

CPS Durham

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 Durham 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.

HMCP*SI* 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 Durham serves the area covered by the Durham Constabulary. It has two offices, at Durham and Newton Aycliffe, with the Area Headquarters (Secretariat) based in the Durham office.

Area business is divided on geographical lines with a combined unit in the North of the county based in Durham and a combined co-located unit in the South at Newton Aycliffe.

During the year 2004-05, the average Area number of staff in post was 77.85 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	4,201	25.9	20.9
Advice	76	0.5	5.1
Summary offences	7,047	43.4	46.9
Either way and indictable only	4,902	30.2	26.7
Other proceedings	5	0	0.4
TOTAL	16,231	100%	100%

C. SUMMARY OF JUDGMENTS

The Area inspection report of Durham published in July 2003 contained some difficult messages for the then Area Management Team. Although Durham had performed in casework terms to a level broadly comparable with other CPS Areas against the established measures, considerable work was needed to address a number of management issues.

It was to the credit of the management team that a positive approach was adopted and assistance was sought from a management consultant with expertise in change and team building to facilitate in-depth analysis of the issues and working up agreed solutions. The task of the management team was made more complicated by the retirement of the Chief Crown Prosecutor (CCP). At the time of the follow-up inspection in March 2004 there was a hiatus, with the new CCP not expected to take up her post until that May. Notwithstanding this, the Area had made significant progress in conducting a fundamental review of its structure, procedures and managerial approach.

Since the follow-up inspection the Area has continued to build upon the foundations that have been established for achieving consistent improved performance. A framework for satisfactory governance arrangements is in place and there is a greater understanding on the part of managers as regards their roles and responsibilities, as well as a more corporate approach.

The re-named Senior Management Team (SMT) has shown a commitment towards establishing a culture of continuous improvement. The appointment of the Performance Manager and consideration of performance on a monthly basis as detailed in the performance pack supports this ethos. Managers are better equipped to tackle inappropriate behaviour, although there is still scepticism from some staff which was reflected in the 2004 Staff Survey. The SMT has continued to address the concerns raised by staff through a variety of actions.

A change management structure is in place; the Area has the capacity to manage and review the implementation of new initiatives and this facilitated its restructuring, the smooth transition to co-location in the South and the recent introduction of two Witness Care Units (WCUs). Durham is operating shadow charging in a manner that closely resembles the proposed statutory scheme, which is on course for roll-out in August 2005. There have been significant improvements to many of the systems and processes supporting casework.

The target for Offences Brought to Justice (OBTJ) is a shared one 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 CPS, in conjunction with its criminal justice partners, has not been able to achieve the challenging OBTJ target for 2004-05; however, joint working is driving up performance and the target for 2005-06 has been set at a much lower level.

Other headline Public Service Agreement (PSA) targets have been achieved. Durham's performance is better than the national average for five out of six benefits realisation measures for charging, and performance in relation to unsuccessful outcomes is consistently above the national average. Although the rate of ineffective trials in the Crown Court is significantly better than the national average, it has resulted in a cracked trial rate which is significantly worse. Performance in relation to ineffective trials in the magistrates' courts is improving, but the Area has not met the local or national target and performance is worse than the national average.

In January 2005 the first sensitive case courts were introduced in Durham and Darlington, an initiative led by CPS Durham with the support of the Local Criminal Justice Board (LCJB), dedicated to deal with cases of domestic violence and cases involving hate crimes (racial, religious and homophobic). The courts have led to an improved service to vulnerable victims and witnesses and a greater awareness of sensitive casework issues, both across the Area and jointly with criminal justice partners.

Value for money underpins most decision-making within the Area and that taken jointly with criminal justice partners. In addition, the Area adds substantial value to the local criminal justice system by taking good quality decisions and, for the most part, the efficient progression of its casework. The shadow charging scheme has produced good performance figures and positive trends for the realisation of benefits in both the magistrates' and Crown Courts. Although the WCUs have only recently been established the feedback received by the Area from victims and witnesses has been very positive and has suggested that the expected benefits are being realised.

