

CPS Surrey

Overall Performance Assessment

Undertaken December 2005

March 2006

Promoting Improvement in Criminal Justice

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A. INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

This report is the outcome of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPsi) overall assessment of the performance of the Crown Prosecution Service (CPS) in Surrey and represents a baseline against which improvement will be monitored.

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

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

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

The table at page 7 shows the Area performance in each category.

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

B. AREA DESCRIPTION AND CASELOAD

CPS Surrey serves the area covered by the Surrey Constabulary. It has offices in Guildford and co-located units in Staines and Guildford police stations. The Area Headquarters (Secretariat) is based at the Guildford office.

Area business is divided on functional lines between magistrates' courts and Crown Court work. The Criminal Justice Units (CJUs) handle cases dealt with in the magistrates' courts. The Trials Unit (TU) handles cases dealt with in the Crown Court.

During the year 2004-05, the average Area number of staff in post was 62.2 full-time equivalents.

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

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	3,239	20.8	20.9
Advice	313	2.0	5.1
Summary offences	7,743	49.9	46.9
Either way and indictable only	4,158	26.8	26.7
Other proceedings	85	0.5	0.4
TOTAL	15,538	100%	100%

C SUMMARY OF JUDGMENTS

An Area inspection was carried out in September 2004 and published in March 2005, at the same time as a report on the joint inspection of the Surrey criminal justice agencies. The key findings of the Area inspection included a need to improve summary trial preparation, disclosure, performance management and to review structures. A follow-up inspection was conducted at the same time as this Overall Performance Assessment (OPA). This concluded that whilst some progress has been made, significant issues remain, and more work is required.

The Area had a temporary Chief Crown Prosecutor (CCP) for approximately three months in the summer of 2005. This has had some impact in terms of the progress made since the last inspection.

One issue affects a number of aspects in this assessment. The Area was originally planning to implement shadow charging in just one location in 2003. They were advised by the national charging team that coverage would have to be broadened, and the decision was taken to undertake this immediately rather than taking a phased approach towards the implementation of the statutory scheme. When taken in conjunction with the structures in place at that time, the decision to implement the wider coverage has contributed to some budget difficulties in the Area. This has had a knock-on effect on the Area's approach to staff deployment.

The Area has committed five lawyers per day to charging, although only four of them regularly provide face-to face advice. Despite this heavy commitment, the anticipated benefits of pre-charge advice have not been realised. One of the key reasons for the Area wide coverage was a target to handle 75% of early administrative hearing cases through the scheme. A high level of non-compliance by the police has meant that many such cases have bypassed the scheme. Reviews have revealed a number of weaknesses with charging that need resolution, particularly as the Area is about to be evaluated for progress to the statutory charging scheme (scheduled for January 2006).

There has been some progress in improving the cracked and ineffective trial rates in the magistrates' courts. However, there is limited formal case progression work taking place and the summary trial preparation is still not sufficiently robust. Progression and preparation in Crown Court cases is better and again the ineffective trial rate is improving. Use of the case management system (CMS) is good in the Trials Unit, but in need of improvement in the Criminal Justice Units.

The Area's results in respect of successful outcomes are close to national averages and have shown a trend of gradual improvement. The criminal justice agencies in Surrey have done very well in significantly increasing the number of offences brought to justice. They have comfortably exceeded their target in this respect.

There is scope to improve the handling of sensitive casework, in terms of monitoring and analysis. The review and handling of all categories of sensitive cases are not formally assessed on a regular and consistent basis and cases are not always flagged on the CMS. Champions have been appointed for most categories of sensitive cases, but their roles are limited.

Whilst there have been no custody time limit failures recorded in the Area, our examination of files indicates that there is a need to tighten the controls to ensure compliance to the documented systems and national guidance.

Limited progress has been made in respect of undertaking the prosecution's duties of disclosure. Although there is some improvement in the timeliness of disclosure, issues remain with the endorsement of schedules, file housekeeping, the quality of decisions on unused material and the accurate recording of these decisions. The Area acknowledges that further work is needed with police to improve the quality of handling of unused material.

The service provided to victims and witnesses is variable. Witness warnings are generally satisfactory and the needs of vulnerable victims and witnesses are usually taken into account in an appropriate way. Compliance with the Direct Communication with Victims scheme whereby a written explanation is sent to a victim if a charge is dropped or substantially reduced has been a significant weakness for an extended period. The most recent assessment of the Area Witness Care Unit indicates that the Area does not yet meet the minimum standards requirements of the No Witness No Justice initiative.

Advocates usually have the appropriate papers and instructions to enable them to progress cases at court. A monitoring strategy needs to be devised taking account of the proposed changes to the level of in-house advocacy.

Surrey has taken a relatively conservative approach to change and is less advanced than many other CPS Areas. Where initiatives have been implemented they have not always been as successful as anticipated in terms of delivering improved outcomes. Findings of reviews have not all been successfully addressed in a timely manner.

The outcomes in respect of resource management are poor. The Area has overspent its budget in each of the last two financial years. This is more attributable to strategy and decision-making than any lack of awareness of the budget position. Deployment of designated caseworkers and Higher Court Advocates needs to be improved significantly and the use of agents needs to be reduced.

The Area is gradually improving its performance management systems with improved levels of data now available. Managers now need to sharpen the analysis of the data and the process of identifying and implementing appropriate remedial actions. The Area is making good use of the Management Information System (MIS). Area managers are active in joint agency improvement groups although there is a need to translate the efforts into improved outcomes.

Some improvements have been made to the leadership and governance in the Area. The findings of the 2004 Staff Survey were very encouraging and morale has generally been high in Surrey. CPS managers are heavily involved in driving initiatives and participate fully in inter-agency work.

The Area has now laid much of the foundation work for developing its public confidence and community engagement strategy. They are in transition from the initial stage of raising the profile of criminal justice agencies, to one where genuine consultation and focused engagement are the main priorities.

The Area has worked with partner agencies in pursuing the national Public Service Agreement targets. On the whole the results have been positive and the trend is for improved outcomes in 2005-06. The Offences Brought to Justice target was comfortably achieved (40.2% against 12% target) and the public confidence figure of 48% is among the best in the country. Ineffective trials at 22.2% were slightly better than the national average in the magistrates' courts, but the result in the Crown Court (17.6%) was a little worse than the national picture. The Area's performance in respect of the timeliness of handling cases involving persistent young offenders fluctuated significantly in 2004-05 and was worse than the target of 71 days for half of the rolling quarters.

In the light of our findings the Area is rated as **FAIR**.

CRITICAL ASPECTS	1 - POOR
Pre-charge decision-making	1 - Poor
Ensuring successful outcomes	2 - Fair
Leadership	2 - Fair
The service to victims and witnesses	2 - Fair
Managing resources	1 - Poor
OTHER DEFINING ASPECTS	
Managing magistrates' courts cases	2 - Fair
Managing Crown Court cases	3 - Good
Handling sensitive cases and hate crimes	2 - Fair
Custody time limits	2 - Fair
Disclosure	2 - Fair
Presenting and progressing cases at court	2 - Fair
Delivering change	2 - Fair
Managing performance to improve	2 - Fair
Securing community confidence	2 - Fair

OVERALL ASSESSMENT	2 - FAIR
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D. DEFINING ASPECTS

1. PRE-CHARGE DECISION-MAKING

1 - POOR

The Area operates the shadow charging scheme at four centres covered by Criminal Justice Unit (CJU) lawyers, supplemented by a Trials Unit (TU) lawyer in the CPS office who advise in matters likely to be dealt with by the Crown Court. Working relationships with other agencies are good, although this does not always lead to effective working. There has been substantial non-compliance with the scheme and consultation is not taking place on all relevant files. There has been some inaccuracy in recording and finalising cases, although systems have improved. Evaluation has identified some significant obstacles to good performance that must be overcome in a relatively short time frame if statutory charging is to be implemented successfully as planned in early 2006. Outcomes indicating the realisation of benefits from charging have been well below national levels. The need has also been recognised to increase the overall experience levels of advising prosecutors.

