to ensure that backlogs do not accumulate. Checks on the on going pre-charge cases report on CMS showed cases were being proactively managed.
- The use of CMS to record and accurately count advices and decisions is improving; in 2006-07 96.5% of pre-charge decisions were recorded against a target of 90.0% with 93.2% of cases also having an MG3 (a record of the charging decision). Reality checks carried out confirmed that in all cases the MG3 was properly recorded, as was the ethnicity and gender of the suspect when provided. The low number of cases with undefined outcomes (4.3% compared to 10.1% nationally) confirms that appropriate use is being made of the system.
- The Area has a good relationship with CPS Direct (CPSD). The charging project manager is the contact point for issues relating to CPSD decisions. The local CPSD manager attends the meeting of the charging board and has worked with Northumbria police. The Area has reached agreement with CPSD whereby Area managers provide an out of hours' service for warrants of further detention, homicides and fatal road traffic cases. There are also agreed guidelines in place for the handover of complex and serious casework, for example where the duty prosecutor has sought further information and it is known that it will not be available until out of normal office hours and the final decision will be made by CPSD.

- There has been a phased approach to the roll out of conditional cautioning. It was introduced in Etal Lane and South Tyneside in January 2005 but was restricted to the offence of criminal damage. The scheme was widened in July 2006 to include common assault and theft offences, and it is due to roll out fully across the Area in January 2008. During 2006-07, 25 conditional cautions were administered.

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

- The Area ensures that all DPs are of sufficient expertise and are aware of local and national policies on charging. All DPs have attended the Proactive Prosecutor Programme (PPP) training and managers have attended the Proactive Prosecutor Manager's training. The CCP and Area Business Manager (ABM) have contributed to the national PPP training programme. Policy bulletins and national guidance are distributed by Team Leaders and an Area legal update is compiled at least monthly.
- Prosecutors have been encouraged to consider all issues at pre-charge stage and in particular the Proceeds of Crime Act (POCA) champion has drafted guidance on handling potential POCA cases at the pre-charge stage. The reality check of files showed that although the decision making was generally good victim and witnesses issues were not always given proper consideration; the needs of the victim was only recorded in one out of five domestic violence cases in our sample. The Area has recognised this as a potential weakness and has introduced mandatory victim and witness section to be completed on all MG3s.
- The quality of pre-charge decision making and operation of the scheme is monitored through the monthly casework quality assurance scheme (CQA), analysis of adverse outcome reports, and regular attendance at court. Team Leaders act as DPs themselves and monitor individuals by observing them providing pre-charge advice. Any issues are taken up with individual prosecutors. Monitoring has not always been systematic although the South Unit has recently introduced a detailed form which assesses the quality and types of decisions made by all lawyers on a quarterly basis. This is yet to be introduced in the North Unit.
- Team Leaders and Unit Heads monitor the percentages of cases which result in NFA through Prosecution Team Performance Management (PTPM) reports to ensure the numbers remain within acceptable limits. Duty prosecutors cannot NFA a case on public interest grounds without the authority of a Team Leader. All NFA cases are reviewed monthly and discussed with the police. The NFA rate for 2006-07 was 28.7% compared to a national figure of 31.9%. This is equivalent to a significantly lower NFA rate if the findings of the Bedlington analysis (ie 26.0% of cases inappropriately referred for PCD) is representative of the position overall.

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%	14.4%	17.3%	11.0%	13.1%	14.5%	14.1%
Guilty plea rate	52.0%	69.2%	73.3%	71.7%	68.0%	66.5%	76.0%	75.0%
Attrition rate	31.0%	22.0%	20.4%	22.2%	23.0%	22.2%	19.6%	19.7%

- During 2006-07 the Area did not meet the national discontinuance rate target in the magistrates' court or Crown Court and performance has declined against an improving national trend. The Area has met the attrition target and guilty plea rates are better than national performance. However, performance in all aspects has declined in the magistrates' courts and remained stable in the Crown Court. The percentage of pre-charge decision cases that resulted in a conviction in 2006-07 was 78.2%; this was better than the national performance of 77.9%.
- The discontinuance rates in the magistrates' courts and the Crown Court are both worse than national performance and in the magistrates' courts there has been a significant decline since 2005-06. The Area believes that this is due, in part, to victim and witness issues, although experience shows that there are wider issues which impact on discontinuance rate. In Areas where the discontinuance rate is below national performance there are usually effective police gatekeepers and cases which are not viable are filtered out or strengthened before being charged. On the results of Bedlington the Area needs to drive the implementation of gatekeepers across the Area.
- The Area Performance Officer produces detailed performance information, overall and by basic command unit (BCU) on all the aspects of the PCD scheme on a quarterly and monthly basis and each team is rated against the key indicators. PTPM data is distributed monthly to all managers and the police. The Area Performance Officer completes a one page summary highlighting the key issues for discussions. Team Leaders are expected to account to their Unit Head where performance is not meeting targets.
- The operation of the charging scheme is discussed at quarterly charging board meetings and joint analysis of the scheme takes place at PTPM meetings, the performance local delivery group and the Local Criminal Justice Board (LCJB). However minutes of meetings frequently only record that discussion of PTPM reports has taken place with no detail of agreed actions or lessons learned.

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

2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	10.3%
No case to answer	0.2%	0.2%
Dismissed after trial	1.9%	1.6%
Discharged committals	0.2%	0.1%
Warrants	2.6%	2.0%
Overall conviction rate	84.3%	85.7%

- The conviction rate in the magistrates' courts is better than the national average although this is a decline on performance in the previous year (87.1%) and has continued to decline slightly during the first and second quarters of 2007-08 with a year to date rate of 85.5%. The discontinuance, discharged committal and acquittal after trial rates are better than national averages whilst the no case to answer rate is the same.
- A system is in place to ensure all discharged committals are considered for reinstatement; an adverse findings report captures the outcome and assists considerations by the Team Leaders whether to reinstate proceedings. There were 43 discharged committals during 2006-07. The rate of discharged committals as a percentage of committals heard and cases sent is lower than national average (1.7% compared to 2.5%). Even so it is a significant number.
- Any proposed discontinuance must be authorised by the Team Leaders and the police are given an opportunity to comment. Pre-charge decisions are monitored to try to ensure appropriateness of decisions at the outset. The Area analyses all cases that are discontinued for any trends. This has enabled the Area to ascertain that most discontinuances are attributable to victim and witness issues, in particular in domestic violence cases. This has been linked to a recent Northumbria Police campaign; the issue will be taken up with the police at a senior level. The discontinued rate in Northumbria for cases involving allegations of domestic violence during 2006-07 was 24.8%, slightly above the national average of 24.4%.
- In the review of discontinuance⁴ undertaken by HMCPSI in 2007 it was found that the decisions to discontinue were in accordance with the Code tests for cases falling within and outside the

⁴ Review of the decision-making and management in discontinued cases and discharged committals by the Crown Prosecution Service, published Decemeber 2007.

pre-charge scheme; however, the decision was timely in only 62.5% of cases. Timeliness of review was found to be a weakness in the handling of domestic violence cases leading to late decisions to discontinue. The review has been circulated to learn lessons and take any necessary action.

- The Area itself has also undertaken a review of discontinuance to examine whether cases are correctly finalised and data reliable. The review team found that a small number of cases had been incorrectly recorded as discontinued; the Area extrapolated the figures for the Area's caseload and found that this could have resulted in a higher rate of discontinuance by up to 2.7% than had actually been discontinued in practice.
- There is analysis of adverse case outcomes, these are fed back to individuals and any lessons learned disseminated at team meetings and more widely across the Area through the structure of management meetings. There is no routine analysis of magistrates' courts acquittals unless particular issues have been brought to the attention of Team Leaders on individual cases.
- The Area has struggled to meet the timeliness target for dealing with persistent young offenders (PYO) during 2006-07 with performance consistently worse, at an average of 77 days, than the 71 day target from arrest to disposal. The retrospective conversion of youth offenders to PYO status has had a serious impact on timeliness. Performance has been examined and steps taken to address the decline both internally and with partners at the LCJB. The steps taken have included an interagency action plan, the reinstatement of an inter-agency PYO group and closer monitoring of all cases at various time intervals at Local Delivery Group and Prosecution Team Performance Management meetings. The CCP, as chair of the LCJB, has attended several meetings with the Law Officers to report on and account for performance.
- The youth specialists in the Area closely monitor case progression through weekly print outs and attendance at fortnightly PYO case management meetings with the courts and the police. There have also been several amendments and improvements to casework processes. There has been progress in the timeliness from arrest to charge and significant improvement in overall timeliness in Crown Court PYO cases but the figures for all cases, up to July 2007, showed that performance had not achieved the target. Although the rolling three month average in August showed that the agencies had achieved the target with performance of 68 days. The Area is continuing to work with partners to try to reduce the timeliness of cases once they are in the court system, which is an ongoing issue for all Area casework, and PYOs remains a priority in the LCJB business plan.
- 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's contribution comes through managing cases to keep discontinuance low, good decision-making and case management; the Area is striving to achieve all of these. The OBTJ target for 2006-07 was exceeded and continues to be during 2007-08. The figures for 2006-07 show that 47.7% of offences brought to justice were the result of convictions, compared with national performance (48.8%).

