

CPS Cleveland

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 Cleveland 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 Cleveland serves the area covered by the Cleveland Constabulary. It has two offices, at Middlesbrough and Hartlepool. The Area Headquarters (Secretariat) is based at the Middlesbrough office.

Until the 6 June 2005 Area business was divided on functional lines between magistrates' courts and Crown Court work. The criminal justice units handled cases dealt with in the magistrates' courts. The trial units handled cases dealt with in the Crown Court.

The restructure has divided Area business into a non-contested unit dealing with pre-plea and guilty plea work at the magistrates' court, a contested unit dealing with not guilty pleas at the magistrates' court and Crown Court work, and also the co-located unit at Hartlepool.

During the year 2004-05, the average Area number of staff in post was 104.89 full time equivalents.

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

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	5,418	21.2%	20.9%
Advice	1,604	6.3%	5.1%
Summary offences	11,491	44.8%	46.9%
Either way and indictable only	7,058	27.6%	26.7%
Other proceedings	36	0.1%	0.4%
TOTAL	25,607	100%	100%

C. SUMMARY OF JUDGMENTS

The Area inspection of CPS Cleveland published in August 2003 was of the view that the Area the quality of casework was good and thorough and that that Area had used additional resources to drive up the quality of its overall performance. The report contained five recommendations which highlighted specific aspects that required improvement. A follow-up visit in April 2004 concluded that the Area had continued to make encouraging progress and that all of the recommendations made in the original inspection report had been progressed to a satisfactory extent.

The arrival of a new Chief Crown Prosecutor (CCP) in April 2004 has given the Area a new impetus. A focus on performance measurement and analysis is beginning to create a culture of continuous improvement and an understanding of what needs to be achieved to improve further the already good results. A clear direction and focus on those issues where targets are being missed and the effective implementation of national initiatives/priorities are producing positive results.

The Area has successfully implemented statutory charging and results are positive. Good relationships with the police ensure that any issues are resolved in partnership and strong leadership from senior staff is ensuring that compliance with the scheme is fully in place. A systematic approach to quality assurance of advice given and processes to resolve issues with the police are well embedded and are used to drive up performance. The appointment of a charging champion to train and mentor lawyers will further consolidate this aspect of good performance.

The implementation and management of change is a real strength. Formal procedures for accountability and reporting linked to business plan objectives and targets are managed by the senior management team. Frequent reporting and a coherent strategy to manage project risks give the Area the ability to plan effectively and pro-actively mitigate any risks. Delivery of the No Witness, No Justice project, the Effective Trial Management Programme (ETMP) and the continued delivery of charging with criminal justice partners is demonstrative of the sound change management structures within the Area.

A strong ethos of quality assurance and quality control exists. The Unit Heads and the CCP are all actively involved in assessing the quality of casework. Regular discussion at the senior management team about results and trends are used to focus training and awareness of issues throughout the Area. The relatively new focus on performance management at the unit level is starting to show some results and is allowing Unit Heads to focus specifically on aspects of performance that require improvement. The Area recognises that this needs time to be fully embedded and is working to develop a comprehensive performance framework for all Area priorities and key targets.

Work with the magistrates' courts has continued over the past year to look at the impact of listing practices on CPS resources. Good liaison with court officials is being used to develop a complementary strategy which it is hoped will reduce the dependence that the Area has on the use of agents to cover court sessions.

The Area needs to focus further attention towards its community engagement strategy. A firm foundation is beginning to be built with the appointment of a communications officer and links being built with external organisations such as the local Race Forum. However, better links to the objectives of the business plan and prioritisation of activity is needed.

In June 2005 the Area fundamentally changed its organisational and operational structure. The rationale and planning for this change was sound and communicated effectively to all staff and stakeholders. A post implementation process to consider the benefits of the change is also planned. It is too early to say whether the expected benefits of this change are going to have a positive impact on the standards of service provided or whether casework performance will improve. If the restructure delivers the expected benefits then the Area will be well placed to improve what is already good performance in most of its key activities.

Strong liaison and effective partnership working with the Cleveland Criminal Justice Board is indicative of the value added by the Area to the criminal justice system. Effective implementation and leadership of the ETMP, working with the police and courts, is beginning to show tangible results in the reduction of the ineffective trial rates and the efficient progressing of casework through the whole process. No Witness, No Justice and the implementation of witness care units (only live in Hartlepool at this point) is having a positive impact on the handling of witnesses and this is showing improved results in guilty plea rates for those cases that are being handled in this way. As the Area rolls out the full programme of witness care measures greater benefits should become apparent.

