

CPS Kent

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# 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 Kent 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 7 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 Kent serves the area covered by the Kent Constabulary. It has two offices, Maidstone and Canterbury. The Area Headquarters (Secretariat) is based at the Maidstone office.

This Overall Performance Assessment focuses on Area Performance for 2004-05. For most of that period, Area business was divided on functional lines between magistrates' courts and Crown Court work. Criminal Justice Units (CJUs), co-located with the police at police stations in Canterbury, Folkestone, Maidstone, Chatham (Medway) and Gravesend handled cases dealt with in the magistrates' courts. Two Trials Units (TUs), one for the east of the county based at Canterbury and one for the west of the county based in Maidstone handled cases dealt with in the Crown Courts.

However the Area has recently undergone a significant restructuring exercise, in order to maintain the delivery of pre-charge decisions (PCD) on a countywide basis. Area business is now divided on geographical lines, with two teams covering the east and west of the county. Each team is headed by a Level E lawyer, with local office management undertaken by level D District Crown Prosecutors. The two Crown Court centres are managed by level D Crown Court Unit Managers. There is also a Special Casework Unit (SCU) within the Area.

During the year 2004-05, the average Area number of staff in post was 142.09 full-time equivalents.

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

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	12,056	24.5	20.9
Advice	440	0.9	5.1
Summary offences	26,300	53.6	46.9
Either way and indictable only	10,175	20.7	26.7
Other proceedings	137	0.3	0.4
<b>TOTAL</b>	<b>49,108</b>	<b>100%</b>	<b>100%</b>

## C. SUMMARY OF JUDGMENTS

The Area inspection of CPS Kent, published in April 2004 found that the quality of casework handling in Kent was generally effective and that there had been significant improvement, in respect of a number of aspects of performance, since the earlier inspection in February 2001. However it was found that two important aspects of case handling - compliance with the prosecution's duties of disclosure and the timeliness of discontinuance needed improvement.

Kent CPS was one of the first Areas to undertake the provision of PCD to the police. In May 2004 it became a Statutory Charging Area and as such now provides PCD to the police on a countywide basis. Kent's proximity to London, coupled with two of the busiest international terminals - the port of Dover and the channel tunnel link, means that there is a high proportion of serious crime within the Area. The Area has recently undertaken a review of the PCD Scheme and a restructuring exercise to ensure that it can sustain the level of advice and decision making provided.

Performance on the PCD scheme, cracked and ineffective trials, unsuccessful outcomes and persistent young offenders (PYOs) is monitored at both local and Area level at a series of CPS and Inter-agency Performance Meetings, and by the Kent CJB. Although we saw some detailed monitoring and performance management, the evidence suggested that this was not universally embedded and there is concern that some of the high standards of monitoring and performance management observed were not countywide. The Areas performance on ineffective trials in both the magistrates' courts and Crown Court is positive and the combined unsuccessful outcomes performance is significantly above the national average. The criminal justice agencies in Kent have consistently exceeded the Offences Brought to Justice (OBTJ) target and is currently meeting the new, increased target for 2005-06. They have also consistently met the PYO target of 71 days from arrest to sentence and performance is improving. The assets realisation target was not met for 2004-05, although Kent is performing well towards the new target for 2005-06. The Charging Scheme had realised only limited benefits.

In the magistrates' courts, processes generally ensure that cases are ready to proceed at each hearing. The Area has developed good systems to ensure that cases are progressed in a timely manner in the Crown Court and there is liaison with the local judiciary and the Bar. Delivery of papers to the defence is timely and there is effective monitoring and reporting of unit performance in the monthly reports. The Area is making some use of the Case Management System (CMS) to monitor and manage the timely progression and review of cases and some use is made of the management functions. In the Crown Court, CMS also carries some local Area templates, which assist with case handling and review. The Area has Area Champions and specialists for sensitive and specialist cases and good identification and allocation systems to ensure that such cases are appropriately handled.

The system for managing custody time limits (CTLs) is generally satisfactory, although there were two recorded failures in the last financial year. The Area's CTL system was reviewed and revised after the two failures. The Area is in the process of implementing further changes following the restructuring of the units.

At the last inspection of CPS Kent in 2003, the Area's handling of disclosure was found to be significantly below the national average. At the time of the follow up inspection it was found that there had been improvement in the Area's handling of unused material. Since then training has been undertaken to ensure that all prosecutors and caseworkers are aware of the new procedures under the Criminal Justice Act (CJA) 2003. Since the resumed operation of the full casework quality assurance (CQA) Scheme, Area monitoring of compliance with disclosure procedures has become more robust; even so there was some evidence that files were not being sufficiently targeted for file examination. On site file examination revealed that there were delays in the service of unused material on the defence and some non-compliance with the Joint Operational Instructions. In addition there was concern about the handling of sensitive material.

The Area is working effectively with its criminal justice partners in the implementation of the No Witness No Justice (NWNJ) project and has achieved the establishment of five Witness Care Units (WCUs). Full compliance with the Direct Communication with Victims (DCV) scheme is being hampered by the Area not capturing all cases with an identifiable victim. The Area is taking positive steps to address this.

Area business planning demonstrates the links between the CPS national objectives, the Public Service Agreement (PSA) targets and local CPS targets. Objectives clearly set out responsibilities and accountabilities. Planning with criminal justice partners is effective. However, the Area needs to reinforce this by formalising its approach to change and ensuring that the inter-dependencies between the Area priorities and initiatives are managed.

Sound systems are in place to monitor and account for spend. The Area overspent against its 2004-05 budget by 1.5%, but this was the first such occurrence. A revised approach to accounting for and monitoring agent spend should result in a better outturn in the 2005-06 year. The dependence on agents to cover court sessions whilst implementing the charging initiative resulted in a high agent spend. The Area deploys its designated caseworkers effectively. However, the implementation and staffing of charging has had a detrimental impact on the Area's ability to use its Higher Court Advocates (HCAs).

A new approach to managing performance is being adopted at Area level. It needs to be complemented by a more consistent approach to performance analysis at the team level. The Area has recently recommenced a full CQA sample on a wide variety of its casework.

The Area has a clear vision. It is active in leading criminal justice system initiatives in Kent and has been the driving force behind some change. Good performance is rewarded and recognised and there is sound evidence of equality and diversity policies being turned into practice. The composition of the workforce closely reflects the local population. The Area is committed to engaging with the community at both the Area and CJB levels and good relationships have been forged with community groups. The Area is taking steps to target issues that most affect the public and indicators show that public confidence in the delivery of criminal justice in Kent is higher than the national average and improving.

