

CPS Cheshire

Overall Performance Assessment

December 2005

Promoting Improvement in Criminal Justice

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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 (HMCP*SI*) overall assessment of the performance of the Crown Prosecution Service (CPS) in Cheshire and represents a baseline against which improvement will be monitored.

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

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

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

The table at page 6 shows the Area performance in each category.

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

B. AREA DESCRIPTION AND CASELOAD

CPS Cheshire serves the area covered by the Cheshire Constabulary. It has three offices, at Chester, Warrington and Crewe, with the Area Headquarters (Secretariat) based at the Chester office.

Area business is divided on functional lines between magistrates' courts and Crown Court work in Chester and Warrington and on a geographical basis at Crewe. The magistrates' courts units (MCUs) handle cases dealt with in the magistrates' courts. The Crown Court units (CCUs) handle cases dealt with in the Crown Court. At Crewe there is a combined co-located unit.

During the year 2004-05, the average Area number of staff in post was 105.02 full-time equivalents.

Details of the Area's caseload in the year to 31 March 2005 are as follows:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	3,434	14.3	20.9
Advice	2,492	10.4	5.1
Summary offences	12,148	50.5	46.9
Either way and indictable only	5,947	24.7	26.7
Other proceedings	30	0.1	0.4
TOTAL	24,051	100%	100%

C. SUMMARY OF JUDGMENTS

The Area inspection of CPS Cheshire published in March 2003 concluded that the Area was well managed and well led. The overall positive report contained six recommendations which were made to address important aspects of improvement. The Area management team took specific steps to address each recommendation in the business plan for 2003-04 and a separate action plan; there was evidence of progress during the follow-up visit in September 2003.

During the year 2004-05 there has been a period of change. In addition to the national initiatives that have been implemented or progressed, for example shadow charging and establishing the witness care units, the Chief Crown Prosecutor (CCP) left the Area to manage CPS Direct in October 2004. A Unit Head acted up for the interim until a new CCP was appointed in January 2005. The Area has restructured from functional teams to a geographical split between north and south, whilst still maintaining functional teams, and moving from a magistrates' court unit to a combined co-located unit at Crewe. The Cheshire Constabulary are also undergoing an organisational restructure. Throughout these changes the management of the Area has remained effective with continuous monitoring and awareness of performance.

The Area has a corporate approach to managing business and senior managers are active in cross agency initiatives. There are regular team meetings at all levels and communication is good. The Area performance management systems have and continue to enable managers to take informed decisions on future policy and strategy. The main elements of change management are correctly incorporated within the Area plans and there is good evidence of planning with criminal justice partners.

The Area is currently working under the shadow charging scheme with the move across to statutory charging proposed for February 2006, to allow sufficient time for the police restructuring to settle. The witness care units have been established under No Witness No Justice. Regular meetings are held to resolve outstanding issues.

The target for offences brought to justice is a shared one set by reference to the criminal justice agencies. The ability of the CPS to influence this particular target is limited because it includes offences dealt with by non-prosecution disposals. The CPS's contribution comes through managing cases to keep discontinuance and unsuccessful outcomes low. The Area, in conjunction with its criminal justice partners, has exceeded its target on Offences Brought to Justice for 2004-05, a more challenging target has been set for March 2006 which the Area is currently on course to meet. Other headline targets, ineffective trials, persistent young offenders and improving public confidence, have been achieved. Performance in relation to unsuccessful outcomes and adverse cases is consistently better than the national average. The Area takes taking good quality decisions, and for the most part progresses casework efficiently.

The Area has been engaged with other agencies in the effective trial management programme (ETMP) for several months, which has formalised good practice in relation to case progression that existed prior to ETMP. However, the quality of police files across the Area is variable and the performance in some divisions is particularly poor making it impossible for the average performance across the Area to achieve the target for fully satisfactory files. The Area is working through the joint performance meetings with the police and courts to improve performance across the board which includes file quality.

In January 2005 the Local Criminal Justice Board undertook a review of the management of criminal cases in the magistrates' courts. A number of recommendations were made some of which are being taken forward locally whilst others are subject to further study by the Department of Constitutional Affairs. An anti-social behaviour (ASBO) response court has recently been launched in Chester and planning for a specialist domestic violence court at Halton is progressing well.

Value for money underpins most of decision-making in the Area and jointly with criminal justice partners. The Area is prudent when managing its finances enabling it to remain within budget for the last two years despite a falling caseload with the consequence of a reducing budget.

The Area adds substantial value to the local criminal justice system by taking good quality decisions, and for the most part efficient progression of its casework. The shadow charging scheme has produced some good performance figures and positive trends for the realisation of benefits in both magistrates' courts and the Crown Court. The witness care units should realise the expected benefits. Although higher court advocate (HCA) deployment was affected by redeployment of resources to the charging programme, court coverage by CPS lawyers is high and consequent low agent usage is achieved. The monetary value for Proceeds of Crime Act (POCA) cases was above target although the number of orders did not reach the target set. Both higher court advocate usage and POCA have been addressed in the business plan for 2005-06 to improve performance and value for money.

In light of these findings the Area's overall performance assessment is **GOOD**.