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

CRITICAL ASPECTS	Level 3 - GOOD
Pre-charge decision-making	3 - Good
Ensuring successful outcomes	3 - Good
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	2 - Fair
Custody time limits	3 - Good
Disclosure	4 - Excellent
Presenting and progressing cases at court	3 - Good
Delivering change	4 - Excellent
Managing performance to improve	3 - Good
Securing community confidence	2 - Fair

OVERALL ASSESSMENT	3 - GOOD
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D. DEFINING ASPECTS

1. PRE-CHARGE DECISION-MAKING

3 - GOOD

The Area operates a statutory service for pre-charge decision making. Independent assessments of the operation of the scheme have been positive about the progress made and the service offered by the Area. Sound processes and procedures operate to ensure that the advice given is appropriate, sound and in accordance with the Director's guidance. A good and well managed relationship with the police ensures that there is a constructive approach to tackling any issues that arise and that compliance with the scheme is universal. Results are monitored and analysed and the Area is active in trying to improve its own performance. Further analysis to identify the cause for the high rate of discontinued cases after pre-charge decisions would be of benefit.

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

- Timely pre-charge advice and decisions are provided at all relevant Area charging centres. The Area introduced statutory charging in June 2004. Four charging sites are operated within the Area and these are covered on a face-to-face basis. The Area ensures that there is a contingency resource to cover lunch-time breaks and any unforeseen circumstances. Recently two additional lawyer resources have been added to the rota to increase this contingency.
- Advices and decisions are properly recorded and accurately counted, with full use of the case management system (CMS) being made. On the introduction of charging the Area worked with the police to ensure that only cases with the appropriate form (MG3) would be considered for advice by lawyers. This robust approach has ensured that there is full compliance with CMS usage and accurate recording of pre-charge cases.
- The Area systems for monitoring the volume, timeliness and outcome of pre-charge decision cases are comprehensive and sound. Full statistics are kept on the number of advices given, the outcome of the advice and whether follow-up action by the police is needed. These figures are used to improve performance and compliance with the scheme as well as being used to ensure that resource commitment matches overall demand.

- Liaison with CPS Direct (the out of hours service for pre-charge decisions) is effective. Positive action to deal with early teething problems about the types of cases being referred has resulted in an effective and constructive relationship where two-way communication is used to manage and resolve issues.

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 ensures that all lawyers providing charging advice and decisions have a full understanding of the operation of the Area scheme. The introduction of a lead charging lawyer to oversee training and development of lawyers gives the Area full assurance that lawyers providing advice are of sufficient expertise and experience. Additionally, Unit Heads carry out checks on cases which are discontinued after a pre-charge decision has been given to look at the reasons and the standard of initial advice.
- The Area assesses performance in relation to the quality, appropriateness and timeliness of pre-charge advice and decisions provided, including cases where no further action is recommended. Appropriate action is taken where necessary.

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

- The Area implementation of statutory charging was a success and two independent post implementation reviews, although identifying some minor problems, have been positive about the operation of the scheme within the Area. Area performance shows improvement in 5 out of 6 of the aspects measured, with good results in guilty plea rates and attrition.
- There is clear evidence of co-operative working with the police at all levels on pre-charge decision cases and police compliance with the agreed scheme is fully monitored. Regular liaison meetings with senior officers are used to resolve any difficulties and tackle issues using evidence from individual cases. Training and communication with operational officers has also benefited the operation of the scheme.

Aspects for improvement

- Discontinuance rates for pre-charge advice cases in the Crown Court are worse than the national average and target.

2. MANAGING MAGISTRATES' COURTS CASES**3 - GOOD**

The Area ensures that cases are ready to proceed at each court hearing. The Effective Trial Management Programme has been implemented and the Area has introduced two case progression officers. Processes are in place to ensure that court directions are monitored and complied with, and the Area carries out trial readiness checks 14 days prior to trial to ensure effective hearings. The Area performs well on timeliness targets, and its ineffective trial rate is reducing, being below the national target. The cracked trial rate is slightly above the national average for 2004-05. The Area makes good use of the case management system to record and progress cases.

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

- Magistrates' courts cases are routinely reviewed and prepared promptly, follow-up work is undertaken where necessary, and cases are ready to proceed at each court hearing. The Area has two case progression officers in place, who monitor and ensure compliance with court directions. There is also a system in place to certify trial readiness. These checks are carried out 14 days prior to the trial date.
- There is good liaison with criminal justice partners, and regular case progression meetings are held. Meetings focus on learning from both individual cases and also analysis to identify trends. There has been a steady improvement of performance as a result. Performance against timeliness targets for adults and youth cases in all but one are equal to or better than the national average, and the guilty plea rate is identical to the national average of 74.2%.
- The Area works well with other agencies to ensure consistent timeliness of all youth cases. Performance against target for the management of cases with persistent young offenders (from arrest to disposal) is considerably better than the national average (58 days compared to 67 days) and the 71 day target.
- The Area had no wasted cost orders made against it in 2004-05 in the magistrates' court.

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

- Significant work has been undertaken with criminal justice partners since the last inspection. Prior to the introduction of the Effective Trial Management Programme a new pre-trial review system was introduced, which has been successful in reducing the ineffective trial rate. This reduction has continued with the Area meeting both national and Area ineffective trial targets. The Areas effective trial rate for 2004-2005 was 40.3% which compares favourably with the national average of 38%.
- There is clear analysis of cracked and ineffective trials and appropriate action is taken where the prosecution has been at fault. The proportion of ineffective trials caused by the prosecution is slightly below the national average (6.2% compared to 6.8%) and the majority of cracked trials are caused by late guilty pleas to the original charges.
- The Area's rate for cases in the magistrates' court that are discontinued after a pre-charge decision is better than the national average.