Several aspects of casework performance were assessed as good, although others, including the PCD Scheme show scope for improvement. The monitoring and management analysis of performance needs to be more consistent across the county. There is evidence that some changes have been implemented successfully but progress reporting needs to be more structured.

The overall performance of CPS Kent was found to be **FAIR**.

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

<b>OVERALL ASSESSMENT</b>	<b>2 - FAIR</b>
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## D. DEFINING ASPECTS

### 1. PRE-CHARGE DECISION-MAKING

### 2 - FAIR

*The Area provides PCD across the county and has recently undertaken a review of the scheme and a restructuring exercise to ensure that it can sustain the level of advice provided. Compliance with the Scheme is monitored at local and Area level at a series of CPS and Joint CPS/ Police Performance Meetings, although some of the high standards of monitoring and performance management observed were not countywide. There was only limited benefits realisation on PCD cases for 2004-05.*

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

- Face to face advice is provided at all relevant charging centres in accordance with local agreement. Where possible it is also provided at the satellite offices. Unexpected absences are immediately reported to the District Crown Prosecutor (DCP) who has responsibility for ensuring that contingency cover is arranged. There was evidence of local concerns from the police about incidences of absences being investigated and addressed promptly. The Area has recently undertaken a thorough review of the provision of PCD provided by the Area, which has concluded that at present the level of cover provided is sustainable. It has also recently undergone a major restructuring to ensure that PCD is provided as agreed.
- There is an effective referral system to monitor inappropriate or premature requests for advice and there was evidence that this was used to address issues, with appropriate action being taken as a result. Timeliness of police requests have been addressed by the Area setting a 24hour return bail date limit on bail cases. Joint training and recent re-circulation of the terms of the scheme are starting to have a positive impact.
- The Area has developed effective systems for dealing with CPS Direct referrals and has taken action to deal with inappropriate usage by the police. A favourable CPS Direct/Kent Post Implementation Review report was received.
- Area policy on the use of Unique Reference Numbers (URNs) ensures that all advices and decisions are properly recorded and counted.
- Migration to the statutory scheme was implemented in accordance with the agreed schedule with most deadlines being met. The Area has recently updated its action plan and is about to be signed off for phase one of the statutory scheme.

*Aspects for improvement*

- The recent project plan review highlighted concerns about poor police quality files, the lack of effective supervision and the lack of a gateway as hampering progress on targets and the effective deployment of duty prosecutors. The Area has been negotiating for additional gateway supervisors and some progress has been made. There was evidence of appointments systems working effectively at a few of the charging centres, however this was not widespread. A standard, and well understood appointments system, would remove some of the pressure and address some of the issues of the timeliness of police requests for advice.
- Although there is access to CMS at all Area charging centres there is only limited take up of electronic charging decision records at present and the use of CMS for recording of advice and decisions is patchy.

**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 routinely circulates policy and legal updates to all lawyers and ensures that all lawyers providing PCD have a full understanding of the operation of the Area scheme.
- There is a clearly understood and operational system of referral of cases where there is disagreement between the police and duty prosecutor. DCPs used such referrals to address issues of individual performance and to raise concerns about police file handling at local performance groups.

*Aspects for improvement*

- There was some evidence that in addition to authorising charges, lawyers were also addressing and advising on evidential issues, although there were some cases where this did not happen when issues which could have been addressed earlier were not picked up until a later court review.
- The Area acknowledges that there is only limited recording of ethnicity and gender on CMS.
- The Area has monitoring systems in place to assure the quality and timeliness of advice and decisions provided. In 2004-05 the Area targeted their CQA analysis solely on PCD cases in order to monitor the quality of advice given and compliance with the Director's Guidance. Even so there were only limited returns to Headquarters during this period and there was a lack of understanding of the system from some of the Area managers. The Area relies on the police to raise issues of concern on cases where the CPS advise no further action.

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

- Joint Area systems for monitoring the volume, timeliness and outcome of PCD cases are generally accurate with evidence that the information is used by the Area and at local performance meetings to improve performance. The introduction of Local Performance Meetings (under the auspices of the Kent CJB) present local managers with the opportunity to analyse local performance information and to act on findings. The addition of the data package produced nationally on prosecution team performance management (which the Area is beginning to tailor to local needs) should also result in a more focused approach to managing performance on PCD cases.

*Aspects for improvement*

- Performance issues are raised at joint meetings at both Area and local level, with performance in some aspects improving as a result. However some issues required repeated mention, and there did not appear to be the same level of joint action and analysis throughout the county. The local performance meetings are now beginning to produce a more consistent approach.
- Area performance on PCD cases is variable with only limited realisation of the anticipated benefits. The magistrates' courts PCD discontinuance rate was high for 2004-05 (albeit better than the national average). Attrition and guilty plea rates in the magistrates' courts were positive. Of all charged cases in the magistrates' courts which received PCD advice in 2004-05, 22 (0.4% of cases) resulted in a no case to answer, 156 (3.1% of case) resulted in no evidence being offered and 234 (4.7% of cases) were withdrawn.
- In the Crown Court discontinuance of PCD cases was slightly better than the national average, as was the attrition rate, whereas the guilty plea rate was significantly worse than the national average. More recent data does show that performance is improving.

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

*Magistrates' courts processes ensure that cases are ready to proceed at court hearings. There is joint analysis undertaken with the police to improve the timeliness and quality of files submitted. There is some analysis of cracked and ineffective trials and recent practices indicate that a more thorough review is being undertaken. Performance in Kent is good and improving. Youth cases are prioritised and the Kent criminal justice area has consistently met the national PYO target. CMS usage is improving and is monitored by the Area, but there have only been limited moves to utilise CMS reporting functions and to monitor key tasks. Managers are not, at present, fully utilising these functions on CMS or the Management Information System (MIS).*

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

- Area systems for the review of cases before first hearing are well embedded.
- The quality of police files is an issue throughout the county and a number of initiatives have been instituted by the police to address the concerns raised. In parts of the county police supervisors are now doing their own checks on files to ensure they are ready for submission, and are working with CPS Kent in an annual 'dip-sampling' of volume crime files to highlight both good and poor performance.
- The Timeliness Target Results for the magistrates' courts in Kent in March 2005 showed that targets for initial guilty pleas were met in 85% of cases - which compares well with the national average of 83% - although the target for trials was met in only 53% of cases, as opposed to an average national performance of 66%.
- Effective case progression was seen on a number of files examined, with good use of trial readiness checks and certificate of readiness forms. Most, but not all, cases are ready to proceed at court hearings. However, a number of files showed a history of repeated pre-trial reviews (PTRs) and some cases have to be adjourned through lack of information or witness availability. The Area now has Case Progression Officers (CPOs) in most offices, although at present joint case progression meetings are limited to PYO cases.
- There is good liaison throughout the county at Court User Group meetings and examples were given of working with the courts to alter listing patterns, giving a wider spread of court listing across the week to reduce the high number of agents and increase DCW usage.

