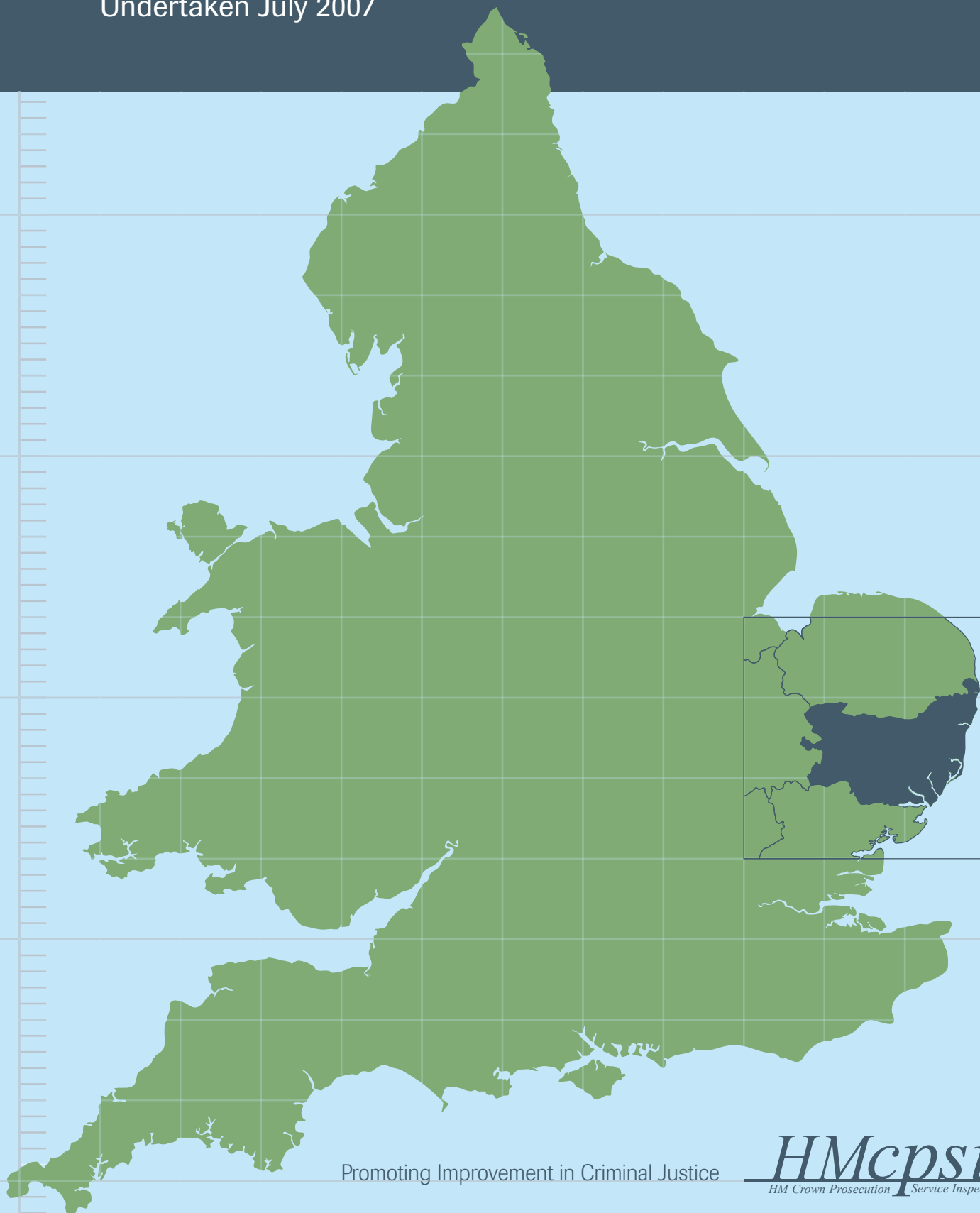


CPS Suffolk

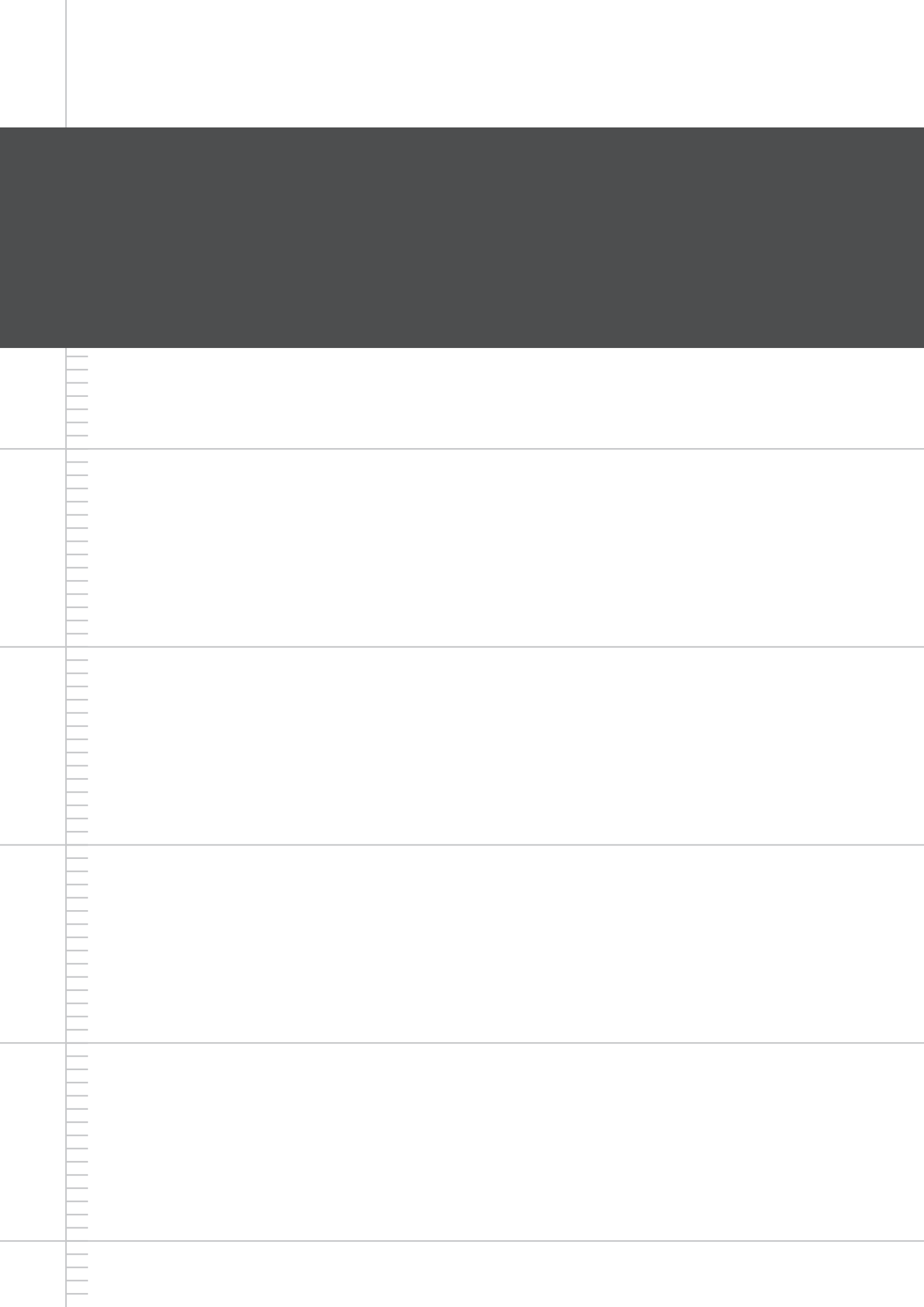
# Overall Performance Assessment

Undertaken July 2007



Promoting Improvement in Criminal Justice

*HMcp*si**  
HM Crown Prosecution Service Inspectorate



CPS Suffolk

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## ABBREVIATIONS

Common abbreviations used in this report are set out below.  
Local abbreviations are explained in the report.

ABM	Area Business Manager	HMCPSP	Her Majesty's Crown Prosecution Service Inspectorate
ABP	Area Business Plan		
AEI	Area Effectiveness Inspection	JDA	Judge Directed Acquittal
ASBO	Anti-Social Behaviour Order	JOA	Judge Ordered Acquittal
BCU	Basic Command Unit or Borough Command Unit	JPM	Joint Performance Monitoring
BME	Black and Minority Ethnic	LCJB	Local Criminal Justice Board
CCP	Chief Crown Prosecutor	MAPPA	Multi-Agency Public Protection Arrangements
CJA	Criminal Justice Area	MG3	Form on which a record of the charging decision is made
CJS	Criminal Justice System	NCTA	No Case to Answer
CJSSS	Criminal Justice: Simple, Speedy, Summary	NRFAC	Non Ring-Fenced Administrative Costs
CJU	Criminal Justice Unit	NWNJ	No Witness No Justice
CMS	Case Management System	OBTJ	Offences Brought to Justice
CPIA	Criminal Procedure and Investigations Act	OPA	Overall Performance Assessment
CPO	Case Progression Officer	PCD	Pre-Charge Decision
CPS	Crown Prosecution Service	PCMH	Plea and Case Management Hearing
CPSD	CPS Direct	POCA	Proceeds of Crime Act
CQA	Casework Quality Assurance	PTPM	Prosecution Team Performance Management
CTL	Custody Time Limit	PYO	Persistent Young Offender
DCP	District Crown Prosecutor	SMT/G	Senior Management Team or Group
DCV	Direct Communication with Victims	TU	Trial Unit
DCW	Designated Caseworker	UBM	Unit Business Manager
DP	Duty Prosecutor	UH	Unit Head
ECU	Economic Crime Unit	VPS	Victim Personal Statement
ETMP	Effective Trial Management Programme	WCU	Witness Care Unit
HCA	Higher Court Advocate		

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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 (HMCPIS) overall assessment of the performance of the Crown Prosecution Service (CPS) in Suffolk and represents a further assessment against which improvement from the previous baseline assessment in 2004-05 can be measured.