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

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	36.1%
Cracked trial rate	37.3%	42.1%
Ineffective trial rate	18.9%	21.8%
Vacated trial rate	22.5%	24.3%

- The Area continues to use the joint performance management mechanism to monitor the quality and timeliness of police files through return of forms TQ1 and TQ2. However, there is no reliance by the Area on the figures this generates although these are reported on at the local PTPM meetings with the police. The return rate varies between the teams, for example in April 2007 this was at a low of 17% in one team with the highest level at 55%; this can impact on the assessment of police performance which is recorded for the same period as being particularly impressive. The Area attributes much of the low return rate to the ineffective system at the co-located sites, although the Area has not acted to address this deficiency. The Area has prioritised the need to review the system to consider whether it should be retained, replaced or revised; this is an action in the Area Business Plan (ABP) for 2007-08. This should be undertaken at the earliest opportunity rather than allow the continued production of data which is not representative of the police file in practice, and hampers action required to drive up performance.
- The Area monitors review and case preparation through the CQA system and monitoring of MG3s following pre-charge advice, this is supplemented by analysis of adverse outcomes and cracked and ineffective trials. CQA could be more robust in terms of the narrative assessment provided by Team Leaders on the forms; this is not done consistently across the teams. Reality checks showed that there was generally sound decision-making but case preparation and file housekeeping could be improved; there were repeated hearings in the magistrates' courts and significant drift was apparent.
- As a result of reviews undertaken in September 2006 and May 2007, it was apparent that arrangements for case progression needed strengthening. We describe them more fully in aspect 4. The ABP has prioritised case progression in the magistrates' courts as a key objective for 2007-08. The Area has recognised the importance of robust case progression and changes in the Area have taken place to address deficiencies highlighted in the reports.
- The Area has introduced CJSSS at three sites: Bedlington (April 2007), North Tyneside (August 2007) and most recently at Sunderland (October 2007), which is too early to evaluate. There has been considerable success at the other two sites. Bedlington has had a positive impact, including: a significant reduction in caseload due to the introduction of a gatekeeper role; an increase in early guilty pleas; and a reduction in the discontinuance rate. In North Tyneside the initial figures are promising; 75% of the total number of CJSSS cases were subject to some form of progress at the first hearing.

- The effective trial rate (36.1% compared to 43.8%), the ineffective trial rate (21.8% compared to 18.9%) and cracked trial rate (42.1% compared to 37.3%) are all worse than national averages. However, there has been an improvement of the ineffective rate from the previous year and the rate of vacated trials is better than nationally. In addition, the rates of cases that are either ineffective or cracked due to the prosecution are both better than national averages.
- An inter-agency LCJB conference was held in 2006 which focussed on performance in relation to ineffective trials resulting in actions for each of the Local Delivery Groups (LDGs) to take forward. The Area recognises that victim and witness issues are contributing to the rates and are trying to ensure witness issues are considered at the outset during the pre-charge stage.
- The Team Business Managers act as the liaison point with agencies for cracked and ineffective data. Monthly performance reports capture data for each court centre and detail outcomes and reasons for individual cases; these are considered by the teams, the units and at Area Strategic Board level. There is also joint consideration of the data at PTPM and the wider LDG meetings.
- The Area has a youth coordinator to lead on youth issues and there are youth specialists in the teams who review and prosecute cases in the youth courts where possible. Coordinators meetings are held for the youth specialists to ensure good practice and lessons learned are disseminated across the Area. Youth training has been delivered and the Area conducted its own internal review during 2006-07. The timeliness figures for youth trials are generally better than nationally whereas the figures for youth initial guilty pleas are generally worse. There is insufficient Area data on timeliness of youth committals to make a comparison.
- CMS is used routinely to record key events in cases. The rate for recording of reviews on CMS improved throughout the year; the baseline was 43.7% at the start of the year concluding with 92.2% at the year end, averaging 84.6%. Performance has continued to improve with a rate of 91.4% for the first quarter of 2007-08. Timeliness of recording of hearing outcomes and of finalisations was not as good, with rates of 42.4% and 44.6% respectively, but this has improved during 2007-08 due to the greater understanding of the impact to victims and witnesses of delays in recording case outcomes. The Area is also working with the police to try to consider ways of ensuring files are returned to the offices as expeditiously as possible to drive up performance further.

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

3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals	13.1%	14.3%
Judge directed acquittals	1.4%	0.9%
Acquittals after trial	6.5%	3.8%
Warrants	1.3%	0.9%
Overall conviction rate	77.7%	80.0%

- The conviction rate in the Crown Court is better than the national average although there has been a slight decline on the previous year (81.9%) which has continued into the first quarter of 2007-08 (78.8%) but performance still remains better than national average. The rates for judge directed acquittals and acquittals after trial are also better than national averages although the rate for judge ordered acquittals (discontinuance) is worse.
- The Area has shifted the emphasis from analysis of adverse outcomes to monitoring of live cases particularly at the pre-charge stage to ascertain the reason for the level of cases discontinued. The Area is monitoring the forms recording prosecutors' advice (MG3s) to assess the quality of decision-making at the outset and has provided training where required. Discontinuances require authority from a Team Leader, and a notice is sent to the police to give them an opportunity to comment. Where appropriate there is discussion with the relevant prosecutor. In the review of discontinuances undertaken by HMCPSI it was found that the decisions to discontinue complied with the Code tests in all ten cases and was timely in eight of these; however, in three cases the original charging decision was not in accordance with the evidential test and the lack of timely review contributed to poor case building and inevitable discontinuances. The review was circulated across the Area for lessons to be learned and action taken by managers.
- Adverse outcomes (ie judge directed or judge ordered acquittals) continue to be monitored by the Team Leaders through the completion of adverse case reports. Lessons learned are fed back to individuals and where relevant disseminated at team meetings and across the Area via managers at Unit Management Meetings and the Area Strategic Board. The highest proportion of unsuccessful outcomes are due to victims and witnesses failing to appear or retracting, the Area is taking steps internally and in conjunction with partners to try to tackle this.

5 Review of the decision-making and management in discontinued cases and discharged committals by the Crown Prosecution Service, published Decemeber 2007.

- Unsuccessful outcomes generally are also discussed with criminal justice partners; individual cases and lessons learned are taken up at local Prosecution Team Performance Management (PTPM) meetings, which are also known as Joint Performance Management (JPM) meetings, and wider issues are discussed at the Local Delivery Group (LDG) meetings. In certain individual cases collective reviews are held with the police to learn lessons for the future.
- The Area did not achieve the POCA target for 2006-07 achieving 40 orders against a target of 45 and monetary value of £444,486 against a target of £1,124,755. The figures for the first quarter of 2007-08 were also under trajectory against a considerably more challenging target; however performance has continued to improve and a number of high value cases are currently in the system. The Area recognised the early disappointing performance during 2006 and seconded a Team Leader to work on improvement for a period of three months. Training was delivered to lawyers and key police staff and improvements were evident from October 2006. The Area also established a protocol with police and developed guidance which was provided to staff and the police in November 2006. The time allowed for appointments at charging sites has increased to ensure that POCA, amongst other things, can be considered at an early stage and there has been improved communication with the police Financial Investigation Units through secure e-mail. Objectives for further improvement as part of partnership working have been prioritised in the Area Business Plan for 2007-08.
- The Area has a POCA champion and two lawyers have been trained for the role of enforcement, although only one is currently available to undertake this work. Enforcement is considered with partners as part of the LCJB sub-group and a separate police and CPS group has recently been established to specifically target performance in relation to confiscation issues. A tracker is maintained of cases with commentary which is monitored and discussed by the new group.

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%	25.5%
Cracked trial rate	39.5%	58.0%
Ineffective trial rate	12.4%	16.5%

- The Area has established a Complex Case Unit to handle the most complex and often most sensitive cases in the Area. The unit is fully operational and will form the basis of the Group Complex Case Unit which will be established in 2008. Out of hours advice is available for cases involving homicide, fatal road traffic cases and certain planned police operations.
- The Area monitors review and case preparation through the CQA system which is supplemented by more specific monitoring of pre-charge advice. However, CQA could be more robust if all Team Leaders were to capture aspects for improvement in the accompanying commentary to the CQA form; this is not done consistently across the teams. Reality checks revealed that the quality of review is sound but some aspects of case preparation could be improved through timeliness

of service of papers and to prevent drift on cases. Mechanisms are in place to ensure proper review in more serious sensitive cases.

