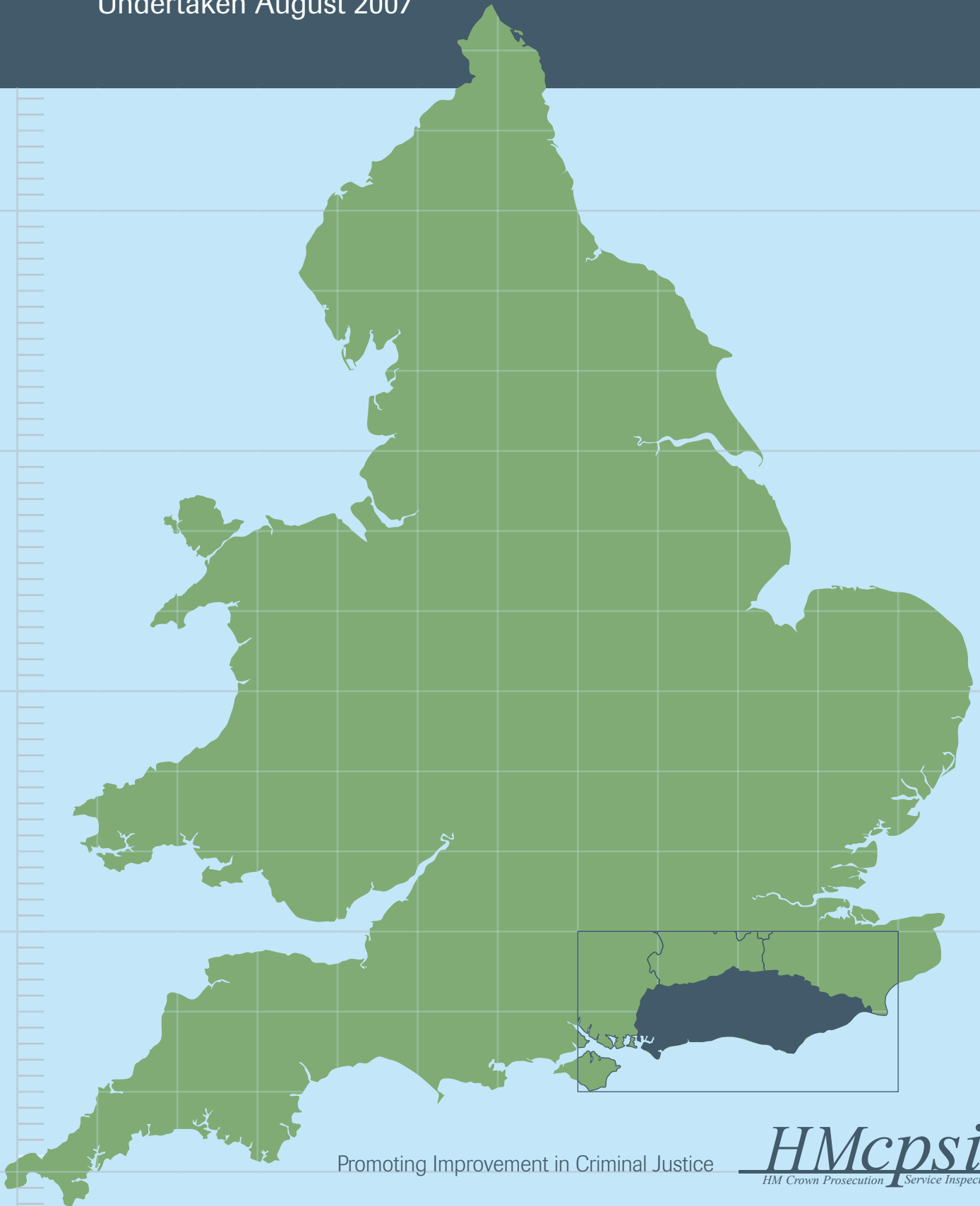


CPS Sussex

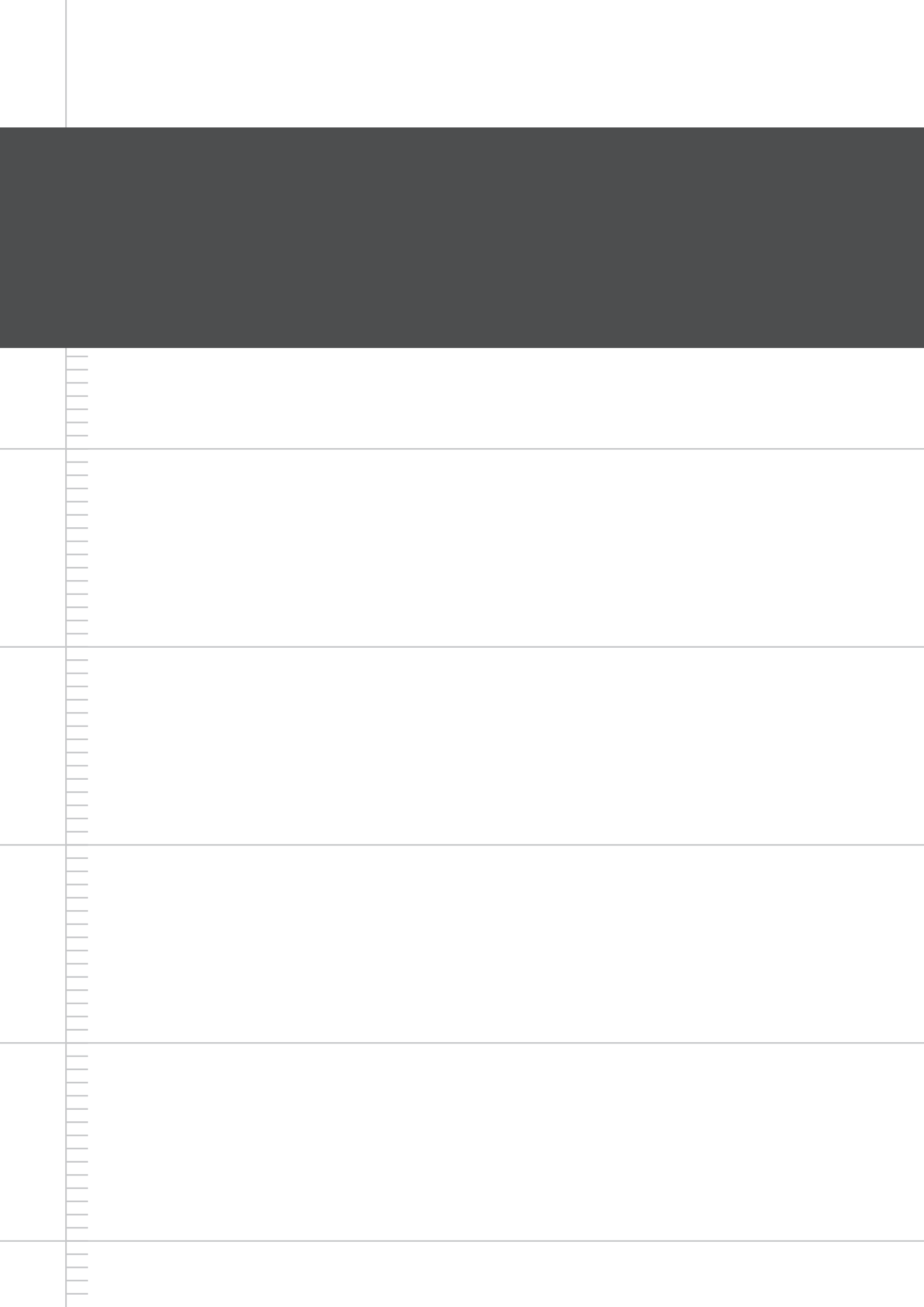
Overall Performance Assessment

Undertaken August 2007



Promoting Improvement in Criminal Justice

*HMcp*si**
HM Crown Prosecution Service Inspectorate



CPS Sussex

Overall Performance Assessment

Undertaken August 2007



Promoting Improvement in Criminal Justice

HMcp*si*
HM Crown Prosecution Service Inspectorate

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		

CONTENTS

A	Introduction to the overall performance assessment process.....	2
B	Area description and caseload	3
C	Summary of judgements.....	4
D	Defining aspects.....	8
1	Pre-charge decision-making: management and realising the benefits.....	8
2	Ensuring successful outcomes in the magistrates' courts.....	11
3	Ensuring successful outcomes in the Crown Court	14
4	Progressing cases at court.....	16
5	Sensitive cases and hate crimes	18
6	Disclosure	20
7	Custody time limits	21
8	The service to victims and witnesses	22
9	Delivering change	24
10	Managing resources	27
11	Managing performance to improve.....	30
12	Leadership.....	33
13	Securing community confidence.....	35
 Annexes		
A	Performance data.....	37
B	Criminal justice agencies and organisations who assisted with this overall performance assessment	40

A INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

This report is the outcome of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPPI) overall assessment of the performance of the Crown Prosecution Service (CPS) in Sussex 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 HMCPPI based on absolute and comparative assessments of performance. These came from national data; CPS self-assessment; HMCPPI'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 Sussex serves the area covered by the Sussex Police. It has five offices, two in Brighton and others in Chichester, Crawley and Eastbourne. The Area Headquarters (Secretariat) is based at the Brighton office.

Business is divided on geographical and functional lines between magistrates' courts and Crown Court work. The Brighton, Crawley and Eastbourne Criminal Justice Units (CJUs) and the Chichester Combined Unit (CU) handle cases dealt with in the magistrates' courts, while the Brighton Trials Unit (TU) and Chichester CU cover those in the Crown Court.

During the year 2006-07 the Area had an average of 138.2 full-time equivalent staff in post, and a budget of £6,452,110. This represents a 13.7% increase in staff, and a 17.8% increase in budget since 2004-05, the period covered by the previous overall performance assessment.

