

CPS South Yorkshire

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Overall Performance Assessment

December 2005

Promoting Improvement in Criminal Justice

*HMcp*si**  
H M Crown Prosecution Service Inspectorate

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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 South Yorkshire and represents a baseline against which improvement will be monitored.

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

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

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

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

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

## B. AREA DESCRIPTION AND CASELOAD

CPS South Yorkshire serves the area covered by the South Yorkshire Constabulary. It has four offices, at Barnsley, Doncaster, Rotherham and Sheffield. The Area Headquarters (Secretariat) is based at the Sheffield office.

Area business is divided on functional lines between magistrates' courts and Crown Court work. The CJUs handle cases dealt with in the magistrates' courts. The TU handles cases dealt with in the Crown Court.

At the time of the assessment in 2004-05, the average Area staff in post was 154.1.

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

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	11,353	24.5	20.9
Advice	1,753	3.8	5.1
Summary offences	20,367	44	46.8
Either way and indictable only	12,655	27.4	26.7
Other proceedings	142	0.3	0.4
<b>TOTAL</b>	<b>46,270</b>	<b>100%</b>	<b>100%</b>

## **C. SUMMARY OF JUDGMENTS**

The Area was last inspected in February 2004 and received a largely positive report (published in July 2004). It was found to be performing well in most assessment categories and its overall casework performance compared favourably with that seen nationally. Starting from a strong position, it was relatively slow in responding to the recommendations and aspects for improvement identified and had only recently begun to progress some elements of its action plan by the time of the follow-up review in March 2005.

It was clear, nevertheless, that Area managers recognised the issues and were committed to addressing them, providing a good foundation from which further improvement could be made. It is apparent that considerable performance improvements have been achieved and that progress is being maintained.

The Area has a clear vision, which is communicated successfully to staff. Energetic and committed managers have bridged a communication gap between strategic direction and day-to-day core business. They have also been pro-active in collaborating with CJS partners and in the general management of substantial and challenging change programmes.

The necessary structures are in place to monitor performance against targets effectively and there is a clear commitment towards joint performance management with local criminal justice partners. Internally, performance is monitored closely through efficient use of individual appraisal procedures and the Casework Quality Assurance (CQA) scheme. Efficient and effective systems to achieve value for money and operate on budget are well established.

The statutory charging scheme has been in place since May 2004 and the benefits, in terms of starting cases out on the right foot and reducing unsuccessful outcomes, are being realised. However, those benefits have been more evident in Crown Court cases and the proportion of magistrates' courts pre-charge decision (PCD) cases that are ultimately discontinued was above the national average in 2004-05.

The proportion of wasteful ineffective trials is decreasing as a result of positive CPS action. The Area narrowly missed meeting its target in the magistrates' courts (23.6% against 23%) but was better than the national average (24.8%). In the Crown Court, the ineffective trial rate of 13.1% easily met the Area target (17%) and was also better than the national performance (15.8%). The proportion of cracked trials attributable to the prosecution in the Crown Court (15.9% which is slightly above the national average of 15.3%) requires attention.

The Area has been at the fore in implementing important joint national initiatives, such as the Effective Trial Management Programme (ETMP) and No Witness No Justice (NWNJ). Further work is required with the police, however, to improve the timeliness of file submission in Crown Court cases to ensure that decisions can be taken at the earliest appropriate stage.

The shared CJS national and Area targets for bringing offenders to justice have been exceeded and performance is improving. There was an 18.7% increase on the 2001-02 baseline in 2004-2005. Performance in expediting cases involving persistent young offenders (PYO) is also good, at an average period from arrest to sentence of 60 days compared to 67 nationally.

The quality of handling of sensitive cases is creditably high. Specialists are active in maintaining standards, internally and in partnership with CJS counterparts, and also in seeking to increase public confidence. The handling of disclosure of unused material is also consistently good and an experienced Area champion has provided invaluable guidance for CPS staff and for others operating within the local criminal justice system.

The Area has a written custody time limit (CTL) system that is consistent with national guidance and also provides relevant supporting training for staff. There were no CTL failures in 2004-2005 and the system is reviewed regularly to ensure that it is functioning effectively.

The service provided to victims and witnesses is generally good and all five Witness Care Units are now active. Operation of the Direct Communication with Victims (DCV) scheme is improving and there is effective liaison with the Witness Service. The Area has also undertaken valuable work with other agencies to improve case progression and is endeavouring to improve the overall quality of prosecution advocacy.

The Area has pursued a wide range of activity designed to secure the confidence of its local community and, as a result, staff have achieved an enhanced appreciation of the social implications of racist and other anti-social behaviour. The key figure for members of the public having confidence in the ability of the South Yorkshire CJS to bring offenders to justice is 42.3%, which represents an improvement on the baseline figure of 35% (for year to March 2003) and is higher than the target of 42%. Evaluation of the impact of specific initiatives would enable managers to focus and better target community engagement in future.

It is to the credit of the work of managers and staff in CPS South Yorkshire that the Area has achieved good assessments across all aspects of performance. Nevertheless, there remains work to be done to ensure that a number of outcomes improve to a level significantly better than the national averages, so as to reflect excellence across individual aspects of performance.