- The Area has a network of youth specialists and there is a clear system of referral of cases which are not reviewed by a specialist. Timeliness of all youth cases is improving, and last years performance against the PYO target at 59 days from arrest to sentence, was good. This followed the effective implementation of an inter agency recovery plan in April 2004.
- In youth cases the Timeliness Target Results for March 2005 for initial guilty plea was achieved in 94% of cases, which was significantly above the national average of 87%, and the Area achieved the timeliness target of youth trials in 79% of cases compared to a national average of 87%.
- There were no wasted costs orders in the magistrates' courts throughout 2004-05.

*Aspects for improvement*

- The Area places reliance on the CQA system to highlight deficiencies in review and file handling. Since the resumption of full CQA, it was clear that on some of the more recent reports a robust analysis had been undertaken, however, there was a widespread lack of understanding about the full use of the report and only limited returns to headquarters had been made. As the Area had decided to focus on the provision of PCD on some of the forms did not contain any meaningful analysis on case handling and review of files.

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

- The ineffective trial rate for 2004-05 was 23.3%, which met the national target. However the Area target of 22% was not met. There was evidence that general analysis of the reasons for ineffective trials were considered at a local and Area level both jointly with other agencies and at internal meetings with some evidence of action being taken as a result. More focussed analysis about defence adjournments had also been undertaken.
- A more thorough analysis of individual cases has recently been undertaken by the CPOs and there was evidence that the courts had been written to with an explanation, where the adjournment was as a result of fault on behalf of the prosecution.
- The Area performance on cracked trials in the magistrates' courts was also good, with the number of trials cracking as a result of prosecution fault being below the national average in all respects.

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

*Aspects for improvement*

- Area managers analyse the CMS user reports and these are used to address performance issues of individual lawyers. Whilst Area performance on the number of full file reviews and recorded indictments on CMS was significantly above the national average, a significant proportion of cases seen merely referred the reader to the paper file. This was partly explained by managers to be as a result of the limited number of terminals in the some of the collocated units. The Area also acknowledges that there are a number of users who are not using the system effectively and attempts are being made to address this through forward job plans and the use of desk side assistance to assist in training. It was also acknowledged that there was not an effective use of the task management system
- Inaccurate recording of case outcomes have recently been addressed by additional training.
- There was also limited use of the management report facilities on CMS throughout the Area but it was hoped that training on the systems would assist in this. The Area is currently working with the police to re-focus the prosecution team performance management data to ensure it is more meaningful for Area reporting and analysis.

**3. MANAGING CROWN COURT CASES**

**3 - GOOD**

*The Area has developed good systems to ensure that cases are progressed in a timely manner in the Crown Court and there is good liaison with the local judiciary and Bar. Delivery of papers to the defence is timely and there is effective monitoring and reporting of unit performance in the monthly reports. The Area did not meet the Proceeds of Crime Target for 2004-05 but has undertaken joint training and issued desktop instructions. Some analysis of ineffective trials is undertaken and discussed at a local and Area level. The Area met both the local and national targets for ineffective trials and performance in reducing the number of cracked trials is significantly above the national average. The Area is making use of CMS to monitor and manage the timely progression and review of cases and some management functions are carried out. Local Area templates have been devised to assist with case handling and review.*

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

- The Area has effective systems in place for the review of Crown Court files. Service dates on indictable only cases are monitored using a local CMS area template. In order to improve the timeliness of committal papers in the earlier part of the year police CPOs were deployed into the TU to chase and monitor the submission of files.
- Case progression has improved throughout the Area with the introduction of the Effective Case Management Scheme. Completed certificates of readiness were seen on a number of files examined and the use of automatic case directions, in shorter cases, has enabled the Area to progress cases more swiftly. There is effective monitoring of court dates and the use of task lists supported by liaison with the courts, however at present this is not county wide. The timeliness of service of papers on the defence was significantly better than the national average for 2004-05.
- The timeliness of briefs to counsel is monitored, and dip sampling of the quality of instructions is undertaken by the Unit Managers with details included in the monthly reports. There was evidence from several sources and more recent CQA analysis that the quality of instructions to counsel were improving. The Area also undertakes monitoring of returns from counsel and will challenge late returns or the offer of less experienced counsel. The Area has developed good links with local chambers and meetings are held with Heads of Chambers. Monitoring of the spread of brief allocation has also been undertaken.

- The Area has provided training for all staff on the Proceeds of Crime Act (POCA) and some monitoring is undertaken. The Area Champion has devised and promulgated desktop instructions. Additional joint training with the police has also been provided and an updated protocol has been drafted. There is good joint liaison on POCA cases. Despite this the Area did not meet the 2004-05 target achieving 37 orders (to a total value of £2,389,450) against a target of 82. The target has however been considerably reduced for 2005-06 on the basis that the previous target has been based on some inaccurate information. The Area performance for the current year is currently at 22 orders against the new target of 34.

#### *Aspects for improvement*

- Youth cases in the Crown Court are monitored by the Area CPOs who attend local youth and PYO case progression meetings. In the timeliness survey of youth cases Kent only had two youth committals and one was served late. Timeliness of youth cases in the Crown Court is not improving and in order to address this, a Crown Court representative will now attend the case progression meetings. Good analysis of all PYO cases was seen in the monthly unit reports.
- The Area had one wasted cost order in the period 2004-05 but could not give any information about the circumstances of this.

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

- The court CPO prepares a Crown Court Monthly report on the day a case is ineffective. These are scrutinised and the reasons given challenged if appropriate.
- Area performance in reducing the number of ineffective trials, at 18%, is slightly above the national target for 2004-05, and the Area met their local target. Performance is however significantly worse than the national average of 15.8%.
- Area performance on cracked trials within the Crown Court is significantly better than the national average for both general performance and in cases which are cracked as the result of the fault of the prosecution.



*Aspects for improvement*

- Although the information on cracked and ineffective trial monitoring was contained in the unit reports, there did not appear to be any systematic dissemination of analysis or discussion of the reasons for ineffective and cracked trials in the minutes of unit meetings that were seen. Limited analysis of the reasons for ineffective trials was seen but only for cases which were ineffective at Maidstone. There was evidence that explanations were provided to the court when the reason for adjournment was a result of prosecution fault.