In 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	2 - Fair
Managing Crown Court cases	2 - Fair
Handling sensitive cases and hate crimes	3 - Good
Custody time limits	2 - Fair
Disclosure	3 - Good
Presenting and progressing cases at court	3 - Good
Delivering change	3 - Good
Managing performance to improve	2 - Fair
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 is operating shadow charging in a manner that closely resembles the proposed statutory scheme (due for introduction in August 2005) and relevant performance indicators are showing positive trends for the realisation of benefits. Monitoring procedures are being stepped up and there are moves to standardise and improve the quality of decision-making records. Area managers need to ensure that all lawyers are sufficiently robust in assuring the quality of the information upon which they advise and that they make full use of the case management system (CMS).

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

- Timely pre-charge advice and decisions are generally provided at all relevant Area charging centres. The most obviously suitable charging centre (at the recently co-located Newton Aycliffe site) is no longer manned due to staff shortages and is unlikely to be permanently staffed before the end of 2005.
- Area recording and counting systems are generally accurate and the principle that CMS should be used for the recording of pre-charge decisions is embedded. Terminals are now available at all charging centres and most lawyers record their advice on CMS.

Aspects for improvement

- Although the principle is embedded, monitoring has not ensured that all cases are captured. Improved procedures were introduced in March 2005 and guidance provided to staff so that all individual advices should be recorded properly in future.
- Some records of pre-charge decision-making lack detail about why cases have been accepted and why the particular charge was selected. The Area is setting clear standards for the recording of decision-making with a view to improving the overall quality.

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

- Area lawyers are of sufficient experience and expertise to deal with pre-charge decision-making cases and there is widespread understanding of the local and national scheme and relevant guidance. Systems are in place to deliver appropriate coverage and lawyers are pro-active in suggesting avenues for case improvement.
- Durham has monitoring systems in place to assure the quality and timeliness of advice and decisions provided. Feedback has been given to individual lawyers where appropriate. Trends are raised in the Area newsletter and discussed at meetings.

Aspects for improvement

- Monitoring has revealed that lawyers are not always sufficiently robust in securing good quality information from the police before delivering pre-charge advice, which is adding to the subsequent preparation burden.

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

- Migration to the statutory scheme is being implemented in accordance with the schedule and most deadlines have been met. Obstacles have been overcome and, to ease the anticipated change in August 2005, the Area has implemented interim strategies so that shadow charging now mirrors the statutory scheme as far as possible.
- Most expected benefits are being realised. There is a general trend of improvement and Area performance is better than the national average for five out of six benefits realisation measures - all except the Crown Court discontinuance rate.
- There is effective and regular liaison with the police on the operation of the scheme. Staff draw instances of non-compliance to the attention of managers so that they can be discussed with the police.

2. MANAGING MAGISTRATES' COURTS CASES
2 - FAIR

The quality and timeliness of review is generally good and the vast majority of cases can proceed at the first hearing. Increased pre-court efficiency has meant that there are now fewer prosecution requests for adjournment and the early guilty plea rate is steadily increasing. Systems for progressing cases that are contested or destined for the Crown Court have also improved significantly. However, further work needs to be done with the police to improve the quality and completeness of files and in liaison with the courts to encourage them to make fuller use of their enhanced case management role. The proportion of ineffective trials exceeds the national average.

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

- Efforts are being made to review and prepare magistrates' courts cases promptly, and to undertake follow-up work when necessary, but cases are sometimes adjourned due to the prosecution not being ready. The inhibiting factors are police file quality, prosecutor availability and insufficiently robust case management by the courts.
- There is good liaison with criminal justice partners and regular case progression meetings. Timeliness targets for adult and youth cases are generally in line with national performance and the early guilty plea rate is improving. Positive action taken has included engaging defence representatives in case progression activity and liaison.
- Local agencies have combined well and the timeliness of youth cases is improving. The persistent young offender (PYO) target is being met and is slightly better than the national performance (65 days compared to 67).

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

- There is clear analysis of cracked and ineffective trials and appropriate action is generally taken where the prosecution has been at fault. The proportion of ineffective trials caused by the prosecution is slightly below the national average (6.6% compared to 6.8%) and the majority of cracked trials are caused by guilty pleas to the original charges.
- Work has been undertaken with criminal justice partners and the position has improved since the last inspection. Significant progress has been made towards pursuing a joint planned approach. The target of achieving 50% effective trials has almost been met at 49%.