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

Pre-charge work¹

2004-05		2006-07	
Written advice	705	Decisions resulting in a charge	9,284
Pre-charge advice (where available)	10,893	Decisions not resulting in a charge ²	6,027

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	21,625	22,700	5.0%
Other proceedings	238	13	-94.5%
Total magistrates' courts proceedings	21,863	22,713	3.9%

Crown Court proceedings

(including cases previously subject to a pre-charge decision)			
Cases sent or committed to the Crown Court for determination	1,906	2,327	22.1%
Committals for sentence ³	397	650	63.7%
Appeals from the magistrates' courts ³	246	293	19.1%
Total Crown Court proceedings	2,549	3,270	28.3%

In 2006-07, 46.8% 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

Contextual factors and background

Since the last OPA, undertaken in October 2005, performance has remained stable in many aspects with improvements in some, notably the service to victims and witnesses, but also some falls in performance. During those two years, the Area has introduced Witness Care Units which have been instrumental in bringing improvements in this aspect of performance. Successful outcomes in the magistrates' and Crown Court are less satisfactory than national averages. However, magistrates' courts cases have increased by 5% and Crown Court cases by 22.1% in the last two years. Resources are managed well and senior managers have maintained their commitment to improve performance within the Area, and with their criminal justice partners, in a range of initiatives.

Summary

Duty prosecutors provide face-to-face advice at six charging centres. One is also deployed in the Brighton TU and Chichester CU for referrals in the more serious, specialist and complex cases. Training in the CPS Proactive Prosecutor Programme has led to earlier consideration of ancillary issues, particularly in respect of witness needs. Although the Area has shown improvements in performance in the magistrates' courts and Crown Court resulting from charging, the discontinuance rate in the magistrates' courts is high and Crown Court performance is still below the national averages in all respects.

There has been a higher than average increase in caseload since 2005-06 in both magistrates' courts and the Crown Court; successful outcomes have increased a little, but are less satisfactory than the national averages. Reports are prepared in all adverse cases and considered by senior managers and jointly with the police to learn lessons. The time taken to deal with persistent young offenders in Sussex was 64 days from arrest to sentence in 2006, which was better than the national average, but the period has fluctuated more recently.

Ineffective, cracked and vacated trial rates in the magistrates' courts are improving, though a high number of trial dates are vacated because of an anticipated lack of court time. Crown Court cracked and ineffective trial rates are better than the national averages, although cracked trials have increased over the last year, mainly due to late guilty pleas.

Each CJU has a case progression officer to expedite case progress in the magistrates' courts; the system is less structured in the TUs in respect of Crown Court cases. The average number of adjournments is lower than the national performance, although there are particular issues over the timeliness of adult and youth trials in the magistrates' and youth courts.

Cases are prosecuted by advocates of appropriate ability and experience. Agents in the magistrates' courts are provided with a comprehensive instruction pack dealing with the important trial and witness issues. Instructions to counsel vary in detail, although the overall standard is good. Advocates in the magistrates' courts are monitored at least once a year, or if a particular need arises. Counsel in the Crown Court are monitored informally by caseworkers.

Sensitive cases and hate crimes are dealt with or supervised by specialist lawyers who provide advice and training to others. Special arrangements for providing advice in more serious or complex cases ensure that they are reviewed or supervised by a specialist before charge. Sensitive cases are monitored under the casework quality assurance system (CQA), although there are concerns as to the robustness of its application generally. Performance data is collated and presented monthly to the Area Management Team (AMT) by the hate crime co-ordinator.

The Area continues to perform well in respect of disclosure of unused material. Police schedules are detailed and prosecutors record their decisions clearly. The Crown Court protocol on unused material has had some effect in reducing the incidences of blanket disclosure being ordered by the court. Disclosure training is provided regularly to lawyers and caseworkers and there is joint training with the police.

The Area has developed a custody time limit (CTL) system with guidance which supplements that issued nationally. The Area CTL Champion assists with training and Unit Heads carry out spot checks to ensure that file endorsements in custody cases are clear and accurate. Our 'reality' check of six CTL files showed that all expiry dates were correctly calculated. There have been no recent CTL failures.

The Area performs well in terms of sending letters to victims of crime under the Direct Communication with Victims scheme explaining why charges have been dropped or substantially changed. Performance is better than the national average in respect of numbers of letters and timeliness. There are five Witness Care Units aligned with the five business units. The proportion of vacated trials adversely affects performance in the timely warning of witnesses for court, although witness attendance rates are better than the national average.

Priorities for 2006-07 are aligned to national objectives. Area staff are involved in the development of plans and are made aware of key issues and priorities. There are unit plans which reflect the Area business plan. CPS and joint initiatives are well planned and risks are identified, although there is some reliance on the project management skills of other agencies. Staff training is linked to objectives in the business plan and change projects, although the 2006 staff survey indicated a lower than average rate of satisfaction with the management of change. Equality and diversity training has been delivered to all staff.

The Area manages its resources well and achieved a slight underspend in non ring-fenced administration costs in 2006-07. Timeliness of payment of counsel fees under the graduated fee system could be improved. Although deployment of designated caseworkers is improving, in-house court coverage is still worse than the national average. Deployment of Higher Court Advocates, however, ensured that the target for savings in counsel fees was exceeded. The rate of sick absence is considerably better than the national average.

The commitment to performance management has been maintained in a wide range of aspects at Area and unit level. Senior managers are heavily involved with their criminal justice partner agencies in taking initiatives forward through a number of joint performance groups, though some differences in approach have made progress slow in establishing a Specialist Domestic Violence Court. The quality of casework is monitored but the Area adapted the casework quality assurance (CQA) scheme to undertake 50% of this through self-assessment by the case prosecutor. This should include a discussion of the issues with the Unit Head, but examination of forms showed little evidence of the latter.

Senior managers are keen to promote corporacy internally and communicate the Area vision and values through a structured system of meetings, presentations, posters and the Area newsletter. All senior managers chair or participate in joint agency groups and are proactive in promoting criminal justice issues in Sussex. They try to foster an inclusive atmosphere within offices and the staff survey showed that a high proportion (73% compared with 66% nationally) considered that staff from all backgrounds were able to contribute.

The Equality and Diversity Committee includes senior managers and representatives from diverse groups. Since the last OPA the Area has developed a strategy to facilitate delivery of its community obligations within available resources. However, although the community engagement log demonstrates a high level of activity, this is not always directly linked to the objectives in the strategy. Public confidence in the criminal justice system in Sussex as measured by the British Crime Survey has declined, as it has nationally.

Direction of travel

Performance since the last OPA has improved in four aspects (although the assessment remains the same in one), remained stable in six, and declined in three. Although the current assessment is the same as that in 2005, the Area continues to make progress on a number of fronts. It faces particular challenges in respect of performance in the magistrates' courts in the face of increased caseloads, but the mechanisms are in place to effect improvements.

In the light of our findings, CPS Sussex's overall performance is **GOOD**.

OVERALL ASSESSMENT	GOOD
---------------------------	-------------

Critical aspects	Assessment level		
	OPA 2005	OPA 2007	Direction of travel
Pre-charge decision-making	Fair	Fair	Stable
Ensuring successful outcomes in the magistrates' courts	Fair	Fair	Stable
Ensuring successful outcomes in the Crown Court	Good	Good	Stable
The service to victims and witnesses	Fair	Good	Improved
Leadership	Good	Good	Stable
Overall critical assessment level		GOOD	
Progressing cases at court	Good	Fair	Declined
Sensitive cases and hate crime	Good	Fair	Declined
Disclosure	Good	Good	Improved⁴
Custody time limits	Fair	Good	Improved
Delivering change	Fair	Good	Improved
Managing resources	Good	Good	Stable
Managing performance to improve	Good	Fair	Declined
Securing community confidence	Fair	Fair	Stable
OVERALL ASSESSMENT	Good	GOOD	

⁴ Inspectors considered that there had been significant improvement in performance although the assessment remains Good.

D DEFINING ASPECTS

1	PRE-CHARGE DECISION-MAKING: MANAGEMENT AND REALISING THE BENEFITS	OPA 2005	OPA 2007	Direction of travel
		Fair	Fair	Stable

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

- Duty prosecutors provide face-to-face advice from 9am to 5pm at six charging centres: Eastbourne, Hastings, Brighton, Crawley, Worthing and Chichester. Consultations are pre-arranged according to a half hourly appointments system, with provision being made to deal with urgent cases where a remand in custody is being requested.
- In addition, a duty prosecutor is deployed each day in the Brighton TU and Chichester CU to provide advice in the more serious or complex cases which require greater consideration. In these cases, a police Detective Inspector must authorise submission and specify the nature of the advice sought. Cases are turned around within 14 days. In the year 2006-07 pre-charge decisions (PCDs) were given in face-to-face consultations in 75.7% of cases compared with 63.5% nationally. Written advice accounted for 14.2% of cases compared with 18.6%.
- The police case directors at each charging centre monitor cases to ensure that they are appropriate for advice and duty prosecutors deal with inappropriate requests as they are referred. Cases in which advice is not sought in accordance with the Director of Public Prosecution's Guidance are picked up when they are reviewed for the first court hearing and reported back to the police.
- There is an agreed procedure for dealing with cases in which there is a disagreement about the advice provided, although instances are rare. The duty prosecutor should explain the reasons for the decision fully at the time of giving advice. If this does not resolve the issue, the case is referred to the relevant Unit Head and police supervising officer or crime manager.
- Both the police and CPS monitor cases which are referred for further evidence or information to ensure that enquiries are followed-up promptly. The duty prosecutor will set an action plan and agree a date for the defendant to answer bail. Each week, the Area produces a list of cases in which a decision is outstanding and forwards it to the police for investigation. This system is generally effective, although there are still some cases which are shown as outstanding for more than three months. Individual cases and general issues are discussed at Prosecution Team Performance Management (PTPM) meetings.
- All decisions are recorded on the electronic case management system (CMS) by the duty prosecutor. An average of 97.1% of PCD consultations were recorded on CMS in 2006-07. Details recorded include the ethnicity and gender of defendants. Our reality check of 20 CMS records showed that this was done in all of them. There is an effective system to ensure that CPS Direct cases are entered on CMS the next day. Unit Heads monitor cases on CMS, formally and informally, to ensure correct recording.