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

- The Area operates a shadow charging scheme providing pre-charge advice to police at Guildford, Woking, Reigate and Staines. Some data has been available on the volumes of consultations at each charging centre, but the Area should ensure that they continue to monitor the level of usage. Lawyers from the respective CJUs cover the charging centres. TU lawyers based in the CPS office are available to provide pre-charge advice in cases destined for the Crown Court. The Area has been commended by the National Implementation Team for its working relationships with the police.
- Area recording and counting systems have improved and the use of the case management system (CMS) for the recording of advice and decisions is embedded. Appropriate guidance has been issued and all pre-charge advice is now recorded on CMS using the relevant Manual of Guidance forms (MG3 and MG3A). Lack of police unique reference numbers (URN) and miscoding has, however, hampered the accurate recording and finalisation of pre-charge decision cases.

Aspects for improvement

- Pre-charge consultation is not taking place on all relevant files and there has been substantial non-compliance with the scheme by the police, including: bypassing it by charging without advice; departing from the advice given; failing to carry out additional work necessary to improve the prospects of conviction; and submitting cases in which they should have taken the decision themselves. These concerns have been identified in internal reviews (by the police and CPS) and some counter-measures have been agreed, for

example, seeking to improve police supervision and Unit Heads providing robust feedback where non-compliance is identified. However, the National Implementation Team in their November 2005 review found that these significant obstacles to good performance remain. They need to be overcome quickly if statutory charging is to be implemented successfully.

- The level of face-to-face advice needs to be increased to achieve the maximum benefits of the scheme. For example, all cases bound for the Crown Court are handled remotely from the police station by the TU lawyers.

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

- Lawyers from the CJUs act as duty prosecutors in the police stations. They have been provided with training and written guidance on the operation of the scheme. Unit Heads seek to ensure that those selected possess the relevant expertise and knowledge of local and national CPS policy, although the lawyers deployed are not always the most experienced. Lawyers are kept up-to-date, generally this is done through training.
- Unit Heads monitor the quality and timeliness of pre-charge advice using the Casework Quality Assurance scheme (CQA). They also monitor informally when acting as duty prosecutors themselves or as advocates. Although CQA has not always been applied robustly or comprehensively across the Area, monitoring has led to the introduction of a system requiring justification of, and Unit Head approval for, subsequent decisions to discontinue. Overall, discontinuance rates are reducing and there is now greater consistency between the charging centres.
- If agreement cannot be reached between the duty prosecutor and investigating officer there is a dispute resolution procedure under which cases are referred to the police duty inspector and relevant Unit Head. A number of pre-charge advices have been overturned as a result of this process with some training or guidance needs identified for CPS lawyers and police investigating officers.

Aspects for improvement

- There have been higher than average attrition rates in pre-charge advice cases and the need has been recognised to increase the levels of experience and expertise of the duty prosecutors. Proposals for Area restructuring (to establish combined units) will allow a wider pool of experienced lawyers presently stationed in the TU to be deployed at the charging centres. Establishing better contingency arrangements for dealing with duty prosecutor absence at short notice is also part of the Area's action plan for implementation of statutory charging (scheduled for 31st January 2006).

- Analysis of the reasons why the CPS advises no further action (NFA) at the pre-charge stage and identification of remedial action to reduce the rate has been limited. This needs to be re-invigorated, so that any trends and aspects for improvement in case investigation and preparation can be identified and addressed.

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

- Migration to the statutory scheme in early 2006 is being implemented in accordance with the schedule, although there are risks to delivery and deadlines (mentioned above). The Area's implementation action plan aims to establish robust duty prosecutor coverage, effective gateway management to achieve consistent compliance, understanding and awareness throughout the CPS and police and better monitoring of cases in which further police action is required before a decision can be taken. These are all necessities. Area managers acknowledge that they have a lot to achieve in a relatively short space of time.
- A CPS review in September 2004 resulted in changes to the shadow charging scheme, as did a more comprehensive review conducted by the police in December 2004. The Area Management Team has also carried out several ad hoc reviews. Managers monitor performance regularly against the charging benefits measurement criteria, although the level of analysis of performance data needs improvement.

Aspects for improvement

- Benefits have not been as might have been expected for an Area operating significant shadow charging coverage at four centres for the past two years. In the magistrates' courts, the discontinuance rate of pre-charge advice cases in 2004-05 (22.4%) was well above the national rate (16.3%) and also significantly worse than target of 11%; the guilty plea rate was only 55.9% (compared to 68.8% nationally) although better than target (52%). The attrition rate was also disappointing compared to the national comparator (30.8% against 22.7%, although close to target of 31%). In the Crown Court, the discontinuance rate (24.1%) was significantly above the national rate (14.6%) and target (11%), the guilty plea rate was only 41.4% (compared to national performance of 66.7% and target of 68%) and the attrition rate 37.9% against 23.8% of national performance and target of 23%. More recent figures suggest an improving trend and that outcomes are moving closer to national performance levels.

2. MANAGING MAGISTRATES' COURTS CASES

2 - FAIR

Most non-contested magistrates' courts cases are reviewed and prepared promptly, and the proportion of defendants who plead guilty at the first hearing is improving. The Area has been successful in avoiding discharged committals and wasted costs orders. The timeliness of youth cases is improving and the persistent young offenders (PYOs) target is now being met. The ineffective trial and cracked trial rates are better than the national averages and improving. Case progression has been informal and relatively uncoordinated, pending the delayed implementation of the Effective Trial Management Programme (ETMP). Generally, review and case preparation for contested cases is still not sufficiently robust or pro-active. Communication with the police is not always effective, hampering efficient preparation for trial. Use of the case management system (CMS) is relatively poor for recording full file reviews.

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

- Magistrates' courts cases are routinely reviewed at the initial stage and most cases are ready to proceed at the first hearing. Unit Heads assess the quality of review and case preparation under the Casework Quality Assurance scheme (CQA), although this monitoring has not always been sufficiently comprehensive or robust. Police files are generally received in sufficient time for proper review and preparation and their quality is monitored. The rate of guilty pleas entered at the first hearing is improving (41.9% in 2004-05).
- Case progression is carried out internally and dedicated Case Progression Officers (CPOs) have not yet been appointed. Implementation of the more structured joint arrangements of ETMP has been delayed and is now behind schedule. Performance has exceeded the national average for achieving the timeliness of adult guilty pleas (85% against 83%), adult committals (94% against 89%) and youth trials (90% against 87%). The figures for adult trials are less encouraging at 56% against a national figure of 66%.
- The Area had only one discharged committal in 2004-05.
- Historically, PYO performance has fluctuated and targets have not always been achieved. For the three months to February 2005, the average period from arrest to sentence in Surrey was not as good as the national average (78 days compared to 67). However, the timeliness of youth cases has improved in 2005-06. The PYO target is now being met (consistently below 60 days) and is better than the national performance.
- The Area did not have any wasted costs orders made against it in the magistrates' courts during 2004-05.

Aspects for improvement

- Concerns were raised at the time of the last inspection (September 2004) about the quality of continuing review. Early assessments of the prospects of conviction were not always rigorous and continuing review was reactive, with relatively few requests for additional evidence or information likely to improve the prospects of conviction. Area managers have become more proactive in monitoring performance and addressing inconsistency, and prosecutors are gaining experience. However, a reality check examination of a small sample of cases revealed instances of failure to address issues and take decisions until the later stages of cases, resulting in unnecessary preparation and court hearings.
- Our reality check file examination also found evidence of communication breakdowns with the police, delay in marrying up correspondence to files and apparent failure to check whether information had been received before chasing it up, causing unnecessary additional work.
- The timeliness of service of papers on the defence prior to committal proceedings was well below the national average in 2004-05 (61.9% compared to 79.4%).

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

- There is formal analysis of cracked and ineffective trials and appropriate action is taken where the prosecution has been at fault. The ineffective trial rate (22.2%) is reducing. The Area did not meet its target (21%) but bettered the national average (24.8%). The proportion of ineffective trials for which the prosecution was at fault in 2004-05 was slightly better than the national performance (6.4% compared to 6.8%). The cracked trial rate is also improving and below the national average (29.9% compared to 37.1%). Consequently, the effective trial rate was better than the national average. Unit Heads have used team meetings and e-mails to provide staff with information about performance against targets and indicate aspects for improvement.
- Work has been undertaken with criminal justice partners, action has been taken and communicated, and performance is improving as a result. The frequency and quality of trial readiness checks has improved and it is less common for pre-trial reviews (PTRs) to be adjourned because the prosecution is not in a position to make progress. A performance data pack is considered by the agencies in advance of joint local performance group meetings, so that issues for discussion can be identified and the time available used productively.