- Caseworkers are responsible for case progression on individual cases as well as providing appropriate court support. They liaise with the court, defence, Witness Care Unit and the Bar as necessary. Each caseworker is responsible, in conjunction with the allocated lawyer, for ensuring trial readiness of their own cases. Casework managers oversee the work and confirm trial readiness to the case progression officer in the Crown Court. A review of casework in May 2007 showed that a significant reduction of caseworkers in the Crown Court teams had impacted on performance. Feedback provided in response to questionnaires suggested that frequently papers are not lodged on time and compliance with court orders is inconsistent.
- The effective trial rate (25.5% compared to 48.2%), the ineffective trial rate (16.5% compared to 12.4%) and the cracked trial rate (58.0% compared to 39.5%) are all significantly worse than average. The main reason for cracked trials is the defence offering a late guilty plea, the rate of cracked trials attributed to this reason during 2006-07 was 63.4%, with the next most significant reason, at 19.3%, being the acceptance of a guilty plea to an alternative new charge and offered for the first time by the defence. The CCP and the Unit Heads are in regular dialogue with the judiciary in an attempt to tackle this culture. The Crown Court currently has a backlog of approximately 800 cases which should be in the region of 625 to 650 cases; this may also have impacted on performance. The rates of cases that are ineffective or cracked due to the prosecution are both better than national averages.
- The Area produces reports on all cases where responsibility for the ineffective trial is attributed to the prosecution. These are shared with the court and any adjustments are made to the data where cases have been wrongly categorised. The court is also kept informed where internal action has been taken to rectify deficiencies. There is discussion with criminal justice partners at the PTPM and LDG meetings and the interagency cracked and ineffective trial group chaired by the judiciary has recently been reinstated; the Casework Manager represents the Area at these meetings.
- The Area has a dedicated lawyer for Crown Court cases involving PYOs and counsel is specifically selected to prosecute cases involving youths. Quarterly reports are prepared on outstanding PYO cases and regular meetings held with the dedicated youth liaison judge to discuss timeliness, delays, actions for improvement and listing issues. Although the number of cases is small there has been a significant improvement in timeliness of PYO cases in the Crown Court from an average of 250 days to 170 days.
- The rate of use of CMS for Crown Court reviews was 93.2%, exceeding the local and national target of 90.0%, and performance has continued to improve during the first quarter of 2007-08 with a rate of 98.2%. The Area has appointed a CMS coordinator to ensure the optimum benefits of CMS are realised; this appointment has brought considerable success in all aspects of CMS usage and CMS remains central to improvement of all Area processes.

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

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

- A review undertaken by one of the Unit Business Managers in September 2006 on the overall effectiveness of case progression in the magistrates' courts highlighted a number of aspects for improvements to reduce the number of hearings and improve case progression. It was identified that the generally poor case progression policies, limited lawyer office time and a failure to review files in a timely manner all contributed to adjournments and late service of papers. A further review in May 2007, in preparation for the introduction of CJSSS also highlighted an unacceptable number of adjournments in cases for a variety of reasons. It is apparent that there has been considerable drift in cases leading to unnecessary and repeated hearings; this was also evident in the reality checks. Various recommendations to improve performance were made as a result of the review and action continues to be taken to address these in addition to the roll out of CJSSS. Northumbria has not had the benefit of a District Judge in the magistrates' courts and the Area continues to lobby for the introduction to improve timeliness and case progression in court.
- The Area has introduced CJSSS at three sites: Bedlington (April 2007), North Tyneside (August 2007) and most recently at Sunderland (October 2007). There has been considerable success at the two earlier sites although the Area does not have any baseline figures as a comparator since the magistrates' courts ceased the monitoring of 'strike rates' at first hearing some time ago. At Bedlington there has been a positive impact with a significant reduction in caseload due to the introduction of a gatekeeper role, an increase in early guilty pleas and a reduction in the discontinuance rate; this is particularly significant due to the fact that prior to CJSSS some of the worst delays were at Bedlington. The initial figures in North Tyneside are also promising; 75% of the total number of cases encompassed by CJSSS was subject to some form of progress at the first hearing.
- The Area has undertaken considerable work to ensure the success of CJSSS and is anticipating that this will address the issue of timeliness and delay in the courts and reap benefits in other aspects of case review and preparation. It intends to use a share of the funding available under CJSSS to fund agents to prosecute additional trial courts to clear significant backlogs to reduce the time between fixing a date and the trial.
- Case progression officers (CPOs) have been in place for some considerable time in parts of the Area; the roll out of CJSSS has led to the appointment of CPOs in all teams with redefined roles and responsibilities for which training is currently ongoing. There has also been a redeployment of administrative staff to support this role which should bring about some improvements in case preparedness and timeliness. The feedback provided in response to questionnaires confirmed some of the challenges the Area faces in terms of timeliness and the need for additional hearings for pre-trial reviews or for committal papers to be served.
- The average numbers of adjournments per case and per committal case in the magistrates' courts, and per case in the Crown Court are all worse than the national averages.

- Timeliness in the magistrates' courts across all aspects is generally worse than national average. The service of papers on the defence is worse at 52.0% than the national average of 71.5% and the rate of discontinuances on the third or subsequent hearing is also worse at 69.9% compared to 59.2% nationally. Timeliness rates for adult initial guilty pleas and adult trials are worse than average.
- Monitoring of instructions and case preparation is undertaken as part of the CQA system. The reality checks showed that the standard of the case analysis in the instructions was good but not all briefs address the issue of acceptability of pleas. The quality of briefing notes prepared by the Higher Court Advocates (HCAs) for hearings in the Crown Court is particularly impressive.
- Although instructions are delivered as far as possible in advance of hearings to allow adequate preparation time, the Area does not perform as well as the national average for timeliness of instructions to counsel (64.4% compared to 78.7%). This is a significant decline since the last OPA in 2005.
- The Area covers more court sessions with in-house prosecutors than the national average (93.9% compared to 80.4% during 2006-07); this has continued to improve during the first quarter of 2007-08 with 96.1% in-house coverage. Although there is some contingency time built into the rotas the proportion of lawyer time spent in Court or at charging centres limits the time for case preparation in the magistrates' courts. The redeployment of administrative staff to undertake case preparation should reduce the burden. There is more office time available to lawyers in the Crown Court teams who are not HCAs. The rotas are prepared a week in advance and the teams try to ensure that charging lawyers cover the next remand court and lawyers cover their own trials in more complex cases which all assist in preparation.
- The Area expects timely attendance at court. At the co-located sites this can be readily monitored by Team Leaders as lawyers attend the office prior to court whereas at the Newcastle office lawyers are taken to court with the files by an Area driver. Team leaders have targets to conduct advocacy monitoring of all prosecutors in their teams at least once a year, including HCA monitoring. During 2006-07 the nature of the monitoring undertaken was not consistent across the teams, a format has now been agreed to improve consistency, which will capture all aspects of service delivery. The feedback provided in response to questionnaires was positive in terms of professionalism and service delivery at court and standards of advocacy for Area prosecutors.
- Meetings have been held with the magistrates' court at a senior level; these have been effective in increasing the number of designated caseworker courts which in turn releases lawyer resource from court coverage. In the South Unit there has been success in terms of negotiating a reduction in overall court sittings. Discussions are ongoing with regard to court sittings, the possibility of any further reductions and the listing of extra courts to address trial backlogs. The transfer of cases was an issue at Newcastle Magistrates' court during the last OPA when it was hoped that a protocol could be agreed. The problem has continued in the absence of a protocol although there has been agreement with the court that there will be some discussion and time allowed for preparation prior to the transfer of cases between courts.
- There were no wasted costs against the Area during 2005-06 and 2006-07.

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

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

- The Area usually flags sensitive cases for monitoring purposes; the reality checks confirmed that 18 of the 20 relevant files had appropriate flagging on the CMS. Reminders are provided by line managers and have also been issued through the 'pop up' system on CMS. In addition, line managers undertake monthly checks which capture flagging of files. The Area Performance Manager undertakes checks of accuracy by comparing cases flagged on CMS with the number captured on the management information system (MIS) and is taking remedial action; the flagging rate for the year was 94%, a significant improvement on the previous year.
- Sensitive cases are reviewed and managed by experienced prosecutors with appropriate skills. All lawyers have been trained in handling cases of domestic violence, serious sexual offences, racially and religiously aggravated offences and homophobic crime. There is a system in place to ensure fatal road traffic cases are handled by specialists and referred to the CCP. Cases of rape are reviewed by specialists and where no further action is proposed the case must be referred to a second rape specialist. Child abuse specialists oversee cases where the allegation is in the context of child abuse.
- More serious and sensitive cases requiring time for consideration and advice are managed outside the charging appointments system. Files may be sent in advance to the Newcastle offices for consideration by a specialist and charging advice is then provided following consultation. There is monitoring of pre-charge advice, through the CQA system and adverse findings reports by Team Leaders. In addition, there is analysis of performance by Area coordinators for themed reviews, monthly reporting or sharing of data with community groups. Where ever possible and in appropriate circumstances in sensitive cases, the reviewing lawyer attends court, both magistrates' courts and the Crown Court to ensure continuity of victim care.
- There are specialists and coordinators across the teams in addition to Area coordinators for domestic violence, hate crime, rape, anti-social behaviour orders (ASBOs), fatal road traffic and football offences, which are of significance to the Area.
- The Area coordinators have a job description for their roles. There are also specific criteria that must be fulfilled prior to becoming a rape specialist in the Area. The rape coordinator has undertaken a thematic review within the Area; this was reported to the Area Strategic Board and disseminated to the specialists. A review of domestic violence is currently being scoped to be carried out in the current year. Coordinators meetings are held for rape, domestic violence and youth specialisms to ensure good practice and lessons learned are disseminated across the Area. Facility time of one and half days each month is provided to some of the coordinators to ensure their additional responsibilities are discharged effectively; this is accommodated by the Team Leaders in the rotas.

