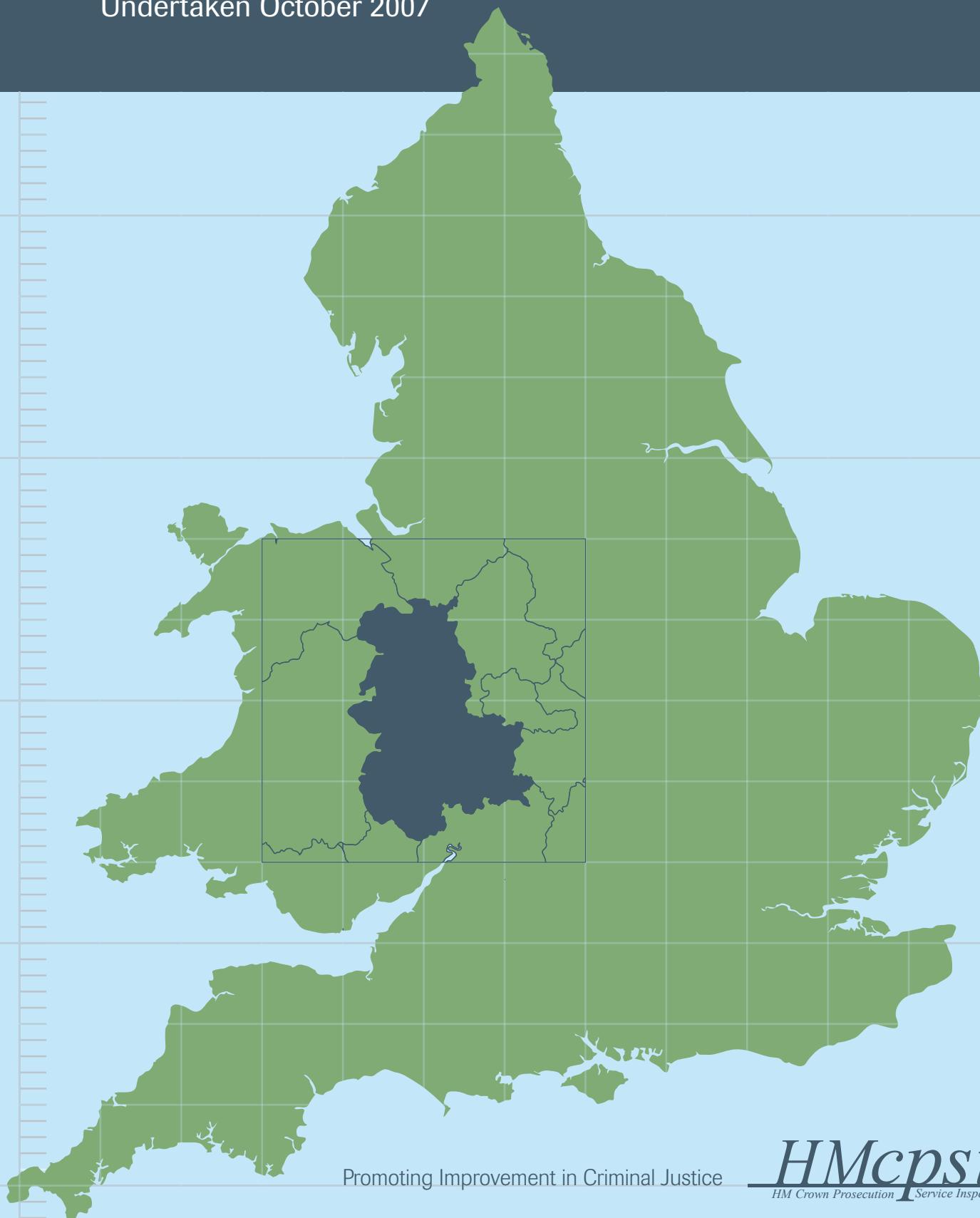


CPS West Mercia

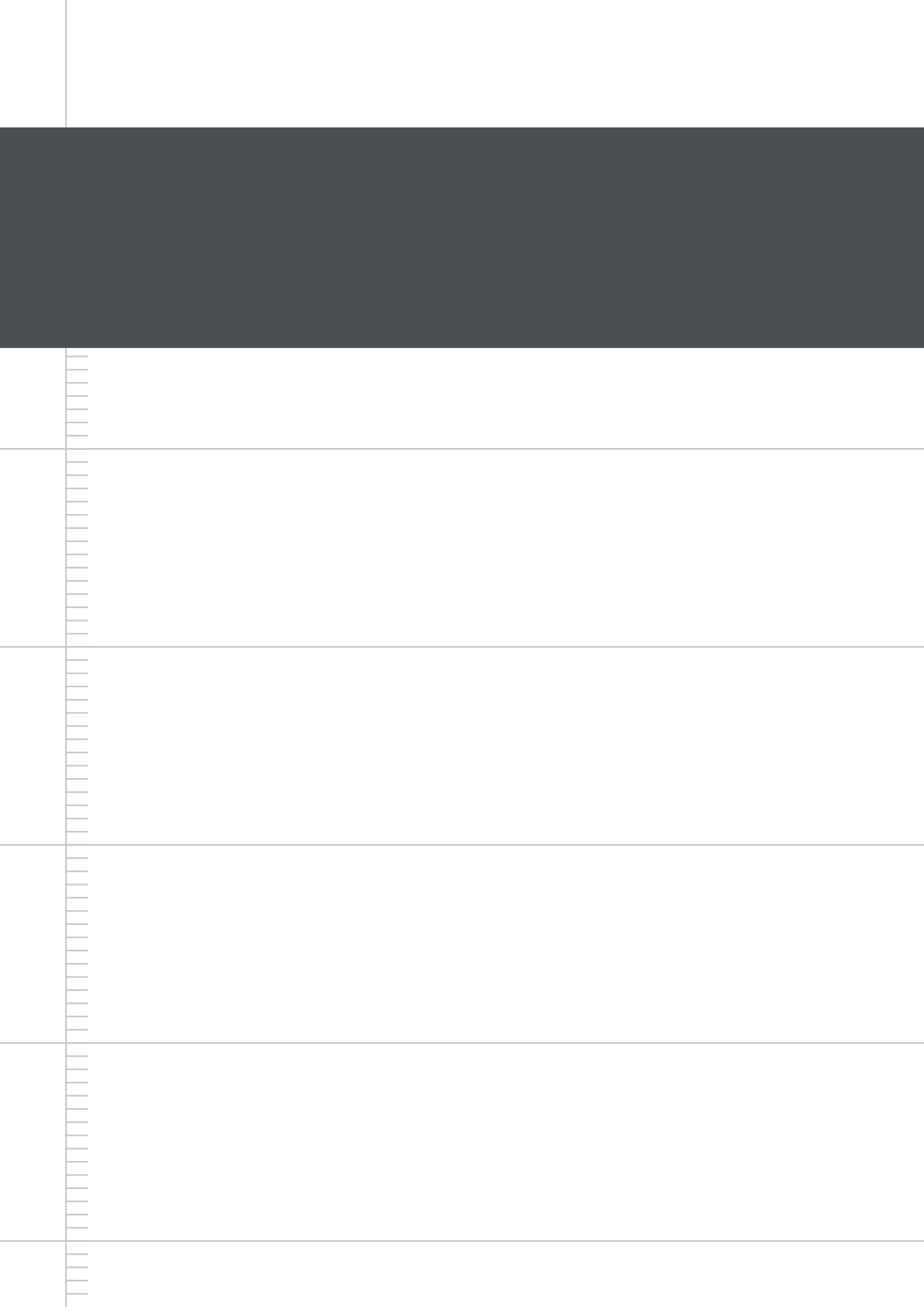
# Overall Performance Assessment

Undertaken October 2007



Promoting Improvement in Criminal Justice

*HMcp*si**  
HM Crown Prosecution Service Inspectorate



CPS West Mercia

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## ABBREVIATIONS

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

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

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## **A INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS**

This report is the outcome of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPPI) overall assessment of the performance of the Crown Prosecution Service (CPS) in West Mercia 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 6 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 West Mercia serves the area covered by the West Mercia Constabulary. It has two offices, at Droitwich and Shrewsbury. In addition there is a sub-office based at Hereford Police Station. The Area Headquarters (Secretariat) is based at the Droitwich office.

Business is divided on geographical lines, with three combined units (Hereford and Worcester, Kidderminster and Redditch, and Shropshire) handling magistrates' courts and Crown Court cases.