Aspects for improvement

- Although they are reducing, the Area has not met the local or national targets for ineffective trials. Criminal justice system performance is worse than the national average (27.2% compared to 24.8%).

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

- CMS is routinely used to record key events in cases and attempts are being made to monitor outstanding tasks and chase them up where appropriate. Managers have actively promoted CMS use and sought to overcome IT problems. They have succeeded in convincing those initially most reluctant of the benefits and general use increased steadily during 2004-05 from 29% to 51%.
- Managers are creating their own CMS and management information system (MIS) reports and Area templates have been added to the system. MIS reports are shared with other agencies and discussed by the Local Criminal Justice Board. They are widely recognised as an important analytical tool.

3. MANAGING CROWN COURT CASES

2 - FAIR

Procedures for allocation have been revised and systems for ensuring that cases are ready to proceed are more advanced than at the time of the last inspection. Performance in avoiding ineffective trials is significantly better than target. Where the prosecution causes a trial to be ineffective, there is consideration of whether police and CPS actions were appropriate and timely, and individual feedback is given where necessary. 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 and to ensure that its staff are always fully occupied when working away from the office. Performance in avoiding cracked trials could be better.

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

- Efforts are being made to review and prepare Crown Court cases promptly and to undertake follow-up work when necessary, but cases are sometimes adjourned due to the prosecution not being ready. Timeliness of service of committal papers on the defence is below the national average (76.7% compared to 79.4%).
- Most instructions to counsel include an analysis of the issues and acceptability of pleas and are usually delivered promptly. The focus has been on improving the quality of police files so that they better support the preparation of more detailed instructions. Timeliness of delivery is slightly below the national average (83.4% compared to 85%).
- Performance is discussed regularly with criminal justice partners at various levels and there are regular case progression meetings. Both the guilty plea and conviction rates are significantly better than the national average (87.8% compared to 73.1% and 84.1% against 75.8% respectively).
- The Area is monitoring Proceeds of Crime Act (POCA) cases and met its target for confiscation orders in 2004-05 (although inadequate recording procedures gave the mistaken impression until recently that it was significantly behind profile). The number of lawyers handling such cases is to be increased.

Aspects for improvement

- There have been some backlogs in committal preparation. There are issues about the quality and completeness of police files but also, internally, about the availability of staff when required for case preparation. There are inconsistent individual approaches towards preparing cases during 'downtime' when carrying out other functions. Further guidance and training is being provided and the throughput of individuals is now monitored.

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

- The ineffective trial rate is reducing and Durham has met both its own and national targets. There is regular and formal analysis of cracked and ineffective trials internally and the proportion of ineffective trials that are caused by the prosecution is better than the national average (4.7% compared to 6.6%).
- There are regular meetings with criminal justice partners in relation to cracked and ineffective trial monitoring data. Action has been taken and communicated in relation to the reasons and improvements achieved, for example ensuring attendance of police witnesses at court. The rate of ineffective trials in the Crown Court is significantly below the national average (12.2% compared to 15.8%).

Aspects for improvement

- The proportion of cracked trials in the Crown Court is significantly worse than the national average (24.4% compared to 15.3%).

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

- CMS usage for preparing indictments was consistently high throughout 2004-05 and increased from 90% to 96% during the course of the year. As systems have been revised, the emphasis has been to expand the use of CMS and maximise its potential.
- Managers use CMS to generate reports covering cracked and ineffective trials and unsuccessful outcomes. CMS task lists are discussed at operational management team meetings and are used by Case Progression Officers.