⁶ For the avoidance of doubt all references in this aspect to sensitive cases includes all those involving hate crime (disability hate crime, domestic violence, homophobic, racist and religious crime) child abuse/child witnesses, rape, fatal road traffic offences and anti-social behaviour orders (ASBOs).

- There are also lead Team Leaders for domestic violence, hate crime, child abuse and rape who quality assure their topic across the Area and are used for internal performance inspections of the theme on a yearly basis, also taking strategic responsibility at the Performance Improvement Group. Team coordinators provide monthly reports to the Area coordinators who in turn report to the lead Team Leader. Further assurance is provided to the CCP at the team reviews where teams with an Area coordinator will provide an update on their topic of specialism.
- Hate crime is monitored and reported monthly to the Area Strategic Board. The rape coordinator produces a quarterly report on rape outcomes; this is shared with the police and partners of the local sexual assault referral centre (SARC). Homophobic crime statistics are provided to a local community group (MESMAC) on a monthly basis and domestic violence outcomes and data are also provided to the Northern Rock Research Foundation to assist in their research in the field of domestic violence.
- Performance is considered by the teams, at unit management meetings and the Area Strategic Board as well as by the Area coordinators. Data is considered externally with criminal justice partners and as detailed above, with some voluntary groups.
- The Area casework referral system ensures that all sensitive and high profile cases are recorded on a database. This is regularly updated to provide current progress of individual cases thereby enabling the CCP and Area Communications Manager (ACM) to be informed of cases likely to attract media attention. The ACM also monitors the local press to keep the CCP abreast of cases attracting media publicity. A log is maintained of all cases where ASBOs are applied for and granted.
- The Area does not currently have any designated Specialist Domestic Violence Courts; the joint agency bids for two courts were declined due to insufficient detail. The agencies are working together with significant input from the South Unit Head to submit a further improved bid for a court to be established at Gateshead and then subsequently at Sunderland to improve the joint approach to domestic violence and provide an enhanced service to victims and witnesses.
- HMCPSI thematics and new or amended CPS policies are considered and appropriate steps taken to implement across the Area. The Area participated in the joint thematic review of rape. Prior to publication the Area had an action plan in place and started to address weaknesses highlighted in the report; the positive work has been carried on through the work of the Area coordinator and the CCP who leads nationally on rape. There are protocols in place for prosecuting cases involving offences against health service staff and fatal road traffic cases and third party material.
- Team Leaders analyse adverse outcomes (ie judge directed or judge ordered acquittals) enabling lessons learned from sensitive casework to be captured and disseminated. In addition all cases where the hate crime element is removed, lesser charges or discontinuance proposed are referred to Team Leaders or Unit Heads. The information is captured on a CMS form which also includes where there has been a victim retraction and whether there has been a sentence uplift based on the aggravating feature.
- The proportion of hate crimes that result in an unsuccessful outcome has improved slightly on the previous year; the rate for 2006-07 was 31.7% just missing the local target of 31.0% but better than the national average (32.8%) and target (36.0%).

- Proposals for the establishment of hate crime scrutiny panels in Northumbria have been deferred until March 2008, but will be in line with the national requirements. There will be separate panels for domestic violence and racist and religious crime. Further panels will be established at a later date for homophobic crime and disability hate crime as part of the new Area Group structure. The intention is to consider such cases twice yearly and agree lessons to be learned that can improve service delivery.
- The Area has coordinators and specialists for child abuse and youth cases although there is no specific lead for the Children and Young Persons Charter to capture the various strands of safeguarding children. Safeguarding children does not appear in the Area Business Plan although the Area Strategic Board considered the requirements of the Safeguarding Children Report in April 2007 and the CCP proposed to take this forward with the police. The rape coordinator has links with the local SARC and reports on Multi-Agency Public Protection Panel (MAPPA) meetings are provided to the CCP via the LCJB. Although CPS Northumbria attended the Child Protection Committee meetings in the past this has not been carried forward with the Local Safeguarding Children Boards. The Area proposes to establish an appropriate link but at the time of our assessment had not taken that forward.

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

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

- The Area assesses performance in relation to the handling of unused material through CQA checks. The CQA outcome figures for the fourth of 2006-07 show better than national average performance in relation to initial disclosure but less good performance for continuing and sensitive disclosure; this was reflected in our reality checks. However CQA could be more robust if all Team Leaders were to identify aspects for improvement in the accompanying commentary to the CQA form which is not done consistently across the teams. Performance in relation to disclosure issues in the context of statutory charging is assessed through monitoring of the forms on which advice is set out (MG3s). In addition, adverse case reports ensure that where disclosure issues have contributed to the case outcome, the reasons are analysed and if appropriate fed back to the police.
- The cracked and ineffective trial reports are also analysed to identify any disclosure issues. The Area performed better than the national average in the magistrates' courts where trials were ineffective due to disclosure problems on the part of the prosecution (1.7% compared to 1.9%). In the Crown Court, over the same period, only one of 60 ineffective trials was attributed to prosecution failings in terms of disclosure of unused material.
- The reality checks undertaken indicated that performance has remained stable since the last OPA in 2005. In eight of the nine relevant cases the prosecution's obligations in relation to initial disclosure were discharged properly. In the one case which did not comply, the schedule had not been endorsed or signed. There were only four defence statements in the file sample. In two of the four cases there was a failure to comply with the obligations of continuing disclosure; the defence statements were sent to the police but no additional action was taken.
- The Area gave a presentation on the Crown Court protocol to the Crown Court User Group at the time of its implementation. The Area considers that the protocol is a useful tool which has had a positive impact in ensuring compliance by the defence with disclosure obligations. The increased presence of Higher Court Advocates in the Crown Court has also brought about improvements and a move away from the culture of blanket disclosure.
- The Area file format provides disclosure folders for unused material for each file and a disclosure record sheet should be attached. The disclosure record sheets can be completed electronically on the CMS. The reality checks confirmed that material is stored separately in the appropriate folders; however, in two of the nine relevant cases there was no disclosure record sheet at all and a further three where there was not a full audit trail of actions. In three of the four cases where a disclosure record sheet was present these had been completed electronically. The reality checks undertaken on CMS revealed no escalated disclosure tasks.
- Systems are in place to ensure sensitive material and schedules are stored securely in both units at the Newcastle offices, although for the most part sensitive material is retained by the police. In

the co-located sites all material is retained by the police. In five of the nine cases in the reality check there was a failure to comply with duties in relation to the handling of sensitive material; there was no evidence that the schedules had been considered by the prosecutor.

- There is a long-standing third party protocol in relation to cases involving allegations of child abuse; it was last amended in July 2001 and although it is still applicable it is now long overdue for review. There was only one file in the reality check where third party disclosure was relevant and the case complied with all relevant duties.
- The Area has a disclosure coordinator and a lead Team Leader. The Area coordinator has delivered training, disseminates information and provides mentoring and guidance. The coordinator provides support, in conjunction with the Complex Casework Unit Head to the lead Team Leader who takes issues forward at a strategic level at the Performance Improvement Group. The coordinator recently conducted an audit of magistrates' courts files which was presented to the Area Strategic Board in August 2007; the findings reflected the issues highlighted in the reality check. A further audit has been proposed following the delivery of training.
- The Area provided training on the disclosure provisions of the Criminal Justice Act 2003 to all lawyers and caseworkers in April 2005. Since that time a quarter of lawyers have also attended the advanced disclosure course although the Area does not intend to train all lawyers through attendance at this course. A disclosure training needs survey was undertaken in April 2007, following the fieldwork associated with the HMCPSI thematic review⁷; the survey identified the number of lawyers requiring basic training, advanced training and those requesting refresher training. The Area is adapting the various courses available to deliver training best suited to the Area needs. The survey also identified confidence levels in relation to various aspects of handling unused material; the survey showed that there was confidence in dealing with straight forward initial and continuing disclosure issues but confidence dropped considerably in relation to sensitive material and more complex issues for example, where more than one prosecution authority had an interest in a case.
- The Area has delivered training to specific police units, for example, Northumbria Police Professional Standards, the force solicitor and staff, and the CID (Criminal Investigation Department). The Area has also recently contributed to the preparation of a training package for police officers more generally. To date there has not been any joint training of operational police officers and CPS staff on disclosure issues; the Area does not consider this the most effective way to address the various and differing training needs of its own staff and also of police staff.
- The Area has tried to improve performance through the provision of single agency training and intends to deliver further training during the current year. The South Unit has recently developed a checklist to supplement the MG3. This addresses disclosure issues at the charging sites although it is too early to say whether this has brought about improvements; it will be evaluated prior to any roll out across the Area.