During the year 2006-07 the Area had an average of 124.9 full-time equivalent staff in post, and a budget of £5,861,551. This represents an 11.9% increase in staff, and a 21.1% 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 work<sup>1</sup>

2004-05		2006-07	
Written advice	1,287	Decisions resulting in a charge	5,875
Pre-charge advice (where available)	8,831	Decisions not resulting in a charge <sup>2</sup>	6,230

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	24,634	23,229	-5.7%
Other proceedings	214	61	-71.5%
<b>Total magistrates' courts proceedings</b>	<b>24,848</b>	<b>23,290</b>	<b>-6.3%</b>

### Crown Court proceedings

(including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Cases sent or committed to the Crown Court for determination	1,538	1,688	+9.8%
Committals for sentence <sup>3</sup>	250	377	+50.8%
Appeals from the magistrates' courts <sup>3</sup>	271	269	-0.7%
<b>Total Crown Court proceedings</b>	<b>2,059</b>	<b>2,334</b>	<b>+13.4%</b>

In 2006-07, 49.6% 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**

CPS West Mercia is a large geographical area comprising the counties of Herefordshire, Shropshire and Worcestershire, and the offices at Droitwich, Shrewsbury and the sub-office at Hereford are a considerable distance from each other. In 2006-07 the Area restructured into three combined units and had a temporary Chief Crown Prosecutor for the latter part of the year. It also conducted a review of the viability of the Hereford sub-office.

### **Summary**

The Area put considerable effort into improving casework performance in 2006-07 strengthening its capacity to deliver change effectively and developing leadership qualities at all levels. The success of this is reflected in the findings from this OPA. There is now much closer working with criminal justice partners on major projects, and issues identified in the last OPA about the delivery of key training have been addressed.

The focus on improving leadership has addressed issues arising out of the staff survey and this is reflected in the very positive Investors in People re-recognition report, which concluded that West Mercia has demonstrated incisive leadership and the strategies used have brought about a culture of performance improvement.

Overall casework performance improved, although in some aspects still fell short of that found nationally.

The proportion of successful outcomes in the magistrates' courts improved from 82.8% in 2005-06 to 84.2% in 2006-07 and continues to improve in 2007-08. There were a number of committals discharged because the prosecution was not ready, with none being reinstated, although the position has improved in 2007-08. Whilst there was a decline in Crown Court performance, with successful outcomes reducing from 82.8% to 79.3%, performance remained above the national average. As with magistrates' courts outcomes there has been an improvement in early 2007-08.

Other aspects of performance improvement include a continual reduction in the time taken to process persistent young offenders. Although the criminal justice area just failed to meet the 71 day target in 2006, by mid-2007 it was achieving an average of 61 days.

Ineffective trial rates in the magistrates' courts and the Crown Court are both better than found nationally. Generally cases are prepared and progressed effectively, although the timeliness of trials at some magistrates' courts centres is impacting adversely on overall performance.

The criminal justice area also met comfortably its target for bringing offences to justice, bringing 28,678 against a target of 27,257. The proportion of convictions that support the target was 49.6% which was higher than the national average (48.8%). However, the overall sound performance is not reflected in the level of confiscation of defendants' assets, with only £412,058 seized against a target of £1,749,989. The Area has worked hard to drive up awareness of the relevant issues, but it appears unlikely that the 2007-08 target will be met.



By the end of the year four of the six expected benefits of the pre-charge decision initiative were being met, although there was some way to go before the target for discontinuance of magistrates' courts cases was achieved. Performance continued to improve in 2007-08, with five of the six expected benefits met by the end of the second quarter. Other issues, such as police 'gatekeeping' arrangements and Prosecution Team Performance Management meetings (including the reliability of data) were addressed, although some of these benefits had not been realised fully by the end of the year. In particular there was a need to reduce the proportion of cases where prosecutors advised that there should be no further action.

Area champions have a proactive approach to their roles and responsibilities, which is reflected in the significant work done by them in respect of a number of aspects, including quality assurance on the disclosure of unused material, analysis of sensitive cases and hate crimes, and the delivery of training. The impact of this work is reflected in an improvement in the level of successful outcomes in hate crimes from 56.5% in 2005-06 to 66.0% in 2006-07, although this was slightly worse than the national average of 67.2%. However performance in the first quarter of 2007-08 improved further to 70.5%. It is also reflected in an improvement in the level of compliance with the prosecution's duty of disclosure; although decision-making audit trails need to be improved.

There were two custody time limit breaches in 2006-07, since when management checks have been strengthened. This was reflected in our checks which indicated all necessary actions and calculations were correct.