- There is regular contact between the Area and the CPS Direct liaison manager to address any issues of concern. Any learning points identified from adverse case reports are referred to CPS Direct by the Area Performance Officer.
- Conditional cautioning has been introduced at Crawley. Joint training by the police and CPS was undertaken before the scheme commenced. Only two cautions have been issued in the two months of its operation but the Area is looking to link conditional cautioning with existing referral schemes relating to drugs and restorative justice.

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

- Duty prosecutors have received appropriate training including the Proactive Prosecutor Programme. Training plans take into account specific requirements for duty prosecutors. Unit Heads monitor PCDs by dip-sampling MG3s (the form used to record pre-charge advice and decisions) and as part of the CQA process, as well as by mentoring duty prosecutors in charging centres. CQA monitoring has, in some months, focussed specifically on advice cases. We comment in more detail on the operation of CQA in Aspect 11, but it needs to be applied more robustly if it is to be of optimum benefit. Our reality check of files showed that CMS contained a record of the MG3 in 19 out of 20 cases. The quality of the duty prosecutor's advice varied in detail, though all contained some assessment and analysis of the evidence.
- Proactive prosecutor training emphasises the need to consider ancillary issues such as disclosure, witness needs and confiscation of assets at the time of charging. The introduction of the new form MG17 acts as a further reminder in respect of confiscation issues. Our check showed consideration of ancillary issues, although the principal issue in most of the cases related to witness needs.
- The rate of advice cases which result in no further action (NFA) is low at 25.4% compared with the national rate of 31.9%. This has to be seen against a relatively high rate of discontinuance in PCD cases (16.6% against 15.7%). The police and CPS monitor NFA cases and discuss them in PTPM meetings. They are generally satisfied that decisions are appropriate and have not identified any obvious trends.

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%	17.8%	16.6%	11.0%	13.1%	15.8%	13.2%
Guilty plea rate	52.0%	69.2%	64.0%	67.6%	68.0%	66.5%	53.4%	65.1%
Attrition rate	31.0%	22.0%	25.8%	22.8%	23.0%	22.2%	30.9%	23.7%

- Only two of the six benefits of charging are being realised, although there has been improvement in all aspects both in the magistrates' courts and the Crown Court since the previous year.
- The Area has performed well in respect of guilty plea and attrition rates in the magistrates' courts, although still below the national averages. The discontinuance rate is high and should be considered in the light of the low NFA rate. Area managers believe that prosecutors are being sufficiently robust in not charging cases which do not have a realistic prospect of conviction, and consider that the high discontinuance rate is more due to issues of timeliness and quality of file preparation, which they are addressing in PTPM meetings. However, this does not accord fully with the situation that key evidence should be available at the charging stage when there is a full review under the Code for Crown Prosecutors.
- There is considerable scope for improvement in respect of performance in Crown Court cases, which is not as good as the national average in each aspect.
- Performance data includes all aspects of benefits realisation and NFA cases. All data (including sanction detection rates provided by the police) is set out in the PTPM pack produced by the Area Performance Officer, which includes commentary on the results. Adverse cases are considered in more detail and individual cases are discussed at PTPM meetings if there are lessons to learn. Performance data and adverse case reports are discussed in AMT and unit meetings.
- PTPM is managed on a district basis with regular monthly meetings. These are minuted and action logs indicate how issues are to be dealt with. There are quarterly meetings between the Brighton TU Head and police Criminal Justice Department Head which deal with Crown Court cases and more strategic issues.
- The charging scheme is managed jointly at local level as an integral part of PTPM. In addition, CPS and police project leads meet outside PTPM to discuss the strategic management of charging. Arrangements are governed by a joint protocol which contains provision for review.
- The CPS is currently carrying out a review of the effectiveness of arrangements within charging centres. This is a survey of duty prosecutors' views on aspects such as the appointments system, supervisory arrangements, and the provision of IT for recording advice. The police are aware of the survey and may conduct their own in due course to compare results. Although the survey is not yet completed, some emerging findings are being shared with the police.

2 ENSURING SUCCESSFUL OUTCOMES IN THE MAGISTRATES' COURTS	OPA 2005	OPA 2007	Direction of travel
	Fair	Fair	Stable

2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	11.4%
No case to answer	0.2%	0.3%
Dismissed after trial	1.9%	1.9%
Discharged committals	0.2%	0.3%
Warrants	2.6%	2.3%
Overall conviction rate	84.3%	83.8%

- The proportion of successful outcomes is 83.8% which is worse than the national average of 84.3%, but represents an improvement on the performance of 82.9% in 2005-06.
- The proportion of magistrates' courts cases in Sussex increased by 12.1% in 2006-07 on the previous year (the highest national increase) against a decrease of 3.8% nationally. This has been largely due to more proactive policing which has resulted in more offenders being arrested and subsequently charged. The increase must be seen in the light of an increase in proceedings of only 3.9% over the two year period since 2004-05.
- In 2006-07 performance was worse than the national averages in respect of no case to answer and discharged committals. There were 66 committals discharged because they were not ready, which is 2.7% of the total cases fixed to be committed or sent to the Crown Court, and is significant in an Area of this size. The Area emphasis is in seeking to build committal cases with the police rather than discontinue, but this can lead to refusal by the court to adjourn further leading to discharge of the defendant. The rate of acquittals after trial was the same as the national rate, however, again the figures represent an improvement in performance on the previous year in each aspect. A report is prepared in respect of all adverse cases which identifies those in which there was some fault on the part of the prosecution. Reports analyse the reasons for failure and identify lessons to learn. They are considered in AMT and in unit meetings. Issues are discussed with individual lawyers where necessary. Adverse case reports are also discussed with the police in PTPM meetings and action is taken to improve performance, jointly with the police where this is appropriate.

- The rate of discontinued cases has also improved on the previous year, though it is still worse than the national average. Discontinuance of PCD cases has to be approved by a Unit Head and certain categories of sensitive cases (for example hate crimes and fatal road traffic cases) must be referred upwards if discontinuance is being proposed. Discontinuance cases are monitored through adverse case reports and CQA and discussed in PTPM meetings.
- The target for offences brought to justice (OBTJ) is a shared one set by reference to the criminal justice agencies. The ability of the CPS to influence it is limited because the target includes offences dealt with by non-prosecution disposals, and its contribution comes through managing cases to keep discontinuance low, good decision-making and case management. Sussex criminal justice area exceeded its 2006-07 target for OBTJ by 9.8% which was well above the national rate, although the proportion made up of convictions of 46.8% is lower than the national rate of 48.8%. The rate of offences taken into consideration (TICs) is lower than the national average (4.7% against 8.5%) although these are beginning to rise following the recent implementation of a TIC protocol with the police. The numbers of penalty notices for disorder are also beginning to rise as a result of their increased use in Brighton for minor offences of drunkenness.
- Sussex has consistently met its target for handling cases involving persistent young offenders (PYOs) although performance has fluctuated over the course of 2006-07. The annual average for 2006 was 64 days which is better than the national average of 72 days and an improvement on the previous year's figure of 69. More recent figures are beginning to show an increase, and for the rolling three months to May 2007 was 74 days, although indications are that it may now be beginning to fall back.

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

Trial rates	National performance 2006-07	Area performance 2006-07 ⁵
Effective trial rate	43.8%	47.6% (49.1%)
Cracked trial rate	37.3%	34.4% (32.9%)
Ineffective trial rate	18.9%	17.9% (18.0%)
Vacated trial rate	22.5%	39.0% (48.1%)

- Administrators check files on receipt to ensure that they are complete. Lawyers and designated caseworkers (DCWs) carry out a further check when they review files. Any which are deficient are referred to Unit Heads who report back to the relevant prosecutions police inspector.
- Our reality check of trial files showed that review decisions are sound. The initial decision and decision to proceed to trial accorded with the Code for Crown Prosecutors (the Code) in all five magistrates' courts cases. File reviews are generally recorded on CMS. The initial review is usually the charging decision, which is entered on CMS by the duty prosecutor in the charging

⁵ The previous year's performance is shown in brackets

centre. DCWs review police charges when preparing cases for court under the supervision of a lawyer. Case progression officers' (CPOs) responsibilities include checking files to ensure that continuing reviews are carried out as necessary and Unit Heads check the quality of reviews as part of the CQA process.

- Each unit has a dedicated CPO who liaises with their police and court counterparts. All files should include witness availability when initially submitted and trial dates should be fixed following a plea of not guilty at the first hearing. CPOs are then responsible for ensuring that trial actions are carried out as cases progress towards trial. A recent review of the police and CPS CPO roles resulted in relocation of the police CPO to work with the CPS officer.
- The rates of effective, cracked and ineffective trials are all better than the national averages, although the rates for effective and cracked trials represent a worsening in performance on the previous year. The vacated trial rate is particularly high at 39.0% compared with the national rate of 22.5%, although it is an improvement on the previous year. The magistrates' courts have a policy of double listing trials in an attempt to maximise the use of court time. Data on vacated trials shows that there is an unusually high rate of trials vacated because of an anticipated shortage of court time. In 2005-06, this was 38.9% compared with 6.4% nationally and in 2006-07, the rates were 29.3% and 6.1% respectively.
- Criminal Justice: Simple, Speedy, Summary (CJSSS) is scheduled to commence a phased roll-out at the end of August 2007. The project has been managed by the Sussex Criminal Justice Board (SCJB) through an independent project manager. Progress is monitored through the SCJB local performance groups which report to the Effective Case Management sub-group chaired by the Courts Service Area Director.
- Each unit has a PYO lead who is generally allocated to prosecute cases in court. PYO cases are identified at the time of charging and expedited from then on. There are fortnightly multi-agency meetings which maintain a check on progress and concentrate on any individual case over 100 days old. Local performance groups focus on all youth cases. Brighton has recently established a youth sentencing court.
- The rates for cracked and ineffective trials that are the fault of the prosecution are substantially better than the national averages. In 2006-07, the rate for cracked trials due to the prosecution was 27.1% against a national figure of 39.6% and ineffective trials was 25.1% against 35.5%. The reasons are considered monthly by AMT and discussed jointly in PTPM meetings and in local performance groups. The majority relate to witness issues. As is the procedure with adverse case reports, information is fed back to lawyers and caseworkers in team meetings.
- The use of CMS for recording case actions and events is closely monitored by managers and is increasing. In 2006-07, the overall annual figure for case reviews recorded on CMS was 84.8%, which was one of the highest performing CPS Areas.