4. ENSURING SUCCESSFUL OUTCOMES
3 - GOOD

Performance is consistently above the national average. In the magistrates' courts it is generally improving, although there is some fluctuation in the Crown Court due to the small number of cases. There are mechanisms in place to monitor and report on performance at various levels within the Area and with other criminal justice agencies. Durham, in conjunction with its criminal justice partners, has not met a challenging Offences Brought to Justice target, however performance has been addressed jointly and is improving. A new target has been set for the year 2005-06 which the agencies are 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

- For the year ending 31 March 2005 results compared with the national averages are as follows:

OUTCOME	AREA FIGURE	NATIONAL AVERAGE
Magistrates' courts		
Discontinuance & bindovers	9.5%	12.5%
No case to answer	0.4%	0.3%
Dismissed after trial	1.5%	1.5%
Discharged committals	0%	0.3%
Overall conviction rate	85.3%	80.8%
Crown Court		
Judge ordered acquittals	10.4%	14.2%
Judge directed acquittals	0.1%	2.0%
Acquittals after trial	4.4%	6.3%
Overall conviction rate	84.1%	75.8%

- The discontinuance, bind over, discharged committal, judge ordered acquittal, judge directed acquittal and acquittal rates are lower than the national average and reducing, although the no case to answer rate is slightly above the national average.
- The percentage of pre-charge decision cases resulting in a conviction is above the national average. Although this is increasing in the magistrates' courts, the trend is downward in the Crown Court.
- The Area has met its target in relation to unsuccessful outcomes and its performance is better than the national level. The magistrates' courts and Crown Court unsuccessful outcomes rate as a percentage of completed cases is 14.8% against national performance of 19.6%.
- Adverse outcome forms are completed manually in all Crown Court cases; the forms clearly set out the reasons for acquittal and are linked to the cracked and ineffective trial forms. Action has been taken, both internally and with the police, and performance is improving as a result. Necessary changes to procedures have been made, communicated and implemented. However, adverse case analysis has yet to be introduced for all cases in the magistrates' courts.
- There is formal assessment of the quality of review and case handling, with appropriate action being taken when necessary. Systems are in place to analyse all cases with an unsuccessful outcome and any learning points are identified and disseminated effectively within the Area and with other criminal justice partners.

Aspects for improvement

- The target for OBTJ is a shared one 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 local OBTJ targets have not been met, but performance is improving through joint initiatives. A less challenging target has been imposed for the year 2005-06 and current performance is on course to achieve this.

5. HANDLING SENSITIVE CASES AND HATE CRIMES	3 - GOOD
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In January 2005 the first sensitive case courts were introduced in Durham and Darlington, dedicated to dealing with cases of domestic violence and those involving hate crimes (racial, religious and homophobic). The initiative was implemented to actively address the high attrition rate and the need to promote the confidence of vulnerable victims and witnesses in these categories of cases. The courts have led to an improved service and a greater awareness across the Area and, with the support of the Local Criminal Justice Board, within other CJS agencies. On the whole all other sensitive cases outside the remit of the specialised courts are handled well.

5A: The Area identifies and manages sensitive cases effectively

- Sensitive cases are generally flagged up on the case management system and their review and handling is on the whole formally assessed, with appropriate action being taken where necessary. Where no formal assessment takes place, specialists undertake some informal monitoring. Performance in sensitive cases is included and considered as part of the monthly performance pack.
- The Area has appointed Champions and specialists for most sensitive cases, who disseminate information to prosecutors and caseworkers, and provide some guidance and mentoring in line with the Brief for Co-ordinators. The Brief defines the role and responsibilities of each post and has been drafted to include all Champions and specialists, apart from the Special Measures Champion. Most sensitive cases are handled by prosecutors with the appropriate specialist skills, knowledge and training.
- The Area endeavours to take CPS policies and HMCPSI thematic reviews into account. 'Health checks' have been undertaken to compare Area performance against thematic reports and in some instances protocols have also been drafted to address specific recommendations.
- Durham 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.
- At the inception of the sensitive case courts a number of key performance indicators (KPIs) were developed, including a separate target of 30% for unsuccessful outcomes. During the short period the courts have been operating this has been achieved. Further measures have yet to be framed to capture victim and witness satisfaction.

6. CUSTODY TIME LIMITS

2 - FAIR

The Area has produced a comprehensive written custody time limit (CTL) system which incorporates most of the national guidance. One failure in the last year highlights multi-agency issues and the fact that the procedures set out in the system are not always followed.

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

- The Area has agreed a protocol with local magistrates' courts which allows prosecutors to agree the expiry date with the court and involves the court in monitoring these dates, although this agreement may not be universally applied. Discussions with the Crown Court have so far failed to reach an agreement to involve them in calculating and monitoring CTL expiry dates.
- The Area system is reviewed and changes made when new case law or procedures are brought in.
- Training has been provided to key staff and has also been delivered to some other Area staff at training days.