In the light of our findings the Area's overall performance is **EXCELLENT**.

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

<b>OVERALL ASSESSMENT</b>	<b>4 - EXCELLENT</b>
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## D. DEFINING ASPECTS

### 1. PRE-CHARGE DECISION-MAKING

3 - GOOD

*The statutory charging scheme has been in place since May 2004 and is operating effectively. Guidance for staff has been good and Area managers continue to assess ongoing training and experience needs for advising lawyers. Overall, however, the realisation of benefits in magistrates courts cases, in terms of increasing the likelihood of early guilty pleas and reducing attrition, is below target considering that the charging scheme is well established. In contrast, Crown Court outcomes are comparatively good. More recent data for the current year suggests that the overall position is beginning to improve.*

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

- Timely pre-charge advice and decisions are provided during office hours at police stations at all seven Area charging centres. An interim measure is in place at Sheffield, because of a planned police move to new accommodation, where advice is provided from a dedicated room at CPS premises.
- Area recording and counting systems are generally accurate and the use of the Case Management System (CMS) for the recording of advice and decisions is embedded. Good work was done in identifying appropriate IT training for prosecutors when rolling out the statutory scheme and to encourage consistency.

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

- The Area ensures that all lawyers providing the advice and decisions have a full understanding of the operation of the Area scheme, and all local and national guidance, and are of sufficient expertise and experience. A charging champion has been appointed to provide guidance and maintain standards. The qualities and expertise required to deliver good quality advice have been identified in preparation for a training exercise designed to improve the overall quality of advice and maximise the benefits derived from the charging scheme.



- Individual performance in relation to the quality, appropriateness and timeliness of pre-charge advice and decisions provided (including cases where no further action is recommended) is regularly and formally assessed. Prosecution Team Leaders (PTLs) carry out quality assurance checks and specific feedback has been given to individuals when issues have been identified.

*Aspects for improvement*

- A system is in place designed to provide good quality pre-charge advice in complex or specialist cases not suitable for brief face-to-face discussion at the charging centres. Files are submitted to the central Trials Unit (TU) and an appointment is made so that the officer in the case can discuss the issues properly with the reviewing lawyer. However, there are aspects of this system that are not operating effectively in practice and face-to-face discussion is not always achieved.

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

- Roll-out of the statutory charging scheme was robust and has been in place since May 2004. The Area has met or exceeded all milestones agreed with the Charging Programme Office.
- Expected benefits are being realised in those cases dealt with by the Crown Court. The discontinuance (5.6% compared to 14.6%), guilty plea (80.1% compared to 66.7%) and attrition (13.6% compared to 23.8%) rates are all significantly better than national averages.
- There was effective regular liaison with the police leading up to the implementation of statutory charging. Continuing operation of the scheme and police compliance is monitored with referral and action as appropriate. There are adequate systems in place for managing inappropriate requests for advice and encouraging compliance with requests for further evidence and action plans.
- The Area generally liaises effectively with CPS Direct and there are good communication links, although face-to-face meetings between representatives commenced relatively recently. The regional co-ordinator has been pro-active in encouraging PTLs to report problems and issues are being addressed.

### *Aspects for improvement*

- Pre-charge decision-making performance in magistrates' courts cases is below national averages in all three assessment categories, despite statutory charging having been in place since May 2004. The guilty plea (67.9% compared to 68.8%), attrition (24.1% compared to 22.7%) and discontinuance (17.7% compared to 16.3%) rates are not as good as their national comparators. An analysis has been carried out to identify and address the reasons, which include the completeness of information advised upon and the approach taken in domestic violence cases. There are recent positive signs that the rate is reducing.

**2. MANAGING MAGISTRATES' COURTS CASES**

**3 - GOOD**

*The Area performs well in casework generally and has improved further in recent years. It surpasses national averages in the vast majority of quality and timeliness assessment categories. Necessary improvements are being made in the rate of ineffective trials and appropriate remedial action is being taken to address the causes although there are some significant variations between the Area's teams. Overall, usage of the Case Management System (CMS) substantially exceeds that seen nationally.*

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

- Magistrates' courts cases are reviewed routinely and prepared promptly, with follow-up work being undertaken where necessary, and most cases are ready to proceed at each court hearing. A system was introduced after the last inspection to ensure that agents receive their files in time to prepare properly.
- There is liaison with criminal justice partners and regular meetings involving case progression officers from the CPS, police and courts, with performance improving as a result. The proportion of casework timeliness targets met is better than the national average in all four of the assessment categories covering both adult and youth cases (88% compared to 83% for adult guilty pleas; 77% compared to 66% for adult trials; 92% compared to 87% for youth guilty pleas and 95% compared to 85% for youth trials).
- The timeliness of youth cases continues to improve and persistent young offender (PYO) finalisation (from arrest to sentence) is better than the national performance, at 60 days compared to 67. There are leading specialists for all teams and the Area co-ordinator holds regular meetings with CJS counterparts.
- The number of wasted costs orders per defendant in magistrates' court cases is slightly better than the national average.