CRITICAL ASPECTS	Level 3 - GOOD
Pre-charge decision-making	2 - Fair
Ensuring successful outcomes	4 - Excellent
Leadership	3 - Good
The service to victims and witnesses	3 - Good
Managing resources	3 - Good
OTHER DEFINING ASPECTS	
Managing magistrates' courts cases	3 - Good
Managing Crown Court cases	3 - Good
Handling sensitive cases and hate crimes	3 - Good
Custody time limits	4 - Excellent
Disclosure	3 - Good
Presenting and progressing cases at court	3 - Good
Delivering change	3 - Good
Managing performance to improve	4 - Excellent
Securing community confidence	2 - Fair

OVERALL ASSESSMENT	3 - GOOD
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D. DEFINING ASPECTS

1. PRE-CHARGE DECISION-MAKING

2 - FAIR

The Area has implemented a shadow charging scheme and provides pre-charge decision-making (PCD) at the three priority police charging centres located at police unit headquarters with a telephone advice service in operation to secondary centres. The Area employs a variety of monitoring methods, building, where possible, on existing processes like casework quality assurance (CQA). These processes alongside the joint performance meetings with the police give the necessary oversight to the operation of the scheme. The Area is realising some of the expected benefits, although the rate in relation to discontinuance in the magistrates' courts, the guilty plea rate and attrition rate in the Crown Court are roughly at the national level and need to be improved to achieve the target set for March 2006. The partners are yet to achieve full compliance with the Director's Guidance. Work is ongoing to move across to statutory charging in February 2006; the criminal justice partners would benefit from an agreed local protocol and full implementation plans in the run up to statutory charging.

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

- The Area provides face-to-face PCD 9am to 5pm, five days per week at the three main charging centres which are aligned to the police basic command units. A telephone, fax or written advice service operates for three other secondary charging centres.
- Where inappropriate requests for PCD are made the duty prosecutor refers the police officer to the file management unit (FMU) sergeant who acts as scheme gatekeeper.

Aspects for improvement

- A lack of police unique reference numbers (URNs) hampers the recording and counting of PCD cases. The use of the case management system (CMS) by lawyers for recording advice and decisions is not widespread.
- The Area does not have a local protocol with the police and rely upon guidance derived from the national protocol. However, there are several issues which need to be resolved including: the authority of police charging sergeants in the FMU; the absence of oversight from police inspectors; the non-compliance with the re-bailing policy; the lack of URNs at the point of charge; and not using the appropriate forms (MG3) electronically.

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

- The Area is confident through a combination of CQA, examination of cases at court, adverse case monitoring and joint performance arrangements with the police that all relevant cases are being referred to charging lawyers and that the advice is followed. There are regular e-mail status reports notifying staff of findings and actions and a clear dispute resolution procedure is in place. Even so, there are occasions when police officers do not accept CPS decisions.
- PCD is provided by lawyers on a rotational basis to maximise lawyer flexibility and development.

Aspects for improvement

- At present the Director's Guidance is not being fully implemented owing to resource limitations between the agencies. Where the decision is to charge, the CPS withhold the authority to charge until a full file is produced by the police. This is an agreed practice. The partners aim to move to full implementation of the guidance by February 2006 in readiness for statutory charging.
- The assessment of the quality, timeliness and appropriateness of decision-making in PCD cases may benefit from specific monitoring rather than reliance on existing monitoring mechanisms for assurance.
- The ethnicity of defendants is not being recorded on CMS; the main cause has been identified as the police not providing the information, which could be remedied in a local protocol. A further cause is the consequence of not recording the appropriate forms (MG3s) electronically.

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

- On PCD cases the Area is realising some of the expected benefits, with particularly good performance in relation to the magistrates' courts guilty plea (75.1%) and attrition (17.1%) rates and the discontinuance rate in the Crown Court (5%). Although the rate in relation to discontinuance (12.6%) in the magistrates' courts, the guilty plea (65%) and attrition (24%) rates in the Crown Court are around the national figures, they need to be improved to achieve the targets set for March 2006.

- There is effective and regular liaison with the police on the implementation and operation of the scheme and police compliance with the scheme is generally monitored. The CPS thinks these arrangements could be improved if assigned police supervisory staff had more authority.

Aspects for improvement

- A high proportion of PCD cases (38%) are categorised as undefined and advice not given which may effect the Area's benefit profile.
- Statutory charging is due to be implemented in February 2006 but the Area does not have a full set of planning documents in place detailing the work items to be completed and risk issues to be addressed.

2. MANAGING MAGISTRATES' COURTS CASES

3 - GOOD

A Unit Head is leading on the implementation of the ETMP and the Area is playing a full role in case progression. The quality of police files is variable across the Area, some police divisions are performing better than the target; however, the inconsistency of quality between police divisions has made it difficult to reach the Area target of 65% fully satisfactory files, invariably performance just under this rate. The recent restructuring of the Cheshire Constabulary has held back effective progress. Monthly joint performance monitoring (JPM) meetings are held with the police and courts to drive up performance through examination of file quality and timeliness, as well as analysis of individual cases. File quality is also being addressed by lawyers as part of the charging programme. The Local Criminal Justice Board (LCJB) undertook a review in January 2005 of the management of criminal cases in the magistrates' courts; a number of recommendations were made, some of which are being taken forward by the Clerks to the Justices and others are subject to further study by the Department of Constitutional Affairs. There is a listing protocol in place between the Area and all magistrates' courts. The ineffective trial rate is better than the national average but improvement has been through a higher level of cracked trials, rather than more effective trials.

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

- Magistrates' courts cases are routinely reviewed and prepared promptly, with follow-up work undertaken where necessary and most cases are ready to proceed at each court hearing. Duty prosecutors are available at each office to consider the listing of all trials a week in advance and are pro-active in that role. The Area file review standard is assured through file audits, analysis of unsuccessful outcomes, adverse cases and cracked and ineffective trials as well as CQA checks. Case progression checks have been embedded into the process for over 18 months.
- There is significant liaison with criminal justice partners; monthly JPM meetings are held with the police and the courts. Trial readiness is monitored by Area case progression officers; close liaison with magistrates' courts case progression officers and listing officers has resulted in improvements in performance.
- The timeliness targets for youth cases are better than the national averages in relation to guilty pleas, committals and trials. The persistent young offender (PYO) target is being met (69 days) and timeliness is improving. There was deterioration in performance in February, the cause was identified and addressed at the local fortnightly PYO meetings with further discussion at the JPM meetings.
- There have been no wasted costs orders during 2004-05.