Aspects for improvement

- The Area has a comprehensive written CTL system which complies, for the most part, with national guidance and includes some aspects of good practice. However there has been a CTL failure in the last financial year. Systems have been reviewed and changes introduced, although some actions recommended by the review remaining outstanding.
- Senior managers are aware of any failures and are involved in investigating the causes, but are not generally involved in assuring themselves on a regular basis that the Area system is functioning effectively.
- An examination of five custody time limit files indicated an inconsistent approach and some examples of poor practice. Expiry and extension dates are not always noted on the front of the file and poor or confused file endorsements were also evident.

7. DISCLOSURE
3 - GOOD

Durham was one of the better performing Areas on disclosure during the last inspection cycle. It has, nevertheless, reacted very positively towards deficiencies that were identified in providing additional guidance and delivering appropriate training. Lawyers have adopted a more active role and performance is improving. Area Champions disseminate regular and valuable guidance to both CPS and police operational staff relevant to local circumstances. There is also an effective long-standing protocol governing the handling of third party material.

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 being formally assessed, with appropriate action taken where necessary. The Area has generally performed well in this aspect and was better than the national average in the last inspection cycle in all categories.
- Sensitive unused material is stored securely, either by the police or in a CPS safe. Sensitive material schedules are retained in case files, with prosecutors and caseworkers being fully aware of their confidentiality.
- The Area has appointed two Disclosure Champions (one for each unit) who disseminate regular updates to prosecutors and caseworkers and provide valuable guidance. They also liaise effectively with police counterparts in customising national joint training to suit local needs.
- Prosecutors and caseworkers have received training on the disclosure provisions of the Criminal Justice Act 2003 and the CPS/ACPO (Association of Chief Police Officers) Disclosure Manual. The Area Champions are currently involved in delivering the latest training programme to both CPS and police staff.
- Work was undertaken with the police after the last inspection (in July 2003), including joint training and improving the quality of disclosure schedules. Descriptions of individual items are now more detailed and are typed, leading to better-informed decision-making. Prosecutors are pro-active in considering and taking decisions about sensitive material.

Aspects for improvement

- An examination of five Crown Court trial files revealed that prosecutors need to take greater care to ensure that disclosure is provided at the earliest appropriate stage and that only appropriate information is disclosed.

8. THE SERVICE TO VICTIMS AND WITNESSES

3 - GOOD

The Area is leading the work of the Local Criminal Justice Board (LCJB) regarding the care of victims and witnesses. Witness Care Units (WCUs) have been established in line with the local plan. Letters to victims and witnesses under the Direct Communication with Victims (DCV) scheme are of a high standard and the Area is working to ensure timeliness of communication.

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 No Witness No Justice scheme is being implemented in accordance with the Delivery Plan, with all of the milestone deadlines being met. The WCUs have only recently been established and it is too early to demonstrate the benefits in the cracked and ineffective trial figures. However, feedback received by the Area from victims and witnesses has been very positive and has suggested that the expected benefits are being realised.
- Liaison with the Witness Service and Victim Support occurs on a regular basis as they form part of the LCJB Victim and Witness Sub-Group, which is chaired by a Unit Head.
- There is clear analysis of cracked and ineffective trial data on an Area and LCJB basis and efforts are being made to secure a reduction in the number of cases where this occurs as a result of witness issues.
- Most prosecution advocates and staff introduce themselves and provide information to witnesses at court. Emphasis is placed by the Area on training advocates and keeping them informed as to their duties regarding witness care.
- DCV and Speaking Up For Justice are generally embedded throughout the Area with effective monitoring and dissemination of lessons learned. Timeliness and volume of letters to victims are monitored with any dips in performance being effectively addressed. The quality of the letters was of a particularly high standard.
- 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.