7 A Thematic Review of the Duties of Disclosure of Unused Material Undertaken by the CPS, to be published March 2008.

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

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

- The Area has a written custody time limit (CTL) system which was last updated in May 2007 to reflect the new Area structure. It generally complies with CPS national guidance except for the first review date which is set at 49 days, whereas national guidance is that the first review date for magistrates' court cases should be at 42 days. Although this approach provides an additional check for Crown Court cases there is a risk in leaving the check in magistrates' court cases to seven days before expiry that the court may not be able to list the case in time. A further weakness in the CPS Northumbria scheme is the absence of any requirement for files to be endorsed with the number of days spent in custody when a defendant is released on bail during the proceedings.
- The Area has a CTL champion who has been in place since the last OPA: this role entails the dissemination of good practice, updating the CTL system and delivering CTL training. Each team has a CTL coordinator who, in conjunction with the Team Business Manager (TBM) is responsible for monitoring CTLs, training staff and quality assuring files. Each TBM undertakes a dip sampling exercise of ten CTL files per month to quality assure the system. Feedback is provided to staff on an individual basis and where necessary additional training is provided.
- There has been one CTL failure in March 2006; and none in 2006-07. This was reported correctly to CPS Headquarters and as a result a full review of the system took place. The new system (referred to above) was introduced, training delivered and desk top instructions provided for all levels of staff. Refresher training is now provided every six months.
- Our reality check of six files showed that CTLs were correctly calculated in all cases, expiry dates and review dates were recorded in the manual diary and on CMS in accordance with the Area's own system. However file endorsements were poor in all magistrates' court files examined. In two cases the front of the file had not been endorsed, in accordance with the Area system, to highlight that CTLs applied. In two further cases where applications for CTLs were needed the file endorsement did not clearly state what had happened in court and an administrator subsequently had to contact the court to check on the custody status of the defendant. Separate time limits were also not endorsed for codefendants.
- The last OPA identified an aspect for improvement; this stated that a protocol should be developed with the courts concerning the calculation and verification of expiry dates. Despite the endeavours of the Area this is yet to be achieved, although there have been no issues with the informal arrangements that exist for listing cases for CTL extensions.
- CMS task lists are used in conjunction with the manual diary system for monitoring CTLs. Reality checks confirmed good use is being made of the system with dates correctly logged and actions recorded.

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

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

- The Area is committed to improving the service to victims and witnesses. The CCP is the national CPS lead for victim and witness issues and one of the Unit Heads, who is a Director of Victim Support Northumbria, also chairs the Victim and Witness sub-group of the LCJB. The Area has also funded a Victim Support post within the Crown Court WCU to support vulnerable and intimidated witnesses.
- All staff have been provided with copies of the Victim's Code and reminders are sent to staff by way of pop ups on CMS and copies of the Code are displayed on notice boards. All Witness Care Officers (WCOs) have received Victim's Code training. Compliance is monitored by the Victim and Witness sub-group on a quarterly basis and a multiagency report is submitted to the Office for Criminal Justice Reform (OCJR). However, there have been some difficulties in securing the commitment of all agencies to complete their part of the report.
- The Direct Communication with Victims (DCV) initiative is embedded in the Area. Systems are in place to ensure that cases are correctly identified. The reality check showed that seven out of nine cases were flagged on CMS as having identifiable victims. This is broadly consistent with the findings of an audit of the DCV⁸ scheme in Northumbria carried out by HMCPSI, in 2006. It found that letters were sent in 25 out of 30 cases where required and concluded that despite the Area systems, some cases were slipping past the checks.
- The Area has a centralised Victim Information Bureau (VIB) based at the Newcastle offices which deals with the preparation and despatch of all DCV letters. Although this means that the VIB manager can closely monitor the number and quality of letters, compliance with timeliness targets is reliant on the prompt identification and delivery of files from the outlying units to the VIB.
- Meeting the DCV timeliness targets has been an issue in the Area for some time. This was an aspect for improvement at the time of the last OPA in 2005. The audit conducted by HMCPSI of DCV performance in Northumbria found little improvement in meeting these targets. In 2006-07 57% of letters sent to victims under the DCV scheme were sent within five days of a decision to discontinue or to change a charge, compared to a national figure of 73%.
- The proxy target in 2005-06 was 200 DCV letters to be sent per month. The target was reduced to 191 letters in 2006-07, and there have since been two further changes to the target to 210 and 220 respectively. Apart from the month of December 2006 the Area has exceeded its target by over 100%. In the fourth quarter of 2006-07 the Area sent 1033 letters, which would confirm the conclusions in the HMCPSI report that the proxy target, in common with those for many other areas, unrealistically low and needs to be reconsidered.

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

- Performance on DCV is addressed in the Area quarterly performance pack and discussed at Area Strategic Board meetings. The Area has recognised for some time that the DCV timeliness target was not being met consistently and has recently decided to restructure the VIB. Case progression officers are now in place in all co-located units as part of the CJSSS initiative and part of their role will be to draft DCV letters for their respective teams. This will eliminate the time delay in sending the files to the central VIB.
- The assessment of files by Area Managers under the CQA process identified that 93.5% of files met the quality standard for victims and witnesses in the fourth quarter of 2006-07. This is above the national average of 90.0%. However our reality check on CMS of ten discontinued pre-charge decision cases revealed that although letters sent were of a good standard only two out of seven letters were sent in a timely manner.
- The Area attributes some of its high discontinuance rate to the reluctance or refusal of witnesses to attend court, particularly in domestic violence cases. As a consequence duty prosecutors have been instructed to assess and record victim and witness needs at the pre-charge stage and the MG3 form has been amended to reflect this; however the reality check showed that this does not always happen. In the file sample there were four cases where special measures were not considered at the pre-charge stage, there were also two cases where the need for special measures was flagged by CPS Direct but the reviewing lawyer did not follow this up with an application. Five of these cases involved allegations of domestic violence.
- Witness warning is carried out by the WCU. Administrative staff conduct a 'sift' of all files returning from court and prioritise those requiring the attention of the WCU. The reality check showed that in all cases witnesses were warned promptly for trial.
- A copy of the Prosecutor's Pledge has been issued to all lawyers and it is displayed prominently in the CPS offices. Compliance is assessed through advocacy monitoring and through feedback from other court users. Feedback in response to questionnaires confirmed that witnesses are treated in a courteous manner at court. Where possible in serious or sensitive cases the reviewing lawyer will attend court to meet the victim or victim's family to explain court procedures or sentences.

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

- The No Witness No Justice (NWNJ) initiative was signed off by a national review team in July 2006. Three priorities were highlighted as requiring action: implementation of Witness Management System (WMS); increasing awareness of the Victim's Code; and restructuring the distribution of work within the WCUs. In response a multiagency action plan was drawn up; however, the plan has not been regularly updated by all agencies and there is no named accountable individual responsible for monitoring progress against the objectives and milestones in the plan.

- The Area has a WCU in all magistrates' courts teams. All but the one at Newcastle are co-located with the police. There is a separate WCU at the Newcastle office which deals with all Crown Court work . The co-located WCUs are managed by police and the others by Area staff. The Area states that police staffing difficulties and the fact that some WCUs have been working better than others has prevented the Area from meeting all the minimum requirements. For example, a conscious decision was made not to implement WMS at the Sunderland WCU because there are only two WCOs based at the site. At the time of the inspection the Area did not know how many of the minimum requirements were being met.
- A joint inspection of the Northumbria Criminal Justice Area carried out in May 2006 noted that the workload in WCUs was unbalanced and witness care was suffering as a result. The report recommended that the LCJB should evaluate the work of the WCUs and take action where necessary. The Area has also recognised that the WCUs are not working as well as they should and an internal working group has been established to consider the restructure of the existing WCUs to facilitate compliance with NWNJ and the Victim's Code. However despite the recommendations progress has been slow. Recent agreement has been reached with the police to centralise all WCUs at the Newcastle offices which is expected to have a significant impact on performance.
- Joint analysis of the primary measures takes place through the Victim and Witness sub-group of the LCJB. The Area is currently performing better than the national averages in respect of cracked and ineffective trials attributable to witness issues in the magistrates' courts and the Crown Court, although the rates of late guilty pleas is higher than the national figures for both courts.

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

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

- The Area has adopted a 'brand' approach of four building blocks (DCWs, Lawyers, Structure and Charging) derived from the Director's vision to support delivery of its business; this approach encourages understanding by staff. However, whilst the Area realises what needs to be achieved, this is not comprehensively supported by detail within all its plans or overall change management structures. The Area approach is concerned with the 'getting on and actual delivery', rather than, as it perceives, lengthy formalised planning.
- The 2006-07 Area Business Plan (ABP) is generally reflective of the 'building block' strategy and was communicated through a series of Area conferences involving all staff. These events also provided opportunities for input to future planning.
- The plan is also aligned to the national CPS and Public Service Agreement objectives and targets. However it lacked detail in parts, making it difficult to determine how Area business would be delivered in a comprehensive manner. There were clear responsibilities for the delivery of actions included within the ABP, with some milestones and outcomes, although these were not always sufficiently full or measurable; for the objective of 'conditional cautioning', milestones were to extend the range of offences and train all C2 lawyers, and there were no stated outcomes.
- The Area has some underlying plans to ensure delivery of Area business. Business planning is supported by a performance management structure which monitors across the main CPS indicators, and monthly Area Strategic Board (ASB) meetings, where delivery of business is discussed. The ABP for 2007-08 is more detailed and an improvement on the previous year.
- Progress against the business plan is updated on a quarterly basis and discussed at the ASB meetings. The updated versions of the plan are accessible to staff on the Area's electronic system; however, the value of review during 2006-07 was limited by the nature of the plan and not all target dates for milestones have been achieved.
- For 2006-07, objectives in the ABP were linked to individual staff plans, although some teams had objectives, which could have been more explicit in what needed to be achieved. In early 2006 the CPS staff survey found that there was a particularly high rating (94%) of people who said "I understand what is expected of me in my job", which compares with the overall national figure of 88%, but the findings regarding "I understand how my job contributes to the objectives of my team" was worse than the national average. For the current year all teams have objectives which link into staff personal development reviews (PDR) and support the delivery of the overall ABP.
- Relationships between criminal justice partners could be more pro-active. Joint planning with criminal justice partners is evident both at the prosecution team level with the police and through Prosecution Team Performance Management (PTPM) meetings in the context of initiatives such as statutory charging and No Witness No Justice (NWNJ). However, there

remains work to be done. It is also undertaken at the Local Criminal Justice Board (LCJB) through the Local Delivery Groups, Performance Management Group and at a more strategic level through the central Board, chaired by the CCP.