Aspects for improvement

- The cracked trial rate is slightly worse than national average (38.6% compared to 37.1%); there is a higher than average number of cracked trials due to witness absence or withdrawal 8.6% compared to national average of 4.9%. The vacated trial rate is also higher than the national average 19.2% compared to 16.3% nationally. The Area could do more to analyse data and act on findings to improve witness absence figures.

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

- The case management system is used to record all key events in cases, and outstanding tasks are monitored by business unit managers and Unit Heads. The use of the case management system for the recording of full file reviews and recording indictments is significantly above the national average (combined figure of 79.3% compared with 54.3%). There is limited evidence of management monitoring escalated tasks.

Aspects for improvement

- The Area has begun to create its own specific case management system management information reports and uses some standard reports but licence holders could produce tailored reports to ensure that the advantages of the management information system are fully exploited.

3. MANAGING CROWN COURT CASES

3 - GOOD

The Area can demonstrate good performance on case preparation and progression, and is working closely with criminal justice partners to address cracked and ineffective trials. The measures implemented are showing improvements in most aspects of the Area's performance on national targets. Where performance has not been as good, such as on Proceeds of Crime applications, and discontinuance of pre-charge decision cases, the Area is taking steps to identify and deal with the causes. Use of the case management system to manage cases is impressive, but the timeliness of tasks is not monitored.

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

- Crown Court cases are reviewed and prepared promptly, and follow up work is undertaken when necessary, with the result that cases are ready to proceed at each court hearing. Committal papers are prepared in a timely manner, and the Area's casework quality assurance shows good recording of reviews and largely sound judgement. The Area's rates for trials which are ineffective because the prosecution is not ready or has served late additional evidence are noticeably lower than the national averages, which is indicative of good preparation.
- There is liaison with criminal justice partners, and regular case progression meetings, with performance improving as a result. The Area is liaising with the Resident Judge on case progression and effective trial management, and the Chief Crown Prosecutor meets with the Crown Court officials and the police to address file quality and readiness issues.
- Instructions to counsel include an analysis of the issues and detail any alternative acceptable pleas. Instructions are delivered to counsel promptly and the Area monitors both quality and timeliness. Performance on timeliness of delivery is 99% against a target of 84%. The Area casework quality assurance scheme shows that the quality of instructions is acceptable in 79% of cases.
- The timeliness of most youth cases is improving. The Area attends regular multi-agency meetings tracking youth cases, and Area performance is checked on a monthly basis. A dip in performance earlier in the year (although still well within target) has been recovered.
- The Area has had no wasted costs ordered against it in the Crown Court in 2004-05.

Aspects for improvement

- The Area's rate for cases in the Crown Court discontinued after a pre-charge decision is higher than both the national target and the national average. The Area analyses all unsuccessful outcomes after pre-charge advice, and has identified witness issues as a major contributory factor. These are being fed back into the No Witness, No Justice project and work is being done jointly with the police to address these.
- The Area is monitoring Proceeds of Crime Act (POCA) cases but did not meet its confiscation order targets for 2004-2005. Steps were taken to address this in conjunction with the police, and performance this year so far has improved. However, the data provided to the senior management team does not show progress against targets, although there was a good awareness of current progress and position.

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

- The ineffective trial rate is reducing and the Area has met its target. There is formal analysis of all cracked and ineffective trials and appropriate action is taken where the prosecution has been at fault.
- Some good work has been undertaken with criminal justice partners, action has been taken and communicated, and performance is improving as a result. The Business Manager from the Contested Unit attends weekly listing meetings and various aspects of cracked and ineffective trials are addressed.

Aspects for improvement

- The percentage of cases cracking due to the prosecution is over the national average (21.7% as opposed to national average of 15.3%), but the Area has identified the factors influencing this and is working to address them.

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

- The case management system (CMS) is used to record all key events in cases, and outstanding tasks are monitored and chased up where appropriate. CMS usage is monitored, and appropriate action is taken to improve. The Area has consistently outperformed the national rates on usage of CMS for full file reviews and to build indictments, and the Area was top nationally for the number of effective log-ins.

Aspects for improvement

- Timeliness of tasks is not monitored and the Area could do more to use effectively the reports available on the CMS management information system.

4. ENSURING SUCCESSFUL OUTCOMES**3 - GOOD**

The Area systematic approach to monitoring its results and learning lessons is producing good results and outcomes. Further work is needed to identify why the Area's discontinuance rate remains well above the national average. An improving trend in offences brought to justice results is positive and work with the police and through the Cleveland Criminal Justice Board should bring performance within target over the coming year.