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

- The Area is making good use of some of the functions on CMS to facilitate the timely review and handling of files. There was evidence that cases were being fully reviewed on the system. The Area monitoring system for indictable only dates has been included on CMS as a local template. There is evidence of the use of action dating to ensure deadlines are not missed and records on discharged committals are checked against the CMS records to ensure accuracy and to report on the reasons for failure.

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

*The Area has a combined unsuccessful outcomes rate, which is better than the national average, and continues to improve. In the Crown Court all unsuccessful outcomes are seen by the Crown Court Unit Managers who monitor and review all unsuccessful outcomes; where appropriate this analysis is shared with other agencies and used to improve performance. There was only limited evidence of similar assessments being done in the magistrates' courts and shared with the police. The criminal justice agencies in Kent have consistently exceeded the OBTJ target and are currently meeting the new, increased target for 2005-06.*

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

- Area performance in respect of successful outcomes in both the Crown and magistrates' courts continues to improve and shows excellent performance throughout 2004-05. Both local and national targets have been met.
- In the magistrates' courts conviction rates are higher than the national average. In the Crown court performance matches the national average; although the conviction rates for cases which actually go to trial is significantly lower. The Area is aware of this and has undertaken some investigation. Some improvement has recently been seen.

For the full year to March 2005, results compared with national averages show:

OUTCOME	AREA FIGURE	NATIONAL AVERAGE
<b>Magistrates' courts</b>		
Discontinuance & bindovers	11.3%	12.5%
No case to answer	0.2%	0.3%
Dismissed after trial	1.1%	1.5%
Discharged committals	0.2%	0.3%
Overall conviction rate	85.5%	80.8%
<b>Crown Court</b>		
Judge ordered acquittals	12.8%	14.2%
Judge directed acquittals	3.3%	2.0%
Acquittals after trial	6.1%	6.3%
Overall conviction rate	75.7%	75.8%

- The Area ensures that there is consultation with the police on cases where discontinuance is proposed and there is an effective system of referral of cases where there is disagreement with the police over discontinuance decisions. Any concerns by the police about the effectiveness of consultation arrangements are investigated promptly.
- In the Crown Court, a comprehensive review of all unsuccessful outcomes is undertaken with evidence of action being taken as a result. Counsel are encouraged to complete the forms in jury acquittal cases and forms were seen where this had been undertaken. The Area could not, however, give any explanation for the very high percentage of judge directed acquittals in March 2005.
- The Area has taken positive action to reduce the number of discharged committals and performance is improving as a result.
- The Area now produces a comprehensive county wide Performance Indicator data analysis pack for the SMT which gives an overview of Area performance broken down into local units, case categories and caseloads. Any trends or discrepancies can be immediately highlighted and there was evidence of follow up work being produced as a result of some of the issues raised.
- The target for the 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 contribution comes through managing cases to keep discontinuance and unsuccessful outcomes low. Performance against the Area OBTJ target has been impressive with the December 2004 being well above the locally agreed target. A new target has since been agreed and performance continues to improve.

#### *Aspects for improvement*

- Although the Area states that analysis is undertaken of cases which result in a no case to answer (NCTA) and discharged committals, at present no analysis of discontinued cases is undertaken by the District Crown Prosecutors (DCPs) in the magistrates' courts. The Area is looking into whether such reviews would be beneficial. There was some evidence in Maidstone that the police would now be copied into the adverse outcome analysis and that improvements would be looked at jointly. In the rest of the Area the sharing of the analysis was done on a more ad hoc basis.

**5. HANDLING SENSITIVE CASES AND HATE CRIMES 4 - EXCELLENT**

*The Area has Champions and specialists for sensitive and specialist cases, with good identification and allocation systems to ensure that such cases are appropriately handled. The CMS flagging system is used appropriately. There are systems in place to ensure that hate crime offences are not discontinued without reference to the DCPs, which provides assurance that policy is being applied appropriately. In addition there is a comprehensive analysis of race hate cases undertaken by DCPs, and the Area Champions also undertake audits of domestic violence and race cases. Information is shared with other agencies.*

**5A: The Area identifies and manages sensitive cases effectively**

- Sensitive cases are generally flagged up on CMS, and their review and handling is formally assessed. Analysis of the numbers of race flags is undertaken by the Unit Heads, and action taken to address failure, as appropriate.
- The Area has a comprehensive list of Area champions and co-ordinators, and local specialists to cover all aspects of sensitive and specialist casework. Contact details are provided on a list which is circulated to all staff and the police. There is evidence of circulation of legal and procedural updates and mentoring and a number of desktop instructions on sensitive cases have been produced by Area co-ordinators.
- Support and guidance from Area specialists is provided to duty prosecutors at the police stations, and in more serious sensitive cases the police contact the Area specialists directly. The Area has a clear policy on the allocation of sensitive files, although, as the Area acknowledges, some updating is required, particularly with regard to charge reduction on hate crime offences and new legal and policy developments.
- There have been a number of recent training events on the handling of sensitive cases, some of which have been held jointly with the police. There is a comprehensive domestic violence training programme for 2005-08, which also includes the training on the impact of the crime on children. A snapshot survey of domestic violence cases shows that there was a 26% increase in domestic violence cases resulting in a conviction between 2002-04. The Area domestic violence champion recently received a national CPS award for work on raising awareness and highlighting domestic violence policy. The Area is well represented at a number of local and countywide multi agency fora on sensitive casework policy and handling.

- The Area has a clearly understood system of referral to senior lawyers for discontinuance on sensitive cases, and all domestic violence cases and hate crime offences are referred to a senior lawyer prior to any discontinuance decision being taken. Compliance with Area and national policy is also assessed as part of the adverse outcomes analysis and as part of the CQA checks. Specific audits and dip sampling is also carried out by Area co-ordinators on aspects of hate crime.
- The Area takes CPS policies and HMCP*SI* thematic reviews into account when devising Area practice and policy and there is evidence that this has also been used to inform joint working practices and training with the police.
- There is an impressive commitment to the analysis of racially and religiously aggravated cases within the Area by the DCPs with some evidence that this had been used to raise issues at local performance groups. Area performance data on racially and religiously aggravated cases is circulated to the local community groups in the form of facts sheets which contain details of the identification and outcome of racist incident cases and recent legal updates. The Area Champion is also undertaking a six monthly audit of racist incident cases, with evidence that results are shared with local agencies and used to improve performance.
- There is a clear policy on the referral of media sensitive cases to ensure that the Area Communications and Media Manager is briefed as necessary.