- The LCJB structure has supporting thematic sub-groups and working groups for CJSSS, youth justice strategy and confidence which have been established for 2007-08. CJSSS is being rolled out across the Area, to date three sites have been rolled out, with positive feedback for the two more established sites. Significant work has also been undertaken in introducing a joint strategy to address persistent young offender failings, although the impetus has been through the prosecution team. This remains yet to be consistently achieved, but there have been improvements.

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

- Nationally driven change has been implemented within the Area; there is evidence of review and some improvements being made although some matters need to be addressed. Monthly PTPM meetings with police support the continued delivery of statutory charging although the initiative is not as advanced as some. Arrangements for NWNJ have not worked as anticipated and there is a planned restructure of the seven Witness Care Units (WCUs). The minimum requirements have not all been reached and the overall governance has been insufficient. The Area piloted conditional cautioning; there has been a very gradual development of the overall scheme, with a phased roll out of conditional cautioning across the Area now being completed.
- Since the last OPA, the Area has restructured into two combined units for the north and south, which retain separate Crown Court teams. A Complex Casework Unit (CCU) has also been established as the foundations for the Group Complex Casework Unit. The restructuring followed consideration of various models. The main changes involved relocation and a restructuring of the Area CMS, the latter was particularly effective. The restructuring is phased over two stages, whilst stage one has been completed the detailed planning for phase two has yet to be undertaken.
- Area change could be more systematically managed if the Area's concentration on delivery were to be complemented by consistent and more structured planning. Members of the ASB have responsibility for the main change initiatives at the strategic level, and Team Leaders at an operational level, where appropriate through joint performance groups with police, and LCJB Local Delivery Groups (LDG). Local implementation teams are in place for initiatives such as CJSSS, and CMS. There are regular discussions at the ASB about the main initiatives and key performance indicators and how they link into the Area performance regime.
- There was some evidence of management of project interdependencies, with links between the projects, training and processes. CPS Northumbria is a large Area and would benefit from a more structured change management process to ensure that change is delivered in a timely and effective manner. The Area needs to consider a more systematic approach to regular project reporting and progression, with clearer determination of project interdependencies and ensuring that plans are sufficiently detailed. This approach would support the move towards the Group Operations Centres.
- Area management of risks is systematic, with regular review, consideration of countermeasures and updating. For 2007-08, Area risks are pertinent to the delivery of Area business.

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

- Area training is the responsibility of an Area Learning and Development Group, chaired by the ABM. During 2006-07 the Area had learning and development plans in place that were reviewed and developed quarterly throughout the year, and linked into the main priorities of the ABP. Unit training needs were also identified by the Unit Business Managers, who are members of the group. The plans consisted of a calendar of the programmed training courses, rather than a document that identified comprehensively all training and development needs from staff forward job plans. It did not include, for example e-learning, desk side training, and shadowing, although such development did occur. The same approach has been adopted for 2007-08; due to resource constraints the Area has concentrated on essential training.
- Key mandatory training took place in 2006-07 and for the year to date, examples being the Proactive Prosecutor Programme, domestic violence and CMS training. Training on race and religiously aggravated offences was also undertaken. All new starters are assigned individual mentors and undertake the equality and diversity e-learning module. Arrangements for new starters have recently been improved.
- Arrangements are in place to ensure equality of access to training. This has included consideration of start and end times, days of the week being varied for courses, and provision of an interpreter. The Area training programme is accessible on the electronic drive and there is monitoring of any non-mandatory training that is refused.
- Area quarterly evaluation of training was developed during 2006-07; this captured attendee levels and other resource related information, as well as qualitative assessment of the courses, which in some instances lead to course improvements and changes in Area processes.

10 MANAGING RESOURCES	OPA 2005	OPA 2007	Direction of travel
	Fair	Good	Improved

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

- The Area underspent its non-ring fenced running costs budget (NRFC) for the last two financial years. In 2005-06, 99.7% of the NRFC budget was spent, and in 2006-07, expenditure was 99.8% of budget, which was an excellent outcome. Considerable work was undertaken to ensure the budgetary performance adhered to targets.
- Financial controls in the Area are effective. Area budget arrangements are satisfactory and spend is effectively monitored. The Area's budget is allocated to unit level for non-ring fenced costs and monitoring is undertaken overall by the Area Secretariat. There is monthly reporting to the Area Strategic Board (ASB) on the Area's non-ring fenced spend and there are regular discussions at the ASB on budget and staffing matters. Managers are aware of the budget constraints and the need to control spend.
- The Area has adopted clear value for money principles. In 2006-07, a value for money policy was introduced relating to matters such as energy efficiency, staffing costs and communication. Thematic reviews are undertaken by the Area Secretariat to ensure compliance and at a unit level there is monitoring of staff travel and subsistence claims. The Area also surrendered the lease on two properties at Cramlington and Washington which was financially beneficial.
- During 2006-07 additional funding was received for initiatives, this included: promotion of anti-social behaviour orders; proceeds of crime applications; and NWNJ. The Area also received an underpin, to support the reducing budget as a result of caseload changes, of £314,000 which was used to meet commitments and deliver core business. The Area substantially improved its deployment of HCAs to obtain further funds which in turn supplemented the budget.
- The Area accepts that its management of prosecution costs has been unsatisfactory. Tightened budget controls have been introduced which include more effective monitoring and an improved knowledge of expenditure. The arrangements for handling payments under the graduated fees scheme (GFS) compared unfavourably with other Areas during 2006-07. Old cases have now been cleared and a more effective monitoring system introduced; timeliness of payments during the first quarter of 2007-08 remained worse than national averages which was attributed to clearing the backlog.
- The Area overspent its prosecutions cost budget by 14.6% in 2006-07 which compares unfavourably with the national average of 1.0% overspend.

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

- Since the last OPA in 2005, CPS Northumbria has restructured into two combined units with integral Crown Court teams; these are geographically based and align with police districts. It has

also established a Complex Casework Unit. Staffing numbers across the units and teams are based on the CPS national costing model and these are reviewed on a regular basis. The Area has not yet completed its restructure work, which will develop staff skills at both lawyer and particularly caseworker levels. This will result in increased responsibilities for caseworkers on day to day case management and more time for lawyers to concentrate on lawyer functions; this should ensure a more efficient deployment of staff and that the organisational structure is fit to deliver Area business. However it is currently too early to see the benefits of the restructure. The Area has recently employed case progression officers for magistrates' courts work, which will support delivery of CJSSS.

- Clear expectations for lawyer deployment in the new units have been set at eight half-day sessions per full time lawyer each week at court or in charging centres, and for Crown Court team lawyers between six and eight half day sessions. Agent usage, at 6.1% of magistrates' courts sessions to be covered, was the third lowest nationally.
- In 2006-07 designated caseworkers (DCWs) covered 13.9% of magistrates' court sessions compared to the national average of 14.7%. Coverage of court sessions increased during the year from 13.1% in the first quarter to 14.5% by the year end; however, the Area did not achieve the target of 16.3%. DCW usage has been affected by staff changes, as a result the Area recently recruited two additional DCWs.
- During 2006-07 the Area had an average of 10.5 DCWs. At expected court coverage of six sessions per week each, this equates to 252 sessions per DCW. During 2006-07 the Area covered 2,026 sessions, only 76% of the expected available DCW time. During Quarter 1 of 2007-08, sessional usage has increased to 558 cases and it is now envisaged that the Area will meet its new target of 19% of all court sessions on a monthly basis. The Area expects DCWs to spend 70% of their time at court.
- The Area has been successful in its deployment of HCAs during 2006-07. The target savings of £170,026 were exceeded, with a total achieved of £225,423. There are approximately 20 HCAs who cover HCA work; this is an increase of eight since April 2006. In 2006-07, a total of 16 trials were covered by HCAs, and 19 trials featured a HCA appearing as junior counsel. A total of 2,708 sessions were covered; work has tended to concentrate on plea and case management hearings (PCMH). A HCA coordinator has been appointed to liaise with the Crown Court on listing practices, facilitate more extensive use of the HCAs and identify training needs. At the beginning of the financial year, it was intended that each HCA should have an individual target; however, this approach has been dropped. We were informed by the Area that every HCA has undertaken a trial.
- Area sickness absence is slightly higher than the national rate at 9.2 days compared to 8.5 days nationally, and slightly worse than the previous year of 9.1 days. Systems are in place to ensure effective management of sickness absence; this is supported by all managers receiving training on managing attendance. A well being programme was also piloted which looked at matters such as diet and fitness. 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.