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

- The cracked trial rate is reducing and the Area has significantly exceeded its target (33% against 40%).
- The ineffective trial rate is also reducing, although the Area narrowly missed meeting its target (23.6% against 23%).

- Work has been undertaken with criminal justice partners, action has been taken and communicated, and performance is improving as a result. There is regular joint analysis of the reasons and the principal prosecution cause of trials being ineffective (witness non-attendance) is being addressed through advances in witness care and more effective case progression.

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

- CMS is used to record all key events in cases, and outstanding tasks are monitored and chased up where appropriate. This is seen as an integral part of day-to-day working. The proportion of full file reviews carried out on CMS is almost twice the national average (54% compared to 27.1%) and the review records examined were generally sufficiently detailed.
- CMS/MIS reports are generated and used to assist in specific usage and monitoring issues. Area managers have adapted MIS reports to facilitate detailed analysis on specific issues, including performance in sensitive cases. Variations in CMS usage between teams and individuals have been identified and addressed.

**3. MANAGING CROWN COURT CASES**

**3 - GOOD**

*Decision-making quality and case preparation was found to be generally sound in the last inspection and more helpful instructions are now being provided to counsel. CJS liaison is effective and the Area has been at the fore in implementing important joint national initiatives. The low rate of ineffective trials is particularly creditable. The Case Management System (CMS) is being used to full advantage and general awareness of POCA is increasing. However, more decisions can be taken at an earlier stage to avoid unnecessary preparation for trial.*

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

- Crown Court cases are routinely reviewed and prepared promptly, with follow up work undertaken where necessary and most cases are ready to proceed at each court hearing. Decision-making quality and case preparation was found to be generally sound in the last inspection but delays are sometimes caused by the late submission of police files. The proportion of committals discharged due to lack of preparation is reducing. There were 109 in 2004-05 representing 0.4% of all committals, which was greater than the national average (0.3%). However, in the five-month period between February and June 2005 there were only 32.
- Most instructions to counsel include an analysis of the issues and acceptability of pleas, and are usually delivered to counsel promptly. An internal review has produced improvement since the last inspection. In some cases, limited time due to late file submission means that lawyers are unable to prepare proper instructions at the committal stage and this is not rectified later.
- There is significant liaison with criminal justice partners, and regular case progression meetings, which has resulted in improvements in performance. There is regular joint analysis of casework issues and the Area has successfully implemented the Effective Trial Management Programme (ETMP) and No Witness No Justice initiative (NWNJ).
- The Area is monitoring POCA cases and exceeded its target for confiscation orders (67 against 65) with a total confiscation sum of £805,159. Action taken to increase awareness has included providing refresher training for all lawyers focusing on capturing lower level cases in which defendants have modest assets acquired as a result of crime.
- The timeliness of most youth cases is improving. The overall PYO target is being met and is better than the national performance (60 compared to 67 days). The TU has identified youth specialists and all defendants are treated as if they are persistent young offenders.

*Aspects for improvement*

- Despite considerable CJS liaison and co-operation, late submission of a high proportion of police files (60% in Sheffield in May 2005) makes it more difficult for the Area to prepare Crown Court cases properly and on time.
- The cracked trial rate in the Crown Court (50%) is significantly higher than the national average (39.2%). The proportion attributable to the CPS is 15.9% compared to the national average of 15.3%.
- The number of wasted costs orders per defendant is well above the national average (0.12% compared to 0.03%).

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

- There is regular and formal analysis of all cracked and ineffective trials and action has been taken to improve liaison with witnesses to secure their continued commitment and attendance. The ineffective trial rate is reducing and the Area has significantly exceeded its own and national targets.
- Significant work has been undertaken with criminal justice partners, action has been taken and communicated and performance is improving as a result. Weekly meetings are held involving case progression officers from the CPS, police and Crown Court and a representative of the Witness Service, at which individual cases are analysed and more general issues discussed productively.

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

- CMS is used to record all key events in cases, and outstanding tasks are monitored and chased up where appropriate. CMS usage is monitored at Area, unit and team level with feedback being provided to increase usage where necessary. The proportion of cases in which CMS was used in preparing the indictment is better than the national average (87.5% compared to 81.5%).
- Area usage is better than the national average for recording full file review and indictment preparation. Innovative practices have been introduced that assist case management, including receiving items by secure e-mail that can then be imported into CMS to improve the quality of information stored within the electronic case file.