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

- Unit Heads monitor all cases that are discontinued and full consultation takes place on all cases involving prolific and persistent offenders or rape prior to the case being discontinued. The Area has sound processes in place to ensure that there is formal assessment of the quality of review and case handling, with appropriate action being taken when necessary. Lessons learned are disseminated and feedback given both on a local and individual basis.
- Adverse outcome forms are completed in appropriate cases, and clearly set out the reasons for acquittal. Results are analysed and discussed at the senior management team meetings. Any lessons learned are shared both internally and with the police (if appropriate). The Area also undertakes detailed analysis on cases that have had pre-charge advice to ensure that it can identify any trends and improve its procedures and thus improve its overall service and performance.

OUTCOME	AREA FIGURE	NATIONAL AVERAGE
Magistrates' courts		
Discontinuance & bindovers	16.1%	12.5%
No case to answer	0.3%	0.3%
Dismissed after trial	1.2%	1.5%
Discharged committals	0%	0.3%
Overall conviction rate	80.5%	80.8%
Crown Court		
Judge ordered acquittals	13.4%	14.2%
Judge directed acquittals	1.1%	2.0%
Acquittals after trial	6.8%	6.3%
Overall conviction rate	77.1%	75.8%

- The Area has met its target in relation to unsuccessful outcomes and its performance is close to the national performance/target (19.7% against 19.6% national average and 21% national target). The bind over, discharged committal, judge ordered acquittals, no case to answer and judge directed acquittals and acquittal rates are reducing and lower than the national average. The percentage of cases resulting in a conviction is above the national average (77.1% as opposed to 75.8%).

Aspects for improvement

- The target for offences brought to justice is a shared target set by reference to the criminal justice area. The ability of the CPS to influence this particular target is limited because it includes offences dealt with by non-prosecution disposals. The CPS's contribution comes through managing cases to keep discontinuance and unsuccessful outcomes low. The Cleveland offences brought to justice target has not been met. The initial target for 2004-05 was set 11% above the 2001-02 baseline but later adjusted to 7.9% above baseline. Performance until February 2005 shows improvement against

baseline of 3.2% which is 800 offences short of target. Work with the police and agreed by the Cleveland Criminal Justice Board is improving current performance results.

- Discontinuance rates in the Area remain worse than national average (16.1% compared to 12.5%), although action is taken to monitor this matter. Improvement in performance has been steady over the past year, but further action needs to be taken to reduce this rate.

5. HANDLING SENSITIVE CASES AND HATE CRIMES

2 - FAIR

Sensitive cases are allocated to specialist prosecutors where this is feasible. Champions are appointed and are sufficiently experienced to give advice as well as to train and mentor other prosecutors. There are protocols in place for some types of sensitive casework. There is still some work to be done on the monitoring of hate crimes, although the Area has made good progress start to address previously identified weaknesses.

5A: The Area identifies and manages sensitive cases effectively

- The review and handling of sensitive cases is formally assessed where they result in an unsuccessful outcome, with appropriate action being taken where necessary.
- The Area has appointed champions and specialists for sensitive cases, who disseminate information to prosecutors and caseworkers, and provide guidance/mentoring. Champions are aware of what their role involves, and have a specific objective in their forward job plan. Sensitive cases are handled by prosecutors with the appropriate specialist skills and knowledge. Details of the specialist prosecutors are kept at the charging centres, so that lawyers can consult them on charging advices where necessary.
- The Area takes CPS policies and HM CPSI thematic reviews into account when devising Area practice. The Area has protocols in place dealing with Anti-social Behaviour Orders, fatal road traffic incidents, and Proceeds of Crime Act applications. The Area is in the process of negotiating a multi-agency protocol on domestic violence and a protocol on third party unused material in child abuse cases with the local council. There are currently no protocols on the handling of child abuse cases, or on rape cases.

Aspects for improvement

- Sensitive cases are not always flagged up on the case management system, and a cross check with police data on racial incidents found considerable disparity between the police numbers and those that the Area had flagged. Steps have been taken to address this, and the Area is monitoring closely what has been a problematic aspect for them in the past.
- The Area undertakes an analysis of unsuccessful outcomes, which by default includes hate crime cases, but more could be done to consciously analyse the results. The Area's performance reports to the senior management team does include data on unsuccessful outcomes on racially and religiously aggravated offences, but not on other hate crime, and there is at present no commentary to explain the data, although the introduction of this is planned for October. Completion of the racial incident monitoring forms has in the past been patchy. Over the past year efforts have been made to improve this, and more accurate data will allow for a fuller analysis of hate crimes.

6. CUSTODY TIME LIMITS
3 - GOOD

The Area has a written custody time limit (CTL) system that mainly complies with national guidance, including an appropriate diary system. The Area has had no CTL failures in 2004-05. Periodic reviews of the CTL system have been carried out and reports provided to the senior management team. A further review is underway to ensure that any changes from the recent restructure can be implemented effectively. Staff have received relevant training and the Area Champion plays an active role in keeping personnel up to date with any new case law. Whilst the magistrates' court participate in the agreeing of CTL expiry dates, this practice has not extended to the Crown Court.