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

- The ineffective trial rate is improving (18%) and the Area has met its own and national targets (23% and 24.5% respectively). There is regular and formal analysis of all cracked and ineffective trials. The rate of cases that are ineffective due to the prosecution is better than the national figure (4.9% compared to 6.8%), in all instances where the prosecution has been at fault appropriate action is taken.
- Significant work has been undertaken with criminal justice partners through JPM and the LCJB, action has been taken and communicated, and performance is improving as a result. The LCJB review of the management of cases in the magistrates' courts led to recommendations for improvement, some of which are already progressing through the Clerks to the Justices.

Aspects for improvement

- The cracked trial rate is worse than the national average (40.2% compared to 37.1%). Although the rate where the prosecution is at fault is better than the national average and cases are analysed to learn lessons and disseminate trends.

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

- CMS usage is better than the national average in relation to full file reviews (36.2% against 27.1%) and effective log-ins (83.9% against 80.8%). Staff usage is monitored and appropriate action is taken to improve usage through individual development activity. Refresher training was undertaken by all staff where a need was identified in April 2004; the training was tailored to remedy the limitations.
- Managers are creating their own Management Information System (MIS) reports to analyse specific performance issues.

Aspects for improvement

- Although CMS is being used and regular monitoring of task lists takes place, not all staff are recording key events in cases. In addition, other than template letters, Area templates have not been added to the system to assist with case progression, the Area uses paper based forms instead.

3. MANAGING CROWN COURT CASES

3 - GOOD

The Area has been engaged with other agencies in the ETMP for several months, this formalised the good practice in relation to case progression that existed prior to ETMP. The cracked and ineffective trial rates are better than the national averages; where the prosecution is at fault analysis is undertaken and feedback provided. In order to increase its capacity for timely case preparation, the Area needs to continue to work closely with the police to improve the quality of files submitted for committal. Timeliness of service of committal papers on the defence and instructions to counsel could also be improved.

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

- Efforts are being made to review and prepare Crown Court cases promptly, with follow-up work undertaken where necessary, although cases are sometimes adjourned due to the prosecution not being ready. Monitoring of timeliness prevents committals being discharged.
- Most instructions to counsel include an analysis of the issues and acceptability of pleas, and most are delivered to counsel promptly; monitoring is used to improve performance. The focus has been on improving the quality of police files so that they better support the preparation of more detailed instructions.
- There is significant liaison with criminal justice partners at various levels, and regular liaison between the case progression officers across the agencies which has resulted in improvements in performance. The guilty plea rate (76.8% compared to 73.1%) and conviction rate (84% compared to 75.8%) are better than the national average.
- Individual lawyers are responsible for ensuring Proceeds of Crime Act (POCA) cases and ancillary orders are pursued, with the support of Area specialists who are situated at each office. Case progression officers also consider POCA in all relevant cases as part of their remit. Despite a slow start, there is now close liaison with the police and a protocol is in place. Strong links have also been forged with the regional asset recovery team (RART); a helpdesk is provided by the RART legal adviser. Further training has been undertaken.
- There have been no wasted costs orders during 2004-05.

Aspects for improvement

- Although the Area achieved its POCA target in monetary terms during 2004-05, it did not achieve its target in relation to the number of orders obtained; however, it performed reasonably well by obtaining 17. The business plan for 2005-06 has prioritised POCA to ensure the protocol is embedded in practice and to increase the number and volume of orders.
- Timeliness of service of committal papers on the defence (75.4% compared to 79.4%) and service of instructions to counsel (77.6% compared to 85%) are below the national averages.

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

- The ineffective trial rate is better than the national average (13.3% compared to 15.8%) and the Area has met its own and national targets (16% and 18.4% respectively). The Area also performs better in relation to the cases where the prosecution is at fault (4.9% compared to 6.6% nationally). The cracked trial rate is significantly better than the national average (30.9% compared to 39.2%) as is the rate where the prosecution is at fault (10.6% against the national rate of 15.3%). All cases where the prosecution is at fault are considered and appropriate action is taken internally.
- There is regular and formal analysis of all cracked and ineffective trials, issues are taken forward with other agencies at the monthly joint performance management (JPM) meetings and the LCJB delivery plan addresses aspects for improvement of already good rates.

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

- CMS usage for preparing indictments was consistently high throughout 2004-05, the average for the year was better than the national picture (94.7% compared to 85.9%). CMS usage is also better than the national average in relation to full file reviews (36.2% against 27.1%). CMS usage reports are circulated to managers for individual development issues to be followed up. Tailored refresher training was undertaken by all staff where a need was identified in April 2004.
- Managers are creating their own MIS reports to analyse specific performance issues.

Aspects for improvement

- Although CMS is being used and regular monitoring of task lists takes place, not all staff are recording key events in cases. In addition, other than template letters, Area templates have not been added to the system, relying on paper based forms for case progression instead.

4. ENSURING SUCCESSFUL OUTCOMES

4 - EXCELLENT

Performance is consistently significantly above the national average. Various mechanisms are in place to monitor and analyse performance on a monthly basis (through individual case analysis and summaries to disseminate lessons) and on a quarterly basis in the performance pack and performance report. The Area, in conjunction with its criminal justice partners, has exceeded the Offences Brought to Justice target, a new more challenging one has been set for March 2006 which the partners are currently on course to meet.

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

- There is regular and formal assessment of the quality of review and case handling. Each month, in addition to casework quality assurance checks, there is analysis of cases dropped, adverse cases, unsuccessful outcomes, cracked and ineffective trials, and jury acquittals. Summaries of the analysis are circulated and discussed to disseminate learning points. Appropriate action is taken internally, in relation to individual performance, and with the police and courts at monthly joint performance monitoring meetings. Successful cases are also discussed where a learning point is apparent.
- The discontinuance, bind over, discharged committal, judge ordered acquittals, no case to answer and judge directed acquittals rates are significantly and consistently better than the national average. The conviction rate in the magistrates' courts is the second best nationally with a trend of improvement. Although there is some fluctuation of the Crown Court figures, the Area conviction rate is the sixth best nationally.