**4. ENSURING SUCCESSFUL OUTCOMES**

**3 - GOOD**

*Cases that do not proceed or are unsuccessful are monitored and carefully analysed, internally and in conjunction with the police, in order to identify and address the reasons. Suitable feedback is given to staff and procedures have been adjusted where necessary. There are encouraging trends and the proportion of unsuccessful outcomes continues to reduce. Area managers are, nevertheless, aware of the pressing need to ensure that fewer pre-charge decision (PCD) cases result in discontinuance in magistrates' courts cases.*

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

- There is regular and formal assessment of the quality of review and case handling. Prosecution Team Leaders carry out appropriate quality assurance checks and unsuccessful outcomes are analysed internally and at regular meetings with the police. The charging champion monitors the standard of pre-charge advice. Issues identified are disseminated where general or, if necessary, discussed with individuals on a one-to-one basis.
- Adverse outcome forms are completed in appropriate cases and clearly set out the reasons for acquittal. The form used contains a useful section in which learning points are identified, but could provide more space for the explanation of the reasons for the adverse outcome. Dip sampling of adverse cases identifies trends and this information is shared with the police at Joint Management Board (JMB) meetings.
- Adverse outcomes are reducing and the no case to answer, judge ordered acquittal, judge directed acquittal and trial acquittal rates are all lower than the national averages.
- The Area has met its target in relation to unsuccessful outcomes and its performance is better than the national performance and target. The combined total has improved from 21.2% in 2003-04 to 17% in 2004-05 and both years were below the national figures of 21.4% and 19.6% respectively.
- The Area is exceeding or meeting national averages for most key measures. For example, for the full year to March 2005, results compared with national averages show:

OUTCOME	AREA FIGURE	NATIONAL AVERAGE
<b>Magistrates' courts</b>		
Discontinuance & bindovers	12.9%	12.5%
No case to answer	0.2%	0.4%
Dismissed after trial	1.4%	1.8%
Discharged committals	0.4%	0.3%
Overall conviction rate	82.9%	80.8%
<b>Crown Court</b>		
Judge ordered acquittals	7.3%	14.2%
Judge directed acquittals	2.2%	2.4%
Acquittals after trial	4.5%	7.5%
Overall conviction rate	84.4%	75.8%

- The target for offences brought to justice (OBTJ) is a shared one by reference to 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, which South Yorkshire has achieved. The national and Area OBTJ targets have been exceeded and performance is improving. The Area achieved an 18.7% increase on the 2001-02 baseline in 2004-05 (from 24,463 to 29,038 offences).

*Aspects for improvement*

- The discontinuance rate overall (12.9% compared to 12.5%) and the discontinuance rate in PCD cases in the magistrates' courts (17.7% compared to 16.3%) are both not as good as the national performance.



**5. HANDLING SENSITIVE CASES AND HATE CRIMES 3 - GOOD**

*The quality of handling of sensitive cases is high and monitoring procedures have improved, with beneficial use of the Case Management System (CMS). The proportion of 'hate crime' cases resulting in an unsuccessful outcome is below the national average and target. An effective structure has been established in which Area champions oversee and maintain good performance with the assistance of experienced specialist prosecutors. Champions also liaise productively with CJS counterparts and are pro-active in seeking to increase public confidence. Developments are considered and incorporated efficiently into practice. Pressure to devalue cases by removing the 'hate' element is strongly resisted where appropriate.*

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

- Various systems are in place to ensure that sensitive cases are flagged up on CMS. Their review and handling is regularly and formally assessed, with appropriate feedback given and adjustments made where necessary. The results are considered regularly by Area champions and specialists and discussed by the CCP's Board, Equality and Diversity Group and also in meetings of unit and teams.
- In terms of avoiding unsuccessful outcomes in 'hate crime' cases, the Area performance is better than the national averages in cases of domestic violence (34% unsuccessful against 45% nationally) and in cases arising from racist incidents (21% against 28%). It is equal to the national average in respect of homophobic crime (29%).
- The Area has appointed champions and specialists for sensitive cases who disseminate information and handle cases where appropriate. They are available for consultation at the pre-charge decision stage. The champions provide leadership and guidance for colleagues as well as raising public confidence through community engagement.
- The Area takes CPS policies and HMCPSI thematic reviews into account when devising Area practice. Developments are circulated to champions and information is provided to staff in an accessible format, with discussion at meetings where necessary. The findings of thematic reviews are circulated to all relevant managers and specialists with the relevant Area champion taking the lead role in liaising and agreeing any action required.
- The Area undertakes an analysis of 'hate crime' cases in which a reduction or change of charge, or an agreed basis of plea, reduces or removes the 'hate element' from the offence. Appropriate guidance is provided for prosecutors and PTLs and specialists monitor such cases. The Area has been particularly robust in resisting suggestions that the racist element should be removed in Crown Court cases.

**6. CUSTODY TIME LIMITS****3 - GOOD**

*The Area has a written custody time limit (CTL) system consisting of CPS policy directorate guidelines, supporting training and criminal justice unit (CJU) desk instructions. In the trials unit (TU) there is a system in place however there are no desk instructions. There have been no CTL failures in 2004-2005. Periodic reviews of the system's effective functioning are provided to the Senior Management Team (SMT). It is clear that the Area prioritises CTLs and all staff have received relevant training. There is active involvement with CTLs by the Crown Court and magistrates' courts.*