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

- The Area has a written CTL system that mainly complies with national guidance, though it does not contain all the essential guidelines. Compliance with the missing essential guidelines and some elements of good practice were evidenced on site and through the reality check of five CTL files. The Area has had no CTL failures within the last financial year.
- The Area has spoken with local magistrates' courts to gain their involvement in the accurate calculation of the CTL, and in monitoring the expiry dates. However, the Area has identified that lawyer engagement with the process in the court needs to be improved.
- The Area system is reviewed regularly and changes are made when new case law or procedures are brought in. The system is currently under review following the Area's recent restructure.
- Senior Area managers take an active interest in the effective functioning of the system and request periodic assurances. The CTL champion conducts quality assurance checks of the system every four months and has made appropriate recommendations following these reviews. Monthly assurance certificates from Unit Heads to the senior management team meetings are planned.
- The majority of staff has been trained in both the local system and the relevant law. Area guidelines clearly indicate process and individual responsibilities of staff.
- The reality check of five CTL files indicates generally good practice. As far as double checking expiry dates the Area's interpretation in using the case management system does not strictly comply with the essential guidelines and the Area needs to consider this; there is evidence that discrepancies between the calculated expiry and those automatically produced by the case management system are not always referred for further checking.

Aspects for improvement

- No local agreements have been reached with the Crown Court regarding the agreement of expiry dates in court or the court's involvement in monitoring expiry dates.

7. DISCLOSURE

4 - EXCELLENT

The Area's excellent performance on the quality and timeliness of handling primary and secondary disclosure, identified in our last inspection, has been maintained. Sensitive material is correctly handled, and there is an agreement with the police in place to ensure that meetings are arranged wherever possible. All lawyers and designated caseworkers have received some training on the new disclosure provisions, but not yet on the new Disclosure Manual, although this is planned for later in the year. Joint training with the police on disclosure could be improved.

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

- The Area had an excellent report on disclosure performance in the last inspection for both primary and secondary disclosure, and this has been maintained (performance of 97.6% as opposed to national average of 70.3%). Prosecutors' performance in relation to disclosure is regularly and formally assessed, with appropriate action being taken where necessary. The Chief Crown Prosecutor has reality-checked the casework quality assurance system, which is used to monitor disclosure. Where two trials were ineffective due to disclosure, the files for both were examined, and the issues identified and learning points disseminated.
- Area systems ensure that all sensitive material schedules and unused sensitive material are stored securely. The Area has arrangements in place for the police Intelligence Bureau to contact the Unit Head or the Complex Casework Lawyer (CCL) and arrange face-to-face meetings on sensitive material. Where it has to be kept with the CPS, it is stored securely, and a log is kept, with a cross-reference to its location.
- The Area has appointed a disclosure champion who undertakes some work in disseminating information to prosecutors and caseworkers, and provides guidance/mentoring. The champion, who is also the CCL, is part of the national team for disclosure, and was involved in producing the new training package.
- Prosecutors received a short training session on the disclosure provisions of the Criminal Justice Act 2003 (CJA 2003) in June 2005 two months after the introduction of the new provisions. Full training for lawyers and caseworkers on the CJA 2003 and the CPS/Association of Chief Police Officers' Disclosure Manual is planned for September 2005.

Aspects for improvement

- Some information has been given to the police regarding the new provisions on disclosure, but there has been no direct input from the CPS into any training of officers, nor any joint training.

8. THE SERVICE TO VICTIMS AND WITNESSES
3 - GOOD

Witness care is provided to a high standard, and special measures are implemented and monitored effectively. The Area works well with the Witness Service and Victim Support, and the No Witness, No Justice initiative is being effectively planned and is on target. There is good work being done to analyse cracked and ineffective trials, but more needs to be done to maximise the realisation of benefits. The Area has been addressing issues with the Direct Communication with Victims initiative, but has yet to establish consistent performance. Performance on a range of witness related measures is slightly worse than national average.

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 Area ensures that all prosecution advocates and CPS staff at court undertake their responsibilities in respect of victims and witnesses. Good liaison with Witness Service staff at court supports and assists in this. Applications for special measures for witnesses are monitored by dip-sampling, and have been found to be appropriate and timely, with correct file endorsements. The Area has produced a guide to special measures, but the effectiveness of this guide could be improved by the addition of the nationally available chart showing which measures are applicable at magistrates' and Crown Court.
- There is regular and effective liaison with the Witness Service and Victim Support at all levels. Witness warning procedures are generally effective and pre-trial checks are usually carried out. There is timely supply of witness details to the Witness Service. In our last inspection, we praised the standard of witness care, and this appears to have been maintained. The Area liaises with the Witness Service effectively on the provision of information, and has included them as an integral part of the team implementing the "No Witness, No Justice" (NWNJ) initiative.
- The Area Programme for NWNJ and the witness care units is on target with the project achieving expected milestones. There are no significant obstacles to further implementation. Confidence figures for whether the criminal justice system is meeting the needs of victims in the area are the same or better than national figures and are improving. The NWNJ team has produced an excellent directory of contacts which contains a wealth of information on locally available services and sources of information for witnesses and victims.