## 6. CUSTODY TIME LIMITS

2 - FAIR

*The system for managing CTLs is generally satisfactory, although there were two recorded failures in the last financial year. The Area's CTL system was reviewed after the two failures and changes implemented to CTL processes. The Area has considered the need to further review the system in light of the recent restructure. is reviewed when necessary and remedial action has been taken.*

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

- The Area has a written CTL system. The guide complies for the most part with national guidance. There have been two CTL failures in the last financial year, following which the system has been reviewed, and weaknesses identified followed by remedial actions to prevent future failures. The Area recognised that a further review was required following the recent restructuring and a revised guide is awaiting ratification prior to full implementation.
- The Area has approached the Crown Court managers in Kent to gain their involvement in the accurate calculation of the CTL, and in monitoring the expiry dates. Crown Court administrators warn the Area of imminent CTL expiry dates by letter. No such agreement exists with the magistrates' courts.
- Although CTL training is not included in the Area's training plan, it is an integral part of the induction process. Changes in CTL practices as a result of new case law or procedures are circulated to staff.
- Senior Area managers take an active interest in the effective functioning of the system and require periodic assurances. CTL features in the monthly trial units' reports and in the quarterly management reports.
- Business Managers in the Crown Court monitor files identified as having a CTL. Bail files are also checked to ensure the accuracy of the defendant's bail status, and the file jacket is marked accordingly.

#### *Aspects for improvement*

- Five cases subject to CTL were examined. The reality check indicates generally satisfactory practice, except for one where the new expiry dates following an extension had not been endorsed on the file. Given the two failures, systematic county wide refresher training is required.
- No local agreements have been reached with the magistrates' courts regarding the agreement of expiry dates court or the courts involvement in monitoring of expiry dates.

**7. DISCLOSURE**

**2 - FAIR**

*At the last inspection of CPS Kent in 2003, the Areas handling of disclosure was found to be significantly below the national average. At the Follow Up inspection it was found that there had been improvement in the Area's handling of unused material. Since then the Area has undertaken a training event to ensure that all prosecutors and caseworkers are aware of the new procedures under the CJA 2003. Area monitoring of compliance with disclosure procedures has recently become more robust although there was some evidence that file selection was not being sufficiently targeted to ensure disclosure was always considered for assessment. On site file examination revealed that there were delays in the service of unused material on the defence and some non-compliance with the Joint Operational Instructions. In addition the handling of sensitive material was not carried out appropriately on two of the files seen.*

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

- The HMCPsi inspection of CPS Kent in 2003 found that there was a need to improve a number of aspects of performance relating to primary disclosure of unused material. The Follow Up Inspection Report of the Area found that good progress had been made in respect of this, with significant improvement noted.
- The Area has undertaken a comprehensive training programme to update all lawyers and caseworkers on the new disclosure provisions under the CJA 2003 and disclosure handling throughout the Area is supported by an Area Champion who provides regular casework updates. Further specialist training is being planned. At this stage it is too soon for the Area to demonstrate improvement as a result of this training.
- There is effective liaison with the police over disclosure issues with the Area Champion attending training and investigation meetings and part of the recent police review of case handling highlighted the problem of poor police scheduling of items. Joint action to improve this has already been taken. The Disclosure Champion also attends the meetings of the Police Disclosure Advisors.
- The Area relies on CQA assessments as the primary means of assessing disclosure handling, although this has been limited by the focus on PCD cases. Nonetheless there was evidence of robust assessment of disclosure handling on some of the files. In addition aspects of performance were picked up in the joint CPS/police review and, in the Crown Court, in the analysis of cracked and ineffective trial monitoring.

- The Area has a number of specialist disclosure counsel which it instructs on complex cases and will instruct additional counsel to deal with specific disclosure issues where necessary. The Area has a Third Party Material Protocol, which has recently been re-circulated to all parties and shared with the judiciary.

*Aspects for improvement*

- An analysis of cases on site revealed that the majority had separate disclosure files although this did not always include disclosure correspondence. Files which did not have separate disclosure logs were difficult to extrapolate. There was evidence of delay, sometimes significant, in the provision of primary (now initial) disclosure to the defence on magistrates' courts cases. Whilst there were examples of good disclosure endorsements on some of the schedules, on others there was only limited assurance that items had been scrutinised and dealt with appropriately. In addition on two of the files, items of unused material were disclosed to the defence with no explanation of the basis of disclosure.
- On one of the files seen there was no evidence that sensitive material had been examined at all, with no endorsement recorded on the schedule. On another file sensitive material was disclosed to the defence without editing and part of the sensitive material disclosed also contained sensitive material unrelated to that particular case.



**8. THE SERVICE TO VICTIMS AND WITNESSES**

**2 - FAIR**

*The Area is working effectively with its criminal justice partners in the implementation of the NWNJ project and has achieved the establishment of five WCUs. Full compliance with the DCV scheme is being hampered by the Area not capturing all cases with an identifiable victim. The Area is taking positive steps to address this.*

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

- Witness warning procedures are generally effective and are predominantly carried out by the WCU. Although systematic pre-trial checks are in place to ensure timely and accurate warning of witnesses, the NWNJ assurance review in July 2005 found that the current case progression processes between the criminal justice agencies are not supportive of victim and witness care. For example, the triple listing of cases and ineffective multi-agency engagement in the court process. Although work by the Kent CJB has resulted in recent improvements in the east of the county.
- The Area requires that all prosecution advocates and CPS staff at court undertake their responsibilities in respect of victims and witnesses, and positive action is taken when this has not been done. Instructions in dealing with victim and witness are contained within the Agents' Information Pack. Analysis of a sample of DCV letters demonstrates that prosecutors explained the reasons for the decisions to discontinue the case to the victim at court.
- There is regular and effective liaison with the Witness Service and Victim Support. A conference with Witness Service volunteers, sponsored through KCJB was held to raise the awareness and knowledge of the volunteers of the criminal justices agencies. The event was a success and another one is planned for later in the year. The NWNJ assurance review on WCU noted that they were working well with the Witness Service. A Witness Service pack has been developed to ensure that the Witness Service are provided with sufficient details of the victims and witnesses attending court for trial. CPS also work with the Witness Service and Victim Support to provide training to volunteers.