### **Assessments**

Judgements have been made by HMCPIS based on absolute and comparative assessments of performance. These came from national data; CPS self-assessment; HMCPIS's findings; and measurement against 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 relating to the other defining aspects, in order to arrive at the OPA.

The table at page 7 shows the Area performance in each category, as well as the 'direction of travel' since the previous OPA.

An OPA is not a full inspection and differs from traditional inspection activity. Whilst 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 wider programme of inspection activity.

### **Direction of travel grade**

This is a reflection of the Area's change in performance between the current assessment period and the previous OPA, that is between 2004-05 and 2006-07. The potential grades are:

**Improved** reflects a significant improvement in the performance;

**Stable** denotes no significant change in performance;

**Declined** where there has been a significant decline in performance.

## B AREA DESCRIPTION AND CASELOAD

CPS Suffolk serves the area covered by the Suffolk Police. It has three offices, at Bury St Edmunds, Ipswich and Lowestoft. The Area Headquarters (Secretariat) is based at the Ipswich office. Area business is divided on functional lines between magistrates' courts and Crown Court work. The Bury St Edmunds, Ipswich and Lowestoft Criminal Justice Units (CJUs) handle cases dealt with in the magistrates' courts. The Trial Unit (TU) handles cases dealt with in the Crown Court.

During the year 2006-07 the Area had an average of 68.6 full time equivalent staff in post, and a budget of £3,103,000. This represents a 5.4% increase in staff, and an 5.3% increase in budget since 2004-05, the period covered by the Area's last overall performance assessment.

Details of the Areas caseload in 2004-05, and in the year to March 2007 are as follows:

### Pre-charge work<sup>1</sup>

2004-05		2006-07	
Written advice	785	Decisions resulting in a charge	4,139
Pre-charge advice (where available)	4,952	Decisions not resulting in a charge <sup>2</sup>	3,765

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	17,098	11,098	-35.1%
Other proceedings	1	1	Nil
<b>Total magistrates' courts proceedings</b>	<b>17,099</b>	<b>11,099</b>	<b>-35.1%</b>

Crown Court proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Cases sent or committed to the Crown Court for determination	792	803	+0.1%
Committals for sentence <sup>3</sup>	212	252	+18.9%
Appeals from the magistrates' courts <sup>3</sup>	169	160	-5.3%
<b>Total Crown Court proceedings</b>	<b>1,173</b>	<b>1,215</b>	<b>+3.5%</b>

In 2006-07, 59.1% of offences brought to justice were the result of convictions.

1 No valid comparison with 2004-05 pre-charge caseload is possible as statutory charging was only fully in place in all CPS Areas from April 2006 onwards.

2 Including decisions resulting in no further action, taken into considerations (TICs), cautions and other disposals.

3 Also included in the magistrates' courts figures, where the substantive hearing occurred.

## **C SUMMARY OF JUDGEMENTS**

Since the last OPA there have been some anomalies as regards the composition of the Senior Management team. Two District Crown Prosecutor (DCP) posts were created to manage the TU and oversee management of the CJUs, and in response to previous HMCPSI reports an additional Assistant District Crown Prosecutor (ADCP) post was created. All the DCP and ADCP posts are currently covered by staff on temporary promotions, although the Area Business Manager is substantive and has been in post for some time and has been able to provide continuity.

The CCP at the time of the inspection took up post shortly before the 2005 OPA, and he has subsequently (July 2007) taken up a post in CPS Essex as Group Chair for Cambridgeshire, Essex, Norfolk and Suffolk.

The Area has experienced a fall of 35% in its magistrates' courts caseload, whilst Crown Court proceedings have remained relatively stable. Over the same period, the Area has benefited from an increase in its budget that has enabled it to increase staffing levels by a proportionate amount. However, increased levels of sickness and an unexpected rise in the number of very serious cases dealt with by the Area has had an impact on resources, particularly in the Crown Court.

### **Summary**

Statutory charging is now firmly embedded within the Area, and although the proportion of face-to-face advice has been too low, an appointment system has now been implemented and early indications are that this is improving the take-up. The prosecution team ethos is developing particularly in relation to joint performance management and although outcomes in magistrates' courts cases are improving, overall the Area has met only two of the key indicators and there is room for further improvement, particularly in relation to cases which result in no further action.

Cases are well reviewed, case preparation is timely and performance has been maintained since the last OPA. Good use is made of CMS for recording full file reviews, identifying sensitive case and recording case outcomes. In the magistrates' courts the figures in respect of unsuccessful outcomes have improved and are excellent. In the Crown court the figures are mixed; the rate of unsuccessful outcomes is poor overall which is the result of a disproportionately high level of jury acquittals. The Area undertook analysis to discover the cause, the results of which did not identify any particular reason. Recent data does show a trend of improvement.

There are systems in place for progressing cases and the rates of cracked and ineffective trials in both the magistrates' courts and Crown Court are excellent and significantly better than national performance. A full analysis of all cracked and ineffective trials takes place with partners at local and board level.

The Area's custody time limit system is sound and there have been no failures in recent years. Champions have provided training to all staff and regular management checks are carried out.

The handling of unused material is satisfactory and dealt with better in Crown Court cases than magistrates' court cases, where decisions are not always fully recorded and use of the disclosure record sheet is inconsistent. The Area has experienced disclosure champions who have delivered disclosure training to all lawyers and caseworkers, and the majority have also received advanced training.



Only prosecutors with appropriate experience and training handle sensitive cases, and the Area has appointed champions for all categories of sensitive cases. Champions are proactive in delivering training, performance management and taking forward recommendations from HMCPST thematic reviews. Successful outcomes in hate crime cases are excellent. A hate crime scrutiny panel is well established which reviews the handling of cases with a racial element and a domestic violence court has recently been set up.

There has been good progress in meeting the needs of victims and witnesses and a high level of commitment by senior managers to implementing and monitoring the Victim's Code. Witness Care Units (WCUs) are meeting most of the minimum standards of the No Witness No Justice (NWNJ) initiative. Performance in respect of the direct communication with victims (DCV) initiative has improved.

The Area is well led by a motivated and cohesive management team, who are clear about the vision and priorities for the Area. Comprehensive performance reports are produced, which are underpinned by good compliance with the casework quality assurance (CQA) scheme, although the Area should ensure that the magistrates' court sample includes a greater number of contested cases.

The Area has good working relationships with criminal justice agencies and is well represented at the Local Criminal Justice Board (LCJB), all sub-groups and other multi-agency fora. Managers are committed to managing performance jointly with partners and planning for the implementation of changes.

Performance is good in relation to Public Service Agreement (PSA) targets. The Suffolk Criminal Justice Board has exceeded its target for offences brought to justice (OBTJ) with the CPS contributing 59.1% convictions. The Area has effective systems in place to progress persistent young offender (PYO) cases and has met the target for timeliness. While confidence in the criminal justice system in bringing offenders to justice is 41.3% against 42.3% nationally, there is a significant commitment to raising the profile of the CPS through participation in community engagement events. Diverse activities have been undertaken by a range of staff and there is appropriate evaluation to inform changes to service delivery.

The management of resources is generally satisfactory and is underpinned by value for money objectives at all levels. The non ring-fenced spend has been kept within budget but the prosecution cost budget was marginally overspent in 2006-07. The deployment of Higher Court Advocates (HCAs) is consistent and counsel fee savings are on target. Agent's use in the magistrates' court has been too high but is being addressed in this financial year. Designated caseworkers (DCWs) are exercising their full powers but there is excess capacity having regard to the numbers of suitable courts available. Sickness absence rates have been too high during 2006-07.

### **Direction of travel**

The last OPA assessed CPS Suffolk as excellent and performance across the aspects was consistent. Since then the picture has become more mixed; four aspects are now judged as fair that were previously good and four have improved from good to excellent. The Area will need to focus on stabilising those aspects which have declined in order to progress forwards. In the light of our findings, the Area's overall performance is **GOOD**.