3 ENSURING SUCCESSFUL OUTCOMES IN THE CROWN COURT	OPA 2005	OPA 2007	Direction of travel
	Good	Good	Stable⁶

3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals	13.1%	13.1%
Judge directed acquittals	1.4%	1.8%
Acquittals after trial	6.5%	7.7%
Warrants	1.3%	1.5%
Overall conviction rate	77.7%	76.0%

- The overall rate for successful outcomes has increased from 74.3% in 2005-06 to 76.0% in 2006-07, but is not as good as the national average of 77.7%. As with magistrates' courts cases, Crown Court completed cases in 2006-07 showed an increase of 22.3% on the figure for 2005-06, whereas nationally completed cases were down by 0.4%. Area managers believe that this is contributed to by a high number of serious either way offences which are being committed for trial to the Crown Court and a number of defendants electing trial on less serious either way offences rather than being dealt with in the magistrates' courts. In 2006-07 Sussex magistrates directed Crown Court trial in 37.5% of cases compared with 39.1% nationally. Defence elections, however, account for 7.7% of cases compared with 4.4% nationally, although 20.2% are committed for sentence against a national figure of 16.8%.
- The rate of judge ordered acquittals is the same as the national average at 13.1%. The rate of judge directed acquittals is 1.8% and worse than the national rate of 1.4%. Jury acquittals at 7.7% are worse than the national average of 6.5%. In each case, however, Area performance has improved on the previous year, other than judge directed acquittals which have remained the same. CQA monitoring identifies those cases which were foreseeable and preventable. Committal preparation in Chichester is being specifically monitored to raise the standard of Crown Court cases.
- Additionally, there is a reporting system for adverse cases in the Crown Court which - as with magistrates' courts cases - requires cases to be analysed and considered in AMT and unit meetings, as well as jointly with the police as part of PTPM, in order to learn lessons.
- Because of their general seriousness, any Crown Court charge which is to be discontinued or reduced is reviewed by a Unit Head. Special arrangements in sensitive cases and hate crimes ensure they are referred to a specialist or co-ordinator.

⁶ The overall conviction rate, which is slightly worse than the national average for 2006-07, had the potential to limit the assessment of this aspect of work to Fair. HMCPSI has considered, however, that two particular factors, when taken in conjunction with the improvements achieved, meant that the potential limiter should not apply. Those factors were the significant increase in Crown Court caseload and the impact on outcomes of delays flowing from court capacity issues.

- The Area achieved its Proceeds of Crime Act (POCA) target in 2006-07 in terms of numbers of confiscation orders but not for value of assets, obtaining 84 orders against a target of 47, representing a value of £582,705 against a target of £1,284,483. Priority is being accorded to POCA cases. In 2006-07, a small Area team undertook a review of systems to progress POCA procedures, focussing on inter-agency collaboration to increase the numbers and value of orders. They drew on the findings of "Payback Time", the report of the joint inspectorates' review of asset recovery since POCA, and visited two other CPS Areas to look at their processes. As a result, procedures for enforcement have been reviewed and strengthened to provide a more collaborative approach.

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%	51.1%
Cracked trial rate	39.5%	35.3%
Ineffective trial rate	12.4%	13.5%

- Crown Court caseworkers are responsible for acting as CPOs in their own cases and liaise with the court and police staff over case progression issues. Timely review and case progression is monitored by managers using CMS and by means of CQA.
- There are arrangements with the Crown Court for fast tracking PYO cases. Contested cases are given a fixed trial date. In Chichester, they are also placed on an earlier 'warned' list to provide opportunity for them to be dealt with earlier. Plea and case management hearings are held within two weeks of committal in all youth cases.
- The cracked and effective trial rates are both better than the national averages. The number of effective trials has remained fairly constant over the last two years, although cracked trials have increased. The ineffective trial rate is slightly worse than the national average and has increased since the previous year.
- The proportion of cracked trials due to the prosecution is 28.5% which compares favourably with the national average of 36.7%. The defence is responsible for 71.5% of cracked trials; 70.5% are due to late pleas of guilty. The prosecution is responsible for 22.9% of ineffective trials in the Crown Court, which is substantially better than the national rate of 37.9%. Prosecution witness issues are the reason for 10.4% of ineffective trials and defence reasons for 58.3%.
- Decision-making in Crown Court cases is sound. Our reality check showed that initial decisions to proceed, and decisions to proceed to Crown Court trial, accorded with the Code in all cases. The quality of review represented by instructions to counsel is variable. Committal preparation and Crown Court reviews are recorded on CMS. The Area matched its target of 90% of Crown Court reviews being recorded on CMS in 2006-07. Following a poor start in the first quarter, the target was exceeded in each of the remaining nine months.

4 PROGRESSING CASES AT COURT	OPA 2005	OPA 2007	Direction of travel
	Good	Fair	Declined

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

- The Area expectation is that a plea will be entered at the first hearing in magistrates' courts cases. If the defendant pleads not guilty, the case should proceed to a trial date. If the venue is to be the Crown Court, the case will be adjourned to a committal date or sent to the Crown Court if it is indictable only. The average number of adjournments per case in the magistrates' courts and the Crown Court is lower than the national average. The timely completion of cases in the magistrates' courts shows a mixed performance, with particular issues in respect both of adult and youth trials, although this is influenced by some factors outside the control of the CPS.
- Committals of relatively serious either way cases being discharged because they were not ready is a significant issue, with 66 (2.7% of the cases set for committal or sending to the Crown Court) being discharged in 2006-07. The Area works with the police in appropriate cases to build the file to acceptable evidential standards, but the delay in case progress which this causes leads to defendants being discharged because the case is not ready to commit in the timeframe set by the court.
- The Area monitors the number of adjournments per case as well as average processing periods and is working with the courts to reduce the number and length of adjournments. The increased caseloads in the magistrates' and Crown Court, however, have impacted adversely upon attempts to reduce processing periods, particularly in respect of the length of adjournments for trial which are in excess of three and sometimes up to six months in the magistrates' courts. The recent opening of two new Crown Court rooms at Brighton has had a positive effect on processing periods, but stretched Area resources in terms of court coverage.
- Each CJU and the Chichester CU has a dedicated CPO who is responsible for ensuring timely progression of magistrates' courts cases in conjunction with the police and court CPOs. Information on case progress is shared and monitored jointly. In the Crown Court, caseworkers are responsible for monitoring progress in their own cases and liaise on a regular, but informal, basis with the court CPOs.
- Cases are prosecuted by advocates with appropriate levels of ability and experience. Unit Business Managers prepare court rotas and try to ensure a proper balance of experience and specialism, for example in youth courts. Agents in the magistrates' courts are provided with a detailed instruction pack which covers important trial and witness issues.
- The Area monitors the timeliness and quality of instructions to counsel. Quality is checked as part of CQA. Our reality check of ten files showed that the quality of instructions to counsel was variable, although generally good. All of them contained a summary of the case and analysis of the main issues, although this varied in detail. Instructions on acceptable pleas were set out in all appropriate cases. Briefs are prepared using CMS and the Area has drafted its own standard paragraphs in some sensitive cases. Specialist counsel are briefed in appropriate cases, for example child abuse and rape cases.

- Prosecutors have a target of undertaking six half day court sessions per week, which is adjusted proportionately for those working part-time. Court rotas usually ensure that prosecutors have sufficient time before court to prepare their cases. Court lists are available more than one day in advance if court and travel time make it impossible to return to the office the day before. The Area requires lawyers and DCWs to attend court at 9.30am for discussions with court legal advisers and defence lawyers. The courts will report back on any late attendance. Unit Heads monitor in-house advocates once a year or more often if there is reason to do so. Counsel are monitored informally and information is shared between units. New agents are monitored following their appointment.
- The magistrates' courts in Sussex have a policy of double-listing cases to ensure optimum use of court time. The arrangements include criteria for transfer of cases between court rooms to ensure that proper case preparation is not compromised. There are, however, some instances where double-listing is exceeded. The Area is committed to utilising court rooms fully and instances of courts which finish early due to trials being adjourned or finish late because of caseload are reported to the Unit Heads. Concerns are discussed by CPS and court senior managers who, nevertheless, remain committed to ensuring that court time is not wasted.
- Arrangements for transfer of cases between Crown Court locations are made in advance and take account of witnesses' travel requirements etc. More serious and sensitive trials are given fixed hearing dates.
- There were no wasted costs orders in 2006-07.