- The Area Programme for WCU coverage is on target with the project achieving expected milestones. The Assurance Review team of the NWNJ in Kent and Maidstone WCU were confident that the test-bed unit was working well towards successfully and effectively delivering minimum requirements. Although the project is at an early stage, the Area has benefited from the identification of intimidated witnesses.
- There is analysis of cracked and ineffective trial data on an Area and KCJB basis including those arising as a result of witness issues. Cases resulting in an ineffective trial in the Crown Court are analysed on a monthly basis and follow-up action carried out by the CPO. The average witness waiting time has improved in the Crown Court and worsened in the magistrates' courts, but both are slightly better than the national average.
- The Area has worked with the police to develop systems to ensure that victim personal statements are taken and used appropriately within the court process.
- There was evidence that Speaking Up For Justice (SUFJ) is fully embedded and the Area believes that cases in which special measures for witnesses are required are properly identified and applications made. The Area is making efforts to increase the effectiveness of SUFJ by the provision of training to the police

#### *Aspects for improvement*

- Compliance with the DCV scheme is comparatively low and not consistent throughout the Area. A recent calculation by CPS HQ indicates that the Area is achieving 35% compliance. The Area's current system does not effectively capture all cases with an identifiable victim. Recent monitoring of figures indicated that the number of DCV letters sent are decreasing and the Area has taken steps to establish the reasons for the decrease in the rate of DCV letters being sent so as to find a solution in increasing the volume of DCV letters.
- The NWNJ recent assurance review also identified that the Area does not notify the WCU of all discontinuances and does not inform them once DCV letters have been sent to the victim.

**9. PRESENTING AND PROGRESSING CASES AT COURT 2 - FAIR**

*The Area is working with the magistrates' courts to ensure court time is used productively. The Area has a high agent usage, but agents are required to shadow Crown Prosecutors and spend some time in the CPS office before starting prosecuting CPS cases. They are also provided with a comprehensive instruction pack. There is no systematic monitoring of in house advocates, counsel or agents.*

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

- Delivery of papers to advocates is done in a timely manner, and the Area ensures that agents and counsel are given full instruction packs and are advised of new initiatives and policy directives. New agents are invited to shadow Crown Prosecutors and spend some time with administrative staff before being instructed to prosecute CPS cases although this is not an absolute requirement.
- The Area is among those agencies leading the initiative to improve case progression in court. A joint working group with the CPS and the magistrates' court was set up to review the listing pattern in East Kent, with the objectives to include making the best use of DCWs. This process has been replicated in West Kent and the proposed listing schedule will start in September 2005.
- The Area ensures that the selection of prosecution advocates for courts is undertaken with full consideration of their experience and expertise. A specialist counsel list is used for the prosecution of a range of complex and sensitive cases and Business Managers monitor returns to ensure counsel's suitability. The Area has conducted reviews to ensure the equality of distribution of Crown Court work on gender and ethnicity grounds. The Area seeks to use in-house youth specialists to prosecute youth cases but does not always achieve this.
- Complaints about the conduct or performance of prosecutors in court are thoroughly investigated and appropriate actions taken. DCPs are tasked to monitor agents' advocacy skills where there have been complaints. Issues relating to Counsel are raised with Chambers or their Clerks. These are also discussed at the meetings with heads of Chambers.

- Business Managers at Maidstone carry out dip sampling of files to monitor the standard of file endorsements. Where for example, the hearing outcome had not been noted, the result was obtained from the court and action taken to ensure it is not repeated. This monitoring is done on an informal basis in Canterbury. Examples of very good and very poor file endorsements were seen whilst on site.

*Aspects for improvement*

- Because of resource implications, the Area targets advocacy monitoring to new prosecutors or those where a lack of advocacy skills has been identified, and feedback is given at performance appraisal reviews. Formal monitoring of all advocates should be undertaken including agent prosecutors as the Area has a high dependence on agents to prosecute cases on its behalf (45.6% of cases were covered by agents in the magistrates' court in 2004-05).

**10. DELIVERING CHANGE**

**3 - GOOD**

*Area business planning demonstrates the links between the CPS national objectives, the Public Service Agreement targets and local CPS targets. Objectives clearly set out responsibilities and accountabilities. Planning with criminal justice partners is effective. Staff training is well managed and there is evidence that the appropriate development takes place. However, the Area needs to reinforce this by formalising its approach to change and ensuring that the inter-dependencies between the Area priorities and initiatives are managed. Progress reporting on the implementation of change needs to be carried out in a more structured way.*

**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 the Area has produced a business plan digest to give staff an understanding of its direction. The business plan was developed with staff input. The Area made a conscious decision not to produce unit plans and use the digest as a means to communicate the Area direction to all staff.
- The Area business plan reflects the objectives and direction for the service and is aligned to the CPS strategic plan. Plans for the implementation of national initiatives (such as the higher court advocacy plan) are relevant and pertinent. There is evidence of review of objectives contained within the business plan, but this could be more frequent and more formally recorded.
- Planning with criminal justice partners has been successful. Joint work with the police on implementing the WCUs throughout the county has been effective. The Area has recently changed its structure to improve its ability to cover the staffing demands of giving PCDs face-to-face. There is active involvement of senior managers with others in the criminal justice agencies to deliver improvements in service. Although some initiatives have been planned and implemented more effectively within different parts of the county.

*Aspects for improvement*

- There is evidence that some planning review is undertaken at the senior management meetings. The Area needs to ensure that this process is formalised to show what outcomes (and changes) agreed during the meetings are captured and assessed.

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

- Some change within the Area has been effectively planned and implemented. Each change has an appointed project leader who is responsible for the change and reports to the senior management team.

*Aspects for improvement*

- The Area's approach to project review and refinement needs to improve. A more co-ordinated approach to change needs to be developed; managing change in the Area would benefit from a more formalised process for monitoring and progress reporting. There is an over-reliance on informal and individual knowledge which increases the risk to delivery.
- The Area needs to introduce a change management structure to oversee the impact of all projects rather than dealing with individual projects in a piecemeal approach. This structure must ensure that project risks and dependencies are identified, managed and reviewed.

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

- Area training has been specifically linked to the Area's objectives and relevant training has been delivered. Training needs are identified through performance appraisal and individual personal development plans. Training is well managed and there are effective systems in place to evaluate training.