<b>OVERALL ASSESSMENT</b>	<b>GOOD</b>
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<b>Critical aspects</b>	<b>Assessment level</b>		
	<b>OPA 2005</b>	<b>OPA 2007</b>	<b>Direction of travel</b>
Pre-charge decision-making	Good	<b>Fair</b>	<b>Declined</b>
Ensuring successful outcomes in the magistrates' courts	Good	<b>Excellent</b>	<b>Improved</b>
Ensuring successful outcomes in the Crown Court	Good	<b>Fair</b>	<b>Declined</b>
The service to victims and witnesses	Good	<b>Good</b>	<b>Stable</b>
Leadership	Good	<b>Good</b>	<b>Stable</b>
<b>Overall critical assessment level</b>		<b>Good</b>	
Progressing cases at court	Good	<b>Good</b>	<b>Stable</b>
Sensitive cases and hate crime	Good	<b>Excellent</b>	<b>Improved</b>
Disclosure	Good	<b>Fair</b>	<b>Declined</b>
Custody time limits	Good	<b>Good</b>	<b>Stable</b>
Delivering change	Good	<b>Excellent</b>	<b>Improved</b>
Managing resources	Good	<b>Fair</b>	<b>Declined</b>
Managing performance to improve	Good	<b>Good</b>	<b>Stable</b>
Securing community confidence	Excellent	<b>Excellent</b>	<b>Stable</b>
<b>OVERALL ASSESSMENT</b>	Excellent	<b>GOOD</b>	

## D DEFINING ASPECTS

<b>1</b>	<b>PRE-CHARGE DECISION-MAKING: MANAGEMENT AND REALISING THE BENEFITS</b>	OPA 2005	OPA 2007	Direction of travel
		Good	<b>Fair</b>	<b>Declined</b>

### 1A The Area ensures pre-charge decision-making operates effectively at police charging centres, and is accurately documented and recorded

- Procedures are in place to ensure that all relevant cases receive pre-charge advice. The Area provides pre-charge advice between 9am and 5pm at the three main custody centres in the area, with a dedicated telephone number and e-mail address available for use by officers at outlying stations. An appointment system was introduced this year which is managed by the police. Appointments are scheduled for 40 minutes. Blank slots are reserved during the day to allow for appointments to provide contingency and custody cases are dealt with as and when they arise. Lawyers are usually rostered for half day sessions to ensure there is no break in the service provided at lunchtime.
- In 2006-07 only a quarter of consultations were face to face. There has been a significant improvement since the appointment system has been in place but the Area should continue to monitor this aspect and if necessary take action to increase the level of face-to-face coverage which is a central principle of the scheme.
- The charging centres are covered by the CJU lawyers but serious and complex cases where the defendant is on bail are usually referred to the TU, where they are dealt with by appropriate specialists. However, there are no set criteria for the referral of serious and complex cases. The TU lawyers are rostered on a daily basis to provide telephone verbal advice and second opinions where necessary to CJU lawyers. Rape specialists undertake surgeries half a day a month at Ipswich charging centre and senior managers are available, and have provided out-of-hours service for the most serious cases.
- The CPS has contributed to police investigators' training which covers the need to refer cases in accordance with the Director of Public Prosecutions' Guidance and the standard of paperwork required. Occasional breaches of the Director's Guidance have been identified by DCWs at the first hearing and referred to the District Crown Prosecutor (DCP), who will seek an explanation from the supervising officer. All such cases are discussed at monthly Prosecution Team Performance Management (PTPM) meetings.
- Suffolk Police have set up Detainee Processing Units (DPUs) at all charging centres, and Evidence Review Officers (EROs) are in place at Ipswich charging centre. These act as gatekeepers and part of their role is to screen cases to ensure that inappropriate requests for advice are not made. Some are operating more effectively than others demonstrated in the variable no further action (NFA) rates from one month to another and from charging centre to charging centre across the Area.

- The Area has an established procedure to allow police to appeal against the decision of a Duty Prosecutor (DP). Initially, the case is referred to the supervising officer and from there to an officer of at least Inspector rank, who consults with the relevant Assistant District Crown Prosecutor (ADCP). In the event of continued disagreement the issues will be escalated to a Superintendent who consults with the DCP. There have been very few appeals and their success rate is not currently monitored as part of any quality assurance process.
- Compliance with pre-charge advice and management of bail are the responsibility of the police. A check conducted on the case management system (CMS) identified a backlog of outstanding cases requiring action, the majority of which were where the police had been asked to complete further work. The Area undertakes monthly checks on outstanding cases and regularly clears cases from the system but is reliant on the police providing information on action taken in order to achieve this. However, cases may still remain outstanding if the action dates are not tied in with the bail to return dates and logged on CMS; very few were. A joined-up approach is required to addressing the backlogs and ensuring that once cleared, the backlogs do not re-accumulate.
- Use of CMS to record and accurately count advices and decisions is good; in 2006-07, 95.2% of cases were recorded against a target of 90% with 92.9 % of cases also having an MG3. In a reality check of ten files, MG3s and the defendant's ethnicity and gender were properly recorded in all cases.
- The relationship with CPS Direct (CPSD) is established; all CPSD cases are monitored by the DCP who checks the MG3s for quality and content when allocating the cases, and provides feedback where necessary.
- Conditional cautioning commenced at Bury St Edmunds in April 2007 and is due to be introduced in the rest of the county in October 2007; it is therefore too soon to evaluate how well it is working.

**1B The Area ensures that pre-charge advice and decisions are in accordance with the Director of Public Prosecutions' guidance, the Code for Crown Prosecutors, charging standards and policy guidelines**

- The Area ensures that all duty prosecutors are of sufficient expertise and are aware of local and national policies on charging. All Duty Prosecutors have attended the Proactive Prosecutor Programme (PPP) training and managers have attended the Proactive Prosecutor Manager's training. The Area has appointed Area and local charging champions, and policy bulletins and national guidance are regularly distributed by the Chief Crown Prosecutor (CCP). Specific training has been delivered on a range of topics including Proceeds of Crime Act (POCA) and the Fraud Act 2006.
- Prosecutors consider the confiscation and restraint of assets and other ancillary orders in all relevant cases. Reality checks indicated sound decision making and appropriate consideration of disclosure, POCA, and victim and witness issues at pre-charge decision (PCD).
- ADCPs and DCPs monitor pre-charge decision cases as part of the monthly casework quality assurance system and through the monitoring of adverse case outcomes, and by conducting (PCD) duties themselves. In addition prosecutors are not allowed to accept pleas to lesser charges or drop any cases which have been subject to PCD without the authority of an ADCP.

- Quality assurance of no further action (NFA) cases is conducted on a monthly basis and discussed with police at PTPM meetings. The NFA rate for 2006-07 stands at 38.5% against the national average of 31.9%. The Area is aware that this is too high and is working with the police to identify the reasons and improve the rate.

**1c The Area is able to demonstrate the benefits of their involvement in pre-charge decision-making**

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	13.8%	11.3%	11.0%	13.1%	15.1%	11.4%
Guilty plea rate	52.0%	69.2%	77.9%	81.4%	68.0%	66.5%	67.9%	64.1%
Attrition rate	31.0%	22.0%	17.2%	14.3%	23.0%	22.2%	24.1%	24.8%

- The Area has realised the benefits of charging in two of the six key indicators and overall performance is mixed but mainly fair. Performance in relation to magistrates' court cases is significantly better than Crown Court cases; in the magistrates' courts the attrition and guilty plea rates are rated as excellent and both are better than the national average and national target. Although the discontinuance rate is better than the national average, it is behind the national target.
- In the Crown Court the discontinuance rate is fair, being better than the national average but behind the national target. The guilty plea and attrition rates are both behind the national averages and targets.
- Comprehensive PTPM reports are produced on a monthly basis and circulated to the Area management team (AMT). The Area Business Manager (ABM) produces a one page summary sheet to highlight good performance and areas of concern, which has been adopted as best practice. Local PTPM meetings take place on a monthly basis, with the PTPM steering group meeting thereafter to consider Area performance and any local issues. The post implementation review of charging found that the arrangements for PTPM were satisfactory.
- Joint analysis of the operation of the Area charging scheme is undertaken and action is also taken with the police to improve the scheme. For example, in order to improve identification of the police teams seeking decisions and analysis of data, the number of identifying unique reference numbers used was substantially increased. Any such actions are regularly communicated to staff via e-mail, team meetings or through the staff bulletin.

<b>2 ENSURING SUCCESSFUL OUTCOMES IN THE MAGISTRATES' COURTS</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Excellent</b>	<b>Improved</b>

**2A Successful outcomes are increasing**

<b>Case outcomes in the magistrates' courts</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Discontinuance and bindovers	10.8%	9.3%
No case to answer	0.2%	0.0%
Dismissed after trial	1.9%	1.4%
Discharged committals	0.2%	0.0%
Warrants	2.6%	2.4%
Overall conviction rate	84.3%	87.0%

- The proportion of successful outcomes is increasing and overall performance is excellent. The overall conviction rate for magistrates' courts cases (87%) is better than the national rate (84.3%) and has improved each year since 2004-05. The rates for all categories of unsuccessful outcomes, set out in the table above, are better than the national performance. There have been no discharged committals or findings of no case to answer.
- The discontinuance rate has improved from 12.3% at the time of the last OPA to 9.3% and is better than the national figure. Cases that have received pre-charge advice require the approval of an Assistant District Crown Prosecutor (ADCP) before a decision to discontinue is made. The reality check showed that discontinuance was timely in nine out of ten cases, and the decision was in accordance with the Code for Crown Prosecutors. There was evidence that the police had been consulted in five cases.
- The Area undertakes a thorough review of all unsuccessful outcomes. An adverse outcome report is prepared by ADCPs and cases are discussed at monthly senior management team meetings (SMT). Joint analysis takes place at a local level at monthly Prosecution Team Performance Management meetings (PTPM), and at an Area level at the LCJB.
- The target for offences brought to justice (OBTJ) is shared with other criminal justice agencies, and the CPS contribute to this is by keeping discontinuances and unsuccessful outcomes low. The 2006-07 OBTJ target for Suffolk Criminal Justice Area was exceeded, with 59.5% the result of convictions which is a significant contribution.
- Performance in relation to timeliness of handling persistent young offenders (PYOs) has been consistently good since the PYO target was set. The Area has met the target of 71 days throughout

2006 and the average period for arrest to sentence in the 12 months to December 2006 was 54 days. The Area Champions are proactive and there is a high level of commitment to joint agency working.

- Any trends that are identified from adverse outcome reports are discussed at team meetings and lessons learned and any changes to processes are circulated via e-mail. Where issues are identified relating to a specific member of staff, they are addressed on an individual basis.