OUTCOME	AREA FIGURE	NATIONAL AVERAGE
Magistrates' courts		
Discontinuance & bindovers	9.4%	12.5%
No case to answer	0.1%	0.3%
Dismissed after trial	1.4%	1.5%
Discharged committals	0%	0.3%
Overall conviction rate	87.3%	80.8%
Crown Court		
Judge ordered acquittals	6.3%	14.2%
Judge directed acquittals	1.9%	2.0%
Acquittals after trial	6.2%	6.3%
Overall conviction rate	84.0%	75.8%

- Four of the six benefits realisation performance figures (discontinuance, guilty plea and attrition rates) for pre-charge decisions are better than the national averages and targets; the discontinuance rate in the magistrates' courts is better than the national average but above target and the guilty plea and attrition rates in the Crown Court are fractionally worse than average national performance.
- The Area has met its target in relation to unsuccessful outcomes with performance of 13% against a target of 17%. The performance is also considerably better than the national performance (19.6%) and the national target (21%).
- The target for offences brought to justice is a shared one set by reference to the criminal justice agencies. The ability of the CPS to influence this particular target is limited because it includes offences dealt with by non-prosecution disposals. The CPS's contribution comes through managing cases to keep discontinuance and unsuccessful outcomes low; the Area has been pro-active in this regard. The local OBTJ target has been achieved and performance is improving. The target was set at 16,530 which was surpassed by performance of 17,820. The target for March 2006 is more challenging at 18,103; performance is currently on a trajectory to achieve this.

5. HANDLING SENSITIVE CASES AND HATE CRIMES 3 - GOOD

An anti-social behaviour order (ASBO) response court has recently been established at Halton and planning for a specialist domestic violence court in Chester is progressing well. The Area reflects CPS policies in its practice and has champions and specialists in place to disseminate information and take the lead on training where appropriate. Aspects of sensitive casework are monitored in a variety of ways; however, there is scope for improvement in flagging of sensitive cases on CMS.

5A: The Area identifies and manages sensitive cases effectively

- The review and handling of sensitive cases is formally assessed through a variety of performance management mechanisms. In conjunction with CQA and unsuccessful outcomes analysis, there is a casework referral register whereby the CCP monitors progress of high profile cases, and a review of all rape cases during 2004 was carried out. Appropriate action is taken where necessary. Although sensitive cases are not always flagged on CMS, flagging on the file is clearly marked and the Area has undertaken a review of file flagging on CMS to provide assurance to managers.
- The Area has appointed champions and specialists for most sensitive cases who disseminate information to prosecutors and caseworkers, and provide some guidance and mentoring. Prosecution team leaders allocate cases according to experience and caseload to ensure prosecutors with the suitable specialist skills and knowledge manage and handle cases where appropriate.
- The training programme for 2004-05 included domestic violence and child protection awareness, as well as some joint training with the Chester and Warrington Race Equality Council (CHAWREC). Training was undertaken in preparation for the ASBO response court at Chester and further training is planned prior to the launch of the specialist domestic violence court at Halton.
- The Area seeks to take CPS policies and HMCPSI thematic reviews into account. Reports and reviews are generally discussed by the Area management team and circulated to Area specialists. Any policies are also circulated to specialists for implementation which may result in a training programme or e-mail circulation to staff of updates.

- The Area undertakes an analysis of hate crime cases in which a reduction or change of charge, or an agreed basis of plea, reduces or removes the 'hate element' from the offence and there is evidence of some action being taken. Individual racially and religiously aggravated cases are analysed and discussed with the Chester, Neston and Ellesmere Port multi-agency panel as well as at the LCJB sub-group. Multi-agency meetings were held in November 2004 to discuss hate crime and domestic violence witness issues with relevant groups. Although no target was set for unsuccessful outcomes for hate crime during 2004-05, a target of 32% has been set for 2005-06.

6. CUSTODY TIME LIMITS

4 - EXCELLENT

The Area custody time limit (CTL) standard incorporates all the national guidance as well as certain aspects from the good practice guide. There have been no failures during 2004-05 and sound systems and processes are in place. A robust quarterly audit of all CTL cases is undertaken which provides regular assurance to senior managers and a multi-agency protocol exists to monitor CTLs and exchange relevant information.

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

- The Area has a written CTL system that is fully up-to-date, complies with national guidance and, in addition, contains elements from the good practice guide. The Area has had no CTL failures in the year 2004-05.
- There is a multi-agency protocol in place between the Area, Cheshire Constabulary, Crown Court and the magistrates' courts which includes agreeing the expiry date in court, monitoring case progress and the exchange of information. The Area has sent a copy of the protocol to each local set of counsel's chambers.
- The Area standard is reviewed on a regular basis and is updated immediately national changes take place. Any changes are circulated to staff via e-mail.
- All relevant staff have been trained in both the local system and the relevant law. The standard is available to all staff as desk instructions.
- Senior managers require regular assurances that the CTL system is effective and up-to-date. Quarterly audits are undertaken of all CTL cases, the audits are robust, action points are noted and followed up. The CTL champion is a proficient management information system (MIS) user and able to run off ad hoc MIS reports should any issues arise.
- The reality check of five Crown Court files indicated generally good practice.