The management of resources and performance improved in 2006-07, in particular Higher Court Advocate savings, which continue to improve in 2007-08. Whilst overall the management of performance improved, the Casework Quality Assurance scheme was not applied sufficiently robustly.

### **Direction of travel**

Since the last OPA performance has improved in nine aspects and remained stable in four. These findings reflect the positive impact of the focus on casework performance improvement, delivering change and leadership in 2006-07. Performance in most aspects was continuing to improve in 2007-08, indicating that the Area should be able to sustain the advances it has made.

In the light of our findings, West Mercia's overall performance is **Good**.

<b>OVERALL ASSESSMENT</b>		<b>GOOD</b>		
<b>Critical aspects</b>	<b>Assessment level</b>			
	<b>OPA 2005</b>	<b>OPA 2007</b>	<b>Direction of travel</b>	
Pre-charge decision-making	Fair	<b>Good</b>	<b>Improved</b>	
Ensuring successful outcomes in the magistrates' courts	Fair	<b>Fair</b>	<b>Improved<sup>4</sup></b>	
Ensuring successful outcomes in the Crown Court	Good	<b>Good</b>	<b>Stable</b>	
The service to victims and witnesses	Fair	<b>Fair</b>	<b>Stable</b>	
Leadership	Fair	<b>Good</b>	<b>Improved</b>	
<b>Overall critical assessment level</b>		<b>Good</b>		
Progressing cases at court	Fair	<b>Fair</b>	<b>Stable</b>	
Sensitive cases and hate crime	Fair	<b>Good</b>	<b>Improved</b>	
Disclosure	Fair	<b>Good</b>	<b>Improved</b>	
Custody time limits	Fair	<b>Fair</b>	<b>Improved<sup>4</sup></b>	
Delivering change	Fair	<b>Good</b>	<b>Improved</b>	
Managing resources	Fair	<b>Good</b>	<b>Improved</b>	
Managing performance to improve	Fair	<b>Fair</b>	<b>Improved<sup>4</sup></b>	
Securing community confidence	Fair	<b>Fair</b>	<b>Stable</b>	
<b>OVERALL ASSESSMENT</b>	Fair	<b>GOOD</b>		

<sup>4</sup> Although the assessment of this aspect remains unchanged there has been significant improvement within the range of performance covered by the band.

## D DEFINING ASPECTS

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

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

- The Area provides pre-charge decisions (PCDs) between 9am-5pm at each of the six charging centres. Due to the number of outlying police stations it has made specific arrangements to reduce police abstraction, for example by setting aside specific times to provide telephone advice. There are appropriate arrangements to provide cover during lunchtime periods, by the use of a duty lawyer at the Droitwich CPS office.
- In 2006-07 CPS West Mercia provided face-to-face advice in 74.1% of cases, which is much better than the national average (63.5%). Actual performance may have been better, as in the early part of 2006-07 there were a high proportion of cases where the last method of consultation was not recorded, caused by prosecutors failing indicate the method of consultation on the case management system (CMS). However changes to CMS should now prevent this from happening. Our file checks indicated that face-to-face advice was provided in all but one of the relevant cases.
- Serious and complex cases, or those where the consultation is likely to last more than 45 minutes, are usually dealt with from the Area office at Droitwich. As at the charging centres, consultation is usually face-to-face. Where necessary prosecutors at charging centres can contact a CPS champion or specialist, and will always do so if the allegation is of rape. Appropriate cases are dealt with by the Area's two Special Casework Lawyers.
- Officers do seek early advice and charge authorisation, although there are a few of the latter which bypass the scheme. Prosecutors are alert to these cases and refer them to District Crown Prosecutors (DCPs). These cases are then referred to the police Justice Support Unit to be taken up with the relevant officer.
- Police gatekeeping arrangements are now in place at all charging centres, although the position was only regularised in 2007. In 2006-07 over 50% of PCD cases resulted in the prosecutor advising that there should be no further action (NFA), although there were significant variations across West Mercia. This indicates that there were a substantial number of cases where there was an inappropriate request for advice, and the position should now improve with the Area-wide implementation of police gatekeepers.
- There are appropriate processes to manage the referral of cases where there is a disagreement between the police and the charging lawyer. These are few in number, and those we examined were dealt with effectively by the DCPs. None have been escalated to the Chief Crown Prosecutor (CCP).