## **2B Effective case management and decision-making enables cases to progress at each court appearance**

<b>Trial rates</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Effective trial rate	43.8%	64.0%
Cracked trial rate	37.3%	25.6%
Ineffective trial rate	18.9%	10.4%
Vacated trial rate	22.5%	44.5%

- The standard of police files are monitored pre-charge and post-charge by the Area to ensure compliance with the Manual of Guidance. The Area has undertaken joint analysis of police file quality and as a result the police have produced an action plan to improve the standards of evidence presented to the CPS. Any pre-charge cases not meeting the standard are returned to the officer to re-submit; deficiencies post-charge are dealt with by written memos. The Area has also delivered refresher training to all staff on the Manual of Guidance requirements as part of the implementation of Criminal Justice: Simple Speedy Summary Justice initiative (CJSSS).
- The Area monitors the timely review and preparation of casework through the CQA process, dip sampling and ADCPs attendance at court. Formal training on all aspects of file handling was provided to staff at the Area training day this year. In our reality check all five magistrates' court files had been subject to appropriate and timely reviews and requests for outstanding information had been followed up.
- There are no dedicated case progression officers in the CJUs and prosecutors are responsible for ensuring the effective progression of their cases. Pre-trial reviews take place in all cases adjourned for trial and the Area has established a 'Smart listing protocol' with other agencies which is designed to ensure trials proceed at the allocated time.
- There has been effective joint agency planning for the implementation of CJSSS, which is due to roll out across the area at the end of July 2007.
- The Area has placed emphasis on training as many prosecutors as possible as youth specialists, which ensures an appropriate level of experience at PCD stage. A dedicated team of youth specialists cover all youth courts to provide continuity and effective case progression. Performance is discussed at youth court user group meetings.

- The Area's performance in relation to cracked and ineffective trials is excellent. The effective trial rate is 64% compared to the national figure of 43.8%, and the ineffective trial rate has improved to 10.4% since the last OPA when it was 14.9%, and is better than the national figure of 18.9%. The cracked trial rate at 25.6% is also better than the national figure of 37.3%. However, the level of vacated trials at 44.5% is too high. The Area is aware of this and has undertaken an analysis of the reasons in conjunction with the Office of Criminal Justice Reform (OCJR). During 2006-07, 43% of cases were vacated because the defendant entered a late guilty plea, usually at the pre-trial review stage. In 57% of cases the courts were able to utilise the court time set aside.
- Reasons for cracked and ineffective trials are analysed thoroughly. The CJU DCP checks the data provided by the magistrates' courts against the files to ensure any errors in recording are amended before the publication of the national data. Performance is considered at SMT, the LCJB performance group and at court user group meetings.
- The Area is making good use of CMS to record key events. As at April 2006, 44.1% of magistrates' court cases had a review recorded on CMS; as at March 2007 this has risen to 94.3%. Reality checks showed that there were no outstanding and escalated tasks, apart from adverse outcome case reports, which are not completed electronically.



<b>3 ENSURING SUCCESSFUL OUTCOMES IN THE CROWN COURT</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Fair</b>	<b>Declined</b>

### 3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals	13.1%	12.5%
Judge directed acquittals	1.4%	1.4%
Acquittals after trial	6.5%	10.1%
Warrants	1.3%	1.7%
Overall conviction rate	77.7%	74.3%

- The number of successful outcomes have decreased year-on-year since 2004-05 and at 74.3% are now below the national average and in the data range for poor in this OPA. The main reason for the decline in performance is the number of jury acquittals which have risen from 5.8% at the time of the last OPA to 10.1% in 2006-07. The Area is aware of the negative impact this has had on performance and undertook a detailed analysis of all jury acquittals earlier this year with a view to identifying and addressing the reasons for its underperformance. The findings did not point to any particular cause. Recent data does show some improvement.
- The rate of judge ordered acquittals (JOAs) at 12.5% has deteriorated since the OPA when it was 10.4% but it has improved since 2005-06, and is better than the national performance of 13.1%. The rate of JDAs has improved since the OPA and is the same as the national performance of 1.4%.
- All discontinued cases which have been the subject of pre-charge decision are referred to the District Crown Prosecutor, who will usually sign the discontinuance notice. Full consultation takes place on all cases with the police manager who is based in the TU. Any concerns over the quality of the pre-charge decision are raised with the relevant line manager and lessons learnt are dealt with either at monthly teams meetings or directly with individual lawyers.
- The Area prepares full reports on adverse outcomes, including jury acquittals in the Crown Court. Reports are circulated to all members of the senior management team (SMT) where specific issues and trends are discussed. Copies of all adverse outcome forms are provided to police managers.
- The Area obtained 65 confiscation orders against a target of 60 orders; the combined value of the orders was £457,057 against a target of £639,474. The Area has dedicated POCA champions, who are responsible for delivering training, providing early advice on POCA issues, monitoring POCA cases and the enforcement of orders. Cases are effectively tracked using a local

spreadsheet. Service level agreements are in place and bi-monthly meetings chaired by the TU DCP take place between the champions and Financial Investigation Unit where issues are addressed and advanced warning is given of pending investigations.

### **3B Effective case management and decision-making enables cases to progress at each court appearance**

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	69.2%
Cracked trial rate	39.5%	24.1%
Ineffective trial rate	12.4%	6.7%

- The Area undertakes monthly casework quality assurance checks (CQA) and additional dip sampling for all prosecutors and caseworkers to assess the quality and timeliness of continuing review of Crown Court files. A reality check of files showed thorough review of files with proper consideration of all the issues although instructions to counsel lacked detail in some cases.
- The arrangements for case progression are generally effective. The TU is jointly staffed by police and CPS staff which assists in case preparation. Timeliness and quality of police files is monitored and issues are referred to the police manager. Caseworkers act as case progression officers for their own cases but there is no single point of contact within the Crown Court. Trial readiness checks take place the week before the trial date and are conducted before a judge in court.
- Although there are relatively few youth cases which are dealt with in the Crown Court timeliness has fluctuated because a small number of long running cases have had a negative impact on overall performance. All TU prosecutors are youth specialists and the Area has a protocol in place with partners to speed up youth cases in Suffolk.
- The Area continues to perform well in relation to ineffective and cracked trials. The ineffective trial rate is excellent at 6.7% and has improved since the last OPA when it was 8.9%. The effective trial rate at 69.2% is significantly better than the national figure of 48.2%. The cracked trial rate of 24.1% is also better than the national figure of 39.5%.
- The Area undertakes full analysis of cracked and ineffective trials. All aspects of Crown Court work, including cracked and ineffective trials, are discussed at quarterly meetings between CPS, police, and Crown Court manager. Performance is considered at the Local Criminal Justice Board performance group, and comparisons take place with other CPS Areas within the South-Eastern circuit at court user group meetings.
- All lawyers have objectives in their personal development plans to ensure that full file reviews are carried out on CMS. In 2006-07 the Area completed 96% of Crown Court reviews on CMS against a target of 90%. A reality check showed all files had a full file review on CMS.

<b>4 PROGRESSING CASES AT COURT</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Good</b>	<b>Stable</b>

#### **4A The Area ensures that cases progress at each court appearance**

- Advance information is available for defence solicitors to collect from court the day before the court hearing date. In practice they rarely do so and therefore cases do not always proceed at first hearing in the magistrates' court when the charge is likely to be disputed. When a not guilty plea is entered the case is usually further adjourned for a pre-trial review. The Area's performance for timeliness of guilty pleas at 73% is below the national figure of 85%
- Papers are provided to all prosecution advocates in advance of the court hearing to ensure cases can be prepared and presented effectively. Higher Court Advocates (HCAs) are briefed in the same way as counsel and timeliness and quality of briefs is monitored through the CQA scheme. Briefs to counsel were timely in 78.8% of cases in 2006-07 which is in line with national performance.
- Selection of prosecution advocates for all courts is based on local knowledge acquired by staff, most of whom are of long standing experience. Sensitive cases, such as rapes are allocated to specialist lawyers and counsel. The use of HCAs is increasing and some are now regularly prosecuting trials. Prosecutors in the magistrates' court are expected to cover six court sessions per week and work to a fixed rota where possible which reduces court preparation time and provides continuity of casework.
- Prosecution advocates are expected to attend court by 9.15 am in order to allow time for appropriate liaison with court staff, police, witnesses and defence solicitors. Line managers monitor attendance and receive feedback from other court users. A robust approach has been taken where issues have arisen over late attendance at court.
- Monitoring of advocates is done informally through feedback from other court users and a programme of formal advocacy monitoring has started this year, but as yet not all advocates have been monitored. Agents in the magistrates' courts are not monitored and feedback from criminal justice partners indicated variable performance.
- There are no dedicated case progression officers in either the TU or the CJUs. In the TU caseworkers perform the role of case progression officer on their own cases and are responsible for ensuring compliance with court orders. In the CJUs the reviewing lawyer performs the role of case progression officer. In both units managers are responsible for monitoring performance. The Area is satisfied in the light of the excellent ineffective trial rate in both courts that despite the absence of case progression officers that processes for case progression work well. Reality checks show a high number of hearings and repeated pre-trial reviews before the trial date. There is no data on the timeliness of trials due to the small number of cases. Data on timeliness and the outcome of cases is produced by the magistrates' courts and discussed at court user group meetings

- The Area has been proactive in negotiating with the Crown Court and magistrates' courts over listing issues. Certain hearings are listed on specific days of the week in the Crown Court to facilitate the use of HCAs, for example appeals are block listed to enable the HCAs to cover these. The Area has negotiated with the magistrates' courts to list Narey cases to optimise use of Designated Caseworkers (DCWs). It is rare for cases to be transferred from one court to another without consultation with the CPS.
- There have been no wasted costs orders in either the magistrates' courts or the Crown Court during 2006-07.