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

- The Area's written CTL system consists of the essential actions guidelines for CTLs; although this has not been adapted to be Area-specific, it is supplemented by the Area's comprehensive training notes and the CJU desk instructions. There have been no CTL failures within the last financial year.
- Discussions between the Area and local magistrates' courts have taken place to gain their involvement in the accurate calculation of the CTL, and in monitoring the expiry dates. Recently, following the Area's own performance review, this has been reiterated to the magistrates' courts. The Crown Court is involved in the monitoring of CTL expiry dates and this was evidenced in the reality check conducted.
- The Area system is reviewed regularly and changes are made when new case law or procedures are brought in. The Area CTL champion plays an active role in ensuring all staff have the appropriate level of knowledge.
- All staff have been trained in both the local system and the relevant law. The importance of CTLs is clearly embedded throughout the Area, and staff are given appropriate training. The training needs of new starters are identified and considered.
- Senior Area managers take an active interest in the effective functioning of the system and require periodic assurances, in the form of a yearly self-assessment of performance. Recommendations made from this have been actioned. Both level B managers and Prosecution Team Leaders conduct dip sampling of CTLs.
- The reality check of CTL files undertaken indicated satisfactory practices are in place. All review and expiry dates were correct, files were easily identifiable, and a diary system was being used to monitor the review and expiry dates.

*Aspects for improvement*

- The reality check indicated that not all court endorsements clearly indicated that the defendant was remanded in custody, and extensions to CTLs were not always noted on the front of the file.
- In the trials unit, whilst it is clear that there is a system in place, there are no written instructions providing full detail on processes and responsibilities.

**7. DISCLOSURE**
**3 - GOOD**

*The Area's performance in ensuring compliance with the regime for disclosure of unused material has been consistently good and better than that observed nationally. Appropriate action has been taken to maintain existing levels and secure improvements. An experienced Area champion has been particularly active in seeking to increase awareness internally and provide guidance to others within the local CJS to ensure that difficult disclosure issues are handled effectively.*

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

- Overall performance in relation to disclosure compares favourably with national averages from our last inspection cycle (76.9% compliance compared to 70.3%) and is being formally assessed, with appropriate action taken where necessary. It is considered regularly by PTLs as an important aspect of Casework Quality Assurance (CQA) and the Area champion oversees the maintenance of standards. There was also further validation from an external assessment commissioned in 2004.
- Area systems ensure that all sensitive material schedules and unused sensitive material are stored securely. Staff are well aware of the need for appropriate security.
- The Area has an experienced disclosure champion who also chairs the training working group of the National Advanced and Specialist Disclosure Project. He takes on significant responsibilities, providing valuable guidance to both CPS and police staff as well as representing the Area in liaison with the police at a senior level.
- Most prosecutors and caseworkers have received training on the disclosure provisions of the CJA 2003 and the new CPS/ACPO Disclosure Manual. A further session for the few who have not yet received this training will take place before the end of 2005.
- The Area champion is working closely with the police to secure improvement in the management of large and complex cases and with regard to the handling of highly sensitive material. He has also assisted the police in their initiative to provide basic disclosure training to approximately 1,000 operational officers.
- Successful work undertaken to improve disclosure performance since the last inspection has included (in addition to that mentioned above): CPS training materials being used for police training of local detectives; guidance on disclosure for forensic scientists; agreement of a protocol with Social Services and guiding the police about disclosure issues arising from allegations of police misconduct.

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

**3 - GOOD**

*Overall, the Area provides a good level of service to victims and witnesses and improvements within the Direct Communication with Victims (DCV) scheme are being built upon. The timeliness and identification of letters has been a problem for the Area in the past. No Witness No Justice is being implemented throughout the Area with all five Witness Care Units now being live. Speaking up for justice (SUFJ) is embedded and there is effective liaison with the Witness Service.*

**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 DCV scheme is prioritised by the Area; the quality of victims' letters, identified as a strength in the last inspection report, has continued to be high. The Area has undertaken significant work to improve Area performance in relation to identification and timeliness of the letters, which has been below nationally expected levels. A proxy target was set by CPS headquarters reflecting the number of DCV letters that the Area should have sent out having regard to its casework outcomes. This showed that the Area had sent letters in 97% of qualifying cases.
- SUFJ is embedded throughout the Area and early identification of special measures cases is achieved for those subject to pre-charge advice. There are appropriate systems in place to ensure that special measures are identified in all relevant cases and timely applications are made. The introduction of the effective trial management programme (ETMP) pre-trial check 10 days prior to trial confirms that all relevant measures have been obtained.
- Witness warning procedures are effective and pre-trial checks are carried out systematically to ensure accuracy. The criminal justice unit (CJU) and trials unit (TU) hold ETMP meetings and confirmation of witness attendance is obtained. Relevant and useful information is provided to the Witness Service in a timely manner, and liaison with the Witness Service and Victim Support occurs on a regular basis.
- The Area ensures that all prosecution advocates and CPS staff at court undertake their responsibilities in respect of victims and witnesses through monitoring and by considering feedback. Clear instructions are provided to agents and the Area comprehensively addresses any concerns expressed in relation to such issues.