5 SENSITIVE CASES AND HATE CRIMES	OPA 2005	OPA 2007	Direction of travel
	Good	Fair	Declined

5A The Area identifies and manages sensitive cases (including hate crime⁷) effectively

- The Area has appointed specialists and champions for sensitive cases and hate crimes. There are generic terms of reference for the role of champions. The specialists and champions have received appropriate training and the training needs of all lawyers are reviewed regularly. A recent training day was devoted to domestic violence policy.
- There are 21 rape specialist lawyers (including all the Brighton TU lawyers). In our view this dilutes the specialism as not all of them will handle a sufficient number of cases to develop their expertise. The Area has recognised this and is seeking to rationalise its approach to specialists following recommendations in the joint inspectorate report on the investigation and prosecution of rape offences.
- Race and religious hate crimes and homophobic cases are prosecuted by the relevant champion or specialist. In other cases, champions and specialists are ready to advise and assist other prosecutors. Arrangements in advice cases provide that sensitive ones are dealt with by the duty prosecutor deployed within the Brighton TU who can refer to a specialist if necessary. All charges in road traffic cases involving a death are approved by the Chief Crown Prosecutor (CCP). Any sensitive case which is to result in NFA has to be agreed with another specialist or the Unit Head.
- Sensitive cases are considered as part of CQA monitoring which includes specific categories of hate crimes. Each unit has a hate crime co-ordinator who collects monthly performance information for presentation to AMT. Performance data is also reviewed bi-annually with community representatives at the Area Equality and Diversity Committee and more regularly at appropriate SCJB sub-groups and other community meetings.
- Lawyers and unit managers identify cases likely to have a media interest and they are noted as such on CMS. The CCP and Area Communications Manager are notified of cases and they are added to the media interest log, which is updated as cases progress. Some lead to media briefings and press releases. There is an agreement with the police relating to joint press releases in appropriate circumstances.
- The flagging of cases and use of monitoring codes has been promoted by the CMS Local Implementation Team. Prosecutors have been set objectives and flagging is checked at registration and updating of cases. Our reality checks indicated that files were appropriately flagged in all ten racially or religiously aggravated cases that were examined on CMS.

⁷ 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).

- Successful outcomes in hate crimes are generally increasing, although there is still room for improvement. The rate of unsuccessful outcomes in hate crime cases is 35.2% which is not as good as the national average of 32.8%, but is an improvement on the previous year's figure of 39.8%. In domestic violence cases, the rate is 38.2% against a national average of 34.8% and is again an improvement on the previous year-end figure of 42.3%. The rate of unsuccessful outcomes in racially and religiously aggravated cases is better at 23.3%, the national average being 23.0%, and again is a considerable improvement on the previous year's 27.7%. The Area has, however, shown a decline in performance in dealing with homophobic crime from 12.5% unsuccessful outcomes in 2005-06 to 29.2% in 2006-07, although the small numbers of cases do not make this a reliable indicator of performance.
- The Hate Crime Champion monitors compliance with CPS policy in consultation with the AMT. Where appropriate, action plans are prepared to address new policies on issues such as homophobic crime or recommendations from HMCPSI thematic reviews such as that in respect of rape offences. New policies are brought to the attention of staff in a number of ways including training events.
- Any change to a hate crime case, whether to reduce the charge or remove the hate element, are referred to Unit Heads. All adverse cases - including hate crime - are reported on, discussed at AMT and unit meetings and lessons learned. CQA has in the past been used specifically to monitor hate crime.
- The Area produces a monthly report on hate crimes which records successful and unsuccessful outcomes broken down by ethnicity. The report sets out reasons for failed cases and gives a general commentary, but also deals with specific cases if necessary. Lessons to learn and any good practice are disseminated through team meetings and training needs are identified.
- The Area has supported the creation of Specialist Domestic Violence Courts and there is effort to marshal cases together, but the courts do not yet meet national guidance. It is currently planned that the courts will meet all the requirements in September 2008.
- There is no specific reference within Area plans to safeguarding children. There is liaison with the Local Safeguarding Children Boards through the police representatives who will feedback any relevant issues to the CPS. Area representatives used to attend meetings, but found issues discussed were not always directly relevant to CPS business. All lawyers, caseworkers and administrators have been trained recently in domestic violence. Area training includes a specific section on cases involving children as witnesses. Child abuse specialists deal with relevant cases.

6 DISCLOSURE	OPA 2005	OPA 2007	Direction of travel
	Good	Good	Improved

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

- Past performance in respect of disclosure has been above the national average and the Area continues to perform well. The numbers of trials which are ineffective because of disclosure issues have reduced in both the magistrates' courts and the Crown Court over the last three years to ten and two cases respectively.
- Our reality check of ten trial files showed that initial disclosure was dealt with properly in all of them. Continuing disclosure, including further review following receipt of a defence statement, was dealt with correctly in all eight relevant cases. Disclosure record sheets (DRSs) were completed fully in six of the ten cases, some being particularly detailed. Those in two of the others contained only a partial record of disclosure actions. Schedules provided by the police generally contained full descriptions of the material sufficient to enable the prosecutor to determine its relevance. Instructions from prosecutors as to how material should be dealt with were clearly endorsed on schedules.
- There is regular training on disclosure for all lawyers and caseworkers, and the IT system's shared drive has a disclosure folder with information, including relevant case law, which supplements that available on the CPS national infonet. Performance on disclosure is measured within the Area by CQA.
- There have been discussions with the judiciary about the Crown Court protocol on unused material which have led to a stricter adherence to the statutory disclosure regime.
- In the magistrates' courts the Area's insistence on strict compliance with the Criminal Procedure and Investigations Act 1996 has led to an increase in the number of defence statements served on the prosecution. Defence statements were served in three of the five relevant cases in our reality check, prompting a response from the prosecutor in each case. The CPS has had discussions about disclosure with the magistrates' courts through the SCJB Effective Case Management Group.
- Disclosure documents, including correspondence, are kept in a separate folder within the main case file. Sensitive material is rarely kept on CPS premises, though offices have secure arrangements for storing material or schedules if necessary. Sensitive material was properly handled in all three relevant cases within our reality check.
- There is a Disclosure Champion who handles disclosure issues on behalf of the Area and provides training to lawyers and caseworkers, as well as to criminal justice partners. Training on the disclosure provisions of the Criminal Justice Act 2003 and the Disclosure Manual was initially provided some time ago, but further training on disclosure generally has been delivered since. Police staff have attended CPS training and the champion has been involved in separate joint training with the police. There is continuing discussion and liaison with the police as part of learning lessons from casework. A recent review of procedures by the police following the collapse of a high profile magistrates' courts case led to stricter adherence to working practices.
- Since the last OPA the Area has made efforts to improve performance by means of regular internal and joint training. There has been some emphasis on completion of the DRS, which has seen some improvement.

7 CUSTODY TIME LIMITS	OPA 2005	OPA 2007	Direction of travel
	Fair	Good	Improved

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

- The Area has developed local custody time limit (CTL) guidance and desk top instructions to supplement the access to national guidance. This was updated in April 2007 and contains clear instructions covering the roles of prosecutors and administrators at court and in the office. There are also separate instructions for monitoring by managers, which include the responsibility of Unit Heads for spot checks to ensure that CTL endorsements are clear and accurate.
- There is a CTL Champion who has assisted with coaching and formal training provided to individual members of staff. In each case, the allocated caseworker is responsible for undertaking primary checks to ensure that CTLs are correctly calculated and recorded by lawyers at court, and Unit Business Managers must undertake further checks to ensure accuracy.
- Training is provided to prosecutors and DCWs as part of induction. The 2006-07 Training Plan shows there was no formal CTL training, although there had been some for administrative staff in May 2007 with plans for more included in the 2007-08 plan.
- Systems for management of CTLs are sound and ensure accuracy. Senior managers require regular assurance on compliance and there is a rigorous monitoring scheme that requires 100% of relevant files to be checked after each hearing. File examination of six files undertaken during this exercise showed accurate expiry dates recorded on the cover of all files. Reviews dates were recorded in unit diaries but were not evident on the files examined. Unit Heads are also required to give an assurance to the CCP during quarterly unit performance reviews.
- There had been one reported CTL failure in 2005-06, and none in 2006-07 or the current year.
- The Area monitors task lists and uses reports within CMS to assist in checking on files where expiry is imminent. Our reality checks on CMS show that the system is used effectively for the management of outstanding CTLs.
- The Area has an agreement with local courts to have prosecutors agree time limits with court staff at relevant hearings. Feedback from court representatives was positive, although evidence from our file reading indicated that this is not recorded in file endorsements.

8 THE SERVICE TO VICTIMS AND WITNESSES	OPA 2005	OPA 2007	Direction of travel
	Fair	Good	Improved

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

- Performance on the Direct Communication with Victims (DCV) initiative is good. Measures assessing the Area against its proxy target for the number of letters sent also show performance that is better than national average and improving. In the final quarter of 2006-07, the Area sent letters that amounted to 89% of its proxy target compared to 76% nationally. The timeliness of letters was better than the national average in both 2005-06 and 2006-07; Sussex is in the top quartile performance in the country with 84% of its DCV letters sent within five days, compared to the national average of 73%. The Area aims for the higher Victims' Code standard for communicating with vulnerable and intimidated victims within one day, in all cases.
- A reality check on individual cases on CMS was carried out to assess the timeliness and quality of communications. There had been compliance with the requirements of DCV in six out of eight relevant cases.
- Witnesses' individual needs and contact details should be established by the police at the outset of a case and recorded on the back of the statement form (MG11). The August 2006 review of witness care by the national No Witness No Justice (NWNJ) project found this has not always happened. Completion of the MG11 has improved, and management checks (dip sampling) have been introduced to identify gaps in relation to completion of the reverse of the form, particularly the preferred means of contact and witness availability.
- Management checks also ensure that full needs assessments are carried out, including checks at the point of first contact, for all witnesses that are required to attend court and that any appropriate support as a result of the needs assessment is arranged for the witness. Lawyers in the charging centres have been instructed not to give pre-charge advice unless the appropriate information is provided on an initial witness assessment form (MG2).
- Witness care officers manage their caseloads effectively and ensure that support and appropriate communications are offered at all key stages. There are good systems in place to facilitate this role, including prompt sheets to ensure that key points are covered at first contact, and dip sampling by witness care managers to monitor the quality of the needs assessments.
- The proportion of cases vacated before the hearing date is very high. In 2005-06 and 2006-07, Sussex had the highest proportion of vacated magistrates' courts trials nationally, with cases vacated due to the anticipated lack of court time running on average at about five times the national rate. This could lead to the Area generating multiple witness warning and de-warning notices. However, where trials proceed, there is a good attendance rate which was consistently better than the national average in 2006-07. Victims and witnesses are contacted three weeks before trial to ensure that any additional special needs are taken account of.