<b>5 SENSITIVE CASES AND HATE CRIMES</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Excellent</b>	<b>Improved</b>

#### **5A The Area identifies and manages sensitive cases (including hate crime<sup>4</sup>) effectively**

- Systems are in place for the police to obtain early advice in high profile, sensitive or complex cases. At the pre-charge decision stage, sensitive cases where bail is appropriate are advised upon in the TU by specialist prosecutors. The Area has recently established rape surgeries once a month at Ipswich charging centre, which are covered by a rape specialist working alongside a second duty prosecutor who will cover the other appointments and can use the surgery as a learning experience. Specialist domestic violence courts have also recently been established in the Area.
- The Area has appointed champions for all categories of sensitive cases and part of their role entails bringing on those with less experience. They have objectives relating to their specialism in their personal development plans and are clear what their role entails. They are responsible for keeping up to date with case law and CPS policies, disseminating information, providing training and guidance and performance analysis in conjunction with line managers.
- All sensitive cases are allocated by the District Crown Prosecutor to ensure they are handled by prosecutors and caseworkers with the correct level of experience. Training is regularly delivered by the champions and during the last year staff have undertaken training on sexual offences, domestic violence, ASBOs and disability hate crime.
- The Area is sensitive to local issues and having identified fatal road traffic cases as of general public concern has developed a protocol for handling serious road traffic accident cases in conjunction with the police. More specifically the Area has responded to publicised concern over the safety of sex workers in Suffolk as a result of an ongoing serial murder case by assisting in the development of the Ipswich Street Prostitution Policy.
- Staff have been reminded of the importance of flagging sensitive cases on the CMS for monitoring purposes. Regular dip sampling and file audits are undertaken to ensure cases are correctly flagged. All cases in our reality check were appropriately flagged on CMS.
- All changes to CPS policies and casework guidance are disseminated to prosecutors by the Chief Crown Prosecutor with input from champions where appropriate. Good communications ensure requests from CPS headquarters receive timely responses and changes to policies are embedded. HMCPSI thematic reviews are discussed at the non-performance senior management team (SMT) meetings, and champions are expected to assist with implementation of any recommendations. In particular, the rape champion has been proactive in responding to the recent rape thematic report enabling the ABM to report to the LCJB on progress made.

<sup>4</sup> For the avoidance of doubt all references in this aspect to sensitive cases includes all those involving hate crime (disability hate crime, domestic violence, homophobic, racist and religious crime) child abuse/child witnesses, rape, fatal road traffic offences and anti-social behaviour orders (ASBOs).

- Cases cannot be discontinued without the approval of an Assistant District Crown Prosecutor (ADCP) and in relation to hate crime the Area policy is that any reduction in charge or basis of plea which removes or lessens the hate element must be authorised by an ADCP. Analysis of hate crime takes place through adverse outcome reports completed by line managers. In addition, the CPS and police rape champion have together created a spreadsheet to track all rape cases from charge to conclusion; the domestic violence champion monitors all unsuccessful cases utilising the national monitoring form and the ASBO champion provides regular reports.
- Successful outcomes in respect of racially and religiously aggravated offences and domestic violence cases have improved since 2005-06 and overall the rate of 74.8% is excellent compared to the national average of 67.2%. Performance on hate crime is a standing item on the SMT performance agenda and data is shared with champions for use at local groups. The race champion attends an established hate crime scrutiny panel which includes representatives of the police, community groups and victim support where lessons learned from the handling of specific cases is discussed.
- The Area Business Plan contains an objective to work with other agencies to ensure the safeguarding of children and contact has been made with the Local Safeguarding Children's Board. Any particular issues in relation to child abuse cases are dealt with through the Victims and Witnesses sub-group which is attended by a representative from the NSPCC.

<b>6 DISCLOSURE</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Fair</b>	<b>Declined</b>

#### **6A There is compliance with the prosecution's duties of disclosure**

- Prosecutors are generally complying with the provisions of the CPIA 1996, the Attorney-General's guidelines and the expert witness protocol, but there is room for improvement. Our reality check found that disclosure is handled better in the TU, where four out of five files were dealt with properly; there was also an example of a very well handled file with consideration of third party issues at an early stage. Disclosure of unused material is completed on CMS in the TU, but not the CJU.
- In the CJUs only one file was properly handled. Although unused material schedules are served promptly upon the defence they are not always adequately endorsed, and this coupled with poor completion of the Disclosure Record Sheet (DRS) meant it was difficult to confirm that each item had been properly considered. There is a practice of bracketing together all items as clearly not disclosable, even where the schedule includes items such as the custody record that the defence are automatically entitled to. Despite the endorsement, some items on the schedule were later disclosed to the defence upon request.
- All lawyers and caseworkers have been provided with a copy of the Crown Court Protocol and compliance has been raised with the Crown Court and those chambers regularly briefed to attend Ipswich Crown Court. Where the advocate does not give effect to the protocol by giving blanket disclosure, the lawyers or caseworkers are expected to draw it to the attention of the line manager. To date only one failure has been reported.
- The Area monitors the handling of unused material through the CQA and additional dip sampling by the District Crown Prosecutors. The TU has an objective to improve the CQA assessment for compliance with disclosure duties to 93%. In the last quarter of 2006-07 the CQA assessment was that 100% of files examined met the quality standard for disclosure. This appears quite generous given our reality checks above. Feedback and guidance to individuals is provided on a case by case basis.
- In the CJUs, the unused material is retained by police staff within the unit and kept separate from the main file. Disclosure letters, schedules and the DRS are filed together with other trial correspondence within the file. In the TU unused non-disclosed material is filed in a separate cabinet but unused disclosed material and schedules are stored in separate wallets within the main file.
- Sensitive schedules and unused material are kept separate from the main file and stored securely. A log is kept of all public interest immunity applications and any that are made 'without notice' require the approval of the Chief Crown Prosecutor. A protocol has been agreed with the police for the handling of sensitive material, and with the police and Social Services for handling third party material; both have been circulated to all relevant staff.

- The Area has had disclosure champions in the CJUs and TU since before the last OPA. They provide training and guidance to lawyers and caseworkers and attend national conferences, providing feedback to the Area management team (AMT).
- Training has been delivered to all prosecutors and caseworkers on the disclosure provisions of the Criminal Justice Act 2003 and the CPS/ACPO (Association of Chief Police Officers) disclosure manual. Advanced Disclosure training has been delivered to the majority of prosecutors. Joint training has been offered to police but has not yet been taken up due to their other training commitments. The Area business plan contains an objective to improve the handling of unused material and this is further reflected in staff objectives. The percentage of ineffective trials due to prosecution disclosure problems is 0.96% which is better than the national average of 1.88%.
- The last OPA noted schedules were not always endorsed with details of decisions in respect of individual items of material and that letters to the defence dealing with disclosure would make the position clear. Bearing in mind the findings in the reality check of files there is little evidence of improved performance on the matters identified in the last OPA.



<b>7 CUSTODY TIME LIMITS</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Good</b>	<b>Stable</b>

#### **7A Area custody time limit systems comply with current CPS guidance and case law**

- Since the last OPA, responsibility for custody time limits (CTLs) in the CJUs has been transferred from police staff to the CPS. CJU guidance was updated in 2006 and a pilot exercise was conducted to trial a new system at Bury St Edmunds CJU. Further updates were circulated following this. In April 2007 additional responsibilities were added to clarify accountabilities for verifying the diary monitoring system when carrying out checks.
- The Areas written system in the TU is detailed and complies for the most part with CPS national guidance. Mention should be included of the mandatory use of the ready-reckoner and to endorse the file with CTL days spent when a defendant is released on bail. In the CJU the written system has insufficient detail as it is an edited version of the national good practice guide supported by an aide memoir.
- The Area has appointed 2 CTL Champions, one for the CJU and one for the Trials Unit, and they provided refresher training for all administrative staff in February 2007. At the time of the OPA the magistrates' court champion had left the Area and a replacement was being recruited.
- Lawyers are responsible for CTL calculations at court and senior managers confirmed they use the CPS ready-reckoner.
- The Area has a protocol with the Crown Court for agreeing CTL dates and these are read out in open court. The Crown Court provides a weekly list from their records of defendants in custody and a list of outstanding trials. There are no specific arrangements with the magistrates' court.
- There have been no recorded failures, either actual or technical breaches, in each of the last two financial years or the current year to date.
- The Area uses a manual diary system as the master backup method and procedures are in place to monitor the diary and ensure actions are taken. Interlocking procedures operate between the CJU and the TU to extend CTLs for defendants awaiting committal to the Crown Court before expiry. In the CJU, lead lawyers undertake weekly checks on the CTL diary and a documented dip check of one file per month per CJU is undertaken by managers to confirm correct functioning of the system. In the TU, weekly diary monitoring is undertaken by the B1 line manager and checked by the Unit Head or Senior Casework Manager.
- Our reality check of six files showed dates were either calculated correctly or where an error had been made, it had been identified by the monitoring checks. In the TU, labels are not always affixed for separate defendants with reliance placed on one label. However this had been recognised and corrected through the monitoring system. When defendants are released on bail, it is Area practice to record only the release date on the file date without endorsing the time spent in custody. For CJU files our reality checks found some deviation from instructions as specific labels are not used, files are not endorsed with a review date and on one file the CTL expiry date was endorsed in light pencil rather than indelible red ink.
- Use is made of CMS to assist in progressing CTL actions in the CJU but it is not evident in the TU as the Area remains doubtful on CMS reliability following its initial rollout in 2003.