9. PRESENTING AND PROGRESSING CASES AT COURT 3 - GOOD

Magistrates' courts in the Area are covered by a high percentage of in-house staff and Durham tries to maximise its use of its Higher Court Advocates (HCAs) in both magistrates' and Crown Courts. Emphasis is placed on training of advocates. The standard of preparation for court is reflected in the Area's good performance in relation to unsuccessful outcomes, ineffective trials in the Crown Court and the proportion of ineffective trials in the magistrates' courts caused by the prosecution.

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

- Selection of prosecution advocates for all courts is undertaken with full consideration of their experience, expertise and qualifications. The Area makes maximum use of its HCAs in both the magistrates' and Crown Courts. Suitably trained prosecutors cover most specialist courts and as many youth courts as possible.
- The Area has produced a comprehensive reference pack for agents and counsel as well as in-house staff. CPS staff, agents and counsel are advised of new initiatives and policy directives.
- Complaints about the conduct or performance of prosecutors in court are thoroughly investigated, and timely action is monitored by the Chief Crown Prosecutor.
- Papers are provided to agents, counsel and in-house prosecutors at least a day in advance, enabling all advocates to prepare thoroughly for court.
- The Area is contributing to efforts with criminal justice partners to improve case progression, taking an active part in the Local Criminal Justice Board Effective Trials Management Group. Staff are encouraged through training and meetings to take a pro-active role in court to progress cases.

Aspects for improvement

- There has been monitoring of in-house prosecutors in court in the past for a limited number of staff, and more comprehensive monitoring will be carried out during 2005-06.
- Until relatively recently counsel's performance in court has been monitored informally and irregularly. A new formal system to monitor counsel has been introduced and the results will be discussed at meetings with chambers.

10. DELIVERING CHANGE

3 - GOOD

The Area Business Plan encompasses national targets and local CPS and LCJB objectives. There is clarity of ownership of the objectives, milestones and outcomes which are linked to the relevant Public Service Agreement objectives. Key risks are identified and counter-measures are in place. The Business Plan and Risk Register are regularly reviewed and updated against a 'traffic light' system. The Unit Plans derive from the main Area Plan, with standards of performance and key individual objectives for delivery clearly stated. There is effective joint planning of initiatives with criminal justice partners; the CPS takes the lead in many aspects of victim and witness care, which are central to the work of the LCJB. A change management structure is in place; change is reviewed and evaluated. Training is planned to meet the business need and evaluated for effectiveness.

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 how it wants to achieve it. Staff are aware of the aims of the Area. Key members of staff were involved in a planning day for the development of the Business Plan, which was subsequently circulated to all staff for comment. Unit and Area newsletters are published and various meetings are held regularly to keep staff informed.
- Relevant and pertinent plans are in place for delivering change. There is evidence of regular risk analysis and management, and of review on a quarterly basis. Unit Plans link with the Area Plan and key individual objectives are stated.
- There has been success in planning with partners. Durham is mainly pro-active in its approach, but any reaction is effective. The Area is giving a clear lead on victim and witness issues at the LCJB and has led on the development and introduction of the sensitive case courts.

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

- Clear accountabilities exist for change management and key risks and counter-measures are identified for each project. The restructuring of the Area has been successfully implemented. The sensitive case courts and Witness Care Units are undergoing initial evaluation. Ongoing informal review of co-location is being undertaken prior to formal evaluation in October 2005, and shadow charging is currently on track for roll-out to the statutory scheme in August 2005.
- A change management structure is in place: Project Managers are appointed for each initiative and implementation teams invariably comprise volunteers and include a member of the Senior Management Team.

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 has been delivered systematically to all grades of staff. Mechanisms are in place for regular evaluation of training undertaken. Area training days are planned to coincide with magistrates' courts training and rotation of the days allows access to part-time staff.

11. MANAGING RESOURCES

3 - GOOD

Value for money underpins most decision-making and senior managers will ultimately make unpopular decisions on this basis. The Area strives to increase efficiency and improve performance through a variety of methods; value stream mapping is one tool currently deployed. The budget is monitored regularly and systematically. Savings are maximised through Higher Court Advocate deployment and Designated Caseworker (DCW) usage. Although average sickness absence is relatively high, this is actively managed within the Area.