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

- CMS is used to record most key events in cases, with some evidence of task monitoring. Usage is monitored and reminders have been issued to staff to try and improve it. All staff have proper use of CMS as a performance appraisal objective. The Area's effective CMS log in rate (85.4% compared to 80.8%) was better than the national averages in 2004-05.

Aspects for improvement

- The Area's use of CMS for full file reviews was significantly below the national average in 2004-05 (at 17.7% compared to 27.1%) and performance deteriorated by 8% in the final quarter. There is also substantial variation between the units, with performance being particularly unsatisfactory in the Criminal Justice Units. Area managers have issued bulletins to staff emphasising the need to improve performance and have delivered one-to-one feedback where necessary. However, the Area has failed by a distance to meet the interim target set by CPS headquarters of achieving 35% of full file reviews on CMS by the end of September 2005. They achieved only 18.8% by the target date.

3. MANAGING CROWN COURT CASES

3 - GOOD

Crown Court cases are generally reviewed and prepared promptly and most cases are ready to progress at the appropriate time. Good practices are in place to ensure that preliminary hearings in indictable only cases are productive. The quality of instructions to counsel is improving and delivery is generally timely. Lawyers and caseworkers carry out case progression functions internally and there is beneficial liaison with the Crown Court. However, the criminal justice area has not advanced the Effective Trial Management Programme (ETMP). The Area has met its target for Proceeds of Crime Act (POCA) confiscation orders. No wasted costs orders were made against the Area in 2004-05. Crown Court casework outcomes are, however, generally not quite as good as the CPS national performance. The ineffective trial rate is reducing and the proportion attributable to the prosecution is better than the national comparator. Case management system (CMS) use is good in the Trials Unit (TU) with high levels of full file reviews and indictment building.

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

- Crown Court cases are generally reviewed and prepared promptly, with follow-up work undertaken where necessary. Most cases are ready to proceed at each court hearing. The overall quality of review is good, and lawyers and caseworkers are generally pro-active in requesting additional evidence or information. In-house higher courts advocates (HCA) conduct preliminary hearings in indictable only cases and police investigating officers attend court so that detailed discussions can take place about outstanding evidence and its potential quality.
- Instructions to counsel generally include an analysis of the issues and acceptability of pleas and are usually delivered promptly. The quality of instructions is now monitored more closely following criticism by inspectors at the time of the last inspection. Their delivery to counsel was timely in 92.2% of cases in 2004-05 compared to 85% nationally.
- The Area is contributing to efforts with criminal justice partners to improve case progression. In the absence of dedicated Case Progression Officers (CPOs), individual lawyers and caseworkers are expected to carry out the case progression functions. The progress of cases is discussed by the B2 Casework Manager and Crown Court Listing Officer at monthly meetings.
- The Area is monitoring POCA cases and has met its target for confiscation orders. Awareness amongst lawyers and caseworkers of the importance of POCA has been raised through appropriate training. A relative lack of awareness in the Criminal Justice Units (CJUs) has been addressed. The Area met its target, obtaining 19 confiscation orders in 2004-05, realising £843,409.

- The Area had did not have any wasted costs orders made against it in the Crown Court during 2004-05.

Aspects for improvement

- The criminal justice area is finding it difficult to make progress in the implementation of the ETMP. Implementation of that initiative in the Crown Court has stalled and is in need of re-invigoration.

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

- The ineffective trial rate is reducing and was 17.6% in 2004-05, meeting its own and the national target (21% and 18.4% respectively). It was not as good as the national average (15.8%) but the proportion caused by the prosecution was better than was achieved nationally (5.4% against 6.6%). In addition to the benefits of monthly liaison with the Crown Court Listing Officer, a police presence in the TU ensures that necessary additional evidence or information is generally obtained from investigating officers when required. The Witness Care Unit provides updated information about any witness issues or difficulties arising. The cracked trial rate (29.2% against 39.2%) was also better than the national comparator and the proportion caused by the prosecution was relatively low (9.8% against 15.3% nationally).
- There is formal analysis of cracked and ineffective trials and appropriate action is taken where the prosecution has been at fault. The Unit Heads and Chief Crown Prosecutor also consider such cases under the Casework Quality Assurance scheme, although the use of this system has been inconsistent. They are also analysed with other agencies at Crown Court joint performance meetings and at the Local Criminal Justice Board performance sub-group. Any lessons identified are disseminated to CPS staff by the Unit Head and B2 Casework Manager.

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

- Administrative and casework functions are carried out on CMS. Unit managers monitor outstanding tasks and staff usage. Although the overall proportion of full file reviews carried out by the Area as a whole on CMS is unsatisfactory, the position is the TU is good (84.4% in 2005-06). CMS was used for building indictments in 96.8% of cases compared to 80.8% nationally.

4. ENSURING SUCCESSFUL OUTCOMES

2 - FAIR

The Area's performance in respect of unsuccessful outcomes is close to national levels and there is an improving trend. Discharged committals are rare. Greater managerial control has been taken over decisions to discontinue and the historically high rate is reducing. Feedback from joint analysis of failed cases is improving the quality of police investigations. Specific and general learning points are identified and drawn to the attention of staff. Performance by the criminal justice area in increasing the numbers of Offences Brought to Justice (OBTJ) has been strong. The Area is seeking to improve the accuracy of case finalisation recording to assist with its analysis and management of performance.

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

- The Area achieved its aim in respect of successful outcomes, attaining an overall rate of 79.2% against a target of 78%. The Area has been successful in avoiding discharged committals, with only one in 2004-05. More recent figures suggest that the overall rate of unsuccessful outcomes is continuing to improve. The table below summarises case outcomes in the Area.

OUTCOME	AREA FIGURE	NATIONAL AVERAGE
Magistrates' courts		
Discontinuance & bindovers	14.3%	12.5%
No case to answer	0.5%	0.3%
Dismissed after trial	2.5%	1.5%
Discharged committals	0.0% (one case)	0.3%
Overall conviction rate	79.6%	80.8%
Crown Court		
Judge ordered acquittals	15.1%	14.2%
Judge directed acquittals	1.7%	2.0%
Acquittals after trial	9.2%	6.3%
Overall conviction rate	73.2%	75.8%

- There is assessment of the quality of review and case handling through the Casework Quality Assurance scheme, although it was not always applied consistently and robustly during 2004-05. A procedure has been introduced so that pre-charge advice cases can only be discontinued with the approval of a unit head and a report should be forwarded to the Chief Crown Prosecutor (CCP) in each instance. Some cases have not been reported to the CCP,

however, and this process is being strengthened using Management Information System (MIS) monitoring to ensure that all receive managerial scrutiny.

- Adverse case reports are completed for unsuccessful outcomes and describe the reasons for acquittal adequately in most cases. Managers discuss any learning points that are identified with the relevant individuals involved. A helpful bulletin has been circulated to staff drawing together lessons. More general issues are highlighted in the Area newsletter.
- There is regular provision of data on the level of unsuccessful outcomes as part of the Area's performance management regime. MIS is interrogated to identify the reasons, although the ability to analyse data effectively was diminished by the overuse of the 'other' reason category. The data is then circulated in advance of monthly meetings and senior managers discuss any trends emerging.
- Monthly data on unsuccessful outcomes is also supplied to the Police Performance Management Unit and discussed at the performance sub-group of the Surrey Criminal Justice Board. Appropriate action has been taken to achieve greater managerial control over decisions to discontinue, and issues relating to the quality of investigations identified as having caused cases to fail have resulted in further guidance being issued.
- The target for OBTJ is a shared one set by reference to the criminal justice area. The ability of the CPS to influence this particular target is limited because it includes offences dealt with by non-prosecution disposals. The criminal justice agencies in Surrey have been particularly successful, with a 40.2% increase over their baseline figure against a target of 12%. This is primarily due to very high figures for cautions and offences taken into account (combined total of almost 54% of total) - these may not be sustainable in the long-term.

Aspects for improvement

- Overall, performance in respect of unsuccessful outcomes is slightly worse than the national average (20.8% against a national figure of 19.6%). Most case outcomes are not as good as national averages and the results in terms of discontinuance in particular are worse in both magistrates' courts and Crown Court performance indicators.
- There have been errors in the administrative finalisation of some adverse cases, frustrating the Area's attempts to analyse the extent of the problem and identify the necessary remedial action. The Area is seeking to improve accuracy by involving advocates in determining the appropriate finalisation codes.
- Whilst the overall conviction rate is close to that achieved nationally, the conviction rate for cases in which the CPS advised before charge was significantly worse than the national average in 2004-05.