7. DISCLOSURE**3 - GOOD**

CPS Cheshire was one of the better performing Areas on disclosure during the last inspection cycle, although a recommendation was made in relation to secondary disclosure in the Crown Court. The Area has reacted very positively towards deficiencies identified in providing additional guidance and delivering appropriate training. Lawyers have adopted a more pro-active role and a more consistent approach to use of the disclosure folder and action dating for secondary disclosure; as a result performance is improving. The new Chief Crown Prosecutor sits on the National Disclosure Programme Board and has contributed to the national joint operating instructions (JOPI). Area champions disseminate valuable guidance, have undertaken training across the Area and regularly participate in police criminal investigation department (CID) and probationer training.

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

- Prosecutors' performance in relation to disclosure is formally assessed through dip-sampling, file audits and CQA. Performance is considered by the Area management team during the quarterly performance reviews and appropriate action is taken where necessary. A target of 57% was set for secondary disclosure in the Crown Court units during 2004-05, although this was not a challenging target, performance was invariably better than this and therefore exceeded the average level of performance during the last inspection cycle.
- All sensitive material schedules and any sensitive unused material are usually stored securely.
- The Area has appointed two disclosure champions who disseminate information to prosecutors and caseworkers. They also provide guidance and mentoring, although this is usually at the office where they are both located.
- All prosecutors and caseworkers received refresher training during 2004 and a further programme of training on the disclosure provisions of the Criminal Justice Act 2003 and the CPS/ACPO (Association of Chief Police Officers) disclosure manual was finalised in June 2005. Further training on covert operations has been planned for later in the year.

- Some work has been undertaken with the police and joint training has been undertaken. Police trainers and delegates attended the latest Area training programme and the Area champions have a regular slot on the police CID and probationer training courses.
- Steps have been taken to improve disclosure performance since the last inspection; there is evidence of resulting improvement and a move away from blanket disclosure.
- The reality check of five Crown Court files indicates generally good performance although prosecutors tend not to complete the printed checklist on the outside of the disclosure folder.

8. THE SERVICE TO VICTIMS AND WITNESSES
3 - GOOD

The witness care units (WCU) set up under the No Witness No Justice (NWNJ) programme were well planned and have rolled-out across the Area. Regular meetings are held to resolve outstanding issues. The Area are achieving a high level of compliance for the despatch of letters to victims when cases are discontinued or charges reduced; however, this has resulted in the Area not meeting timeliness targets. Steps have been taken to improve timeliness whilst maintaining compliance rates. Applications for special measures to facilitate witnesses giving their evidence are timely and made in all appropriate cases; the Area can point to difficult cases which have proceeded to a successful conclusion which would have failed without special measures.

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

- The WCUs set up under the NWNJ programme were well planned and the Area programme for witness care is on target. The initiative has been rolled-out across the Area to provide full coverage at the three sites. To obtain a full insight into victim and witness needs, the project team consulted with specialist criminal justice agency staff and community groups. The insights gained were then fed into comprehensive plans. A contacts list of CPS specialists and community groups, which are in a position to offer guidance, is maintained within the WCU.
- The Area works with other agencies to identify and resolve witness issues through the NWNJ programme. Regular meetings are held and used to implement improvements. An example was the lack of an initial witness needs assessment by the police in some cases. The project lead is actively pursuing this issue with senior police colleagues although the units are managing to work around this until it is resolved with the police. The recent Headquarters evaluation acknowledged that the Area performs well in relation to witness needs assessments.
- The Area monitors the timeliness of letters it issues within the Direct Communication with Victims scheme (DCV). Identification of poor performance results in action; this was noted as a strength during the last inspection. The Area is striving to achieve full compliance in sending of letters. A recent calculation by Headquarters indicates that Cheshire is achieving 78% compliance against the proxy measure, which is comparatively good. However, the Area's own analysis of DCV compliance showed a reduction of 25% since February 2004. The Area was so concerned about the reduction in the number of letters that it undertook detailed analysis in order to identify the cases and ensure full compliance.

- A manual system is in place to flag cases involving identifiable victims and audits of flagging cases on the CMS are undertaken. The reality check showed that victim status was correctly recorded in seven of the ten cases sampled on CMS.
- A special measures champion is in place who is pro-active in the role. Applications for special measures are timely and sought in appropriate cases; the Area can identify difficult cases which have proceeded to a successful conclusion which would have failed without special measures.
- The majority of prosecution advocates and staff introduce themselves to witnesses at court and provide relevant information. There is a good relationship between the Area and the Witness Service; work shadowing exchanges between Witness Service volunteers and Area witness care officers have taken place and the Area is represented at the quarterly Witness Service review meetings.
- There is internal and joint analysis of all cracked and ineffective trials that are attributable to witness problems, with positive action being taken as a result. The ineffective trial rates in the magistrates' courts and the Crown Court are better than the local targets and the national averages, and the Area has better performance than the national figures for trials that are ineffective due to witness difficulties.

Aspects for improvement

- The Area has not met timeliness targets for DCV. For example, in quarter 3 of 2004-05 only about 55% of letters were sent within the target time of five days compared to the national target of 70%. The WCU has now taken over responsibility for identifying those cases where letters should be sent, improvements in timeliness are expected as a result whilst maintaining levels of compliance.

9. PRESENTING AND PROGRESSING CASES AT COURT 3 - GOOD

A high percentage of magistrates' courts in the Area are covered by in-house staff. During 2004-05, due to commitments to the charging programme, the Area was unable to maximise its use of higher court advocates (HCAs). Monitoring has been undertaken for performance appraisal purposes on an informal basis, the advocacy strategy now ensures monitoring is conducted on a more structured basis. The standard of preparation for court is reflected in the Area's good performance in relation to unsuccessful outcomes and ineffective trials.