- There is clear analysis of cracked and ineffective trial data on an Area and Cleveland Criminal Justice Board basis and efforts are being made to secure a reduction in the number of cases where this occurs as a result of witness issues.
- The Area holds meetings with the families of the victim in cases involving a fatality, and these meetings are logged. There have been eleven meetings and the Chief Crown Prosecutor has attended all but one of these meetings demonstrating senior management's commitment to victim issues.

Aspects for improvement

- Compliance with the Direct Communication with Victims (DCV) scheme is not consistent throughout the Area. The data shows that performance has been erratic for both timeliness and identifying cases needing a DCV letter. The Area is making efforts to increase the proportion identified and timeliness of DCV letters and timeliness is improving. A number of cases seen during our visit did not have the appropriate flagging on the case management system, although most of those did have a letter sent to the victim. However, the Area needs to do more to ensure accurate flagging of these cases to achieve a more consistent performance.
- The Area is performing slightly less well than the CPS nationally on several witness-related measures. These are; the number of Crown Court cases which are ineffective because a prosecution witness fails to attend; the number of magistrates' court cases which crack because a witness is absent or withdraws; and the percentage of witnesses released without giving evidence. The Area has identified these issues, and is addressing them.

9. PRESENTING AND PROGRESSING CASES AT COURT 3 - GOOD

The Area has undertaken considerable work with other agencies to improve case progression and listing at the magistrates' court. The Effective Trial Management Programme has been introduced and two case progression officers are employed. The Area has the right calibre of expertise and experience in its prosecutors. There is systematic monitoring of counsel, though the monitoring of in-house prosecutors and agents could be improved. The majority of training is provided to in-house prosecutors only, though there has been some joint training offered to counsel.

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. Considerable work has been undertaken with the magistrates' courts to increase the effectiveness of magistrates' court listing practices. The Effective Trial Management Programme has also been introduced and two CPS case progression officers are in place.
- Papers are provided to agents/counsel/in-house prosecutors promptly, enabling all advocates to prepare thoroughly for court. Prosecutors are ideally given 40% of their time within the office to enable sufficient case preparation time.
- Selection of prosecution advocates for all courts is usually undertaken with full consideration of their experience, expertise and qualifications. The Area regularly uses the same experienced agents and counsel, and courts are covered by suitably trained prosecutors. Any new agents are expected to undertake induction with the CPS prior to work being given. There was evidence of joint training with counsel though the majority of training is for in-house prosecutors only
- Complaints about the conduct or performance of prosecutors in court are thoroughly investigated, and action is taken if appropriate. We were given evidence of this concerning complaints about an in-house prosecutor and counsel.
- Counsel are monitored regularly, and written reports submitted. Performance issues are discussed with chambers.

Aspects for improvement

- The Area undertakes little monitoring of in-house prosecutors and the monitoring it does undertake is on an informal and ad-hoc basis. The Area is also reliant on feedback from external stakeholders for both in-house prosecutors and agents. Any feedback is given to individuals in order to improve performance.
- Agents are given an instruction pack which mainly contains the necessary blank CPS forms for completion and does not detail CPS initiatives or procedure in any depth.

10. DELIVERING CHANGE
4 - EXCELLENT

Implementing and planning for change is managed effectively in a structured and systematic way. Responsibility and accountability is allocated to senior officers and progress and review is managed effectively by the senior management team. Plans have been developed to focus on key aspects of risk and objectives which are delivery orientated and result focused. Training needs are identified and linked to business plan priorities and objectives (as well as risks) and are systematically managed through the Area Learning and Development group. The Area will focus more energy in the coming year on evaluating training.

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 staff understand it. The Area business plan was developed with staff input and the creation of unit plans (also developed with staff input) were linked to the objectives contained in the Area plan. Staff objectives are also derived and developed using the business plan objectives. A focus on specific initiatives has concentrated the Area's focus on delivering the business and improving performance.
- The Area has planned successfully and there is evidence of regular risk analysis and planning review. Senior management team meetings (agenda items) are focused on key risks and objectives with regular progress reports being presented by those responsible for delivery of business plan objectives. All plans are pertinent and relate correctly to the Area circumstances, and follow Headquarters guidance in their content.
- Joint planning with criminal justice partners is producing improved results, as is the focus on police file quality at the CPS/police joint meetings. The Area not only plans well but is a pro-active key player and leader for change across the Cleveland criminal justice agencies.

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

- Clear accountabilities have been apportioned for change management processes and projects. This is managed by the senior management team, with responsible officers reporting progress on a regular basis. The roll out and implementation of statutory charging has been a successfully achieved, as has the implementation of the first witness care unit in Hartlepool. Systematic post implementation review is used to identify any improvement to the change process as well as to measure whether the intended benefits have materialised.

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

- Training priorities and plans are linked to the Area's objectives. Learning needs are identified through the performance appraisal process and a systematic process exists to develop a structured programme of training to meet identified training needs. The Area Learning and Development group identify trends and commission training to address weaknesses, for example objective setting training was given after the 2003-04 performance appraisal report round. The Area recognises that evaluation of training could be improved and has a specific objective has been set for the Chair person of the Learning and Development group to implement a more systematic process for evaluation.