5. HANDLING SENSITIVE CASES AND HATE CRIMES

2 - FAIR

There are systems in place to ensure that hate crime (domestic violence, homophobic, and racially or religiously aggravated offences) and sensitive cases (for example, child abuse, rape and fatal road traffic offences) are not discontinued without reference to the Unit Heads. Some categories of sensitive cases are the subject of two-tier review or referral which ensures that policy is being applied appropriately. The Area has appointed Champions for most categories of sensitive cases, but their roles are less developed in comparison to other Areas. There are protocols in place for some types of sensitive casework. The flagging of sensitive cases on the case management system (CMS) is not always consistent and, although there is some evidence of their review and handling being assessed, this is not always done regularly or undertaken formally. There is still some work to be done on the monitoring and analysis of hate crimes, in particular, race hate cases.

5A: The Area identifies and manages sensitive cases effectively

- There are systems in place to ensure that hate crime offences are not discontinued without reference to the Unit Heads. The review and handling of sensitive cases is assessed through the Casework Quality Assurance scheme, albeit on a limited basis.
- Most sensitive cases are flagged up on CMS, although our analysis of some specific cases revealed that 10 out of 33 of them which should have been flagged were missed.
- The Area has protocols in place dealing with Anti-Social Behaviour Orders and domestic violence cases.
- Fatal road traffic cases, and some other categories of sensitive cases, are the subject of two-tier review or referral.
- The Area maintains a training log of all of the training courses and attendees. 50% of lawyers in the Criminal Justice Unit and all lawyers and caseworkers in the Trials Unit attended a course on the Sexual Offences Act 2003 in April. A domestic violence training plan is currently being devised.
- Data on the outcomes of hate crimes cases is monitored via the performance management system, although there is scope to improve the level of analysis of the information.

Aspects for improvement

- The Area collates performance data in relation to domestic violence cases, but there is room for improvement in terms linking the collation and monitoring of the data to outcomes and action plans. A review of charge reduction in race hate cases would assist the Area to identify whether any issues within the local criminal justice system need addressing.
- The Area has appointed Champions for most categories of sensitive cases, but their roles are not defined and there is limited evidence of any resulting dissemination, guidance or mentoring. There is no specific allocation of sensitive cases to specialists, although all fatal road traffic advice cases are initially referred to Unit Heads.
- The Area is aware of the need to take CPS policies and HM CPSI thematic reviews into account, but may not always be consistent with them when devising Area practice. For example, during the last financial year, the Area pursued a rigid policy of proceeding with domestic violence cases regardless of the victims' wishes - this caused concern amongst some community groups. The Area has since amended this policy and whilst remaining proactive, adopts a more flexible and case by case approach to domestic violence cases. Our file examination showed that there is still evidence of delay in reaching a decision where withdrawal statements had been received and decision-making in general could be more robust.

6. CUSTODY TIME LIMITS

2 - FAIR

The custody time limits (CTL) system has been generally satisfactory although the documented procedures are not always followed. No failures have been reported in the last financial year. Our file sample indicated that file endorsements could be better and that lawyers are not involved in calculating CTLs. The updating of the electronic case management system (CMS) with accurate information needs improving to make the management of CTLs more efficient.

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

- The Area has a written CTL system, which complies for the most part with national guidance. The guidance was reissued to staff last year. Differences still exist between working practices across the Area and managers should adopt the good practice that exists in some units, in order to create a cohesive county-wide system.
- There were no recorded CTL failures in 2004-05.
- Training on CTLs has been provided to key staff predominantly through national training programmes. In May 2005, B1 Managers received some training on monitoring and there is a CTL training course for administrative staff working in the co-located Criminal Justice Units (CJUs).

Aspects for improvement

- The Area has not reached any local agreements with the courts (as recommended in national guidance) regarding the agreement of expiry dates in court or in the courts' involvement in monitoring expiry dates. The Area regards it as their responsibility to monitor CTLs although there was little evidence of lawyers being pro-active in this respect.
- There is limited evidence that senior managers were actively involved in the effective functioning of the Area CTL system. In the last financial year, management checks have been intermittent. Regular checks are carried out by level B1 staff, supervised by the recently appointed B2 Manager in the CJU, but the deficiencies found in our file examination suggest that more robust assurance checks are required.
- Our examination of a number of files revealed that file endorsements were not always clear. Lawyers did not highlight the remand status of defendants consistently, which in one case led to the inaccurate calculation of the expiry date. Other issues identified included; inconsistent use of CMS; no record of the paperwork to support a CTL extension in one file; one case had been omitted from the manual diary system; and review dates were not always evidenced.

7. DISCLOSURE
2 - FAIR

Limited progress has been made in the handling of the prosecution's duties of disclosure since our last inspection. Although there is some improvement in the timeliness of disclosure, issues remain across the Area with the endorsement of schedules, file housekeeping, the quality of decisions on unused material and the accurate recording of those decisions. Training has been given to the majority of lawyers and caseworkers. Some joint training with key members of the police has also been delivered although the Area acknowledges that further work is needed to improve the quality of the police handling of unused material. There is some evidence of prosecutors' performance in relation to disclosure being assessed, but with limited action as a result.

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

- Overall, disclosure performance in our last inspection cycle was good and slightly better than the national average (73.9% compared to the national average of 70.3%). This was primarily attributable to good performance in secondary disclosure (86.6% compared to the national average of 59.4%). Performance for primary disclosure was just below the national average in the magistrates' courts, but significantly so in the Crown Court.
- Unit Heads check for any disclosure issues when reviewing adverse cases and analysing the cracked and ineffective trial data at Local Performance Group meetings.
- Sensitive material schedules and any sensitive unused material are stored securely. The police often deliver any sensitive material with the case papers direct to the Unit Heads.
- The majority of lawyers and caseworkers have received training on the disclosure provisions of the Criminal Justice Act 2003. The Area Champion has delivered training to lawyers and caseworkers and is available for consultation when required. The recommendation about the quality of disclosure in our last inspection report was disseminated (shortly after publication) to lawyers and caseworkers through the Area's staff magazine.

Aspects for improvement

- The Area's analysis of disclosure through the Casework Quality Assurance (CQA) scheme indicates close to 100% compliance - this conflicts with our findings. The CQA scheme does not specifically target cases where disclosure is triggered and there has been limited quality assurance examination of continuing disclosure performance. Monitoring of the handling of disclosure needs to be more systematic and robust to address specific local issues.

- In our file examination, initial disclosure was generally timely, but had not been fully considered in all cases. For example, items on the unused material schedules had not been requested when clearly they should have been. There was evidence of lawyers delaying a full consideration of the unused material until the defence statement was served but then not addressing fully any key issues raised by the defence statements. Although the Trials Unit keeps disclosure material in a separate folder, other units do not and the disclosure record sheets are not used by the Area. Work to improve performance since our inspection has therefore been limited.
- Some work has been undertaken with the police, but the level of engagement across the Area has varied. Some joint training has taken place but it is accepted by the Area that more work is needed. Our file examination showed that there has been some improvement in the quality of the disclosure schedules provided by the police, but further work is still required to attain a consistently good standard.
- Whilst the size of our sample for this assessment was small and we assessed against the revised Disclosure Manual, the results of our dip sampling were less positive than at the time of the last inspection.

8. THE SERVICE TO VICTIMS AND WITNESSES

2 - FAIR

Systems are established to achieve the timely warning of witnesses and provide appropriate support at court. Standby arrangements are in place to avoid unnecessary attendance and Special Measures are generally sought to protect vulnerable victims and witnesses. The CPS plays a leading role locally in respect of victim and witness issues. The Area has established a Witness Care Unit (WCU) in pursuance of the No Witness No Justice initiative (NWNJ). However, a recent evaluation by the Headquarters NWNJ team has reported that the WCU is not yet achieving the national minimum standards. There is regular liaison with Victim Support and the Witness Service. The proportion of ineffective trials caused by civilian witnesses failing to attend court is very similar to the national average. The provision of explanations to victims of decisions to drop or substantially reduce charges through the Direct Communication with Victims (DCV) scheme remains a significant weakness.