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

- 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. Senior managers are fully on top of the Area's financial position, supported by sound financial analysis and reporting, which allow up-to-date assessments to be made.
- The Area has a systematic approach towards planning resources. Regular staff profiling enables workload to be linked with staff numbers and grades.
- The Area's budget outturn has been close to allocation for the past two years: in 2003-04 there was a slight overspend at 100.9% and in 2004-05 there was a slight underspend at 98.1%. Prosecution spend for 2004-05 was 99.8% of budget.

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

- There is active management of the agents' and prosecution costs' budgets. Durham is generally maximising savings from the use of HCAs (savings of £227 per session for the final quarter of 2004-05 against the national figure of £224) and DCWs (12.1% usage as a percentage of magistrates' courts sessions against a national figure of 8.3%). In-house magistrates' courts coverage as a percentage of half-day sessions for 2004-05 was 80% against the national figure of 73.1%.
- Although average sickness is relatively high - a target has been set of eight days per person per year - sickness data is considered as part of the performance pack and guidance provided to managers to actively manage absenteeism.

Aspects for improvement

- Average sick absence is relatively high at 11.8 days per member of staff over the year 2004-05.

12. MANAGING PERFORMANCE TO IMPROVE
2 - FAIR

A monthly performance pack is prepared by the Performance Manager; further commentary would improve the comprehensive range of data which covers the relative performance of both units. Evaluation of Area performance against comparable CPS Areas has been undertaken. Staff are kept informed about performance in a variety of ways and are involved in the value stream mapping exercises to improve operational efficiency. The Casework Quality Assurance (CQA) system is in place, although it has not been resolved why CQA data was not submitted to Headquarters prior to October 2004. The CPS, in conjunction with the other criminal justice agencies, has not been able to achieve the challenging Offences Brought to Justice target for 2004-05; however, joint working is driving up performance and the target for 2005-06 has been set at a much lower level. Other headline targets have been achieved, although the Area was unaware of the achievement in relation to asset recovery when performance was relayed to Headquarters for the quarterly report.

12A: Managers are held accountable for performance

- For the most part, the Area has demonstrated a commitment to performance management. The Senior Management Team is informed by a monthly performance pack - which is continually being improved - and the relative performance of the units is considered over a wide range of aspects.
- There are Terms of Reference for the operational management team and defined responsibilities for all senior and middle managers. Value stream mapping is used to improve the efficiency of operational processes.

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

- There is joint performance management with criminal justice partners which appears to be driving up performance, particularly in relation to charging, sensitive case courts and Witness Care Units. A comprehensive range of data is provided to the Local Criminal Justice Board and the Area Business Manager is fully involved with the LCJB Performance Management Group. Performance appraisal activity is used to improve personal performance.
- Public confidence was recorded at 44% as measured by the British Crime Survey, which was slightly above the national picture of 43%. Performance in relation to persistent young offenders was within target.

Aspects for improvement

- Although performance in relation to asset recovery exceeded target, the Area was unclear as to its position and consequently reported under-performance to Headquarters. 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 OBTJ target was not achieved; however, a number of joint initiatives with the police later in the year were driving up performance. The new less challenging target will assist for 2005-06.

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

- Relevant and accurate performance information is considered by the Senior Management Team and at unit level; there is evidence of consequent improvement activity in several aspects of work. Responsibility for operational effectiveness is defined; systems and processes have been improved, and continue to be through the use of value stream mapping.
- A performance evaluation project (PEP) was undertaken to weigh Durham's performance against comparable CPS Areas. Performance information based on a traffic light system is displayed for staff on notice boards and in the unit newsletters. A summary of the mid-year performance report was also circulated to staff to highlight successes.

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

- The Casework Quality Assurance scheme is in place and has been extended to monitor the performance of caseworkers in the North of the Area. Individual feedback is provided to staff and general learning points and data are published in the unit newsletters.

Aspects for improvement

- Although the Area maintained CQA data on the tracker throughout the year, senior managers have not been able to resolve why the data was not submitted to Headquarters prior to October 2004. The Performance Manager now ensures that all relevant data is submitted. The qualitative analysis of the CQA system is thorough; however, the quantitative evaluation could be more robust.