<b>8 THE SERVICE TO VICTIMS AND WITNESSES</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Good</b>	<b>Stable</b>

**8A The Area ensures timely and effective consideration and progression of victim and witness needs**

- The Area has effective systems in place to ensure compliance with the Victim's Code and direct communication with victims initiative (DCV) and performance is good. The scheme is administered by a DCV coordinator who is responsible for drafting the majority of letters and checking finalised cases to ensure that letters are sent in all appropriate cases.
- The proxy target in 2005-06 was to send 88 DCV letters per month. The target was reduced to 71 letters in 2006-07, and there have since been three further reductions to 53, 50 and 46 respectively. As at the end of 2006-07 the Area has exceeded its target by 18%. Timeliness of letters has improved from 2005-06 when 76% of letters were sent within five days to 87% in 2006-07, and it is better than the national figure of 73%. All letters are signed by Assistant District Crown Prosecutors (ACDPs) or District Crown Prosecutors (DCPS) who are responsible for quality assuring the content of the letters.
- Victims and witnesses needs are appropriately assessed at the pre-charge decision (PCD) stage. Guidance has been provided to duty prosecutors as to their obligation to consider victim and witness issues and they have delivered training to all operational police officers on the importance of completing a needs assessment at PCD. Following a not guilty plea the WCU will conduct a full needs-assessment and notify prosecutors if additional requirements have been identified.
- The Area has two special measures coordinators who are responsible for updating staff in relation to special measures. WCU staff have been trained on the range of special measures available for witnesses. There is a protocol in place with criminal justice partners covering early special measures, and preparation of young witnesses at the Crown Court and magistrates' court. A reality check of files showed that the need for special measures was identified at an early stage and appropriate applications were made.
- The WCUs are responsible for warning witnesses and keeping them informed of the progression of their case and there is a specific protocol in place with the police for contact with victims and witnesses in specialist investigations, such as cases involving a fatality. Witness attendance is confirmed at Plea and Case Management Hearings (PCMH) at both the Crown Court and magistrates' courts, and 'barring orders' are agreed in all cases where the prosecution case exceeds one day in order to reduce witness waiting times. The Area has consistently exceeded its baseline attendance rate throughout 2006-07.
- Compliance with the Prosecutor's Pledge is monitored by line managers undertaking advocacy assessments, and the Area also relies on informal feedback from other agencies as to whether witnesses are treated in a courteous manner by CPS staff at court. Our checks with external agencies confirmed that witnesses are treated with care and respect at court.

**8B The Area, with its criminal justice partners, has implemented the No Witness No Justice scheme (NWNJ) effectively**

- The CPS have taken the lead in progressing victim and witness issues and the TU District Crown Prosecutor (DCP) is the senior reporting officer for NWNJ, Victim's Code and chair of the Local Criminal Justice Group Victims and Witnesses sub group
- The Area has four Witness Care Units based in each CJU and the TU. Although these are joint CPS/police units they are staffed by the police with the equivalent of one CPS administrator, who also performs a case progression role, based in each CJU. In the TU the CPS member of staff carries out the witness function in respect of committals for sentence and appeals. Day-to-day management of the units is the responsibility of the police manager.
- The Area is working towards meeting the minimum requirements of the NWNJ scheme and the sign-off review in July 2006 assessed that ten out of the 16 elements of the minimum requirements had been satisfied. An action plan was drawn up to deal with the outstanding aspects most of which have now been completed. A practitioners' group which comprises representatives from the CPS, police and Witness Service meets quarterly to review progress, and reports to a review group.
- The Area undertakes joint analysis of primary and secondary measures. The WCU is responsible for monitoring cracked and ineffective trials due to witness issues and reporting to the practitioners' group. In the magistrates' courts 1.7% of cases were ineffective against a baseline of 2.5%, and 3.9% were cracked against a baseline of 3.2%. In the Crown Court 2.0% were ineffective against a baseline of 1.7%, and 2.0% were cracked against a baseline of 2.6%.

<b>9 DELIVERING CHANGE</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Excellent</b>	<b>Improved</b>

**9A The Area has a clear sense of purpose supported by relevant plans**

- The Area has a well presented business plan which sets out clearly what the Area seeks to achieve and how it will do it. The introductory section gives an overview of the locality served and the work of the CPS making the document meaningful to an external reader.
- Development of the plan was informed by the CPS senior management conference and the national business plan. There were planning meetings with the Area management team (AMT) and staff were consulted through the Area Whitley Council and Staff Voice, an open staff forum representative of all staff levels. When finalised, road-shows were conducted in May and June 2006 to further engage staff and bring out key issues for attention.
- The business plan sets out the responsibility for each task, delivery achievement milestones and there are links to the 15 CPS national targets and public sector agreement targets; local issues are also addressed.
- The business plan is a standing item on the AMT meeting agenda and issues are discussed each month. The Area has a systematic method for progressing the plan using a proforma to record progress and additional corrective actions. This is done quarterly.
- Unit plans consist of bullet lists rather than a quantified assessment of unit weaknesses with improvement targets which would make a beneficial impact on overall Area performance if addressed. To assist with staff appraisals and objective setting, the ABM circulates a list of suggested topics which can form the basis of objectives.
- The Area works closely with the LCJB to co-ordinate its activities and at an early stage the Area seeks comments from criminal justice partners on the business plan and incorporates relevant comments. Where interagency agreements are required to change or optimise methods of working, formal protocols are formulated and signed off. In the recent past, protocols have been concluded for the needs of victims and witnesses, applications for ASBOs on conviction of a defendant and with the Suffolk Safety Camera Partnership. Other protocols have been agreed with local hospitals related to the provision of witness statements and medical statements for criminal proceedings.

**9B A coherent and co-ordinated change management strategy exists**

- During 2006-07 the Area managed or assisted with several change initiatives including development of statutory charging, the effective trial management programme, No Witness No Justice, introduction of the Victim Code and case management system updates as well as all legislative change. The Area have pilot sites running for conditional cautioning and for special domestic violence courts and work is ongoing to plan the CJSSS scheme.
- Where there are joint initiatives like conditional cautioning each agency appoints a champion and they work together under the auspices of an LCJB sub group to set up and implement the initiative.

- For significant change, both Area specific and cross-agency, planning and delivery is thorough. The ABM and DCPs have been trained in project management and risk management training has been provided by headquarters.
- The Area is considering restructuring and a very comprehensive options paper has been prepared giving different operating models, these are supported by a costing annex. The change initiatives that have been implemented are generally effective and there is good effective two way communications with staff.
- Systematic links between projects, priorities, procedures and staff training are effected through the senior management team and the Area management team using information from project leads and that arising from staff consultation. Project work picks up process gaps and new process flows are specified. Where these affect interagency working they are formally committed to through signed off protocols.
- Area change is subject to review and action plans are created to correct underperformance. The Area has a risk register for the Area business plan and there are separate risk registers for projects. These identify correct risks and are reviewed and updated quarterly.

**9c The Area ensures staff have the skills, knowledge and competences to meet the business need**

- In 2006-07 the Area's training arrangements were informed by the CPS national and Area business plans and the national training plan. A training priorities document was produced setting out what developmental needs training was supported for use during staff appraisals and the document includes learning and development targets. On a quarterly basis scheduled training events are published for which staff can apply and monthly training records are maintained. Learning and development are standing items on the SMT, AMT and team meeting agendas.
- The Area also keeps its special skill competencies under review and during 2006-07 several staff with change responsibilities were trained in project management and risk management techniques; the Area Business Manager was also successful in gaining a nationally recognised project management qualification.
- The Area ensures that staff have appropriate training in relevant diversity issues and take advantage of local expertise within the county e.g. for disability-needs training, gay and lesbian awareness and specialist training associated with No Witness No Justice and domestic violence.
- Staff access to training is considered when training is scheduled so that part-time staff and those with childcare issues can attend. Training days are also included in business calculations to ensure staff availability without overstretch and where possible some training is carried out at remote sites.
- Mandatory and developmental training has taken place including some induction training. Where training has taken place it is mostly effective but more needs to be done regarding sick absence management and this is in hand.
- Course evaluation forms are used to gauge the impact of training and the Area secretariat assess the total costs of training events so that value to cost can be assessed.