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

- Appropriate systems are in place to ensure the timely and accurate warning of witnesses to attend trial. With the exception of straightforward road traffic cases, this is the responsibility of Witness Care Officers attached to the WCU. Their role involves establishing availability and carrying out a needs assessment. Trial readiness checks two weeks in advance of trial confirm that witnesses have acknowledged that they will attend.
- Prosecution advocates and caseworkers are expected to take a pro-active approach in introducing themselves and providing support to witnesses at court. Area managers monitor the quality of service provided when they are at court. The proportion of witnesses who are required to attend the Crown Court at Guildford but then are not called on to give evidence is substantially below the national average (16% compared to 45%). A key reason is an arrangement that the CPS has made with the court that witnesses for "floater" trials (i.e. those without a fixed listing) can remain on standby until it is established that the trial will proceed, thereby avoiding unnecessary attendance.
- All lawyers have received training on Speaking Up for Justice (SUFJ) with a focus on Special Measures to protect vulnerable victims and witnesses. Unit Heads use the Casework Quality Assurance (CQA) scheme to assure themselves that timely applications are being made in appropriate cases, but the level of assurance is limited. A Special Measures Champion has been appointed to provide guidance and assistance where necessary. The importance of considering Special Measures for witnesses with learning difficulties was reinforced at an inter-agency conference organised by the CPS.

- The CPS has the lead on the Surrey Criminal Justice Board (SCJB) Victim and Witness Care Group. The Chief Crown Prosecutor has been the senior reporting officer for NWNJ, which is being implemented in accordance with the delivery plan. The Area has one WCU and the CPS played a significant role in the planning. An innovative initiative involved a "mystery shopper" posing as a witness to assess the quality of care and facilities before making a presentation about the experience to the Local Criminal Justice Board annual conference. This led to an inter-agency project to address aspects for improvement.
- The Area enjoyed close and productive relationships with the Witness Service and Victim Support when working together on a Home Office project and in the subsequent setting up of the WCU. There is regular liaison through the Victim and Witness Care Group and an open invitation to both agencies to attend meetings of the SCJB when there are any issues upon which they wish to contribute.
- Area managers monitor the reasons for cracked and ineffective trials and any findings in relation to witness issues are discussed in inter-agency meetings. The proportion of ineffective trials in the magistrates' courts caused by civilian witnesses failing to attend was slightly worse than the national average in 2004-05 (4.8% against 4.5%). In the Crown Court, the Area's performance was slightly better than that achieved nationally (3.6% against 3.7%).

Aspects for improvement

- Area systems to ensure compliance with the DCV scheme have not been effective. Our last inspection (September 2004) resulted in a recommendation to ensure that all staff are fully trained and that there are comprehensive monitoring systems in place to ensure compliance. The Victim Information Bureau has now become part of the WCU and lawyers have been required to take on greater responsibility for identifying qualifying cases and writing to victims. However, a proxy measure calculated by CPS Headquarters indicated that the Area had sent letters in only 7% of qualifying cases (which was the worst performance in the country). The Area considers the true rate to be somewhat higher as the appropriate tracker has not been maintained properly - they have not however substantiated this to Headquarters. Our own findings in the last inspection indicated a 33.3% compliance rate and our check for October and November 2005, indicates a 46% compliance rate.
- The evaluation carried out recently by the national NWNJ team has reported that the Surrey WCU is achieving most, but not all of the 14 minimum standards. Aspects requiring attention include improving the quality of information about witness needs supplied by the police, the establishment of a permanent long-term manager and the need for the unit to involve itself in cases at an earlier stage.

9. PRESENTING AND PROGRESSING CASES AT COURT 2 - FAIR

The Area is seeking to progress cases more expeditiously, but implementation of the Effective Trial Management Programme (ETMP) within the local criminal justice area is behind schedule, particularly in the Crown Court. Case papers are provided promptly to prosecutors and the overall quality of preparation for court is improving. Concerns about unsatisfactory performance by advocates in individual cases have been addressed. Appropriate training has been provided for new lawyers and Designated Caseworkers (DCWs). The overall quality of court endorsements is satisfactory. More systematic advocacy monitoring procedures are required if the Area is to assure itself that a high quality service is being maintained.

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

- The Area is contributing to efforts with criminal justice partners to improve case progression. The CPS is not the lead agency locally for ETMP and implementation of that initiative is behind schedule, particularly in the Crown Court. Some progress has been made in the magistrates' courts with an initial pilot scheme anticipated at Staines in January 2006. Individual lawyers and caseworkers are responsible for carrying out case progression functions in their own cases.
- Papers are provided to advocates promptly and selection is generally undertaken with full consideration of experience, expertise and qualifications. Performance in relation to delivery of briefs to counsel was better than the national average of 85%, with the Area achieving 92.2% in 2004-05. The quality of preparation for court was inconsistent at the time of the last inspection and Unit Heads are now more pro-active in identifying and addressing areas for improvement through monitoring performance and delivering feedback. Appropriate action has been taken where there have been complaints or concerns about unsatisfactory performance by prosecution advocates.
- All newly recruited lawyers take part in the relevant advocacy induction programme and DCWs have undergone advanced training. New agents receive written general instructions about CPS practice and procedure. Suitably trained prosecutors handle most specialist cases, with specialist counsel being routinely instructed in cases arising from road traffic fatalities and in allegations of rape. One agent is used for all cases involving specific issues arising in some cases of driving with excess alcohol, so that the necessary level of expertise is assured.
- Advocates are expected to attend court 30 minutes in advance of the sitting to liaise with defence solicitors, court staff, witnesses and the police. This aspect of performance is monitored by managers and feedback is sought from other court users.

- The CPS is given the opportunity for input before court listing patterns are finalised. Negotiations with the magistrates' courts are underway with a view to agreeing listing practices that allow for more efficient deployment of the Area's DCWs. Effective liaison has also reduced the disruption caused by short-term contingencies, such as the need for court centre refurbishment. The transfer of cases between courtrooms at short notice is not a contentious issue, since trials are rarely switched and prosecutors are invariably given adequate opportunity to prepare.
- The Area has deployed Higher Court Advocates into the Crown Court where they have tended to handle preliminary hearings and committals for sentence. We comment further on their utilisation in Aspect 11.
- The overall quality of endorsements by prosecutors is satisfactory. Prosecutors and caseworkers are reminded regularly of their importance and they are monitored under the Casework Quality Assurance system. A reality check examination of a small number of cases confirmed that they are generally clear and concise.

Aspects for improvement

- The Area would benefit from introducing a more systematic advocacy monitoring programme. It did not undertake formal monitoring in 2004-05 and relied upon the observations of managers when attending court and ad-hoc feedback from representatives of the local courts. The Area has traditionally relied upon a high proportion of agents in the magistrates' courts and needs to assure itself that high standards are being maintained.
- There are still instances of multiple pre-trial review hearings that indicate that further improvements can be made. This is reflected in the timeliness figures for summary adult trials which are 10% below national averages.

10. DELIVERING CHANGE
2 - FAIR

The Area has found it difficult to reconcile the need to implement change with its challenging financial position. A more robust approach is being taken in 2005-06. The pace of change in Surrey is slower than in many other Areas. Whilst there is evidence of demonstrable efforts to plan and implement changes, this has not always translated into delivery of the desired outcomes. There is a need to strengthen the process of identifying and implementing remedial actions following reviews of progress. Risk management continues to develop and should be a key factor in the forthcoming restructure. Training and development is handled satisfactorily.

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

- The Area now has a clearer sense of what it wants to achieve. The priorities for 2005-06 are the implementation of statutory charging, increasing in-house advocacy and remaining within budget, there is also a strong focus on achieving the national Public Service Agreement targets. A fundamental change to the Area structure is being planned, that should, if implemented well, assist in the achievement of managers' aims.
- The Area Business Plans (ABPs) have been satisfactory in terms of setting out high level objectives with appropriate milestones and accountabilities identified. The plan for 2005-06 is more closely aligned to the 15 national CPS targets. It is recognised that in smaller Areas that the importance of unit based plans is diminished. However, we consider that as there were some very specific local issues, that some form of unit based planning would have been of benefit.
- In the small sample of Forward Job Plans seen, there were links between the business objectives and those of individuals. There are also links between CPS and Surrey Criminal Justice Board plans.
- Significant efforts have been made in terms of joint planning with criminal justice partner agencies. Initiatives such as co-location, shadow charging and No Witness No Justice (NWNJ) cannot be implemented without co-operation between the relevant agencies. Whilst we recognise the hard work that has been undertaken, we have concerns that some change could have been implemented more effectively (see 10B below).