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

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 and Unit Management Team (UMT) level, as well as at other team meetings throughout the Area. However this is not always clearly evidenced by minutes from the meetings. Monthly performance reports are produced in an easily understandable format and displayed on notice boards, quarterly performance reports are accessible on the Area's electronic system. A précis of some performance information is also included within the Area's 'Millennium' newsletter.
- The monthly and quarterly performance reports are relevant and pertinent, containing information at an Area and team level. They are aligned to the main CPS performance indicators, with a dashboard 'traffic light' approach adopted for all the performance indicators against the Area target. The Area Performance Manager (APM) also produces a quarterly analysis of performance across the indicators to identify any trends and compares performance across the teams. Performance not within target is reported on by the relevant Unit for discussion at the ASB. There is benchmarking against other CPS Areas and consultation on best practice. The system has been recommended as best practice and has been adopted nationally by some other CPS Areas. The APM was short listed during 2007-08 for a CPS star award during under the innovator of the year category for this system.
- Standard monthly reports are produced at a team level to ensure the quality of data entry; there is monitoring at unit level and by the Area APM. These reports consist of more than just adverse finalisations, but do not generally include successful outcomes; the reality checks revealed that two out of ten successful trial files had been finalised incorrectly. Dip sampling of ten records per team on the case management system (CMS) is conducted to ensure accurate entries, including recording of monitoring codes.
- Managers are aware that the changes in performance outcomes has been mixed. They attribute these substantially to the difficulties in meeting competing priorities at the same time as increasing HCA coverage and seeking to reduce agent usage.
- Managers are expected to take corrective action where performance needs improving. The Area has taken action to address the weaknesses that were identified under 'Managing performance to improve' during the last OPA (2005). A number of reviews have been undertaken by the Area including a review of discontinuance, rape cases and persistent youth offenders (PYOs). The Area also addressed case management system (CMS) performance proactively to ensure 2007-08 targets are being met consistently. Whilst good work is clearly undertaken some performance remained unsatisfactory during 2006-07, for example timeliness of DCV letters, timeliness of PYOs and the timeliness in payment of the graduated fees scheme. In the former case a reallocation of responsibility has recently occurred and in the latter instance a new system has been introduced.

- The Area has a Performance Improvement Group (PIG) involving the majority of Area managers; this meets on a quarterly basis and looks at specific aspects of performance that needs to be addressed. This is founded on checks undertaken at team level relating to pre-charge advice, lawyer monitoring through observations at charging centres and at court, and analysis of adverse outcomes
- Unit Heads are held accountable for the performance of their unit and teams through the quarterly performance reports. Team performance reviews are held every six months where each Team Leader and Team Business Manager (TBM), is held accountable through a meeting with the Unit Head, Unit Business Manager, CCP and Area Business Manager (ABM). This is based on the CPS key performance measures and other relevant local matters; issues are highlighted and action monitored by the APM. TBMs have clear guidelines on monitoring to be undertaken, which is accessible on the Area's electronic drive and similar guidelines are being finalised for Team Leaders.
- Each team has its own objectives which support delivery of the Area Business Plan for the 2007-08, and these link to the individual objectives of staff. Examples include usage of CMS and appropriate analysis of MG3s (the form used for recording pre-charge decisions). In 2006-07 objectives from the Area Business Plan linked into individual staff objectives.

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

- CPS managers are engaged in multiagency meetings at which joint performance is discussed and managed. There are monthly joint meetings with police where standard topics include prosecution team performance management (PTPM) reports, timeliness and quality of police files and other police and CPS related data are considered. Information is made available by the Area and the police for these meetings. The CCP also has regular meetings with the Assistant Chief Constable with the portfolio for criminal justice.
- The performance of the Local Criminal Justice Board (LCJB) against targets and key indicators are monitored and issues addressed through the Performance Group and the Local Delivery Groups (LDGs). Team Leaders chair or are deputy chairs of a number of the LDGs. There is evidence of improvement strategies being implemented, for example the strategy for persistent young offenders (PYOs) and the introduction of CJSSS at an operational level by the local prosecution teams and more strategically at the LCJB. More work needs to be undertaken to fully realise benefits.

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

- There is sustained operation of the Area's casework quality assurance (CQA) scheme. Return rates for the four quarters of 2006-07 were higher than national averages at 105%, 100%, 102% and 108% of the required returns.
- We did not find evidence to undermine that the CQA assessments reported to CPS Headquarters (which were slightly higher than average) were unreliable. The findings of our reality check of files were consistent with the reported disclosure results. However the manner in which the system was utilised meant that it did not achieve maximum benefit.
- The forms examined revealed some variable practices across the teams; feedback commentary was not frequently completed. In cases resulting in an adverse outcome, CQA is supported by a form containing analysis of the reason for the outcome and these should be shared with the relevant individuals and when appropriate with the police. Where there had not been compliance with the required CQA standard for other aspects, the Area would expect to see narrative on the form. This was not always the case and consequently for these assessments it could not be ascertained whether appropriate learning was identified and disseminated to the relevant lawyer and team or Area as a whole. However the CQA scheme is backed up by analysis of all MG3s and relevant individual feedback. The Area also has in place the systems described above in relation to analysis of adverse outcomes and observations at charging centres and at court. We consider that these are sufficient to counter the weaknesses described. Nonetheless, the Area should take steps to ensure it gets maximum benefit from the effort put into the CQA scheme.
- Advocacy monitoring occurs on a formal basis at least once a year for in-house prosecutors and more regular monitoring of the less experienced prosecutors. Area monitoring is undertaken across eight categories, which range from preparedness, presentation skills to witness care. Monitoring is recorded although there were some inconsistencies in the level of detail provided.

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

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

- The Area's visions and values follows those set nationally by the Director's vision for the Service. A 'brand mark' of a four piece jigsaw, comprising of HCAs, DCWs, structure and charging, has been developed from this vision and was clearly promoted through a series of Area conferences and the Area Business Plan (ABP) in 2006-07. Considerable management effort and resources had been expended in ensuring that all staff could be engaged in a manner which related their role to both the national vision and its local implementation. This approach eases understanding of the Area purpose. The 2007-08 business plan concentrates less on the Area 'brand'. This plan is also more detailed compared with its predecessor in terms of action and milestones providing a sounder basis for ensuring accountability amongst managers. The approach is still clearly evidenced on the Area notice boards, and its relevance is maintained by performance monitoring undertaken by the Area; the units and teams are held accountable against set targets.
- Managers understand their responsibilities for implementing management decisions within the Area. This is supported by the established Area performance regime which operates at both the unit and team level, and by managers individual thematic responsibilities for aspects of casework. The devolution of budgets to units has also fostered a better understanding of managers' responsibilities within the Area. There are clearly established management standards related to performance monitoring for Team Business Managers and similar standards will be finalised for Team Leaders. The quarterly Performance Improvement Group (PIG) involves the majority of Area managers and generally looks at matters requiring improvement.
- There is a clear shared responsibility for delivery of local and national initiatives at an operational and strategic level through the Team Leaders and all the members of the Area Strategic Board (ASB). This includes a positive approach to joint working within the criminal justice system. The CCP chairs the LCJB and a number of Team Leaders chair or are deputy chairs of the Local Delivery Groups (LDGs). Despite the fundamentally positive approach senior managers often feel frustration that joint criminal justice initiatives do not always deliver the expected level of performance. Whilst it is right to hold partners to account, it is also important to recognise legitimate constraints and seek solutions which address these. There remains scope to make these relationships more effective.
- Key messages are cascaded and corporacy is promoted from the ASB and the minutes are accessible on the Area's electronic drive. These are underpinned by management team meetings, team meetings, the 'Millennium' newsletter and 'pop ups' (messages that appear at the time of logging on and off the IT network); this, in turn, is supported by the Area's performance regime. The newsletter is an accessible and good Area bulletin that includes relevant messages, and the use of pop ups to promote performance and other messages is innovative.