- Police compliance with PCDs is actively managed and the CPS has prioritised the management of inactive cases. The position improved considerably during 2006-07 following the introduction by the police of the NSPIS case management system which assisted in ensuring that the correct unique reference number was used in each case. Our checks confirmed that overall the cases were well managed, although we noted that a few persistent young offenders were on the inactive case lists when the PCD was that they should be charged. These lists are provided weekly to District Business Managers and police gatekeepers.
- Our file checks indicated that the gender and ethnicity of defendants was being recorded on the MG3 (the form used to record pre-charge advice and decisions). However, we noted that in some cases where the PCD had been made by CPS Direct the MG3 was not being inputted onto CMS, although a paper copy was on the file. The Area has now taken steps to address this issue.
- West Mercia has some contact with CPS Direct, primarily when raising issues over cases which the Area has subsequently had to discontinue. The regularity of liaison arrangements could be strengthened.
- In 2006-07 conditional cautioning was operating at one charging centre, although the police considered the process cumbersome. It will be rolled-out in the rest of the Area in parallel with the implementation of the Criminal Justice: Simple, Speedy, Summary (CJSSS) initiative. In the light of the findings from the first charging centre the processes have been reviewed and streamlined.

**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**

- Prosecutors cannot provide statutory charging advice until they have completed the Proactive Prosecutor Programme training and, after monitoring, their performance is considered satisfactory. Compliance with the Code for Crown Prosecutors and national and local policy is assessed primarily through the Casework Quality Assurance (CQA) scheme, supplemented by separate arrangements for specific analysis of discontinued cases. We comment later on some limitations to the Area's operation of the CQA scheme, but this part is sound. Our file checks indicated a sound level of decision-making, although in one discontinued case the prosecutor should have been more alert at the PCD stage to the possible unreliability of the complainant. In another case a significant charge was only added to the indictment at a comparatively late stage, although the evidential basis for the count was apparent when the PCD was made.
- Our file checks indicated that prosecutors are considering most appropriate issues at the pre-charge stage, although the possibility of using bad character evidence could be considered more thoroughly. The one case where there was a possibility of the restraint and confiscation of assets was identified correctly. The Area has put a particular emphasis on ensuring that victim and witness issues, including the possible use of special measures, are addressed at the PCD stage.
- DCP consent is required before any PCD case can be discontinued and this requirement is rigorously enforced. The analysis of discontinued PCD cases in each unit is rigorous and highlights where improvements can be made. DCPs also consider the quality of action plans and take remedial action where necessary, for example an issue was identified in respect of the lack of action plans in 'threshold' cases.

- All cases where the PCD is that there should be a conditional caution are reviewed by DCPs. The Area has conducted a specific review of cases where the PCD is that there should be NFA, although there is no regular monitoring. This review indicated that there were a number of cases involving more than one defendant where the PCD was that some should be prosecuted but that there should be NFA in respect of others. This indicates that the gatekeeping arrangements were operating effectively and that generally inappropriate cases were not being submitted for a PCD.

### 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%	18.5%	17.0%	11.0%	13.1%	12.5%	13.4%
Guilty plea rate	52.0%	69.2%	64.5%	65.5%	68.0%	66.5%	71.7%	68.2%
Attrition rate	31.0%	22.0%	26.7%	24.5%	23.0%	22.2%	19.4%	21.2%

- In 2006-07 four of the six expected benefits were achieved. The discontinuance rate for PCD cases in the magistrates' courts and Crown Court failed to meet the national target and both were worse than the national average. Overall, outcomes in respect of magistrates' courts PCD cases improved year-on-year, but deteriorated in the Crown Court. However performance in 2007-08 improved across all of the expected benefits and, at the time of our OPA, all of those benefits were being met with the exception of the discontinuance rate in the magistrates' courts.
- Some performance data was inaccurate in the first half of 2006-07, as a result of the inconsistent use of unique reference numbers. This was resolved with the introduction by the police of a new case management system, since which time more accurate data based on police Basic Command Units has been produced. Area managers analyse all aspects of the relevant data with the exception of sanction detection rates. The analysis of discontinuance rates is particularly thorough.
- Arrangements for Prosecution Team Performance Management (PTPM) developed throughout 2006-07 and are now effective at an Area and unit level. Relevant issues are highlighted in the quarterly performance reviews held by the CCP with the DCPs. PTPM performance data packs are now thorough and CPS staff have trained their police counterparts in the analysis of the reports.
- The reports are discussed in detail by the PTPM analytical team, which includes representatives of the CPS, police and the Local Criminal Justice Board (LCJB). Their analysis indicates that some cases are incorrectly finalised and this was confirmed by our 'reality' checks. Findings from the data are discussed at Local Implementation and Delivery Team (LIDT) meetings. As the LIDTs develop the Area proposed to change the function of the analytical team to one of data assurance only.
- Guidance on the necessary action to take to improve performance is disseminated by the CCP through the Area newsletter and reinforced at team meetings.