- The Witness and Victim Experience Survey (Waves) data indicates some improvement across a range of questions where the work of the CPS and Witness Care Units (WCUs) impact on victim and witness experiences. Between June and December 2006, there are slight increments in respect of the perception of victims regarding how well informed they were kept of progress on their case, but a notable drop in their perception of how well they were treated by staff within the criminal justice system.
- The percentage of witnesses waiting less than an hour at magistrates' courts was worse than the national average in June and November 2006. In the Crown Court it was at or better than national average. Lawyers have been briefed on the requirements of the Prosecutors' Pledge, although adherence is only monitored through advocacy monitoring conducted by Unit Heads approximately once per lawyer per year.
- There is no proactive approach for feedback on witness care at court sought from other agencies by the Area. However, our checks with external organisations showed that there was general satisfaction with the CPS's approach to the treatment of victims and witnesses, save that a few prosecutors do not introduce themselves to victims and witnesses before the trial commences.

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

- Sussex has five WCUs, one attached to each of the five business units. They are staffed by mostly police and some CPS personnel and are jointly managed. At the time of the NWNJ Witness Care Units project 'sign-off' in August 2006, ten of the 14 minimum requirements were being met. The police have reviewed the level of WCU resources that it will fund in 2007-08. CPS managers do not consider that the resulting reduction will adversely affect the capacity of the units.
- Monthly Area performance reports include monitoring against the witness attendance rates, cracked and ineffective trials due to prosecution witness issues, and timeliness and volume of DCV letters sent to ensure management accountability for witness care measures. These reports show unit performance and allow comparative performance to be monitored. There are also monthly SCJB reports on witness care measures covering the entire area. Relevant witness care issues are raised and discussed in PTPM meetings.
- The LCJB Victims and Witnesses, Domestic Violence and Confidence sub-group has overall responsibility for victims and witness issues and had responsibility for overseeing the implementation of actions identified following the August 2006 sign-off exercise. The CPS representative on the sub-group is proactive and provides regular formal updates on witness care issues across the Area to the AMT.
- The rate for ineffective trials is good overall, and the proportion of those due to witness issues is lower than nationally. The proportion of cracked trials due to witness issues in the magistrates' courts and Crown Court are both better than the national average. Witness attendance rates remain consistently high. Unsuccessful outcomes on cases with traditionally high witness attrition rates - such as domestic violence - are above average but falling, albeit not at a rate comparable to the national average.

9 DELIVERING CHANGE	OPA 2005	OPA 2007	Direction of travel
	Fair	Good	Improved

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

- Priorities for 2006-07 were aligned to national objectives. Both managers and other staff are involved in the development of Area business plans (ABPs) through business planning and review events held before the start of the year, and plans are disseminated to staff. The ABP highlighted the need to plan for the roll-out of new initiatives such as pre-trial witness interviews and conditional cautioning, which was supported by further discrete plans. Similarly, the 2007-08 Business Plan includes high-level milestones for the implementation of CJSSS. There are good communications systems in place to ensure that staff are aware of the key issues and priorities.
- Both the 2006-07 and 2007-08 plans reflected national CPS priorities and made links to national and government targets. They also set out Area priorities and objectives, each supported by designated accountabilities, milestones, resources and outcomes. Individual forward job plans incorporate accountabilities identified in Area and unit business plans.
- Unit business plans are based on a framework that mirrors the Area plans. In some instances, unit business planning could be improved by setting out local measures that are not limited to national and Area targets and ensuring that unit objectives are specific and measurable.
- The senior management team as well as the Unit Business Managers and Area Performance Officer, review performance against targets set out in the ABP monthly, as well as reviewing overall progress in relation to major change projects. There are also twice-yearly business planning reviews to take stock of progress.
- There is good evidence of joint planning with criminal justice partners on new initiatives (local and national). The CCP is chair of the SCJB and the CPS is represented on all key Board subgroups. There is also good co-operation in the ongoing management of statutory charging. At SCJB level, there is a plan to address the high levels of unsuccessful domestic violence cases.

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

- Initiatives are generally planned and implemented well in Sussex and NWNJ is delivering the anticipated benefits. The roll-out of WCUs was completed by the end of 2006 and the Area signed off by the national project team in August 2006. At this time ten of the 16 minimum standards were being met overall. Statutory charging was implemented in April 2006 and is now well embedded across Sussex, albeit there is scope for further improvement, particularly in benefits realisation. Conditional cautioning has been implemented in one location, but the uptake has not been particularly high so far. Criminal justice system-wide (CJS) plans for implementing CJSSS have been developed and a project manager appointed to deliver it. The CJSSS plan is effectively monitored by reference to a 'traffic light' rating system to highlight progress against milestones.

- The CPS is reliant on partners for key project management skills to facilitate the delivery of CJS-wide initiatives, but ensures that it remains aware of progress by requiring regular reports from CPS representatives. Area managers consult well with partners where key changes in CPS structures or operating systems are proposed. Internal reviews of existing initiatives tended to follow national requirements to do so and there was limited evidence of planned programme reviews otherwise. Effective performance monitoring systems enable Area managers to focus on the review of specific operational aspects such as the identification and timeliness of DCV letters. Area plans for restructuring include planned consultation with staff representative bodies, and there are managed communications on options considered and progress made. However, the findings of the 2006 staff survey indicate lower than average rates of staff satisfaction with the management of change.
- There is clear evidence of systematic links between change projects and staff training in all key change projects. For example, there has been joint training to CPS and police staff in support of POCA confiscations, statutory charging, conditional cautioning and anti-social behaviour orders.
- The Area maintains an annual risk register that is subject to review by the AMT. Some risks, such as those associated with the proposed restructuring exercise, could also be more clearly defined, especially as relevant actions to ameliorate them (consultation and communications) were being taken. There is a strategy in place to cross-train all administrators in order to facilitate effective deployment due to absence. Individual staff who are identified as being capable of 'acting-up' in the absence of substantive unit managers are included in planning for relevant management training.

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

- The Learning and Development Plan has clear outcomes, is linked to the business plan, and delivery against it monitored by the AMT as well as the Training Committee. In the 2007-08 plan there is a demonstrable commitment to training and developing of staff, including a good level of training provision for administrative members. The Area hopes to improve in this regard following the results of the 2006 staff survey which indicate a reduction in satisfaction with training opportunities available to them to below the national average. A high proportion of training is in-house or in conjunction with neighbouring Areas and partner organisations. This is cost effective and also provides for greater flexibility in delivery.
- Equality and diversity is addressed in the induction programme and all new staff are required to undertake the CPS Prosecution College's equality and diversity module. There has been no dedicated equality and diversity training for existing staff for some time and it should be considered if there are any Area-wide needs in this respect. Steps are taken to ensure, as far as practicable, that there is equality of access to training. This is facilitated by a high level of in-house provision, including documented coaching and floor walking sessions, which results in more locally-based training and greater flexibility regarding delivery times.
- Induction plans have been developed for the various staff groups. The CPS Regional Learning and Development Officer's report for the last quarter of 2006-07 confirmed that all relevant staff had attended induction, an improvement from the previous quarter. During the last quarter of 2006-07, the Area designated some additional funding, including income earned from good Higher Court Advocate (HCA) usage, to accelerate some aspects of training including the development of additional lawyers as HCAs and the Proactive Prosecutor Programme.

- There is a structured approach to collating and evaluating training experience: the delivery, facilities, pre-course work etc. There is also evidence that the Area management team had used the CQA and charging monitoring schemes to assess whether training has been effective in driving compliance to specific CPS policies. The introduction of personal training logs for all staff aims to encourage staff to share responsibility for their personal development and to facilitate effective evaluation of all training opportunities, rather than formally delivered training only.

10 MANAGING RESOURCES	OPA 2005	OPA 2007	Direction of travel
	Good	Good	Stable

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

- In 2006-07 Sussex operated within its non ring-fenced administrative costs budget (98.8%), but overspent in 2005-06 (100.41%). The 2006-07 underspend was primarily due to the Area allowing for a higher salary increase than was eventually due. Clear steps were also taken in the last quarter of the year to rein in general administrative costs which exceeded budget provisions.
- Managers are accountable for achieving value for money as demonstrated through increased CMS usage, good levels of sickness absence and reducing use of agents. The minimising of general administrative costs has also been sought.
- The non ring-fenced administrative costs budget is systematically controlled and monitored, and there is accurate knowledge of committed expenditure. The budget is profiled and expenditure properly accounted for and monitored at Area and unit level, with monthly budget reports provided by the ABM to the AMT. There is limited devolution of budgets to the Unit Heads, mainly in respect of agreed agent spend, for instance to cover staff absences. There is a potential risk to the Area with regard to its capacity for financial controls and there are no safeguards in place to cover the absence of the limited number of skilled staff who undertake this role.
- The 2006-07 prosecution spend outturn, at 104.7% of the budget, was high and reverses the 2005-06 underspend of approximately 89.5% of the prosecution budget. However the prosecution costs budget is properly monitored as part of the Area's budget management. Sussex operated with major pressures on its caseload which had increased significantly since 2004-05 against a reducing national trend. It consistently forecast an overspend on the prosecution costs budget and a final quarter review led to a substantial award of additional funding, albeit not to the amount requested.
- There was a significant backlog of graduated fee scheme (GFS) payments which affected performance in respect of timeliness of payments. New instructions have been issued to ensure fees notes are submitted and paid promptly, although further monitoring systems are required to ensure compliance. The timeliness of GFS payments within four months of the last hearing date is consistently below that national average although performance is improving, but there is still scope for further improvement. The Area should consider ensuring greater focus on prosecution costs and GFS timeliness performance in the monthly finance reports provided to the AMT.
- Some additional funding was received to facilitate dealing with caseload pressures, especially in the Crown Court. The Area recruited an additional caseworker and DCW to cover the transfer of an additional lawyer to a TU.