11. MANAGING RESOURCES**3 - GOOD**

There are systematic processes in place to manage and operate the Area's financial activity. Value for money principles are embedded and excellent control of both administration and prosecution costs is evident. The Area has a higher than average use of agents and is working to influence the magistrates' courts to make listing more effective and efficient. Aspirational targets for higher court advocates (HCA) usage are yet to be met, but early indications show that firm foundations are starting to show improvement in this aspect.

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

- There is clear evidence that the need to achieve value for money is high on the Area's agenda and considered when resourcing, planning change and in day-to-day economy. Decisions taken by the senior management team highlight this approach with requests for all unnecessary spend being controlled by the Area Business Manager (ABM).
- Regular financial information is considered by the senior management team with the ABM producing an update for meetings. Good liaison and relationships with the finance team in Headquarters allows the Area to understand changes in budget allocations and manage this process effectively.
- For the last two years the Area budget has been managed very effectively. In 2003-04 the Area spend was 99.6% of budget allocation and in 2004-05 spend was 100% of budget. Prosecution costs were managed within budget with spend being 85.2% of overall budget. Senior managers are fully in control of the Area's financial position supported by sound financial analysis and reporting which allow up-to-date assessments to be made.

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

- The Area is effective in using designated caseworkers to cover courts, with performance being above national average (13.4% as opposed to the national average of 8.3%).
- Average sick absence is below national target and average at 7.1 days per member of staff over the year 2004-05.

Aspects for improvement

- Agent usage within the Area is in excess of national performance (36.1% as opposed to 26.9%). The Area is working with the magistrates' courts to improve listing as this has a significant impact on the deployment strategy of the Area.
- Savings arising from Higher Court Advocate (HCA) usage in the final quarter of 2004-05 was below the national average (£180 against £224). The Area has developed an aspirational strategy for HCA deployment in 2005-06 but early results are falling short of proposed targets.

12. MANAGING PERFORMANCE TO IMPROVE
3 - GOOD

A new performance management regime has been introduced. This more formal approach to managing performance is beginning to be embedded in the Area. Comprehensive performance information is being produced by units and a bottom-up approach is ensuring that there is now an acceptance for ownership and responsibility for results. The casework quality assurance scheme is robust and an independent assessment of the process by the Chief Crown Prosecutor has given further assurance to the reliability and accuracy of the analysis.

12A: Managers are held accountable for performance

- The Area demonstrates a commitment to performance management. Over the past year (since the arrival of the new Chief Crown Prosecutor) there has been a shift towards a more formal and comprehensive approach to implementing a performance management regime. Performance packs have been developed for each Unit and a process of familiarisation has commenced. The senior management team meetings focus on performance results and responsibility for specific business plan objectives and targets are managed by those accountable. Performance management processes are becoming embedded, with the Area processes expecting to be fully effective by October 2005. Regular performance appraisal is used to improve personal performance.

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

- There are examples of joint performance management with criminal justice partners which is driving up performance. Work with the police to improve performance against confiscation targets, file quality and charging have all had beneficial results. Through the chairmanship of the Effective Trial Management Programme the Area have been able to influence and drive improvement in trial management and effectiveness. The Area lead on the multi-agency group responsible for persistent young offender targets and this has also produced improved results.
- To ensure accurate joint performance data the Area provides a full range of data to the Cleveland Criminal Justice Board performance officer.
- Area performance in relation to persistent young offenders was well within target (58 days against a 71 day target).

Aspects for improvement

- The offences brought to justice target was not achieved (performance up to February 2005 shows improvement against baseline of 3.2% which is 800 offences short of target), although this is a shared target and the ability of the CPS to influence the target is limited. Public confidence was recorded at 39% as measured by the British Crime Survey which was lower than the national picture of 43%. The Area missed its asset recovery target in 2004-05.

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

- The new performance regime is beginning to ensure that accurate performance information is considered at all levels within the organisation. Good use is made of notice boards and unit reports to ensure that performance information is disseminated in a relevant way to staff. Discussions at the senior management team meetings (and other Area meetings) indicate that there is action and consequent improvement action as a result of the consideration of performance information.
- The Area undertakes regularly reviews of the accuracy and coding of case finalisations to ensure the validity of data entry on to the case management system. Management information available from the case management system is also used to assess the validity of outcomes.

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

- The casework quality assurance (CQA) scheme has been fully in place for a sustained period since late 2003. Feedback from the cases assessed is discussed at senior management meetings and individual feedback given to lawyers. Trends are identified from analysis to ensure that new practices in the Area take account of any failings identified by CQA. The Chief Crown Prosecutor undertook a dip-sample to assure the robustness of Unit Head assessments.
- As well as using CQA to assess the quality of casework additional analysis and assessment of casework is carried out on cases that have unsuccessful outcomes, those that are discontinued after pre-charge decision and those that have resulted in adverse outcomes.