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

- The Area is among those agencies leading the initiative to improve case progression in court. The results in respect of unsuccessful outcomes and ineffective trials in the Crown Court and magistrates' courts reflect the commitment of all agencies. A listing protocol between the Area and the magistrates' courts, primarily to provide agreement on scheduling, also includes agreement on advocates attendance times at court.
- Papers are provided to agents, counsel and in-house prosecutors in advance to enable all advocates to prepare thoroughly for court. Substantial or specialised magistrates' courts trials are diarised for lawyers and taken into account when setting the court rotas.
- Selection of prosecution advocates for all courts is usually undertaken with full consideration of their experience, expertise and qualifications, caseworkers and lawyers have sufficient knowledge of the experience of the small local Bar. Suitably trained prosecutors cover most youth courts and agents are not used. Prosecutors have been trained for the newly established anti-social behaviour order (ASBO) response court in Chester and prosecutors will be trained prior to the launch of the specialist domestic violence court at Halton.
- Complaints about prosecution staff and advocates at court from other agencies and caseworkers are investigated and where necessary formal monitoring is undertaken.
- Most in-house prosecutors are monitored at least once a year for performance appraisal reports and feedback is given at the time. Higher court advocates provide feedback to each other. During 2004-05 agents were rarely monitored and counsel only for re-grading purposes. However, the advocacy strategy in place for the year 2005-06 sets the national standard and formalises arrangements for monitoring of all prosecutors.

Aspects for improvement

- Although all agents are experienced and at present are seldom used (11.1% usage against 28.85% nationally), there is no mechanism to provide information to agents about new initiatives or policy directives which could be easily remedied as the material is readily available across the Area when disseminated to staff.

10. DELIVERING CHANGE
3 - GOOD

The Area has a clear sense of purpose and sets out good business and associated delivery plans. There is good evidence of joint planning with partners and the essential elements of change are addressed but not all initiatives are covered to the same standard. Implementation issues are correctly identified early on but are always resolved in a timely manner. Training is specifically linked to Area business priorities and is generally effective.

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

- The Area has a clear sense of what it wants to achieve and sets out clear business plans which are reviewed through the year and progress or otherwise noted. Examples of good plans include No Witness No Justice and the Area restructuring programme.
- Responsible owners are allocated to tasks, milestones noted and the risk register accurately identifies risks. The major challenges for the forthcoming year are put forward with clear messages to the staff.
- There is good evidence of planning with criminal justice partners. Plans for most major initiatives are in place and have associated implementation teams working under a project manager, for example, narrowing the justice gap, persistent young offenders and secure e-mail.
- The Area management team receives regular updates on initiatives through standing items on the monthly meeting agenda.

Aspects for improvement

- The planning for the pre-charge decision (PCD) scheme does not have a detailed set of planning documents and the scheme would benefit from these in the run up to statutory charging.

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

- The main elements of change management are correctly incorporated within the plans, for example, process design, training needs and communication. Co-location, the case management system (CMS) and the restructuring of the Area are all examples of well planned change which has been implemented, and evaluated; where action was needed as a result of evaluation it has been taken.

Aspects for improvement

- Not all issues noted from early implementation reviews have been addressed in a timely way and change is not yet systematically managed. More focused work is required to integrate the witness care units (WCU) to ensure that all cross agency staff understand their roles and fulfil their responsibilities and that the planned processes are implemented. In addition, the PCD partners have different views on the operation of the scheme; these differences need to be resolved and agreements recorded in a local protocol which can underpin the statutory scheme.

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

- Training has been specifically linked to the Area's objectives and is considered to be effective by staff. Legal staff have received training in bad character, hearsay evidence and dangerous offenders; and a skills development matrix is used to prioritise training for administrative staff.

11. MANAGING RESOURCES
3 - GOOD

The Area is prudent in the management of its finances and the management team have a positive regard to value for money. Thorough financial planning takes place early in the financial year that enables the Area to predict overspends well in advance and this permits the Area to make informed decisions. The Area has been able to remain within the allocated non-ring fenced administrative budget for the last two years despite a falling caseload with the consequence of a reduced budget. There has been a significant overspend in the prosecution budget and the Area needs to consolidate its policy for those cases which grow beyond the provisions of the graduated fees scheme (GFS) but do not fall within the scope of high cost cases; however, structural inefficiencies that are beyond the Area's control may limit improvements. The higher court advocacy (HCA) strategy needs to be completed and specific targets set. Actions taken to improve the sick absence rate have yet to take full effect.

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

- The Area has a systematic approach towards planning resources, linking workload with staff numbers and grades and complemented by regular reviews. At the beginning of the budgetary cycle available financial resources are thoroughly modelled against the Area plans, monetary shortfalls are identified early and used to inform decision-making in subsequent months.
- Unit Heads have delegated financial authority and the Area Business Manager is kept apprised of committed expenditure. Regular financial reports are produced for the Area management team and salient points are discussed.
- Prudent decision-making has enabled the Area to contain projected overspend in its non-ring fenced running costs, coming under budget at 99% for the past two years. The Area has been within budget for the last two financial years which has been achieved against a falling caseload with the consequence of a reduced budget.
- A lawyer has been trained to handle high costs cases and will be providing advice and assistance to colleagues in the future. Unfortunately the Area does not have access to all chambers in the near vicinity as some of these fall into a different court circuit. This may limit the effectiveness of Area improvement measures.

Aspects for improvement

- Prosecution costs were not fully under management control during the financial year 2004-05 although many processes were in place and improvements were being implemented. There was a £400,000 overspend in prosecution costs (120%) as the Area handled a number of high costs cases for which not all the associated costs could be recovered from Headquarters. There were also instances where more serious cases have fallen between the arrangements for the GFS and the high cost case scheme. As a consequence fees for some of these cases have been negotiated post event which has disadvantaged the Area. Coping strategies are required to contain the situation in the future and the Area has started to develop these.