- NWNJ is being implemented in accordance with the action plan, which is regularly reviewed. A pilot scheme was initially introduced at Sheffield and, subsequent to this, there was a phased roll-out of five witness care units (WCU) complying with minimum national requirements. It is too early to say whether expected benefits of the WCUs are being realised, particularly as Barnsley, Doncaster and Rotherham only went live in June 2005; however the Area envisages that all benefits will be realised. The 2004-5 Area performance for magistrates' courts ineffective trials at 23.6% was better than the national average at 24.8%; however the ineffective trial rate at magistrates' courts due to prosecution witness absence was slightly worse 5% (compared to 4.48%). At the Crown Court, both the ineffective trial rate at 13.1% (compared with 15.8%) and the ineffective trial rate due to prosecution witness absence at 2.9% (compared with 3.7%) were better than the national average. The Area is fully aware of these figures and individual unit performance; they are being targeted through the introduction of the WCUs and ETMP.
- 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.

#### *Aspects for improvement*

- In 2004-05 only 43% of CJU DCV letters and 58% of TU DCV letters were sent within five days (compared with the national target of 70%).

**9. PRESENTING AND PROGRESSING CASES AT COURT 3 - GOOD**

*The Area has undertaken work with other agencies to improve case progression. The Effective Trial Management programme (ETMP) has been introduced and case progression officers are employed throughout most of South Yorkshire. The Area ensures it has the right calibre of expertise and experience in its prosecutors. There is systematic monitoring of counsel, and of in-house prosecutors; the Area recognises that no agents were monitored in 2004-5. The Area has a comprehensive pack for agents and some joint training has been offered to agents and counsel.*

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

- The Area is among those agencies leading the initiative to improve case progression in court. There are case progression officers in place throughout the majority of the Area, who ensure cases are ready for pre-trial reviews and for trials; which includes the production of trial ‘mini’ briefs for the magistrates’ court.
- Papers are provided to all prosecutors and counsel in sufficient time, enabling advocates to prepare thoroughly for court. The Area has ensured that there are effective systems for the delivery of papers to agents, following concerns expressed in the last Area inspection report in relation to the delivery of files.
- Selection of prosecution advocates for all courts is undertaken with full consideration of their experience, expertise and qualifications. Any magistrates’ courts cases requiring in-depth or specialised experience are identified by the reviewing or pre-trial review lawyers, and appropriate prosecutors are allocated by the criminal justice unit (CJU) secretariat. This is supported by an effective complement of specialists being in place. New agents are expected to undertake induction with the CPS prior to work being given.
- Complaints about the conduct or performance of prosecutors in court are thoroughly investigated, and timely action is taken if appropriate. The Area gave several examples of robust action following concerns being expressed.

- There is a systematic process in place for advocacy monitoring of all in-house prosecutors and agents in the magistrates' courts. In 2004-05, 71% of in-house prosecutors were monitored on at least one occasion and immediate feedback was given to the prosecutors. An operational review was recently undertaken to improve performance and recommendations identified.
- Counsel are monitored regularly, and written reports submitted. The monitoring process is embedded and consistent with the in-house advocacy monitoring. The Area performance in relation to monitoring of all advocates is impressive. Performance information is produced from the detailed analysis including the number of forms completed per caseworker to ensure monitoring is being consistently undertaken. Regular meetings are held with chambers and comprehensive feedback is provided.
- Agents and counsel are given full instruction packs and are advised of new initiatives and policy directives. In addition some joint training has been undertaken.

#### *Aspects for improvement*

- The Area's agent usage in 2004-05 was significantly above the national average of 26.9%. It is recognised by the Area that no monitoring of agents was conducted in 2004-05; however, in light of the level of agent usage, work to rectify this should be conducted.
- Performance information available relating to timeliness generally indicates that there are limited delays within the system. However the service of papers on the defence at the committal stage was not as good as the national average; 36% of papers were timely in comparison with the national figure of 79.4%.



**10. DELIVERING CHANGE**

**3 - GOOD**

*The Area has a clear sense of what it wants to achieve, and staff are well informed. Regular risk analysis is evident alongside regular planning reviews. The Area is mainly pro-active in its approach to work with partners and good arrangements for managing change are in place. There is evidence illustrating the Area's ability to review progress and implement change where appropriate. Good systems for managing effective training are in place, with renewed focus being placed upon training evaluation.*

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

- The Area has a clear sense of what it wants to achieve and staff understand the key priorities for action in the forthcoming year. A summary document produced from the Annual Business Plan is distributed to all staff, and is reinforced by a series of team events.
- The Area has planned successfully and there is evidence of regular risk analysis and management, and reviews, for example, in relation to the implementation of statutory charging and the development of the No Witness No Justice (NWNJ) project. All plans are pertinent and relate correctly to the Area circumstances, and follow HQ guidance in their content.
- There has been success in planning with partners. The Area is mainly pro-active in its approach, and any reaction is effective. Where other CJS agencies have taken the lead, the Area has adopted a positive supporting role. In developing Witness Care Units alongside the police, the CPS took the lead role for the No Witness No Justice project.

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

- Clear accountabilities exist for change management. There is evidence that change is successfully implemented and that success or failure has been reviewed, for example, in the use of the Case Management System (CMS) by lawyers at statutory charging sites. Change management within the Area has been enhanced by the appointment of a senior member of staff with specific responsibility for overseeing the change programme.

**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. The Area has re-introduce evaluation by trainees at the conclusion of each event. This, together with consistent evaluation after three and six months, will help the Area to evaluate the benefits and target future training appropriately.