- The CCP and ABM promoted the current ABP at team meetings. In addition they attend some further team meetings and visited the various offices at the co-located sites throughout the year. Team meetings and focus groups are used to promote a dialogue with staff. The staff survey undertaken in 2006 identified that only 37% of staff felt that managers explained the reasons for change which was slightly worse than the 2004 levels and the national average of 42%. There were also poorer than national returns in relation to whether the Area has adequate channels for staff to contribute their views on change. The Area has introduced a programme of focus groups on specific topics to improve communications and encourage discussion. Area managers felt that the feedback from these was more positive. They had been surprised by the degree of negativity in the staff survey outcomes, some of which they attribute to some long standing cultural issues. Despite efforts the Area continues to find these issues difficult to address. In July a focus group ran on HCAs and a further is planned later in the year. A specific 'Millennium' bulletin and a further newsletter were some of the other methods also used to address the findings of the staff survey and the HCA focus group.
- Staff survey results for the regularity and effectiveness of team meetings were worse than national averages. In line with the business plan and expectations, all teams now hold a minimum of six meetings every year, although the Area accepts that the quality of minutes varies amongst the teams which limits the value of feedback for those not able to attend.
- More effective progression could have been made on a number of key joint initiatives. Performance issues in relation to charging and persistent young offenders took some time to address. There are a range of interagency meetings at an operational and a strategic level. The CCP chairs the LCJB and the South Unit Head is also chair of the victim and witness sub-group. In addition the Area is represented on all other LCJB sub groups and the LDGs.
- There is regular contact between senior managers and criminal justice partners; and the senior team promotes a constructive approach. Feedback from criminal justice agencies was positive. There is no clear reason why these do not always translate into improved performance as quickly as they should.
- The Area demonstrates a willingness to learn through success and failure. A structure is in place for the dissemination of lessons from failed cases although this could be more systematic. The Area has progressed issues raised in the 2006 staff survey and undertaken a number of reviews to drive performance improvements; however not all failing performance was addressed in a timely way. The Area also seeks to draw out lessons from the experiences of other CPS Areas, particularly those of a similar size and where best practice can be learned.

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 9% of staff felt that there was an effective system to recognise those who perform well against a national performance of 15%. The Area has a number of measures in place to recognise good work, such as: a bonus scheme for good performance, with nominations by staff or managers; regular examples of successes and good results in the monthly newsletter; globe awards for staff members who have contributed some outstanding work; and the innovative use of CMS 'pop ups' to inform staff of promotions and praise good performance. In addition staff are regularly put forward for national awards. Managers pointed to instances where recognition has been given and appreciated. They could not offer a firm explanation but did feel that the survey outcomes had been influenced by national factors
- The Area does not have a separate Equality and Diversity Plan . In 2006-07 some objectives were mainstreamed in the Area Business Plan (ABP); however, the plan lacked detail in parts and there could have been greater development of equality and diversity issues. The ABP for 2007-08 is much improved. The Area developed a Community Engagement Plan in 2006-07, which concentrated on the role of Area sensitive casework coordinators; a further plan is currently being developed. The ABM is the Area champion for equality and diversity but the role is not defined in clear terms, which risks hampering its value.
- The Area promotes the CPS Dignity at Work policy and managers are required to ensure that staff behave appropriately towards one another. All new staff undertake the equality and diversity e-learning module, and CPS booklets including the Dignity at Work booklet and the use of e-mail and IT systems, are provided as part of the induction pack.
- The 2006 staff survey result for treatment with fairness and respect at 57% was better than the 2004 performance but worse than the national average at 64%. There was also a reduction in the respondents that believed that a reported complaint about treatment at work would be dealt with fairly, 18% compared to 23% in 2004 and a national average of 19%. No formal or informal complaints have been made in 2006-07 about treatment by managers and there was no evidence of 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.
- The make-up of staff is generally representative of the working population served by the Area and a workforce representation plan is in place to increase the level of black and minority ethnic (BME), and disabled staff at some grades. The Area has made efforts to improve, for instance by providing mentoring and work place experience and ensuring that interview panels are more representative of the community. A number of staff have chosen not to declare ethnicity or disability and whilst this is an individual choice, the Area is seeking to overcome reluctance in an appropriate manner, to assist with ensuring accurate representation. The Area has a local race equality scheme which is based on the CPS national scheme.

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

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

- The Area and its managers are committed to improving confidence of the community and a community engagement (CE) strategy has been developed which underpins the Area Business Plan (ABP). However, the 2006-07 business plan aligned community engagement responsibilities to the ABM, whereas the community engagement strategy aligns most responsibilities to the Area Performance Manager (APM) and the Area Communications Manager (ACM). In addition, the business plan is regularly updated during the year but the updates do not confirm that community engagement milestones and objectives have been met.
- Engagement with the community is captured in the quarterly Area performance reports. Over the course of the year the quality and detail of information provided to the Area Strategic Board has improved. However it is not always clear from minutes that community engagement issues are discussed in depth or that actions that have been agreed in meetings have been undertaken. Individual teams do not have clear objectives relating to engagement activities and it is rarely discussed at Unit management meetings or in the monthly team reviews with the CCP and ABM.
- The community engagement log for 2006-07 indicates that senior managers and other staff have attended a large number of events, in particular the CCP, ACM and other managers. Other staff have been mainly involved in assisting at 'Inside Justice Week' and with work experience pupils. A significant number of the entries on the log relate to internal training events, engagement with local schools and discussion with other criminal justice professionals. This needs to be complemented by wider engagement with representatives of community groups. Over the year there was engagement with domestic violence groups, rape and limited engagement with lesbian, bisexual, gay and transgender and BME groups.
- The Area has up to date demographic data and information on community groups, although it is unclear how this information has informed and influenced community engagement activity.
- The Area, in conjunction with the LCJB, has identified school children, the elderly, BME communities and disability groups as their 'target groups'; this is reflected in the strategy and business plan. Considerable work has been undertaken with local schools through contributing to school based events and offering work experience placements. The Area has also established links with disability groups and has mentored BME law students.
- The Area is able to link some engagement activities to improvements in service delivery, for example, quarterly meetings with Northumbria Police and 'REACH' have led to improvements in the way rape cases are investigated and prosecuted and also resulted in an increase in successful prosecutions. The Area classifies engagement events or activities as informative, participative and consultative, with only limited commentary as to the outcome, feedback and action. The Area has introduced a feedback form which should assist in focussing activity and enable the Area to make better links between community engagement and service delivery.

- There is a good level of joint working with the LCJB to improve the public confidence rate. The ACM is the CPS representative on the Community Confidence Local Delivery Group (a sub-group of the LCJB). The public confidence rate in the effectiveness of the criminal justice agencies to bring offenders to justice as measured by the British Crime Survey was 40.5% as at December 2006 against a local target of 46.4% and a national figure of 42.3%. The Area has struggled to meet the target over time and as a result the LCJB has commissioned a confidence research project aimed at understanding the influences on public confidence.
- This is an improvement in the confidence rate at the time of the last OPA report but more needs to be done to secure further improvement. The LCJB, were concerned about the confidence rate and looked at the research available to see if better targeting of community engagement would secure improvements but it was quickly realised that there was little assistance to be gained due to the lack of reliable research into the topic. The LCJB, commissioned a three year research project. This piece of work should yield results that can assist all Areas and criminal justice agencies. The Area along with local partners has part funded this academic research project.
- The Area has developed a positive relationship with the media which has resulted in some favourable reports in the local and national press. A number of staff are media trained to different levels and have given newspaper and radio interviews. Following participation in several high profile pre-trial briefings the Area is now included routinely by Northumbria Police. The Area was also involved in a joint project with the No Witness No Justice Communications Manager to produce a DVD to promote the work of the WCUs and to show victims and witnesses the level of support now available. The DVD has been used to publicise the work of WCUs with local newspapers.

ANNEXES

A PERFORMANCE DATA

Aspect 1: Pre-charge decision-making

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	14.4%	17.3%	11.0%	13.1%	14.5%	14.1%
Guilty plea rate	52.0%	69.2%	73.3%	71.7%	68.0%	66.5%	76.0%	75.2%
Attrition rate	31.0%	22.0%	20.4%	22.2%	23.0%	22.2%	19.6%	19.7%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	78.2%

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%	85.7%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	36.1%
Cracked trial rate	37.3%	42.1%
Ineffective trial rate	18.9%	21.7%
Vacated trial rate	22.5%	24.3%

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

National target	National performance 2006	Area performance 2006
71 days	72 days	77 days

Offences Brought to Justice

	CJS area target 2006-07	CJS area performance 2006-07
Number of offences brought to justice	39,488	49,989

Percentage make up of Offences Brought to Justice	National 2006-07	Criminal justice area 2006-07
Offences taken into consideration (TICs)	8.5%	11.9%
Penalty notices for disorder (PNDs)	10.3%	5.0%
Formal warnings	5.8%	2.8%
Cautions	26.5%	32.5%
Convictions	48.8%	47.7%

Aspect 3: Ensuring successful outcomes in the Crown Court

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed Crown Court cases	77.7%	80.0%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	25.5%
Cracked trial rate	39.5%	58.0%
Ineffective trial rate	12.4%	16.5%

Proceeds of Crime Act orders	Area target 2006-07	Area performance 2006-07
Value	£1,124,755	£444,486
Number	45	40

Aspect 10: Managing resources

	2005-06	2006-07
Non ring-fenced administration costs budget outturn	99.7%	99.8%

Staff deployment	National target 2006-07	National performance 2006-07	Area performance 2006-07
DCW deployment (as % of magistrates' courts sessions)	17.2%	14.7%	13.9%
HCA savings against Area target	100%	138.4%	132.6%
Sickness absence (per employee per year)	7.5 days	8.5 days	9.2 days

Aspect 13: Securing community confidence

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

CJS area baseline 2002-03	2004-05 (last OPA)	Performance in 2006-07
41.0%	39.0%	40.5%

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

Police

Northumbria Police

HM Courts Service

Newcastle Crown Court

Gateshead and South Tyneside Magistrates' Court

Alnwick, Berwick and South East Northumberland Magistrates' Courts

Newcastle Magistrates' Court

Victim Support

Witness Service Northumbria

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