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

- Each year, Sussex undertakes two reviews to examine staffing numbers and grades against unit and Area caseloads, and data is provided for consideration at AMT. Decisions on any movement or temporary transfer of resources between units are aided by a preference exercise, which takes account of lawyer requests and development needs, but is ultimately based on unit court deployment commitments. In 2007-08 a review of structure was planned in line with the CPS optimum business model approach, although at the time of this exercise no decisions had been arrived at.
- There are clear expectations set for lawyers on the CJUs handling magistrates' courts cases, who are expected to attend one day each in a charging centre and in the office, and three at court. DCWs are expected to cover seven sessions (three and a half days) in court weekly. Negotiations have taken place with the magistrates' courts and the number of courts suitable for DCWs has increased, although there are some that still require both a DCW and a lawyer in attendance. The Area has also introduced a number of mobile DCWs who cover courts in more than one location. Recent recruitment has meant that DCWs available (7.5 in March 2007) exceed the existing deployment potential.
- The deployment of DCWs in magistrates' courts sessions is improving consistently: the Area started 2006-07 with 10.6% of sessions covered by them in the first quarter, and by the final quarter the figure was 14.7%. Overall, however, DCWs were deployed in 12.2% of magistrates' courts sessions against a 2006-07 target of 14%. On average, they undertake 4.6 half day sessions in court per week. The improving trend continues in 2007-08 although the Area still struggles with a more challenging target of 17%. There are now sufficient DCWs to meet this target and CPS managers are proactive in negotiations with the Courts Service to ensure they are effectively deployed.
- The level of in-house coverage of magistrates' courts sessions has improved. In 2005-06, it achieved only 61.4% in-house deployment (including DCW sessions), increasing to 74.2% in 2006-07. However agent usage for 2006-07, at 25.8%, is still worse than the national average of 19.6%. The Area recognises the need to continue work to improve listing arrangements for DCWs. The implementation of CJSSS during 2007-08 will require the Area to clear existing backlogs of cases in the magistrates' courts. The SCJB has received substantial additional funding for this purpose.
- There is a strong emphasis on the delivery of the advocacy strategy and HCA counsel fee savings of £192,435 (against a target of £143,120) from 601 sessions were achieved. In 2006-07 there were just over ten HCAs, most of who were in a centralised unit, attending Crown Court on a regular basis. The number has increased to 21 in July 2007 in line with the Area's objective that 50% of its lawyers should be qualified as HCAs by March 2008. Newly qualified HCAs are transferred into the TU to provide opportunities for development. The scope of work undertaken by them includes trials, committals, sentences, appeals and plea and case management hearings. In 2005-06, HCAs undertook trials in cases relating to 58 defendants, increasing to 90 in 2006-07.
- At six days, sickness absence for the period January-December 2006 is a significant improvement on 9.3 days for the previous calendar year, and is better than the national average of 8.5. Sickness absence is routinely monitored on a monthly basis, although there were some discrepancies in the data reported in comparison to that provided by CPS Headquarters.

- The Area has recognised the need to ensure that flexible working arrangements harmonise with the business need and from May 2007 all variations to hours are now authorised by the ABM, which ensures operational requirements are balanced with the needs of individuals. Some existing flexible working arrangements have had an impact on the Area's ability to deploy staff effectively. This is significant as approximately 25% of staff worked part-time in the year to June 2007.

11 MANAGING PERFORMANCE TO IMPROVE	OPA 2005	OPA 2007	Direction of travel
	Good	Fair	Declined

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

- The Area has maintained its commitment to performance management as identified during the 2005 OPA. There is timely and regular consideration of performance by the AMT, with monitoring over a wide range of key aspects, including Area budgets. Monthly reports are produced which are circulated to all managers, including trend information showing the year-to-date status against targets. Minutes of unit and team meetings did not indicate routine discussions on Area or unit performance, although feedback provided on AMT meetings may have identified issues by exception. A good summary of performance information is also disseminated to staff in a readily understandable format in Area newsletters.
- The Performance Officer produces a comprehensive performance pack that pools data from a variety of sources. Reports are broken down to Area and individual unit level allowing comparisons to be made. A traffic light system (red, amber, green) is used to risk assess progress towards targets. In 2006-07, unit managers were required to report on all aspects of performance in each monthly report. In April 2007 the performance pack was reviewed and unit managers are now required to provide supplementary commentary, analysis and action plans only against any performance aspects where the unit has failed to meet target or has performed particularly well. In the latter instance, this allows the identification of any good practice. There is limited use of bench marking with specific CPS Areas within reports, although there was some evidence of contacts with other Areas with a view to adopting identified good practice.
- Formal procedures for routine general data quality checks around quality and finalisations have recently been introduced. Other specific checks undertaken include on the quality of data entry on CMS and registration of pre-charge advice cases. There were also constant reminders to staff regarding the need to exclude specified offences from the case registration process following problems experienced by the Area prior to the previous OPA.
- The CCP and ABM hold quarterly performance meetings with the Unit Heads and Unit Business Managers, who account for unit performance in line with Area targets and the Area Business Plan. This process mirrors the nation Area Performance Report meeting structure and ensures that managers are clearly accountable for the performance of their units. There is evidence that managers at all levels have taken action to improve performance, including to underlying operational systems, and noticeably in the identification of cases where it is appropriate to send DCV letters and reduced dependence on the use of lawyer agents. More, however, needs to be done to improve outcomes in cases where pre-charge advice is provided. Overall case outcomes in both the Crown Court and magistrates' courts have, improved but still trail behind the national averages.

- Performance appraisal structures, such as regular mid-year and year-end reviews, are in place. The 2006 staff survey shows that 83% of Area respondents had received an appraisal report in 2005 compared to 81% nationally. Similarly, a higher proportion of staff than nationally had a personal development plan. Individual learning and development logs did include a number of examples where learning objectives indicated specific personal development needs of staff. Less evident are the links between individual forward performance objectives and previous performance as supported, for instance, by documented outcomes from CQA and other similar checks. The Area has developed an action plan to address issues identified in its Investors in People (IiP) post-recognition review undertaken in November 2006.

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

- CPS managers play an active role in a range of joint performance groups with partners. The CCP is the chair of the SCJB and Unit Heads are represented on the Board and its sub-groups. There is particularly active CPS presence on victim and witness issues and it makes a positive contribution to the Effective Case Management sub-group and to CJSSS. There are also PTPM meetings which are multi-agency and held on a monthly basis at unit level and quarterly between the CCP, Area Business Manager and an Assistant Chief Constable as police lead. Detailed PTPM performance data is made available by the CPS for these meetings, and there are action logs to follow-up issues identified, but it is not always clear how the ensuing results recorded against these actions address specific aspects of underperformance.
- Timely and accurate information is provided to CJS partners. A comprehensive PTPM analysis at Area and police Borough Command Unit level is provided by the CPS. The SCJB performance officer ensures that partner agencies receive monthly performance data to monitor compliance against shared objectives on witness care and POCA confiscations.
- A number of joint improvement strategies are being progressed and there are examples of where these have led to improvement. For example a focus on 'undefined' cases at PTPM meetings has led to work to reduce the number of cases recorded as such. Conversely, only two conditional cautions have been issued since introduction of the scheme and progress towards achieving Specialist Domestic Violence Courts, clearing backlogs in the Crown Court and ensuring that listing arrangements are mutually beneficial has been slower than the Area would have liked. In this latter respect, work remains to be done to ensure the Area as a whole will be able to effectively implement CJSSS.

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 CQA return rates are not in line with national averages: in 2006-07, Sussex completed 74.5% of required CQA checks based on the number of prosecutors and DCWs in post. The national average was 83.4%. There were, however, issues over the number of lawyers the Area was being measured against. The return rate improved to 105% in the first quarter of 2007-08. Monthly reports compare Area performance to that nationally on each qualitative CQA measure. In the second half of 2006-07, performance tended towards being below the national average consistently. Managers consider that this indicated a more robust approach to assessment rather than poor performance. CQA measures and outcomes are discussed at AMT meetings with comparisons

made to the national average. There was also evidence of themed assessments, for instance with racially and religiously aggravated cases. In general, CQA monitoring forms completed by managers included feedback points which are raised directly with individuals. MG3 forms for pre-charge decisions and custody time limits are all subject to additional monitoring.

- The Area has rotated its Unit Heads which has assisted in the consistent application of CQA. In January 2007, it introduced self-assessment by lawyers under the CQA scheme, with the aim of making lawyers accountable for the quality of their work. Unit Heads are then required to consider these files, with the remainder of the Area's required CQA returns being assessed by Unit Heads only. This approach is capable of bringing benefits in strengthening individual lawyers' own capacity for objective self-analysis of the standard of their casework. This could lead to enhanced 'buy-in' to the scheme which is aimed at fostering improvement. There are, however, inherent resource implications as well as the risk that self-assessment may not be robust or objective if it is not properly managed. We examined a selection of self-assessed CQA forms but were not able to establish that managers had reviewed initial assessments on completed forms. Unless the Unit Heads assess the performance for themselves this is not compliant with the CQA scheme. The Area needs to put systems in place to ensure that it can adequately evaluate this variation on the scheme as intended and to support any anticipated benefits realised.
- Unit Heads are expected to monitor each prosecutor in court at least once every year and provide assurance to the CCP that this has been done. Feedback from partners indicated that the standard of advocacy of lawyers at all levels is good.