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

**2A Successful outcomes are increasing**

<b>Case outcomes in the magistrates' courts</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Discontinuance and bindovers	10.8%	11.4%
No case to answer	0.2%	0.3%
Dismissed after trial	1.9%	2.1%
Discharged committals	0.2%	0.2%
Warrants	2.6%	1.8%
Overall conviction rate	84.3%	84.2%

- The proportion of successful outcomes improved to 84.2% in 2006-07, compared to 82.8% in 2005-06, although the proportion of cases discontinued, acquitted after trial or dismissed on a submission of no case to answer were all less satisfactory than found nationally. Performance improved in the first quarter of 2007-08, although it remained below the national average.
- There were 54 discharged committals recorded in 2006-07, which accounted for 3.7% of all committals listed, but there was an element of double counting due to some of these cases being finalised on CMS, reopened and then finalised again. The Area calculates that the true number was 39, none of which were reinstated. Performance needs to improve, as many CPS Areas have significantly fewer discharged committals and some none at all. Processes for recording these cases accurately have now been strengthened, but work still needs to be done to ensure the timely preparation of committals. The Area identified an issue with the timeliness of file preparation by the police trials unit at Droitwich. That unit has now been disbanded and early indications are that there have been fewer discharged committals in 2007-08 (five to the end of July 2007, which were all in one unit).
- Overall, the service of committal papers on the defence was timely in only 48.5% of cases compared with 71.5% nationally.
- Discharged committals are monitored by DCPs and a log kept of all such cases. This indicates that in some cases the decision not to reinstate was taken as a result of applying correctly either the Code for Crown Prosecutors' evidential or public interest tests, but in a number the file was never resubmitted by the police.

- Our examination of the relevant adverse case reports indicates that nothing more could have been done to prevent those cases where the outcome was that there was no case to answer.
- The proportion of cases discontinued improved from 13.0% in 2005-06 to 11.4% in 2006-07, although remains less satisfactory than the national average. DCP authority is required before a case can be discontinued and they undertake a detailed analysis of discontinued PCD cases, which also include any learning points. Other discontinued cases are also seen by the DCPs and their checks indicate that motoring offences make up a high proportion of discontinued non-PCD cases. Our file checks indicated that cases are being discontinued appropriately, although in one the prosecutor at the PCD stage should have been more alert to the issues surrounding the reliability of the victim, and another should have been discontinued at an earlier stage.
- The Area undertakes a thorough analysis of all unsuccessful outcomes except those where there is an acquittal after trial and there is discussion of individual cases at PTPM meetings.
- West Mercia criminal justice area exceeded its 2006-07 target for offences brought to justice, bringing 28,678 against a target of 27,257. The target is a shared one with criminal justice partners. The CPS contribution comes through managing cases to keep unsuccessful outcomes low and, whilst the level of discontinued cases needs to reduce further, the proportion of convictions that support the target was 49.6% which was higher than the national average (48.8%).
- In 2006 the average processing time for persistent young offenders (PYOs) was 75 days against the national target of 71 days, compared with 85 in 2005. Unlike many criminal justice areas performance improved in 2006 and continued to improve in 2007. For the rolling quarter to July 2007 the average processing period was 61 days which exceeded the target. During 2006-07 the processes for managing PYO cases were strengthened with the setting up of an inter-agency performance group, and PYO issues appear prominently in team minutes. Specific issues, for example a high notional arrest to charge figure and the inappropriate use of the summons procedure, were addressed successfully.
- The overall timeliness of youth cases is variable. Whilst the timeliness of trials is consistently better than that found nationally, overall throughout 2006-07 it was worse than found nationally. Some parts of West Mercia have regular meetings at which the progression of all youth cases is addressed, although in others this is less consistent.
- The Area newsletter and team meetings are used to promulgate lessons learnt and individual staff receive detailed feedback on their cases through CQA. Findings from the analysis of unsuccessful outcomes are also shared at team meetings.