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

- The Area is pro-active in monitoring the caseload throughout the Area. It has recently restructured to meet emerging business needs and took the opportunity to rebalance staffing between the units with decisions being informed by an activity based costing exercise.
- High court coverage is achieved by CPS lawyers. Agent usage is low, for example 11% in the last quarter of the financial year 2004-05.
- The Area achieved coverage of 544 magistrates' courts sessions (8.62%) from deployment of the Area's four designated caseworkers (DCWs) during 2004-05 which is better than the national average. DCWs are fully deployed in the available courts; however, the Local Criminal Justice Board review of criminal cases in the magistrates' courts (January 2005) recommended an increase in DCW courts, which has yet to be taken forward.
- The Area has been taking positive action over staff sick absence having trained managers in handling sickness issues and introducing, during the last financial year, unit sickness reporting for each grade.

Aspects for improvement

- HCA usage during 2004-05 was limited due to the priority given to the charging programme. Prior to charging the Area had been advancing HCA usage. HCA deployment for quarter 4 of 2004-05 only achieved average savings of £111 per session. Deployment aspirations have been set out in the 2005-06 business plan but specific targets have not be set.
- For the last financial year the Area set a sick absence reduction target of 8 days per person and achieved a reduction from 11.6 days per person to 9.2 days but the sickness rate remains relatively high.

12. MANAGING PERFORMANCE TO IMPROVE
4 - EXCELLENT

The Area has a well-established performance culture with robust systems for monitoring and initiating actions. Performance indicators are monitored monthly and each unit has the benefit of a performance review where unit managers account for their performance to the Chief Crown Prosecutor (CCP) and Area Business Manager (ABM). A comprehensive performance report is produced each quarter and shows the relative achievement of each unit and its contribution to the Area's overall performance. A wide range of measures are under management control and targets are being met. Where there is under-performance there is ongoing action to address issues.

12A: Managers are held accountable for performance

- The Area has demonstrated a commitment to performance management across the board. The CCP and the ABM hold quarterly performance meetings with managers in each unit who are required to account for performance across a wide range of measures and agree improvement actions. A comprehensive Area performance report is produced quarterly which breaks down performance achievement to each unit.
- Performance indicators are checked monthly by both legal and administrative managers, issues are discussed individually with staff and at team meetings as appropriate.
- Staff objectives include appropriate performance targets which are traceable to the Area business plan.

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

- There are examples of joint performance management with criminal justice partners driving up performance, for example, action to address any adverse trend developing in relation to persistent young offenders (PYOs) and improvement in the quality of files from the police. Regular performance appraisal is used to improve personal performance.
- Area staff participate on all Local Criminal Justice Board (LCJB) sub-groups and some of the joint initiatives are led by the Unit Heads. Progress in LCJB initiatives is reported through standing items at the Area management team (AMT) meetings, and LCJB reports are circulated to staff. There is a monthly joint performance monitoring (JPM) meeting involving the CPS, police and representatives from both the Crown Court and magistrates' courts.

Aspects for improvement

- There are ongoing issues relating to integrating the recently established victims and witness care units. Cross-agency improvement actions have been allocated but to little effect so far.

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

- Pertinent and accurate performance information is considered at all levels and disseminated to staff through team meetings. All staff have access to the shared drive where this information is held. There is evidence of consequent improvement action in a number of aspects of work recently, resulting in improved performance. Other improvement activity is underway. Responsibility for operational effectiveness is defined and systems and processes are regularly improved.
- The Area assures the integrity of its data by conducting quarterly data integrity audits using file samples from each unit.

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

- The casework quality assurance (CQA) system has been fully in place for a sustained period. It is applied robustly and lessons have been drawn in relation to victims and witnesses and secondary disclosure. Issues are taken up with staff individually as necessary, for example use of the case management system (CMS) and witness and victim issues.
- Public confidence in the effectiveness of criminal justice agencies in bringing offenders to justice as measured by the British Crime Survey is 46% which is 6% ahead of the baseline. Performance in relation to persistent young offenders (PYOs) was within target (69 days).

13. LEADERSHIP
3 - GOOD

The Area has a corporate approach to managing business and senior managers are active in cross agency initiatives. There are regular team meetings at all levels and communication is good. However, the staff survey indicated that greater attention was required to explain and communicate more testing organisational changes, such as the restructuring, as there have been some complaints from staff. There is a good commitment to equality and diversity issues with senior staff being active in the wider community representing the CPS on relevant bodies including the Chester and Warrington Race Equality Council (CHAWREC), the Mental Health Authority and the Committee for Cheshire Child Protection. Where there are learning opportunities the Area is pro-active in following these up.

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

- There is comprehensive evidence of a corporate approach to managing the Area and CPS managers are driving key criminal justice initiatives across the agencies. Individual senior managers take forward priority initiatives and the CPS are represented on all Local Criminal Justice Board sub-groups.
- There are regular team meetings throughout the Area and the Chief Crown Prosecutor and Area Business Manager have a roadshow each year to explain to staff the challenges for the coming year and the priorities for the Area.
- Staff are involved in the work of the Area. Good performance is recognised through the rewards scheme and by recording thanks to staff.
- Communication with staff generally occurs at the right time and is meaningful. A prosecution team leader has recently joined the Area management team to smooth communications between the senior management and team leaders.

Aspects for improvement

- During a recent comprehensive restructure there were some staff complaints through official staff groups concerning the communication between managers and staff. As the Area has a strong performance culture it may benefit from publishing local vision and values to guide future change issues.

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

- The Area's commitment to equality and diversity policies is evidenced in a number of ways, for example an objective in the business plan for 2004-05 and as a standing item on the agenda for the Whitley council and the Area sounding board, as well as the personal commitment and involvement of managers. Several senior managers are active members of local bodies, for example the Mental Health Authority, the Committee for Cheshire Child Protection and a Unit Head chairs a sub-group of the CHAWREC promoting and developing local communities. However, there is no specific equality and diversity plan in place.
- Senior managers were active in identifying learning points following the death of a young person of the travelling community with a Unit Head making several visits to the community to discuss issues.
- Equality and diversity is a standing item on both the Area sounding board and the Whitley council meetings.
- Staff generally reflect the population served by the Area's offices and the Area is seeking to improve its position, particularly in relation to disabled staff.