13. LEADERSHIP
3 - GOOD

The Area embarked on a cultural review in 2003 that examined leadership and behavioural issues. Roles and responsibilities in relation to the governance of the Area have been formalised and a 'Ground Rules' document has been developed which states clearly the expected behaviours of managers and staff. The Area has continued to build on this strong foundation of corporacy and transparency. An annual rewards ceremony is held to recognise the achievement of staff and an annual diversity assessment is also undertaken. Although the 2004 Staff Survey highlighted some shortcomings, the Senior Management Team has actively addressed these through a variety of methods.

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

- Vision and ethical values are clear, focused and stated, and there are clear arrangements for the corporate management of the Area. The CPS has some responsibility in leading criminal justice initiatives in relation to victim and witness issues - which are central to the Local Criminal Justice Board - and in relation to the implementation of the sensitive case courts.
- Staff are fully involved in the work of the Area as part of Area implementation teams and value stream mapping groups. Good performance is rewarded and recognised in line with the Area award and recognition strategy. Communication with staff generally occurs at the right time and is meaningful.
- Although the Staff Survey showed the Area performing less well than the national picture in terms of communication and promoting dignity at work, the Senior Management Team has addressed the deficiencies through an Action Plan, a workshop and the 'Staff Survey Challenge'.

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. The Diversity Excellence Model has been used as a tool to drive issues and benchmark the Area against other organisations to ensure equality and diversity are mainstreamed instead of being a 'bolt-on' activity to the Business Plan. In addition, a diversity event was held in 2004 involving local community groups.
- Staff almost reflect the population served by the Area's offices and Durham is seeking to improve its position in terms of the target set for disabled staff.

14. SECURING COMMUNITY CONFIDENCE

2 - FAIR

Whilst the Area's commitment towards engaging the local community is clear, there has been a resource tension in the past between pursuing effective engagement and delivering the core casework business to the required standard. The purpose and value of such activity has now been clarified and there is increased emphasis on consultation as a means of better informing CPS action and decision-making. Links with the local community have increased and the positive strategy agreed for 2005-06 should lead to a more focused and mutually beneficial approach.

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

- The commitment towards securing community confidence is unmistakable and the benefits of positive engagement activity during 2004-05 have been expressly drawn to the attention of staff in a table in the Community Engagement Strategy document for 2005-06.

Aspects for improvement

- In the past the Area has not consistently measured, in general terms, the local impact of its engagement activity, but has concentrated on individual difficult sensitive cases and links with educational establishments. This should now be addressed as part of the revised strategy to ensure effective outreach.
- There is limited evidence that service improvements have been made as a result of past consultation. However, the 2005-06 Strategy has introduced review and evaluation mechanisms that should ensure that the Area is more reactive to local concerns in future.

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%	10.3%	52%	68.8%	75.4%	31%	22.7%	15.1%
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%	11.7%	68%	66%	75.5%	23%	23.8%	16.6%

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%	27.2%	71 days	67 days	65 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	83%	65	65%	26	100%	6

**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	95%	80	90%	29	0%	1

ASPECT 3: MANAGING CROWN COURT CASES

INEFFECTIVE TRIAL RATE

National Target	National Performance 2004-05	Area Performance 2004-05
18.5%	15.8%	12.2%

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%	14.8%

OFFENCES BROUGHT TO JUSTICE		
	CJS Area Target 2004-05	CJS Area Performance 2004-05
Against 2001-02 baseline	+6.7%	-6.6%
Number	14,505	12,632

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%	90%
Primary test in Crown Court	79.9%	100%
Secondary test in Crown Court	59.4%	66.7%
Overall average	70.3%	85.6%

ASPECT 11: MANAGING RESOURCES

NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE (END OF YEAR RANGES)	
2003-04	2004-05
100.9%	98.1%

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%	12.1%	£224	£227	8 days	8.7 days	11.8 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
41%	44%

NOTES

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LONDON OFFICE

26/28 Old Queen Street, London, SW1P 9HP

Tel: (020) 7210 1197, Fax: (020) 7210 1195

YORK OFFICE

United House, Piccadilly, York, North Yorkshire, YO1 9PQ

Tel: 01904 54 5490, Fax: 01904 54 5492

www.hmcpso.gov.uk

If you would like a copy of this report in large type, braille, or in another language, please contact us at:

Email: Office@hmcpso.gov.uk