## 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
Effective trial rate	43.8%	46.0%
Cracked trial rate	37.3%	37.6%
Ineffective trial rate	18.9%	16.3%
Vacated trial rate	22.5%	19.9%

- Issues relating to the quality of police files are dealt with by the LIDTs, with specific cases drawn to the attention of supervising officers. Notices at charging centres and CPS offices set out the requirements of the Manual of Guidance.
- DCPs use the CQA process, adverse case monitoring and an examination of individual prosecutor's task lists on CMS to assure themselves that there is timely and appropriate initial and continuing review, file endorsement and case preparation. Specific guidance has been given to staff on how tasks should be managed. However the receipt of some files is not timely, which affects adversely the ability of the prosecutor to review them effectively before the first hearing, and the inadequate quality of file endorsements has been raised by administrative staff. The Area representative on the CJSSS implementation team has agreed timeliness and quality targets for cases dealt with under the initiative.
- Our file checks indicated that cases are not always ready for the pre-trial review because of a delay in submitting witness availability. Other actions, such as the disclosure of unused material and the service of statements on the defence were carried out, and on each file the prosecutor had completed a summary trial preparation form. Overall we found that prosecutors and case progression officers (CPOs) were proactive in dealing with issues and correspondence handling was timely.
- Each unit has a CPO and they work with their counterparts in the other criminal justice agencies to ensure that necessary actions are taken. They are also alert to the impact of witness difficulties and this has helped to expedite applications to vacate trials and reduce the proportion of ineffective trials. The reasons for applications to vacate are set out on standard forms and our checks confirmed these were being completed accurately. Trial readiness certificates are used to indicate that all necessary actions have been taken. Our checks indicated that these were being sent to the court and that CPOs took the necessary action to ensure the certificates were sent in on time.
- The CJSSS initiative has been in place at Hereford Magistrates' Court since August 2007 and was well planned, although the Area needs to ensure that all prosecutors are familiar with the processes. Whilst it is too early to assess the full impact, initial analysis by the Area indicates that performance improvements have arisen. The initiative will be rolled-out across the rest of West Mercia by the end of November 2007.



- The effective trial rate improved considerably to 46.0% in 2006-07 compared with 38.8% in 2005-06 and is better than the national average. Similarly, the ineffective trial rate improved from 24.1% to 16.3%, again better than found nationally. The cracked and vacated trial rates declined, although both are still better than the national average. However the proportion of cracked and ineffective trials due to the prosecution are both worse than the national figures. The non-availability of police witnesses is a particular issue. The CPS has worked with the police to address this issue and enhanced information is now provided about when an officer's shifts can be changed to facilitate their attendance at court.
- When possible the Area produces detailed performance information by unit on the reasons for cracked and ineffective trials, which is discussed at inter-agency case management meetings. At the time of our assessment (October 2007) the Area had not received consistent cracked and ineffective trial data from HM Courts Service for some months, which affected managers' ability to carry out effective analyses. Prosecutors, including agents, need to involve themselves in agreeing the correct reason why trials crack or are ineffective to assure the accuracy of the data. Headline aspects are discussed at Area Management Team (AMT) meetings, and Unit Heads have to account for performance at quarterly review meetings.
- Relevant aspects of case progression and the reasons for cracked and ineffective trials are discussed at team meetings.
- The proportion of magistrates' courts cases reviewed on CMS is improving, although our reality checks indicated that the quality of some could be better. Additionally, there was significant variation between the units on the number of outstanding full file reviews. The proportion of cases finalised on CMS within one day of the hearing was 34.2% in 2006-07 and the hearing outcome was recorded within one day in 39.6%. There was little change in performance throughout the year, although the Area was proactive in managing performance, with monthly stock-take reports. However performance has improved considerably and consistently in 2007-08 and in August 2007, 77.8% of hearing outcomes were being recorded within one day, and 77.0% finalised within a day.

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

### 3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals	13.1%	13.1%
Judge directed acquittals	1.4%	1.5%
Acquittals after trial	6.5%	4.8%
Warrants	1.3%	1.3%
Overall conviction rate	77.7%	79.3%