**11. MANAGING RESOURCES**
**3 - GOOD**

*The Chief Crown Prosecutor (CCP) and the Area Business Manager (ABM) have adopted efficient and effective systems to achieve value for money and operate on budget. Staff are well deployed as a result of a regular and an informed review of staff/workload ratios utilising Activity Based Costing (ABC) methodology. These management decisions are discussed at a range of performance meetings. In general, good systems are in place for Designated Caseworkers (DCW) and Higher Court Advocates (HCA), and also for managing agents and prosecution costs. Continued focus upon monitoring both agent usage and HCA activity is likely to lead to further performance improvement.*

**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, and that sound resource planning takes place. The ABM is proactive in his efforts to monitor contracts, and has demonstrated effective budgetary control through appropriate devolution of salary and prosecution costs budgets, whilst retaining central oversight and scrutiny with the CCP.
- The Area has a systematic approach towards planning resources, supported by evidence, linking workload to staff numbers, and grades. Detailed and regular review of staff allocation is undertaken both at the CCP's Board, and at Unit Head/Prosecution Team Leader performance meetings. ABC methodology underpins management decision-making regarding staff deployment.
- The Area's budget outturn has been 99.96% and 99% for the last two years.

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

- There is active management of the agents and prosecution costs budgets.
- The Area makes good use of all its HCA and savings arise as a result. The Area has made HCA savings equal to £195 per session in the final quarter of 2004-05 and fully utilised its funding cap in relation to HCAs for 2004-05.
- The Area also makes good use of DCWs, and has set a challenging target for increasing usage in 2005-06. The Area is confident that negotiations with the courts will help to achieve this target. The Area annual DCW court coverage is 9.1% of all magistrates' courts sessions listed in 2004-05. The Area had an average of 4.75 DCWs during the year covering 820 half-day sessions.

- Average sick absence is better than the national average, at 7.8 days compared to 8.7 days.
- Agent usage is relatively high, although there is evidence of efforts being made to reduce this in 2005-06. The Area has three lawyers seconded to CPS Direct, and one lawyer is funded by the Home Office and dedicated to anti-social behaviour matters. Following the Area's decision not to recruit to backfill the posts, (in view of the potential risk to its budget) agent usage exceeded the national average at 34.7% compared to 26.9% for 2004-05. In-house magistrates' courts coverage for 2004-05 as a percentage of half-day sessions was 65.3% for the Area, compared to a national figure of 73.1%.

*Aspects for improvement*

- Savings from HCA use are likely to have been under-recorded owing to an administrative miscalculation of time spent at the Crown Court specifically performing the role of an HCA. This has been identified and future improvement and greater reported savings are likely to be achieved.

**12. MANAGING PERFORMANCE TO IMPROVE**
**3 - GOOD**

*The Area has demonstrated a commitment to performance management, and has established the necessary structures to monitor performance effectively and to hold managers to account for subsequent action in relation to targets. Some outcomes remain below the national average and it is hoped that this activity will drive improvement. Area senior managers have shown themselves to be committed to interaction and performance management with criminal justice partners, particularly through the main body, and sub groups, of the Local Criminal Justice Board (LCJB). Performance information is user friendly and available in an appropriate format to a variety of teams and individuals, and performance is monitored through efficient use of PARs. Casework Quality Assurance (CQA) activity is good with regular assessment of Area and sub unit performance.*

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

- The Area has demonstrated a commitment to performance management across the board. There is a clear hierarchy of performance management structures within the Area. Regular detailed performance reviews are carried out by the Chief Crown Prosecutor's (CCP) Board, and these are replicated at Unit Head and Prosecution Team Leader (PTL) level by quarterly performance reviews, which in turn lead to team and individual reviews. There are clear audit trails of action resulting from unit head/PTL reviews.

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

- Joint performance management with CJS partners is driving up performance in a number of areas. Senior managers participate in a range of LCJB groups, and other criminal justice partnership groups, for example the County Performance Group.
- Regular performance appraisal is used to improve individual performance, and there are effective quality assurance mechanisms in place for this function.

*Aspects for improvement*

- Although effort is being put into joint activity with the police in relation to Prosecution Team Performance Management systems, evidence of improvement is sporadic.

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

- Pertinent and accurate performance information is considered at all levels within the organisation and disseminated in a relevant way to staff. Of particular note is the manner by which the Area summarises performance information in a simple and user friendly manner and distributes this to all staff, on a regular basis through the Area newsletter, and annually via a summary in an abridged version of the Business Plan. Responsibility for operational effectiveness is defined, and the Area translates the findings of a series of individually commissioned quality assurance reports into systems or processes, which have been identified by the Board as requiring improvement.

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

- The CQA system has been fully in place for a sustained period. It is applied robustly and lessons have been drawn. CQA data is regularly reviewed at quarterly Board performance management meetings, and at Unit Head/Prosecution Team Leader performance review meetings, and, where appropriate, individuals are given appropriate developmental advice and support.