**11. MANAGING RESOURCES**

**2 - FAIR**

*There are sound systems in place to monitor and account for spend. A revised approach to accounting for and monitoring agent spend should result in a better outturn in the 2005-06 year. The Area overspent against its 2004-05 budget by 1.5%; however, this was the first such occurrence. The dependence on agents to cover court sessions whilst implementing the charging initiative resulted in agent spend of £419,168 (with 45.6% of sessions being covered by agents). The Area effectively deploys its DCWs and covered 995 sessions during the year. However, the implementation and staffing of charging had a detrimental impact on the Area's ability to use its HCAs.*

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

- There is clear evidence that the Area has taken steps to achieve value-for-money. The Area has taken action to minimise costs and maximise savings on issues from car parking to courier services. Work with the magistrates' courts has resulted in a revised listing agreement which should enable the Area to use its resources more effectively in the east of the county. This new arrangement will come into force in September 2005.
- Regular financial information is considered by management. There is a reliance on verbal updates at some of the senior management meetings for information on budgets, but a good summary is produced in the quarterly performance pack which is circulated to all managers. The Area budget is controlled within the Area secretariat and processes are in place to ensure financial propriety. Performance to date (first quarter of 2005-06) has been within target and would, if maintained, produce a dramatic reduction in the Area spend on agents.
- The Area has developed a sound system to capture and account for spend on agents. These figures are produced weekly and are shared with managers to give an awareness of the position to date.

*Aspects for improvement*

- There is no obvious trend on budget management. The Area had underspent its budget in the 2003-04 year (98.7% of budget) and had overspent its budget in 2004-05 year at 101.5% of budget. Prosecution costs spend for 2004-05 were overspent at 105.2%. The Area is confident that it will be able to manage within its budget for the coming year.

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

- The Area has set expectations of the courts covered using DCWs at 6 sessions per week. During the 2004-05 year the Area DCWs show usage of 8.7% against a national average of 8.3%. Between April 2004 and March 2005 7.6 Area DCWs covered 995 sessions.
- Average sick absence is reasonably low at 6.9 days per member of staff over the year 2004-05 compared to the national average of 8.7 days.

*Aspects for improvement*

- The Area's agent usage was greater than the national average at 45.6% sessions covered by agents as opposed to the national figure of 26.9%. The Area accounts for this spend as a managed decision to ensure that charging was implemented and maintained effectively during the 2004-05 year. The Area spent £419,168 on agents in 2004-05. A target for in-house coverage of available sessions has been developed by the Area to reduce the over-reliance on agents.
- As a result of charging the Area savings resulting for HCA usage was below target. Savings in 2004-05 were £9,400 with a final quarterly saving per session of £168 against the national average of £224. The Area has 7 HCAs and in the final quarter of 2004-05 they covered 39 HCA session.



**12. MANAGING PERFORMANCE TO IMPROVE**

**2 - FAIR**

*A new approach to managing performance is being adopted at Area level, this includes a good summary of overall Area performance in a quarterly Area performance report. This needs to be complemented by a more consistent approach to performance analysis at the team level. Local performance meetings were enabling local managers to analyse local performance information jointly and act upon it by the start of 2005. The Area has recently recommenced a full CQA sample on a wide variety of its casework.*

**12A: Managers are held accountable for performance**

- The Area approach to performance management was developed over the 2004-05 year and continues to be developed. There is some evidence of performance monitoring over a wide range of key aspects, with a comprehensive quarterly performance pack being produced. A recent change to align unit performance reports to the CPS national scheme should also result in a more formal approach to performance management at the working level. Regular performance appraisal is used to improve personal performance.

*Aspects for improvement*

- There is a wide variation in the level of performance analysis that is carried out within the differing geographical locations. The Area would benefit from a consistent approach to analysing data and considering trends.

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

- Local performance meetings (under the auspices of the Kent CJB) were set-up in the early part of 2004, and were bedding in by the start of 2005, enabling local managers to analyse local performance jointly and act upon it. There are examples of joint performance management with criminal justice partners driving up performance. There is evidence that performance results are being driven up through the work of local performance groups, which include the police, courts and the CPS. Improvement of processes around PCD cases is having positive impacts on results. The Area is using prosecution team performance management reports to work with the police to improve performance. The Area has recently revised the national package of reports to focus on issues that are a cause for concern.

- The Area is actively committed to working jointly with partners. A high level of commitment is demonstrated by senior managers; four out of five of the local joint performance groups are chaired by CPS team leaders DCPs. There is active participation by the Area on the KCJB sub-groups, with specific work being undertaken: on PYOs; arrest, investigation and charging; and community confidence.
- The Area exceeded its target in performance in relation to PYOs (59 days against a 71 day target). The OBTJ target was achieved. Public confidence was recorded at 46% as measured by the British Crime Survey which was better than the national picture of 43%.

*Aspects for improvement*

- The Area needs to consider the targets and performance measures that it thinks essential and introduce a countywide system to capture consistent information for all locations.
- The Area missed its asset recovery target in 2004-05.

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

- There is evidence that performance information is accurate and timely, and is produced for senior management team meetings. There is a wide range of performance information shared with team leaders (DCPs) and they decide whether it is disseminated further. The Area produces a performance digest twice yearly for all staff, where key measures from CPS national data are highlighted and comparisons to national performance made. Performance information is also often contained in the CCP's bulletin and other Area-wide communications.

*Aspects for improvement*

- The Area has recognised that it needs to focus the performance information that is considered by the senior management team, and has produced a performance data pack which will mirror the performance regime implemented by CPS Headquarters.
- Discussion of performance within units usually occurs but it can be ad hoc in nature. There was limited evidence of performance discussion at team meetings. The Area needs to ensure that regular and focused performance information is shared with all staff across the Area.

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

- The CQA system is now fully in place and one file per lawyer/designated caseworker per month is assessed. The Area until April 2005 had focused its analysis on PCD cases only.

*Aspects for improvement*

- The Area operation of the system is inconsistent. Some senior managers use CQA forms to give specific feedback to lawyers whilst others did not recognise that this was part of the process. A more consistent approach to the learning opportunities available from the use of the CQA needs to be promulgated across the Area.

**13. LEADERSHIP**
**3 - GOOD**

*The Area has a clear vision which is evident to staff. In the main communication with staff happens at the right time and is effective and the 'Chief Crown Prosecutor lunches' were an effective demonstration of openness and value setting. The CPS are active in leading criminal justice initiatives and have been the driving force behind some change. Good performance is rewarded and recognised and there is sound evidence of equality and diversity policies being turned into practice. The composition of the workforce closely reflects the local population.*

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

- The Area vision is clearly defined and staff in the Area are aware of the priorities and direction of travel. The 2004 staff survey showed that 86% of staff in the Area understood how their work fitted into the overall objectives of the CPS. The senior management team have communicated the ethos of 'Dignity at Work' and action has been taken to raise awareness of dignity issues. Examples of inappropriate behaviour have been tackled and additional training given.
- The CPS is leading on a number of key criminal justice initiatives and has influenced the direction of criminal justice activity in the Area. CPS involvement and contributions to KCJB related activity has resulted in improved performance in managing PYO targets and improved results in the public confidence baseline targets. In addition charging is beginning to show improvements in case handling results, (although this has been at a large resource cost in terms of increased agent usage and reduced HCA activity).
- Staff are involved in the work of the Area, and the regular involvement of all managers in the Area Manager's Group is evidence of a 'bottom-up' approach to business planning and performance review. During the 2004-05 year the programme of 'CCP lunches' gave all staff the opportunity to express views as well as to hear at first hand the vision and goals of the Area.
- Good performance is rewarded and recognised, with praise and recognition evident in many of the Area's written communications, such as team minutes, personal notes of thanks from the CCP, and the Area performance digest.