Aspects for improvement

- Only limited progress was made in 2004-05 towards the Area's goals - a number of objectives in the ABP were not met. There was not a clear strategy as to how the Area would cope with competing priorities - particularly those of lawyer deployment and budget compliance. The lack of an effective performance management system hindered progress to some degree. The overall position has improved in 2005-06 and the need for more radical change has been accepted.

- Although there are processes for reviewing the progress of major inter-agency initiatives, there was limited evidence of a systematic approach to monitoring progress against other CPS business objectives in 2004-05. Some improvements have been made in 2005-06 as evidenced by a documented review of the ABP in July 2005. However, more still needs to be done with regard to identifying and implementing remedial actions that deliver improved outcomes.

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

- Some change has been successfully implemented in Surrey. For example, good work was conducted in planning for the implementation of co-location in Staines and Guildford.
- Whilst there is not a formal stand-alone change programme in place the Senior Management Team (SMT) takes responsibility for managing change in Surrey. Most of the major initiatives are allocated a Project Manager who takes the lead internally and with other partner agencies. The Area is less advanced than most other CPS Areas in terms of implementing national initiatives.
- The progress of initiatives is monitored through SMT meetings and inter-agency performance groups. There have been additional reviews of the shadow charging initiative, over and above those carried out by the national charging implementation team. Some of the reviews have been very frank in identifying problems, particularly in respect of charging, although this has not always translated into effective remedial actions being implemented.
- Risk management continues to develop and the Area systems comply for the most part with national guidance. There is scope to improve the focus on the expected outcomes of proposed counter measures to assist in ongoing evaluation. A review of the 2004-05 Risk Register was conducted in January 2005, but had not been repeated in the current financial year. Some major projects have their own Risk Registers.

Aspects for improvement

- The expected benefits of some major initiatives have not been realised in a timely manner. Improvements will be needed if statutory charging is to deliver the optimum benefits. A recent assessment of the NWNJ scheme concluded that it does not yet comply with the minimum standards. The Effective Trial Management Programme had not been implemented in Surrey at the time of this assessment.
- Some reviews have been conducted, but the process of identifying and implementing appropriate remedial actions has not always been effective in delivering improved or expected outcomes.

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

- The Area has worked closely with the other local CPS Areas on a regional training programme, but there is now less involvement with the wider group and Surrey has developed its own training plan for 2004-05. Whilst the plan itself is not overly detailed it is supported by a database that notes individuals' requirements and good records of training provided.
- As with most CPS Areas, the main focus on training in recent times has been on legal issues - particularly to deal with changes in legislation brought about by the Criminal Justice Act (CJA) 2003. There has been targeted training for administrative staff although opportunities have been a little limited.
- Diversity issues are covered in induction and by use of the on-line e-learning module. Training is being provided in performance management that includes monitoring the outcomes of cases involving hate crimes.
- Every effort is made to ensure that all staff have equality of access to training. Times and venues are varied to accommodate the needs of staff with specific work patterns. As the Area restructure evolves, managers intend to undertake a detailed assessment of advocacy training needs, as lawyers are likely to be involved in a wider range and level of court work.
- The majority of staff have received the appropriate mandatory training, although there are still six lawyers who, for a variety of reasons, have not undertaken training on the new requirements of the CJA 2003.

Aspects for improvement

- There is limited evidence of effective evaluation of training although managers believe that effectiveness can be measured by monitoring certain outcomes.

11. MANAGING RESOURCES

1 - POOR

The Area has struggled to balance the implementation of new initiatives with the need to remain within budget. The way in which shadow charging has been implemented (requiring five lawyers each day) and the top heavy structure have presented significant challenges to the Area. These two factors have contributed to overspends in each of the last two years. The financial results are more attributable to strategy and decision-making, rather than a lack of financial awareness. Results for 2005-06 are more encouraging, although a small overspend is currently projected. Controls of staff payroll costs are good, but there is room for improvement in the management of other non ring-fenced running costs - particularly agent fees. The use of agents to prosecute cases in the magistrates' courts is considerably above national averages, and has had a significant impact on the final budget outturn. The Area has not deployed either designated caseworkers (DCWs) or Higher Court Advocates (HCAs) to good effect.

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

- The Area is in the early stages of developing value for money policies, but some clear indications of value for money activity are evidenced. Some potential savings were identified in 2004-05 that enabled the Area to reduce the amount of the projected overspend for that year. Further work was undertaken in February 2005 with a view to making greater savings in 2005-06. The structures and deployment strategies used in 2004-05 and the early part of 2005-06 are unhelpful in achieving value for money. For example DCWs are not using their extended powers and only handle early first hearings, and HCAs have attended predominantly preliminary hearings.
- The Area has good control of staff payroll costs with detailed records based on actual salaries. The system takes full account of all known staffing changes and has proven to be accurate in forecasting.
- The Area was slightly (2.6%) overspent on prosecution costs in 2004-05 - this was better than the national performance (18%). Timeliness of payments to counsel under the graduated fees scheme has fluctuated, particularly in respect of fees paid within a month of the final hearing. However, with regard to the CPS performance measure of fees paid within four months, the Area performance has been better than the national picture in three of the four quarterly snapshots.
- Additional funding is managed satisfactorily. The Area holds 'ring-fenced' monies for both the No Witness No Justice project and for the Surrey Criminal Justice Board.

Aspects for improvement

- The Area needs to strengthen its controls of committed expenditure, particularly in respect of agent usage. At the time of the assessment, Area managers were not fully aware of the extent of unpaid fees and this represents a risk to the Area budget with the current levels of agent usage.
- The Area has overspent its budget in each of the last two financial years. In 2003-04, the overspend was 3.4% and in 2004-05 this had risen to 7.9% - both results rate as 'poor' against the assessment framework. The Area attributes this primarily to the implementation of Area-wide shadow charging and has remained in touch with CPS Headquarters over the issue. Whilst accepting the impact of implementing charging there were other factors that also influenced the financial outturn some of which could have been addressed earlier or more positively.

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

- The Area has kept its staffing levels under review and has made some changes that have helped to reduce its overspend. They have also made some staff movements in order to improve the effectiveness of units. Managers use the Activity Based Costing model to assist in deciding the level of resource required for each unit. There was a higher than usual ratio of administrative staff to lawyers in 2004-05 and some adjustments have since been made.
- The level of sick absence in Surrey has been consistently better than the national average over the past four years. Whilst the level in 2004 was good at 6.6 days per member of staff, against a national figure of 8.7, it does continue the trend of increasing levels of sickness over previous years.
- The Area has a positive approach to flexible working practices with a variety of work patterns in place.

Aspects for improvement

- As national initiatives such as Glidewell and charging have been implemented, the Area structure has been reviewed and changed. Surrey evolved into a structure that was expensive and difficult to sustain. At the time of the last inspection the Area had five senior level D or E staff in addition to the Chief Crown Prosecutor and the Area Business Manager. The Area has only recently taken a more radical approach to reviewing its structure, with the intention of improving operational delivery and combating the financial challenges that it faces.
- Deployment targets are set in respect of the office days available to each lawyer (one per week). This has not always translated into correspondingly high deployment to court or charging centres. In 2004-05 Area lawyers conducted 2,297 half day magistrates' courts sessions between them that if

divided between the total number of available lawyers represents an average of one day per week in court per lawyer. Even when taking account of the number of charging centres (approximately 2,000 additional half day sessions) that also need cover, the return is modest.