<b>10 MANAGING RESOURCES</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Fair</b>	<b>Declined</b>

#### **10A The Area seeks to achieve value for money and operates within budget**

- Since the last Overall Performance Assessment the Area magistrates' court caseload has decreased by 35.1% and in the Crown Court it has increased by 3.5%; statutory charging has been introduced which is the equivalent of 15 full days' sessions per prosecutor per week. During this time the Area's budget has increased by 5.3% and staff numbers by 5.4%.
- The Area overspent its non-ring fenced budget in 2005-06 with an outturn of 100.5% and was underspent in 2006-7 achieving an outturn of 98.9%. The Area seeks to achieve value for money and had related objectives in the 2006-07 Area Business Plan including reducing agent usage to 20%, increasing designated caseworker session to 17%, reducing ineffective magistrates court trials to 15%, reducing sickness to no more than seven days per employee per year, increasing graduated fee scheme (GFS) payment timeliness to 90% and realising IT benefits. Value for money objectives are also reflected in the personal objectives of District Crown Prosecutors.
- Only three of these objectives were achieved and the management team were stretched owing to significant long term sickness amongst both legal and administrative staff amounting to 10% of all staff; a member of the management team was also deployed for four months with HM Armed Forces.
- The Area has robust financial monitoring systems in place and there is accurate knowledge of committed spend. At the beginning of the year a budgetary workshop is held by the secretariat for the Area management team (AMT) to explain the budget. When it is apparent that aspects of financial management will be subject to scrutiny the Area is proactive in setting up additional monitoring so that suitable forecasts can be made. Budgets are not devolved and are controlled and monitored centrally by the Area secretariat. A monthly financial report is produced and is reviewed and discussed at both the senior management team and AMT meetings.
- The prosecution cost budget is monitored and reported on. Even so, the Area overspent this budget in both the 2005-06 and 2006-07 financial year with an outturn of 110% and 100.54% respectively. GFS payments are timely and the Area is above the national average for each quarter in 2006-07. There are monthly accruals meetings to monitor expenditure. Where necessary case management panels were held in 2006-07 and case management plans produced. Where there are fee disputes with counsel these are subject to rigorous review.
- The Area has bid for and been granted additional case specific funds from headquarters for a very large case to supplement their non-ring fenced budget; these monies have been appropriately allocated.
- The Area received £37,000 No Witness No Justice funding which was used to fund the CPS contribution to witness care staff and the Area can demonstrate increased performance across many measures including better witness attendance and satisfaction levels. An additional £5,000 was received for higher court advocacy work and allocated to the agents' budget to release HCA staff for training.

**10B The Area has ensured that all staff are deployed efficiently**

- The Area periodically undertakes a review of unit staffing against caseload changes and comparisons are made with headquarters benchmark figures to inform decision making. Comparisons are also made with other similar Areas. Where more depth is required the Area will undertake specific unit reviews, in a recent review of trials unit administration the reporting structure was changed to increase flexibility and multi-skill staff to cover more than one role. Further reviews take place resulting from large labour intensive cases and staffing adjustments made accordingly.
- We note at Chapter 12 an enhanced management structure which was developed for historical reasons but may no longer be justified.
- The Area has four DCWs who exercise their full powers and there are 18 court sessions where the content of the list is within their remit. In 2006-07 this amounted to 11.1% of sessions covered by the Area. DCWs are expected devote 50% of their available time to covering courts, this amounts to three sessions each for two staff and four session each for two others in covering court and the balance of their time is devoted to other duties such as case progression. The Area has agreed changes in DCW work patterns to accommodate more coverage but utilisation target rates are low. In the current year to date coverage is at 9.6% and two additional DCWs are due to join the Area in the summer. Some long term sickness and HM Court Service cancelling DCW courts has affected the figures.
- Agent usage is high against the national average for both 2005-06 and 2006-07 at 24.4% and 26.3% compared to the national average of 22.8% and 19.6%. Lawyers are expected to cover six magistrates' courts sessions per week plus charging duties. In 2005-06 and 2006-07 in-house coverage amounted to 75.6% and 73.7% of magistrates' court sessions against national averages of 77.2% and 80.4% respectively. In the current year to date the Area is above its in-house target of 73% achieving 75.7%.
- The Area has an impressive record of HCA activity and the Area were commended by headquarters in 2006 at the time of the release of the 5-year HCA deployment plan as the only current example where HCA deployment is consistent and mainstream. Local judiciary have also commended the high standard of advocacy. There are eight HCAs three of whom cover a full range of activity, including a mix of jury trials, Court of Appeal work, High Court work and acting as a junior in a murder case. In 2006-07, 20 trials were covered by HCAs. The Area has a sound strategy for skilling and progressing HCAs. Staff sickness reduced Area capacity in 2006-07 but nevertheless the fee savings target was exceeded at 111.6%. The average earnings per session was below the national average at £273 compared with the national average of £355 per session.
- The Area has high sickness rates with headquarters figures indicating there were 10.2 days absence per person to the year ending December 2007. The Area's figures show 9.2 days sickness per employee during the year ended December 2007 and 61% of sickness arising from the seven instances of long term sickness. Three medical referrals were made by the Area and the advice followed. In January 2007 the Area figures indicate 12.3 sick days per person and a shift towards casual absence. Staff have been informed of the sickness reporting procedures and most managers have been trained in sick absence management. However not all managers are sufficiently robust and further training and communications with staff are planned.

- The Area has a high percentage of staff who are on flexible work patterns and the Area is sympathetic to requests for career breaks for study and travelling purposes and these attributes have gained praise in recent Investors in People assessments. All requests for changes in working pattern are subject to approval by the Area Business Manager to ensure there is a suitable fit with business need. Where there is not a fit the request is refused or modified. As required, new patterns may be subject to a trial period to ensure there is no adverse impact.



<b>11 MANAGING PERFORMANCE TO IMPROVE</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Good</b>	<b>Stable</b>

#### **11A Managers are accountable for performance and performance information is accurate and timely**

- The Area produces a monthly performance report which is set out in a similar format to the headquarters quarterly report. A digest is provided by the secretariat giving the Area picture for the month and this is discussed collectively by the senior management team after the routine SMT meeting. For each measure, the report notes the current months' performance contrasted to the year to date figure and where this is adverse to the Area's annual target it is given an appropriate traffic light indicator. Actions are assigned and tracked.
- As at March 2007 the Area had 15 green indicators across 28 measures and where there were deep-seated issues (sickness, designated caseworker deployment, in-house advocacy coverage) the topics are subject to an action plan for 2007-08.
- All the Area's line managers attend the Area management team meeting and a summary performance overview is provided, aspects of performance are fed back to staff at team meetings but sometimes these appear to be over-brief and lack detailed discussion. The Area communicates performance information generally to staff through the weekly Friday bulletin and the periodic Area newsletter.
- Area performance reporting is underpinned by a comprehensive monthly performance pack which is supplied prior to the SMT meeting along with the LCJB performance report. The information covers a wide range of topics including finalisations, finance, staffing, case outcomes and progress on initiatives. Where relevant three and 12 month trend information is included.
- The Area compares its performance with similar Areas and has acted as host to Areas seeking to adopt best practice from CPS Suffolk. The Area also consults with others to improve performance, for example with headquarters Customer Relationship Managers for CMS usage, headquarters charging lead for pre-charge decision work and CPS Essex, Norfolk and Sussex on DCW usage.
- The Area assures data quality by undertaking periodic file audits in units. These are significant, with file samples typically being between 50 and 80 files per unit with topics examined including casework, progression matters, witness issues and resulting accuracy. Audit results are summarised and communicated to District Crown Prosecutors for discussions with staff. The frequency is meant to be quarterly but was biannual in 2006-07. There are also monthly unit checks on finalisation accuracy using information from the management information system as supplied by the Secretariat; positive confirmation is required to enable any correction by the freeze date. The Area is responsive to headquarters requests for all CPS Area checks on specific subjects.
- In the Trials Unit there was an unexpected increase in attrition owing to the handling of a greater volume of jury trials. Detailed analysis was undertaken but the results were inconclusive. The Area may benefit from using a more structured approach to cause and effect analysis.

- Responsibilities for operational effectiveness are specified at senior and middle management levels and specific responsibilities are set out in personal objectives.
- Appraisals are held once per year and at least 70% of staff have had an in-year review. There are examples where objective setting and appraisal review have led to improved performance. There are also instances where the specified activity has not been followed through by the staff member.

**11B The Area is committed to managing performance jointly with CJS partners**

- Senior managers are active in the work of the LCJB with the Chief Crown Prosecutor sitting on the main board and the Area Business Manager and another unit head on the performance group. Other unit managers and middle managers participate in or lead LCJB subgroups and attend regularly taking back actions as appropriate. Partners consider Area staff to be effective in progressing issues and developing good relationships. There are also bilateral meetings with the police and courts and Area staff actively participate in project work for new initiatives, for example No Witness No Justice, conditional cautioning and CJSSS.
- The Area supplies data to other agencies to support performance management on joint initiatives, and hate crime figures are provided to other agencies which are then used in community engagement groups. The Area receives information from other agencies and follows up to correct or to understand differences in the data.
- There has been effective joint action to improve performance in regard to pre-charge decision making although this has not yet been reflected in the outcomes. The introduction of WCUs has improved witness attendance and as a result ineffective trial figures for both the Crown Court and magistrates' courts have improved.

**11c Internal systems for ensuring the quality of casework and its prosecution at court are robust and founded on reliable and accurate monitoring and analysis**

- The Area's CQA system was sustained throughout 2006-07 with a better return rate than the national average, exceeding it for three out of the four quarters. Expected return totals are agreed with headquarters at the beginning of each year and DCPs are chased for outstanding forms to maintain the compliance rate. The CCP undertakes CQA checks on files handled by DCPs. The Area also has its own CQA system for administration and casework staff which focuses on file handling and preparation.
- In the TU there is clear evidence of robustness with many forms each month being annotated with points for improvement to be discussed individually with lawyers and highlighting good practice; trends such as completion of the disclosure record sheet are highlighted in team meetings for attention. In the CJUs there is little annotation of forms and the files selected are not demanding. CJU A/DCPs confirm they do speak personally with lawyers. Trends identified from CQA analysis are not evident in CJU team meeting minutes but issues are highlighted in the SMT performance report.
- The Area has introduced an advocacy monitoring process; this was agreed with Area Whitley Council in December 2006 and implemented in April 2007. The scheme is used to monitor all house advocates but is particularly useful in monitoring newly qualified Higher Court Advocates. The assessment criteria could be more discriminating however. Feedback on agent performance is mainly anecdotal, relying on feedback from the Court Service.