14. SECURING COMMUNITY CONFIDENCE
2 - FAIR

Whilst the Area management team's (AMT) commitment towards engaging the local community is clear, the commitment in the communication strategy to a community engagement strategy has not materialised. Although contacts with local community groups have been established, they could be more structured. The Area has been able to measure success in relation to certain aspects of work but this is not systematic across all community engagement activity.

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

- There is commitment by managers to engage with the community, although this could be more structured. The communications strategy commits to the production of a community engagement strategy but as yet no such strategy has been formalised, although an awareness of the need for a more outward-looking approach has been recognised. Managers and specialists attend various community groups and administrative staff have been asked to volunteer for specific projects. The Area has the benefit of a communication manager and the Local Criminal Justice Board (LCJB) communication manager is also located in the Area Secretariat.
- The Area measures the impact and value of some of its engagement activity, although more work could be done to measure success across the range of community contacts. The joint work in relation to racially and religiously aggravated crime has resulted in an increase of incidents actually being reported. Work to improve links in the area of domestic violence casework has improved witness care by being able to refer victims to a range of support and advocacy services. Positive stories and events are placed with the media. Public confidence in the effectiveness of criminal justice agencies in bringing offenders to justice as measured by the British Crime Survey is 46% which is 6% ahead of the baseline.
- Policy and outcomes are amended in light of consultation, but on a more limited range of consultation activity. Multi-agency meetings to consult on witness issues in relation to hate crime and domestic violence were undertaken in November 2004. Following a high profile case involving a young victim based in the travelling community, traveller incidents are regularly considered as part of the LCJB race sub-group and representation from the travelling community has been included on the Chester and Warrington Race Equality Council (CHAWREC) consultative group which has close links to the Area and allows for information exchange on casework.

Aspects for improvement

- Although the Area management team have discussed the approach to Area strategy, the redundant community engagement strategy, which was based on a single focus, has not been replaced. The narrow focus remains in the business plan 2005-06.

ANNEX A

PERFORMANCE DATA

ASPECT 1: PRE-CHARGE DECISION-MAKING

MAGISTRATES' COURTS CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	16.3%	12.6%	52%	68.8%	75.1%	31%	22.7%	17.1%
CROWN COURT CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	14.6%	5%	68%	66%	65%	23%	23.8%	24%

ASPECT 2: MANAGING MAGISTRATES' COURTS CASES

INEFFECTIVE TRIAL RATE			OVERALL PERSISTENT YOUNG OFFENDERS PERFORMANCE (ARREST TO SENTENCE)		
National Target	National Performance 2004-05	Area Performance 2004-05	National Target	National Performance (3-month rolling average Feb 05)	Area Performance (3-month rolling average Feb 05)
24.5%	24.8%	18%	71 days	67 days	69 days

TIME INTERVALS/TARGETS FOR CRIMINAL PROCEEDINGS IN MAGISTRATES' COURTS CHARGED CASES ONLY (MARCH 2005)						
	Initial Guilty Plea Target 59 days		Trials Target 143 days		Committals Target 176 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	83%	6,152	66%	2,698	89%	992
Area	89%	87	74%	32	82%	11

TIME INTERVALS/TARGETS FOR CRIMINAL PROCEEDINGS IN YOUTH COURTS CHARGED AND SUMMONSED CASES (MARCH 2005)						
	Initial Guilty Plea Target 59 days		Trials Target 176 days		Committals Target 101 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	87%	5,185	87%	3,309	91%	190
Area	88%	90	89%	36	100%	3

ASPECT 3: MANAGING CROWN COURT CASES

INEFFECTIVE TRIAL RATE		
National Target	National Performance 2004-05	Area Performance 2004-05
18.5%	15.8%	13.3%

ASPECT 4: ENSURING SUCCESSFUL OUTCOMES

UNSUCCESSFUL OUTCOMES (AS A PERCENTAGE OF COMPLETED MAGISTRATES' COURTS AND CROWN COURT CASES)		
National Target	National Performance 2004-05	Area Performance 2004-05
21%	19.6%	13%

OFFENCES BROUGHT TO JUSTICE		
	CJS Area Target 2004-05	CJS Area Performance 2004-05
Against 2001-02 baseline	12%	20.7%
Number	16,530	17,821

ASPECT 7: DISCLOSURE

DISCLOSURE HANDLED PROPERLY IN MAGISTRATES' COURTS AND CROWN COURT CASES PERFORMANCE IN THE LAST INSPECTION CYCLE		
	National Performance	Area Performance
Primary test in magistrates' courts	71.6%	79.2%
Primary test in Crown Court	79.9%	100%
Secondary test in Crown Court	59.4%	54.5%
Overall average	70.3%	77.9%

ASPECT 11: MANAGING RESOURCES

NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE (END OF YEAR RANGES)	
2003-04	2004-05
99%	99%

DCW DEPLOYMENT (AS % OF MAGISTRATES' COURTS SESSIONS)			HCA SAVINGS (PER SESSION)		SICKNESS ABSENCE (PER EMPLOYEE PER YEAR)		
National Target 2005-06	National Performance 2004-05	Area Performance	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target	National Performance 2004	Area Performance 2004
11.6%	8.3%	8.62%	£224	£111	8 days	8.7 days	9.2 days

ASPECT 14: SECURING COMMUNITY CONFIDENCE

PUBLIC CONFIDENCE IN EFFECTIVENESS OF CRIMINAL JUSTICE AGENCIES IN BRINGING OFFENDERS TO JUSTICE (BRITISH CRIME SURVEY)	
CJS Area Baseline 2002-03	Most Recent CJS Area Figures In 2004-05
40%	41%

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