- Agent usage has been high as the Area has sought to maintain coverage at four charging centres. In 2004-05 agents undertook 42.7% of the sessions in the magistrates' courts, compared to a national figure of 26.9%. There has been a slight reduction in 2005-06. There is some doubt over the reliability of the data for 2004-05 - the overall number of magistrates' courts sessions recorded has increased by almost 25% for corresponding periods of 2005-06, although Area managers believe there has been no significant change in listing plans.
- The Area has not been able to maximise the potential court coverage by DCWs, and those that they have are not able to undertake the full range of cover beyond early first hearing courts. There are two (1.8 full-time equivalent) DCWs in Surrey who have covered 302 half-day sessions between them. This represented 6.6% of magistrates' courts sessions during 2004-05 against a national performance of 8.3%. The Area has set a target of 10.7% for 2005-06, but managers accept that there is little chance of achieving this and performance at mid-year stood at 6.1%. Negotiations are underway with the courts to amend the current listing arrangements with a view to recruiting an additional two DCWs. However, the DCWs are not utilising their extended powers as yet.
- The deployment of HCAs needs improvement in Surrey. The Area had five HCAs although they were not all available throughout the year, and between them they undertook 109 Crown Court sessions in 2004-05. During the last quarter HCAs covered 31 sessions with an average counsel fee saving of approximately £100 per session. Most of the sessions were preliminary hearings and committals for sentence. A similar pattern has continued in 2005-06 and the Area was considerably beneath its target in terms of sessions and savings at mid-year review.

12. MANAGING PERFORMANCE TO IMPROVE
2 - FAIR

Performance management was a weakness in 2004-05. Some progress has been made in 2005 and an improved range of data is now available to managers. Analysis of information and the identification of effective remedial actions need further work. There is a strong commitment to working with criminal justice partners on performance issues, although the level of effectiveness of the joint working is variable. Outcomes against the majority of Public Service Agreement (PSA) targets are good. There are examples of improvements to performance in some aspects of work, although in others, long-standing concerns persist. Use of the Management Information System (MIS) continues to improve. There is a problem with the accuracy of finalisations that needs to be resolved urgently. Use of the Casework Quality Assurance (CQA) scheme has been inconsistent.

12A: Managers are held accountable for performance

- The range of performance data available has improved in 2005-06 and is more closely aligned to the national quarterly review system. The new systems record performance at unit and Area level and allow for comparisons to be made.
- Changes to governance have led to greater clarity in the accountability of the Senior Management Team (SMT) and other associated groups. A Business Improvement Team has been formed but it is too soon to assess whether this has delivered any benefits. The Area intends to try and involve level B managers more in performance and process issues following the recent appointment of an over-arching senior B2 Business Manager for magistrates' courts work. This role was created following internal redeployment and came from within existing resources.
- There is evidence that improvements have been made to systems and outcomes in some aspects of work, for example, persistent young offenders and confiscation. Conversely, issues such as compliance to the Direct Communication with Victims (DCV) scheme, the effective use of the case management system (CMS), and use of the CQA scheme still require further improvement.
- The performance appraisal system is used to manage and improve personal performance, although it is not the primary system for giving feedback to individuals. Managers will speak to staff about concerns as and when issues arise. Interim reviews are not held and a number of appraisals have been completed well outside the target dates.

Aspects for improvement

- During 2004-05 Area managers had only a limited amount of performance data regularly available. This was highlighted as a weakness in the inspection in 2004. Progress has been made in the current financial year in that reports are

available across a range of casework performance measures, although there is still more to be done in analysing the data and identifying effective remedial actions.

- There is limited evidence of systematic consideration of performance data at SMT or team meetings, although there is discussion about progress on some major initiatives.

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

- CPS managers are actively involved in joint performance arrangements with partner agencies. The Surrey Criminal Justice Board (SCJB) has set up four local performance groups, reporting into one over-arching performance sub group. Regular meetings are held, the main focus of which has been compliance with national PSA targets.
- There are separate bilateral meetings between the police and the CPS to discuss various aspects of performance. The quality and timeliness of police files is monitored, albeit the level of completion of the appropriate monitoring forms (TQ1) by CPS staff needs to be improved (currently around 60%).
- Following some disappointing results in 2004-05 in respect of the timeliness of handling cases involving persistent young offenders (PYOs), effective remedial actions were taken by the relevant agencies that have led to considerably improved outcomes.
- Performance against the headline PSA targets has been good in most categories. The figures in respect of Public Confidence and Offences Brought to Justice are particularly strong.

Aspects for improvement

- There is inconsistency in the effectiveness of the Local Performance Groups with evidence that some issues take longer than desirable to resolve.
- Work has progressed slowly in agreeing the key data that needs to be collected to manage some aspects of performance. As an example, discussions were underway in May 2005 as to the best measures to be used to gauge the success of pre-charge advice, but no final specification of requirements had been agreed at the time of the assessment.

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

- There has been improved use, since January 2005, of MIS to help monitor and manage performance. A wide range of reports are available on a regular basis and ad-hoc reports are produced on request. The next stage will be to increase the usage of data at unique reference number level to look at performance in specific cases and categories.

- Checks have been introduced to assure the accuracy of the finalisation of adverse cases on CMS. Reports are now run off and reconciled with relevant files.
- The Area has a good working relationship with the SCJB Performance Officer and there is a regular exchange of performance data. Work is underway with the police to ensure that there is agreement over the volume and value of confiscations made under the Proceeds of Crime Act.
- A regular casework performance report has been produced since January 2005. The pack contains a wide range of performance data on a monthly and year to date basis. The report is based on a traffic light system that highlights aspect of performance that need improving as 'RED'. Managers are working on a more analytical approach that will provide a short summary of key issues learnt from the data.

Aspects for improvement

- There has been significant mis-recording of outcomes for magistrates' courts cases in the CMS system. Files which should have been recorded as 'guilty pleas' or 'proof in absence' have been finalised as 'conviction after trial'. In a spot check of 25 cases, we considered that 13 were incorrectly finalised. As trials attract a considerably higher notional earning than non-contested cases, it is likely that the Area has received a higher budget allocation than it should have done. Other issues of data accuracy have been raised in Aspect 4.
- Dissemination of performance data is not systematic, compounded in some units by the lack of team meetings at which performance can be discussed. It is recognised that if staff want data they tend to call the Area Performance and Finance Manager. One of the Unit Heads has recently started sending out a regular e-mail that highlights some performance issues.

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

- We saw some good examples of robust management assessments of files with appropriate comments and feedback to staff.
- Managers have recently implemented a system whereby all the data from the CQA scheme is assessed prior to the SMT meetings in order that learning points can be discussed during the meeting.

Aspects for improvement

- The CQA scheme has been operated inconsistently, in one quarter there was 100% compliance with expected volumes, whereas in another no checks were completed.

13. LEADERSHIP

2 - FAIR

Governance in the Area has improved slightly since the last inspection with improved clarity as to the roles and involvement of managers at varying levels. The Area has only recently begun to take the necessary steps to deal fully with the significant challenges brought about by its structures and finance. Staff morale has been traditionally high in Surrey and the results of the Staff Survey in 2004 were generally very positive in all categories. Communication is satisfactory for the most part, although regular team meetings are still only viewed as an aspiration in most of the Area. Area managers clearly make a positive contribution to inter-agency work. There is clear commitment to equality and diversity policies, albeit we did note examples of inappropriate wording in a small number of documents.

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

- The Area has adopted the national vision and values and these form an integral part of the Area Business Plan and the Communication Strategy. The Area prides itself on the high level of morale amongst staff as reflected in the 2004 Staff Survey.
- Some minor changes to the governance of the Area were made following the inspection in 2004. The Senior Management Team (SMT) is the primary decision-making body with the assistance of the Area Consultative Group which has a wider membership. Managers are encouraged to express their views, but once a decision is made they are all expected to support the final decision. We were given examples whereby managers had corporately promoted decisions that were not universally popular.
- Senior managers endeavour to make themselves available to staff at times of significant change. Every effort was made to ensure that staff had face-to-face contact with managers at the time that the recent decision to restructure was announced. The Chief Crown Prosecutor (CCP) and Area Business Manager (ABM) were trying to increase unit visits to Staines in response to difficulties being experienced at the unit.
- The Area has a communications strategy that has been slightly modified in 2005-06. Whilst the Area has not fully complied with its own strategy, staff appear generally satisfied with the level of communication received. Senior managers are considered approachable and open. In the 2004 staff survey, the Area scored above the national average in respect of communication.
- The Area has open relationships with criminal justice colleagues and for the most part the partnerships are considered to be constructive. There have been some good examples of collaborative working, for example in setting up co-location, but on the other hand examples where co-operation could have been better.

- CPS managers are heavily involved in taking inter-agency initiatives forward and take the lead in some. The CCP is the chair of the Surrey Criminal Justice Board and has a heavy personal commitment to multiple projects and may wish to rationalise these or delegate some. The joint inspectorate report published in 2005 was complimentary of the commitment of CPS staff to inter-agency work.