<b>12 LEADERSHIP</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Good</b>	<b>Stable</b>

### **12A The management team communicates the vision, values and direction of the Area well**

- The Area has faced significant management challenges since the last OPA as there was an increase in serious casework and unavoidable absence at the senior management level. To secure the Area's management capacity an additional District Crown Prosecutor post was created and other staff acted up. Apart from the Chief Crown Prosecutor and the Area Business Manager all the other members of the senior management team are on temporary promotions. This seems to have worked well during a period of difficulty but the continued justification for the enhanced structure may need to be revisited.
- The Area business plan sets out the CPS vision, priorities and direction the Area is taking and these are communicated well to staff through road shows at the beginning of the year and the business plan forms part of personal development folders. There is however, no statement of shared values and managers and staff would benefit from developing these jointly, particularly as issues emerged in the 2006 staff survey concerning managing poor performance and staff recognition.
- Managers understand their responsibilities for implementing management decisions and all key posts and Area fora have defined terms of reference. Responsibilities for effecting change and for collaborative working with criminal justice partners are defined.
- Corporacy within the Area is promoted and monitored through the senior management team – Area management team structure coupled with effective communications and feedback from the Area Whitley Council and Staff Voice. However, the development of shared values would permit better monitoring.
- At key points in the business cycle, and to communicate change issues, senior managers meet with staff to discuss forward plans and implications. There are regular unit meetings and managers seek to ensure these occur at least every six to eight weeks.
- The Area enjoys good working relations with criminal justice colleagues where there are extensive interactions through the Local Criminal Justice Board, its sub-groups and bilaterally with agencies. The Area contribution is valued by partners and their leadership qualities are commended.
- The Area seeks to improve performance and produces a wide range of actions plans and makes an active response to HMCPSI thematic reports.

**12B 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**

- Managers acknowledge meritworthy effort by staff in meeting minutes, in e-mails and through the Friday bulletin but this has not been consistent throughout 2006-07.
- The Area has provided many suitable channels for communication and feedback, and staff raise points for discussion at team meetings. In the 2006 staff survey the Area scored above the national average for communication at 66% against the all Area average of 59%. Similarly the Area is above the 54% benchmark for treating staff with fairness and respect at 62% which is marginally behind the all Area average of 63%.
- There have been no substantiated complaints by staff about their treatment by managers during 2006 and the year to date; the Area is proactive in resolving issues before they become critical. Where necessary staff are warned of inappropriate behaviour. The Area is inclusive in its approach to business.
- The Area takes an integrated approach to equality issues as demonstrated through in the Area business plan and other plans. There is also an extensive diversity and racial equality action plan for 2006-07 which was updated in July 2006.
- The Area's staff composition does not match that of the local community in terms of the employment of disabled and minority ethnic staff and the gender balance but the Area has set appropriate targets for 2008 and taken action to encourage applications for vacant posts.
- The ABM is the equality and diversity champion and line manages the Area Communications and Community Engagement Officer who is also the Area Equality and Diversity Officer. The CCP is the LCJB Equality and Diversity sponsor.

<b>13 SECURING COMMUNITY CONFIDENCE</b>	OPA 2005	OPA 2007	Direction of travel
	Excellent	<b>Excellent</b>	<b>Stable</b>

### 13A The Area is working proactively to secure the confidence of the community

- The Area Business Plan contains objectives to develop the Area's community engagement strategy to increase public confidence and to convey a positive profile of CPS work and to build more effective working relationships with local communities. The plan has appropriate actions with the Area Business Manager having management accountability and the Area's Communication and Community Engagement Officer (CCEO) having prime delivery responsible.
- The Area has completed a variety of community engagement activities and the engagement log shows activity by a cross section of staff particularly those with special responsibility, for example domestic violence and anti-social behaviour. There has been a significant amount of activity by the CCEO and more junior staff are active in appropriate events associated with their work.
- The Area has an extensive list of groups and associations with whom they can liaise including faith groups, ex-patriot groups, support groups and there is ongoing liaison with umbrella groups such as the Suffolk Interfaith Resource, Suffolk Association of Voluntary Bodies and the Ipswich Council for Race Equality. The Area is also a member of the Suffolk Joint Diversity Working Group.
- The Area has up-to-date information on demographic data and local community groups, including the 2001 census and the 2005 labour force survey. The Area also makes use of data supplied by the Suffolk Development Agency and Suffolk County Council.
- The Area has engaged with those groups at greatest risk of exclusion and discrimination including refugees, lesbian-gay-bisexual-transgender, other minority groups including Muslims, Polish and Portuguese and those at risk from domestic violence. These events have enabled the CCP and others to explain the independent remit of the CPS, its pivotal role in deciding upon actions to be taken and the policies in place for addressing racial and religious aggravated crime. The Area has also gained valuable insight into the perceptions and challenges faced by minority groups, for example young male Muslims. Current ongoing work includes disability hate crime for which a training guide has been produced.
- The Area, in association with the police, attend a hate crime scrutiny panel which examines cases in conjunction with minority ethnic community representatives to exchange information on the appropriateness of actions, lessons learnt and ongoing effectiveness. Racial crime statistics are also discussed at meetings. The Area is seeking to extend the panel concept to domestic violence and homophobic crime. The Area also has structured information sharing with certain key groups including Suffolk Gay and Lesbian Helpline, the Ipswich and Suffolk Council for Racial Equality and the Racial Harassment Forum.

- To improve information capture from events, the Area has devised a feedback form to gather the impression of those attending community engagement activity. Based on the feedback the event is given a success rating and recommended actions are considered by the Area and in some instances have resulted in changes to the Area's approach.
- Public confidence in bringing offenders to justice has been declining in recent years although staying above the national average. In the year to December 2006 however confidence decreased from 46% to 41.3% and is below the Area's target of 50%. In response, the Local Criminal Justice Board has set up a confidence working group, and the Area has joined this group to assist in addressing the trend. The inaugural meeting was in May 2007.
- The Area has an established media communication function and the senior management team and three HCAs have had specific media training. The Area is vigilant and has acted to obtain restraint orders to protect victims of crime from untimely press coverage. Established links with main local newspapers and broadcasters serving the Area enabled issues to be explained mitigating censorship fears. Input has been made to numerous articles covering both casework and performance. The Area has had requests for and supplied data on child abuse cases and success rates to the media.
- Senior managers are active in raising the profile of the CPS and the Area through the media. Radio and television broadcasts have taken place to explain specific aspects of work including proceeds of crime and rape case statistics. In a recent serial murder case the prosecutor responded to a high level of media attention by explaining the role of the CPS and announcing the charging decisions he had made on live syndicated television.

## ANNEX A: PERFORMANCE DATA

### Aspect 1: Pre-charge decision-making

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance 2005-06    2006-07		National target March 2007	National performance 2006-07	Area performance 2005-06    2006-07	
Discontinuance rate	11.0%	15.7%	14.0%	11.3%	11.0%	13.1%	14.2%	11.4%
Guilty plea rate	52.0%	69.2%	77.4%	81.4%	68.0%	66.5%	68.0%	64.1%
Attrition rate	31.0%	22.0%	17.5%	14.3%	23.0%	22.2%	23.7%	24.8%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	84.1%

### Aspect 2: Ensuring successful outcomes in the magistrates' courts

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed magistrates' courts cases	84.3%	87.0%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	64.0%
Cracked trial rate	37.3%	25.6%
Ineffective trial rate	18.9%	10.4%
Vacated trial rate	22.5%	44.5%

**Overall persistent young offender (PYO) performance (arrest to sentence)**

National target	National performance 2006	Area performance 2006
71 days	72 days	54 days

*Offences Brought to Justice*

	CJS area target 2006-07	CJS area performance 2006-07
Number of offences brought to justice	14,729	17,530

Percentage make up of Offences Brought to Justice	National 2006-07 <sup>5</sup>	Criminal justice area 2006-07
Offences taken into consideration (TICs)	8.5%	4.1%
Penalty notices for disorder (PNDs)	10.3%	6.9%
Formal warnings	5.8%	3.4%
Cautions	26.5%	26.6%
Convictions	48.8%	59.1%

**Aspect 3: Ensuring successful outcomes in the Crown Court**

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed Crown Court cases	77.7%	74.3%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	69.2%
Cracked trial rate	39.5%	24.1%
Ineffective trial rate	12.4%	6.7%

5 Final figures awaited.



<b>Proceeds of Crime Act orders</b>	<b>Area target 2006-07</b>	<b>Area performance 2006-07</b>
Value	£639,474	£457,057
Number	60	65

### **Aspect 10: Managing resources**

	<b>2005-06</b>	<b>2006-07</b>
Non ring-fenced administration costs budget outturn	100.5%	98.9%

<b>Staff deployment</b>	<b>National target 2006-07</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
DCW deployment (as % of magistrates' courts sessions)	17.2%	14.7%	11.1%
HCA savings against Area target	100%	138.4%	111.6%
Sickness absence (per employee per year)	7.5 days	8.5 days	10.2 days

### **Aspect 13: Securing community confidence**

#### **Public confidence in effectiveness of criminal justice agencies in bringing offenders to justice (British Crime Survey)**

<b>CJS area baseline 2002-03</b>	<b>2004-05 (last OPA)</b>	<b>Performance in 2006-07</b>
43%	49%	41.3%

## **ANNEX B: CRIMINAL JUSTICE AGENCIES AND ORGANISATIONS WHO ASSISTED WITH THIS OVERALL PERFORMANCE ASSESSMENT**

### **Police**

Suffolk Police

### **Victim Support**

Victim Support Suffolk

### **Community Groups**

Ipswich and Suffolk Council for Racial Equality

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