12 LEADERSHIP	OPA 2005	OPA 2007	Direction of travel
	Good	Good	Stable

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

- The Area Business Plan (ABP) incorporates the national and Sussex's own vision and values. Posters displayed in all offices promote the Area's vision and priorities. The CCP opened a recent training event with a speech devoted to the vision and extracts from it were published in an edition of The Martlett, the Area newsletter. The ABP is developed each year through a number of planning sessions which involve representatives of staff at all levels. Every member of staff has the opportunity to contribute to and comment on the plan.
- Unit Heads are required to hold monthly meetings following the AMT meeting to pass on information and reinforce management decisions and actions. All staff are encouraged to identify items for discussion. Full minutes of meetings are made available to all staff. Other meetings are held as necessary to provide information and updates on current initiatives.
- Unit managers are required to provide the CCP and ABM with a monthly performance report, the format of which varies to reflect current priorities. Managers participate in SCJB sub-groups and working groups, reflecting their specialisms where relevant.
- Senior managers promote corporacy within the Area by keeping staff informed of decisions and initiatives. Staff personal objectives are based upon achievement of SCJB and Area targets and reflect the objectives of the Area and unit business plans. Performance and achievement of objectives is considered by all staff in team meetings to engender a sense of 'ownership'. There is regular rotation of lawyers, both long term and short term, between CJUs and the TU to foster a corporate approach to casework.
- The CCP and ABM hold meetings from time-to-time in offices other than the Area Headquarters so that they can devote time to talk to staff about any concerns they may have. There are quarterly unit reviews held between the CCP and ABM with the unit managers. These are usually held in the relevant unit location. The CCP on occasions works in Chichester office following external meetings or court attendance. Whitley Council meetings provide further opportunity to engage with staff.
- The CCP promotes inter-agency working through her position as chair of the SCJB. Other senior managers are members (some are chairs) of SCJB sub-groups and work closely with their criminal justice partners in implementing local and national initiatives, such as conditional cautioning and CJSSS. The CCP is currently co-ordinating a multi-agency project to develop Specialist Domestic Violence Courts in Sussex. She has been proactive in taking this forward, although issues beyond the complete control of the CPS has meant that progress has been more protracted than anticipated. Nevertheless, the level of co-operation between agencies in some major initiatives, such as charging, conditional cautioning and NWNJ, has been commended by the respective national project co-ordinators.

- Learning lessons from successes and failures is embedded within the Area performance culture. The system of adverse case reporting ensures that improvements in performance can result from casework lessons. Good practice is identified within and from outside the Area and adopted where appropriate.

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

- Senior managers are ready to acknowledge good performance by staff, which is often the subject of comment in the Area newsletter. In addition, certificates are issued to staff for good performance in certain categories of work. Senior managers are also keen in their efforts to ensure that the system and means of recognition does not become divisive and exclusive and take account of staff concerns in this respect. Good performance is also highlighted at unit quarterly reviews.
- Sussex scored well in the 2006 staff survey in respect of communication and promoting dignity at work, being better than the national average in both aspects. The survey indicated that 65% of staff considered they were treated with fairness and respect compared with 63% nationally (an improvement of 6% on the 2004 survey); 73% considered they had regular team meetings against 59% nationally; and 64% considered meetings were effective compared with 55%.
- Managers use communication as a means of developing a culture of openness, willingness to listen and instilling respect in others. Expectations of staff behaviour are set out in the ABP and promoted as part of the Area's vision and values. Whitley Council and team meetings are seen as a means of promoting openness and consideration. There have been no complaints made by staff about their treatment by managers.
- The ABM is the lead for equality and diversity and one of the Unit Heads for hate crime. Both are members of the Equality and Diversity Committee which is chaired by the CCP. Senior managers have considered the ABP in the light of the Single Equality Scheme and the plan incorporates the principles of equality and diversity. The 2006 staff survey showed that 73% of staff believed the Area enabled staff from all backgrounds to contribute full compared with 66% nationally and 71% considered the CPS was working towards equality and diversity against 66% (again an improvement on the 67% in the 2004 survey).
- The staff profile does not equate fully with the make up of the local working population. There is a relatively low population of minority ethnic groups, but a relatively large one of persons with a disability. Staff are broadly representative of the minority ethnic population but under-representative of persons with a disability. The Area has made contact with some groups representing disabled people but there have been few recent opportunities for staff recruitment.
- There have been no complaints about prejudice in the workplace and senior managers try to ensure an atmosphere free of exclusion. This is demonstrated by the regular rotation of lawyers between units and proactive efforts to prevent a sense of exclusivity within the growing numbers of HCAs.
- Improper behaviour is dealt with firmly and promptly by senior managers. Recent examples have related to inappropriate emails and failure to attend court.

13 SECURING COMMUNITY CONFIDENCE	OPA 2005	OPA 2007	Direction of travel
	Fair	Fair	Stable

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

- Senior managers have demonstrated a personal commitment to securing community confidence. The terms of reference for the Equality and Diversity Committee - membership of which includes the CCP, ABM and Area Hate Crime Champion - include aspects of improving community confidence. Information on hate crime is shared with community representatives through involvement in the Sussex Racist Incident Forum. In May 2007, the Area led the development of a community engagement (CE) strategy in conjunction with SCJB partners.
- The Area has made some progress since the last OPA in that it has developed a strategy that should facilitate delivery against its obligations under tight resource constraints. It benefits from having a Communications Manager who is shared with the SCJB.
- The Area Business Plan sets out aspects for improvement and how goals will be achieved, and has been reviewed to take account of the new CE strategy with a number of measurable core objectives linked to CE activity. CE objectives have been set for managers who are report monthly against the business plan objectives. However, unit business plans on community engagement have yet to include appropriate measures, tending to focus mainly on the attendance of events by staff, and there is limited evidence of strategic direction in deciding what community interactions are beneficial to the Area's strategy and why.
- The community engagement log confirms a high frequency of engagement activity. However, the actions reported do not always indicate direct links to the objectives set out in the strategy. SCJB sub-group meetings have been included in the log, which sets out the type of event attended, intended purpose and what feedback from the event was received. The Area is clearly in the early stages of attempting to learn and evaluate the effectiveness of its engagement policy. The regular newsletter to staff always includes features on community engagement activity and encourages their participation by calling for volunteers to attend upcoming events. CPS staff attend a number of events, often with their criminal justice partners.
- The local police maintain a community contacts directory, shared with the CPS, which includes several groups but could be improved to clearly specify named contacts in all instances. The Area may wish to include information that provides a scale on the relevance of each contact organisation in the directory to better demonstrate their relevance to its CE strategy. Whilst there have been beneficial contacts with faith and sexual orientation groups, it was not clear that these groups are at the greatest risk of exclusion and discrimination. The Area had up-to-date demographic information based on police data, although in one example of its application, it did not take account of key minority groups such as residents who were born in other European Union states.

- The Area has not undertaken any service changes and reviews that could demonstrably be linked to its CE activity. However improvements in witness care, which impact on members of the community who have already engaged with the CJS, have been achieved. There is the potential, for instance, to do more work with organisations assisting victims of domestic violence in line with its aim of improving outcomes in the aspect of performance.
- British Crime Survey data shows that in December 2006 41.5% of the local population had confidence in the effectiveness of the criminal justice agencies in bringing offenders to justice, against 44.2% nationally. This has fallen since our last OPA, when it was 43%.
- The CCP undertakes one media briefing each quarter to improve press relations and provide updates on relevant legislative changes and high interest cases. The SCJB has implemented a media protocol that encourages co-operation between criminal justice agencies in relation to media contacts.

ANNEXES

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		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	17.8%	16.6%	11.0%	13.1%	15.8%	13.2%
Guilty plea rate	52.0%	69.2%	64.0%	67.6%	68.0%	66.5%	53.4%	65.1%
Attrition rate	31.0%	22.0%	25.8%	22.8%	23.0%	22.2%	30.9%	23.7%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	77.0%

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%	83.8%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	47.6%
Cracked trial rate	37.3%	34.4%
Ineffective trial rate	18.9%	17.9%
Vacated trial rate	22.5%	39.0%

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

National target	National performance 2006	Area performance 2006
71 days	72 days	64 days

Offences Brought to Justice

	CJS area target 2006-07	CJS area performance 2006-07
Number of offences brought to justice	32,462	35,649

Percentage make up of Offences Brought to Justice	National 2006-07 ⁸	Criminal justice area 2006-07
Offences taken into consideration (TICs)	8.5%	4.7%
Penalty notices for disorder (PNDs)	10.3%	8.6%
Formal warnings	5.8%	5.9%
Cautions	26.5%	34.0%
Convictions	48.8%	46.8%

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%	76.0%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	51.1%
Cracked trial rate	39.5%	35.3%
Ineffective trial rate	12.4%	13.5%

8 Final figures awaited.

Proceeds of Crime Act orders	Area target 2006-07	Area performance 2006-07
Value	£1,284,483	£582,705
Number	47	84

Aspect 10: Managing resources

	2005-06	2006-07
Non ring-fenced administration costs budget outturn	100.4%	98.8%

Staff deployment	National target 2006-07	National performance 2006-07	Area performance 2006-07
DCW deployment (as % of magistrates' courts sessions)	17.2%	14.7%	12.2%
HCA savings against Area target	100%	138.4%	134.5%
Sickness absence (per employee per year)	7.5 days	8.5 days	6.0 days

Aspect 13: Securing community confidence

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

CJS area baseline 2002-03	2004-05 (last OPA)	Performance in 2006-07
39%	43%	41.5%

B CRIMINAL JUSTICE AGENCIES AND ORGANISATIONS WHO ASSISTED WITH THIS OVERALL PERFORMANCE ASSESSMENT

Police

Sussex Police

HM Courts Service

Chichester Crown Court

Lewes Combined Court

Sussex (Central) Magistrates' Court Area

Sussex (Eastern) Magistrates' Court Area

Sussex (Northern) Magistrates' Court Area

Sussex (Western) Magistrates' Court Area

Victim Support

Victim Support Sussex

Community Groups

Brighton and Hove Muslim Forum

Brighton and Hove City Council Partnership Community Safety Team

If you ask us, we can provide a synopsis or complete version of this booklet in Braille, large print or in languages other than English.

For information or for more copies of this booklet, please contact our Publications Team on 020 7210 1197, or go to our website: www.hmcpai.gov.uk

HM Crown Prosecution Service Inspectorate

London Office:

26 - 28 Old Queen Street

London SW1H 9HP

Tel. 020 7210 1197

Fax. 020 7210 1195

York Office:

United House, Piccadilly

York, North Yorkshire, YO1 9PQ

Tel. 01904 54 5490

Fax. 01904 54 5492

Website:

www.hmcp.si.gov.uk

© Crown copyright 2007