**13. LEADERSHIP**
**4 - EXCELLENT**

*The Area management team are successfully able to communicate their vision and values effectively to all staff throughout the Area. By developing a synopsis of the Area Business Plan, which is distributed to all staff, Area managers have bridged a communication gap between strategic direction and day-to-day activity. This action, supported by energetic and committed managers, has enabled all staff to feel part of a successful team. The Area is able to demonstrate its commitment to diversity and equal opportunity matters through its own internal working group, and the central role taken in the Local Criminal Justice Board's (LCJB) Confidence and Diversity group.*

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

- There is evidence of a corporate approach to managing the Area, underpinned by a clear vision and ethical values, which is demonstrated to staff. CPS managers are driving key CJS initiatives across the agencies. This has been enhanced by the pro-active role of the Area change management programme leader, and the emerging utility of Prosecution Team Performance Management groups at Basic Command Unit level.
- Staff are involved in the work of the Area and good performance is rewarded and recognised. The reward and recognition policy has recently been reviewed through internal assessment and improved systems have been identified. There is evidence of systematic and meaningful communication, which occurs at the right time both internally and externally. Unit leaders clearly articulate their responsibilities to keep staff informed of Area activity, through regular formal and ad hoc team meetings.
- The most recent national CPS staff survey indicates that South Yorkshire staff are more likely to be satisfied with the manner in which managers communicate information to them, compared to the national outcome in that category.

**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. These include the personal commitment and involvement of managers at all levels in relation to equality and diversity. The CCP chairs the LCJB Confidence and Diversity Group and the Area has an active Equality and Diversity group. The Equal Opportunities Officer attended all team meetings held during 2004-05. The staff profile almost reflects the population served by the Area's offices and the Area is seeking to improve its position.

**14. SECURING COMMUNITY CONFIDENCE**

**3 - GOOD**

*The Area is acutely aware of the value and importance of securing and maintaining the confidence of its local community. Managers have taken a leading role and a wide range of activity is pursued involving numerous members of staff. Amongst other benefits, an enhanced appreciation of the social implications of racist and anti-social behaviour has been achieved. More can be done, however, to evaluate and assess the impact of specific initiatives, in order to better plan and target future engagement.*

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

- The commitment of senior managers towards securing the confidence of the community is set out in the Area's community engagement strategy and clearly demonstrated in its active pursuance. Research was commissioned to provide the Area with a more detailed appreciation of the demographic make-up of its local community.
- South Yorkshire's key figure for confidence in local criminal justice agencies bringing offenders to justice is 42.3%. The shows an increase from the Area's baseline figure of 35% for year to March 2003 and is higher than its target of 42%.
- The importance of securing community confidence in helping to deliver key business objectives is expressly recognised. Priority areas have been identified and the community engagement log reflects a wide range of activity, indicating the audience and purpose of each event as well as recording which CPS staff were involved. Good work has also been done in tackling anti-social behaviour and 34 anti-social behaviour orders (ASBOs) were made on conviction during 2004-05.
- Policy and outcomes have been amended in light of consultation, for example, as a result of increased awareness of the social impact of racist crime and anti-social behaviour, as well as in fine-tuning local application of the CPS national policy on cases of domestic violence.

*Aspects for improvement*

- There is limited evidence that the Area evaluates the local impact and value of the engagement, which would enable managers to better plan and focus future engagement.

**ANNEX A**

**PERFORMANCE DATA**

**ASPECT 1: PRE-CHARGE DECISION-MAKING**

<b>MAGISTRATES' COURTS CASES</b>								
<b>Discontinuance rate</b>			<b>Guilty plea rate</b>			<b>Attrition rate</b>		
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%	17.7%	52%	68.8%	67.9%	31%	22.7%	24.1%
<b>CROWN COURT CASES</b>								
<b>Discontinuance rate</b>			<b>Guilty plea rate</b>			<b>Attrition rate</b>		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	14.6%	5.6%	68%	66%	80.1%	23%	23.8%	13.6%

**ASPECT 2: MANAGING MAGISTRATES' COURTS CASES**

<b>INEFFECTIVE TRIAL RATE</b>			<b>OVERALL PERSISTENT YOUNG OFFENDERS PERFORMANCE (ARREST TO SENTENCE)</b>		
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%	23.6%	71 days	67days	60 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	85%	150	59%	69	89%	27

**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	89%	166	92%	101	86%	7

**ASPECT 3: MANAGING CROWN COURT CASES**

**INEFFECTIVE TRIAL RATE**

National Target	National Performance 2004-05	Area Performance 2004-05
18.5%	15.8%	13.1%

**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%	17%

<b>OFFENCES BROUGHT TO JUSTICE</b>		
	CJS Area Target 2004-05	CJS Area Performance 2004-05
Against 2001-02 baseline	+11.6%	+18.7%
Number	24,463	29,038

**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%	80%
Primary test in Crown Court	79.9%	84.4%
Secondary test in Crown Court	59.4%	69.2%
Overall average	70.3%	69.2%

**ASPECT 11: MANAGING RESOURCES**

<b>NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE (END OF YEAR RANGES)</b>	
2003-04	2004-05
99.9%	99%

<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%	9.1%	£224	£195	8 days	8.7 days	7.8 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
42%	42.3%





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