Aspects for improvement

- Whilst some steps were taken to modify structures and reduce overspend in 2004-05, they were not sufficient to bring about the desired outcomes. A more robust approach is apparent in 2005-06.
- The units would benefit from a more consistent approach to some aspects of work, rather than developing individual systems. There are some specific issues that could be improved at the Staines Unit both in terms of culture and operating practices. This is an issue for the police as well as the CPS.
- While CPS managers are actively involved in taking initiatives forward, the joint groups in which they are involved have not consistently delivered against the aims of the projects. In some instances this has resulted in delays in implementation, for example the Effective Trial Management Programme; in others, the expected results have not been achieved.
- The only unit that has held team meetings with any regularity has been the co-located unit at Staines. Whilst recognising that efforts are made to keep staff abreast of key issues by alternative communications channels, a more systematic approach to team meetings would be of benefit.

13B: Senior managers act as role models for the ethics, values and aims of the Area and the CPS, and demonstrate a commitment to equality and diversity policies

- Senior managers are involved in outward facing activity both within the criminal justice system and with the community. The CCP and the ABM undertake most of the activity that happens outside normal working hours.
- Managers value the contribution of staff and make considerable efforts to ensure that good performance is recognised. There is a variety of methods available and used.
- The Area has appropriate systems in place for the handling of any complaints raised by staff about their treatment by others.
- The Area's commitment to equality and diversity is evidenced in a number of ways. For example, the Area has a wide range of diverse working patterns to accommodate individual needs; training has been managed in such a way to enable attendance; significant efforts have been made to try and improve building access for disabled individuals; and there is a community consultation group. The results in the 2004 Staff Survey were significantly (14%) better than national averages in respect of 'Dignity at Work' issues.

- On the rare occasions that any inappropriate or unethical behaviour has been observed, managers have taken prompt action to remedy the situation.
- The staffing in the Area is representative of the local working population. The Area has 8.6% of black and minority ethnic staff against a local working population figure of 5.6%. The proportion of female staff is 16% above the local benchmark.

Aspects for improvement

- Despite the generally positive approach to diversity issues, a small number of internal communications contained inappropriate messages that could cause offence to some people.

14. SECURING COMMUNITY CONFIDENCE
2 - FAIR

The CPS and the Surrey Criminal Justice Board (SCJB) have developed a more progressive approach to community engagement and securing public confidence in 2005-06. They are in transition from raising the profile of the agencies to improved consultation and targeted activities. Much of the foundation work has been laid on which the Area can develop its strategy. A relatively small number of staff have been involved in engagement activity in the past. The level of public confidence in the criminal justice agencies in Surrey is higher than in most counties.

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

- Senior managers in the CPS recognise the value of effective community engagement. They are committed to developing existing programmes and progress is being made on formulating a more focused strategy. The majority of CPS work is marshalled through the Area Business Manager (ABM) and the Chief Crown Prosecutor (CCP) and carried out in conjunction with the SCJB.
- Developing public confidence through community engagement has featured in the Area's Business Plans for each of the last two years. Most of the work in 2004-05 was centred on raising the profile of the criminal justice agencies in Surrey through making the public better informed of their work. Plans for 2005-06 are looking to co-ordinate the work of the various agencies more effectively and include more consultation with the community.
- The Area has information on the demographics of the Area and this is used to inform their plans. The SCJB Community Engagement project has recently conducted a consultation exercise in which one of the key issues was how to approach the challenge of disengaged groups. One of the likely outcomes is greater involvement with three targeted Neighbourhood Watch Panels.
- There has been engagement with the local Crime and Disorder Partnerships (CDRPs) as evidenced by the joint participation in a 'Partners in Crime' conference. Work has been undertaken in developing the scheme for handling cases involving prolific and priority offenders, although this has progressed more slowly than in most other Areas.
- The range of engagement activity is improving from a fairly narrow base in 2004-05. The confidence agenda has developed quite slowly in Surrey, but was accelerating in 2005-06. The Area recognises that it needs to keep better records of activity undertaken.

- The level of public confidence in the effectiveness of the criminal justice agencies in Surrey in bringing offenders to justice is among the best in the country. Against a baseline figure of 44%, the Area has improved to 48% (as measured by the British Crime Survey).

Aspects for improvement

- Whilst there is commitment and involvement at senior management level, community engagement and public confidence is not as yet a priority or part of core business for the majority of staff. A relatively low number of staff have regular involvement in engagement activity.
- There is limited evidence as yet of changes or improvements being made that are directly attributable to engagement activity.
- The engagement activity has not been logged in the past, and there is limited evidence of evaluation of its effectiveness.

ANNEX A

PERFORMANCE DATA

ASPECT 1: PRE-CHARGE DECISION-MAKING

MAGISTRATES' COURTS CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	16.3%	22.4%	52%	68.8%	55.9%	31%	22.7%	30.8%
CROWN COURT CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	14.6%	24.1%	68%	66%	41.4%	23%	23.8%	37.9%

ASPECT 2: MANAGING MAGISTRATES' COURTS CASES

INEFFECTIVE TRIAL RATE			OVERALL PERSISTENT YOUNG OFFENDERS PERFORMANCE (ARREST TO SENTENCE)		
National Target	National Performance 2004-05	Area Performance 2004-05	National Target	National Performance (3-month rolling average Feb 05)	Area Performance (3-month rolling average Feb 05)
24.5%	24.8%	22.2%	71 days	67 days	78 days

**TIME INTERVALS/TARGETS FOR CRIMINAL PROCEEDINGS IN MAGISTRATES' COURTS
 CHARGED CASES ONLY (MARCH 2005)**

	Initial Guilty Plea Target 59 days		Trials Target 143 days		Committals Target 176 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	83%	6,152	66%	2,698	89%	992
Area	85%	66	56%	25	94%	16

**TIME INTERVALS/TARGETS FOR CRIMINAL PROCEEDINGS IN YOUTH COURTS
 CHARGED AND SUMMONSED CASES (MARCH 2005)**

	Initial Guilty Plea Target 59 days		Trials Target 176 days		Committals Target 101 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	87%	5,185	87%	3,309	91%	190
Area	86%	43	90%	29	n/a	0

ASPECT 3: MANAGING CROWN COURT CASES

INEFFECTIVE TRIAL RATE

National Target	National Performance 2004-05	Area Performance 2004-05
18.5%	15.8%	17.6%

ASPECT 4: ENSURING SUCCESSFUL OUTCOMES

UNSUCCESSFUL OUTCOMES (AS A PERCENTAGE OF COMPLETED MAGISTRATES' COURTS AND CROWN COURT CASES)		
National Target	National Performance 2004-05	Area Performance 2004-05
21%	19.6%	20.8%

OFFENCES BROUGHT TO JUSTICE		
	CJS Area Target 2004-05	CJS Area Performance 2004-05
Against 2001-02 baseline	+12%	+40.2%
Number	13,411	16,785

ASPECT 7: DISCLOSURE

DISCLOSURE HANDLED PROPERLY IN MAGISTRATES' COURTS AND CROWN COURT CASES PERFORMANCE IN THE LAST INSPECTION CYCLE		
	National Performance	Area Performance
Primary test in magistrates' courts	71.6%	68.4%
Primary test in Crown Court	79.9%	66.6%
Secondary test in Crown Court	59.4%	86.6%
Overall average	70.3%	73.9%

ASPECT 11: MANAGING RESOURCES

NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE (END OF YEAR RANGES)	
2003-04	2004-05
3.4% overspend	7.9% underspend

DCW DEPLOYMENT (AS % OF MAGISTRATES' COURTS SESSIONS)			HCA SAVINGS (PER SESSION)		SICKNESS ABSENCE (PER EMPLOYEE PER YEAR)		
National Target 2005-06	National Performance 2004-05	Area Performance	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target	National Performance 2004	Area Performance 2004
11.6%	8.3%	6.6%	£224	£96	8 days	8.7 days	6.6 days

ASPECT 14: SECURING COMMUNITY CONFIDENCE

PUBLIC CONFIDENCE IN EFFECTIVENESS OF CRIMINAL JUSTICE AGENCIES IN BRINGING OFFENDERS TO JUSTICE (BRITISH CRIME SURVEY)	
CJS Area Baseline 2002-03	Most Recent CJS Area Figures In 2004-05
44%	48%



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