*Aspects for improvement*

- Managers consider that communication with staff is generally timely and meaningful; however, there are not always regular team meetings, as staff commitments makes managing this difficult.

**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. Equality and diversity is mainstreamed within plans, and evidence of the impact of this was effectively demonstrated; the primary competence required for the WCU manager was diversity awareness, and there is robust monitoring and appointment of counsel.
- Area Managers present as a cohesive team, with a clear understanding of their roles and responsibilities and how they fit within the organisation. There is a good degree of inclusiveness and a high level of corporacy and it is evident that as local leaders they are making an impact both within their teams and with the CJS.
- The Area has met its target for the employment of black and minority ethnic staff as well as female staff as a percentage of its workforce in comparison to the local community. The Area is seeking to improve its position in relation to the employment of disabled staff and targets have been set.

**14. SECURING COMMUNITY CONFIDENCE**
**4 - EXCELLENT**

*The Area is committed to engaging with the community at both Area and Board levels. Good relationships have been forged with community groups and the Crime and Disorder Reduction Partnerships (CDRP). The Area is taking steps to target issues that most affect the public and performance data is encouraging.*

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

- The commitment of senior managers is clear and demonstrated. Community engagement is a regular item on the SMT and the KCJB agenda, and the Area Champions in specialist cases are dedicated to contributing to community activities. Securing the confidence of the community is seen as part of the core business. The Area keeps a comprehensive community engagement diary, staff at all levels have been trained in this aspect and participated in a range of activities, good news stories are promulgated, and staff attend various community liaison meetings.
- The Area understands its population and demonstrates a full range of consultation, participation and information giving. Using available information from other agencies, the Area has compiled a list of community groups in the Area. The Area will further draw information from the Black and Minority Ethnic (BME) Network, which will be set up by the North West Kent and the Medway Racial Equality Council (REC). The BME Network will also target faith groups and the travellers' community.
- Consultation and communication are channelled mainly through REC although there are other avenues and fora used. Active involvement is evident as one of the chairs of local REC is a member of the KCJB confidence sub-group, and the minority ethnic and lesbian, gay, bisexual and transgender (LGBT) liaison group meetings. The communications manager aims to carry out an audit of community engagement activities to enable the Area to target specific activities.
- The Area measures the impact and value of engagement using the British Crime Survey, KCJB performance data, and feedback from members of the community groups. An example of improved confidence in the work of the Area can be demonstrated by a request for the Hate Crime Area Champion to be appointed chair of the Medway Action Against Racist Attacks (MAARA).

- Service improvements have been made and implemented on the back of consultation. For example, concerns were raised in relation to anonymity at the LGBT forum. As a consequence, guidance was issued to staff when dealing with homophobic crime cases.
- The Area has excellent associations and liaison with the CDRP. The Chief Crown Prosecutor is a member of the Kent Partnership Safer Communities Sub-Group and the Anti-Social Behaviour Orders (ASBO) expert prosecutor is a member of the Dover District Town Centre Crime Group, which is a CDRP sub-group and also the Canterbury CDRP. The Area champion has also contributed to the formulation of the local area agreement as part of this role. The Area, through the communications manager, has forged links with community liaison officers to obtain information on aspects of crime that directly affect the public.
- Public confidence in the effectiveness of the local criminal justice agencies in bringing offenders to justice is 46% compared to a national figure of 42%.

**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%	15.7%	52%	68.8%	72.5%	31%	22.7%	21.2%
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%	14.5%	68%	66%	56.6%	23%	23.8%	23.7%

**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%	23.3%	71 days	67 days	59 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	86%	151	53%	53	82%	17

**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	94%	145	79%	42	50%	2

**ASPECT 3: MANAGING CROWN COURT CASES**

**INEFFECTIVE TRIAL RATE**

National Target	National Performance 2004-05	Area Performance 2004-05
18.5%	15.8%	18.0%

**ASPECT 4: ENSURING SUCCESSFUL OUTCOMES**

<b>UNSUCCESSFUL OUTCOMES (AS A PERCENTAGE OF COMPLETED MAGISTRATES' COURTS AND CROWN COURT CASES)</b>		
National Target	National Performance 2004-05	Area Performance 2004-05
21%	19.6%	15.0%

<b>OFFENCES BROUGHT TO JUSTICE</b>		
	CJS Area Target 2004-05	CJS Area Performance 2004-05
Against 2001-02 baseline	+11.1%	+20.2%
Number	25,349	29,119

**ASPECT 7: DISCLOSURE**

<b>DISCLOSURE HANDLED PROPERLY IN MAGISTRATES' COURTS AND CROWN COURT CASES PERFORMANCE IN THE LAST INSPECTION CYCLE</b>		
	National Performance	Area Performance
Primary test in magistrates' courts	71.6%	64%
Primary test in Crown Court	79.9%	73%
Secondary test in Crown Court	59.4%	70.8%
Overall average	70.3%	65.66%

**ASPECT 11: MANAGING RESOURCES**

<b>NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE (END OF YEAR RANGES)</b>	
2003-04	2004-05
98.7%	101.5%

<b>DCW DEPLOYMENT (AS % OF MAGISTRATES' COURTS SESSIONS)</b>			<b>HCA SAVINGS (PER SESSION)</b>		<b>SICKNESS ABSENCE (PER EMPLOYEE PER YEAR)</b>		
National Target 2005-06	National Performance 2004-05	Area Performance	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target	National Performance 2004	Area Performance 2004
11.6%	8.3%	8.7%	£224	£168	8 days	8 days	6.9 days

**ASPECT 14: SECURING COMMUNITY CONFIDENCE**

<b>PUBLIC CONFIDENCE IN EFFECTIVENESS OF CRIMINAL JUSTICE AGENCIES IN BRINGING OFFENDERS TO JUSTICE (BRITISH CRIME SURVEY)</b>	
CJS Area Baseline 2002-03	Most Recent CJS Area Figures In 2004-05
40% (Dec 2003)	46% (Dec 2004)

**NOTES**

NOTES



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