13. LEADERSHIP
3 - GOOD

The arrival of a new Chief Crown Prosecutor in April 2004 resulted in a renewed focus, with the Area concentrating on delivering the business. This approach has given fresh impetus to the Area and there is clear evidence that the Area knows where it is going, what it wants to achieve and how it intends to do it. The recent restructure as well as the delivery of key initiatives has placed the Area in a strong position to deliver improved results. Although there are no formal systems to record the values of the Area or focus on equality and diversity there is ample demonstration that the Area takes both seriously.

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, underpinned by a clear vision and ethical values, which is demonstrated to staff. The vision and direction are clearly outlined in business plans and communicated to staff through a variety of means, from face-to-face meetings, business planning days and a regular 'talk to us' forum which allows staff to raise issues, and challenge management decisions in a constructive way.
- Values within the Area have not been committed to a written values statement (or similar) but are communicated through actions. The senior management team has an open approach and there is evidence that action has been taken to tackle inappropriate behaviours.
- The CPS is driving key criminal justice initiatives with the Chief Crown Prosecutor being the senior responsible officer for the implementation of the Criminal Case Management Framework. CPS chairs the Effective Trial Management Programme and the No Witness, No Justice project groups.

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, including the personal commitment and involvement of managers. Although there is no specific Equality and Diversity group in the Area there are a number of actions which fully demonstrate the Area's commitment to matters of equality and diversity.

- Female employees reflect the population served by the Area's offices and the Area is seeking to improve its position on the employment of black and minority ethnic and disabled staff. Targets have been set, but low rates of staff turn-over means that progress to meet targets is slow.

Aspects for improvement

- Although there is good evidence of the commitment of the senior team to equality and diversity a more regularised and structured approach needs to be developed. Any policies that are dependent on personal commitments can be lost if personnel change. A structured approach would include appointing an active champion for equality and diversity matters covering both internal and external aspects of the business.

14. SECURING COMMUNITY CONFIDENCE
2 - FAIR

The Area has made good progress from a low starting point on community engagement, and now has a clear strategy which is supported by a Communications Manager and the commitment of the senior management team. Joint work with the Cleveland Criminal Justice Board is being used to ensure that the Area is getting the best use of its limited resource. Much of the community engagement currently undertaken relates to work experience or other education-based activity, and there needs to be more focus on identifying and engaging with black and minority ethnic communities. Whilst work on this has commenced, the Area recognises that it has considerable ground to catch up on this aspect.

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

- The commitment of senior managers is clear and demonstrated, and securing the confidence of the community is seen as part of the core business. The Area has appointed a Communications Manager and now has a communications strategy, which involves a clear commitment to community engagement. Senior managers are active in carrying out engagement with the community and the media, and in engaging with local Crime and Disorder Reduction Partnerships.
- Public confidence levels have been stable or have improved over the year on most of the aspects of CPS work measured, and nearly all are at or above the national rates.
- The No Witness, No Justice project team has produced an excellent directory of contacts and organisations, and there are plans to utilise this to further community engagement work.
- The Area has recently arranged with the local Race Forum the formation of a casework analysis group and the Chief Crown Prosecutor was to attend the first meeting of this group shortly after our visit to the Area. There has been good work done to liaise with local educational establishments, including committed involvement in a mentoring project called “Diversitees”, women’s groups, and groups at risk of being excluded by virtue of disability.

Aspects for improvement

- The Area does not have demographics on its population nor does it consistently measure the impact of its activity. The Area has caught up a lot of ground recently on this aspect, and it is therefore difficult to assess at this stage what service improvements can be demonstrated.

- Little work has been done to date to engage with local black and minority ethnic communities, and efforts to do so have been hampered by the lack of identification by the Area of suitable representative groups. Much of the community engagement undertaken focuses on work experience and other education-related activities, and the Area may want to consider whether such activity should form the core of its community engagement as it currently does. A more structured approach could include appointing an active champion for equality and diversity matters covering the external aspects of the business and making the necessary links to any engagement strategy.

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%	16.1%	52%	68.8%	71.0%	31%	22.7%	19.4%
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%	15.0%	68%	66.7%	75.8%	23%	23.8%	20.4%

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%	21.1%	71 days	67 days	58 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	88%	95	73%	52	89%	19

**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	78%	74	91%	57	-	-

ASPECT 3: MANAGING CROWN COURT CASES

INEFFECTIVE TRIAL RATE

National Target	National Performance 2004-05	Area Performance 2004-05
18.5%	15.8%	16.2%

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%	19.7%

OFFENCES BROUGHT TO JUSTICE		
	CJS Area Target 2004-05	CJS Area Performance 2004-05
Against 2001-02 baseline	+11%	+3.2%
Number	16,055*	14,764*

* Target figure has been reduced to 15,602 for 2005-06. The Area performance figure from Joint Performance Information Tool (JPIT) in March 2005 stated that the target for April 2005 was 14,900.

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%	100%
Primary test in Crown Court	79.9%	100%
Secondary test in Crown Court	59.4%	92.8%
Overall average	70.3%	97.6%

ASPECT 11: MANAGING RESOURCES

NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE (END OF YEAR RANGES)	
2003-04	2004-05
99.6%	100%

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%	13.4%	£224	£180	8 days	8.7 days	7.1 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
33%	39%



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