- The proportion of successful outcomes deteriorated in 2006-07 to 79.3% compared to 82.8% in 2005-06, although it still remains better than the national average. Performance improved in the first quarter of 2007-08.
- The level of judge ordered acquittals (JOAs) and judge directed acquittals (JDAs) in 2006-07 was close to the national average, although the proportion of cases where there was a JOA deteriorated from 2005-06. Conversely the proportion of JDAs improved. Our checks and Area analysis indicated that no more could have been done to prevent them.
- DCP consent is required before a Crown Court case can be discontinued. DCPs analyse the reasons for JDAs and JOAs but, as in the magistrates' courts, not acquittals after trial. The level of detail provided on some adverse case reports needs to improve. In one file in our reality check, counsel was asked whether the case should proceed. The allocated prosecutor should have first considered the issue and set out their view before seeking the opinion of counsel.
- Performance trends in respect of unsuccessful outcomes are discussed at inter-agency meetings involving both the police and Courts Service. In discussions with the police there is some analysis of individual cases and lessons to learn.
- The Area did not meet either of its Proceeds of Crime Act (POCA) targets in 2006-07. Against a target of 91 confiscation orders it obtained only 30; similarly against the monetary target of £1,749,989 only £412,058 was achieved. The LCJB was critical of the way the targets had been set, considering that they did not reflect potential performance accurately. The monetary target for 2007-08 is very similar (although the method of calculation was different), and again it appears unlikely that it will be met.
- Team meeting minutes indicate that POCA issues have a high profile with staff reminded of their responsibilities, including notifying the police Financial Investigation Unit of any potential POCA cases, and additional guidance has been disseminated by the Area champion. The one case in

our reality check which raised POCA issues was flagged correctly. Training has also been provided by the Regional Asset Recovery Team.

- The CPS West Midlands enforcement unit handles issues relating to orders made in West Mercia.
- There is good discussion of a wide range of issues at team meetings, including Crown Court casework performance.

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

<b>Trial rates</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Effective trial rate	48.2%	45.5%
Cracked trial rate	39.5%	43.5%
Ineffective trial rate	12.4%	11.0%

- DCPs allocate committal files to prosecutors and caseworkers. Systems for committal preparation vary; in two units they are prepared by prosecutors and in the other by caseworkers. The Area is providing training with a view to increasing caseworker involvement in committal preparation. The quality of review and case preparation is assessed through CQA and the operation of this aspect of the scheme is robust. Feedback is provided on each case assessed, including learning points, although the level of detail provided differs between the units.
- Caseworkers progress their allocated cases and issue certificates of trial readiness in conjunction with the allocated prosecutor. Additionally, the Crown Court casework managers have regular meetings with the Crown Court case progression officers and Witness Care Unit managers. Our file checks indicated that caseworkers and prosecutors were proactive in addressing casework issues, although in one there was a delay in dealing with correspondence.
- There is a high level of awareness of the need to progress youth cases quickly and the local judiciary are proactive in prioritising these cases.
- The ineffective trial rate is better than the national average. However, the proportions of cracked and ineffective trials due to the prosecution are both worse than the national average. The non-attendance of prosecution witnesses impacts adversely on the proportion of ineffective trials due to the prosecution.
- Detailed monthly data is produced for each unit on the proportion of cracked and ineffective trials and the reasons for the outcome. These are analysed by DCPs to determine whether there are any specific trends or issues.
- Lessons learnt are discussed at team meetings, together with high level performance.
- There is a good awareness of performance issues relating to the use of CMS to carry out reviews, recording outcome and other tasks. In 2006-07, 81.6% of full file reviews were carried out on CMS, but performance is improving considerably, with 97.3% compliance in August 2007. Most reviews are detailed and contain an analysis of issues and some are of a high standard.

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

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

- Designated caseworkers (DCWs) are involved in the allocation of first hearing cases to court rooms which assists in the effective throughput of business. However, progress at other hearings needs to be improved. The service of committal papers on the defence was timely in only 48.5% of cases compared with 71.5% nationally. Our file checks also indicated that in some cases there were multiple pre-trial review hearings, occasioned by a delay in the provision of witness availability. The Area also has a number of committals discharged because the prosecution is not ready. In one Crown Court case in our file checks there was a delay in notifying the police of evidential difficulties, which contributed to the committal being adjourned.
- In two of the units court packs are provided to prosecutors which contain necessary documentation and guidance. These are regularly reviewed and revised and are better than seen elsewhere. There is also a separate package for agents, although they do not receive any induction training.
- The timeliness of instructions to counsel in 2006-07 was worse than the national average with only 58.5% timely compared with 78.7%. The Area recognises this performance was as a consequence of having to instruct independent counsel at a late stage when the case could not be dealt with by an in-house advocate. DCPs now decide at the time of allocation whether the case should be dealt with by a Higher Court Advocate (HCA). In those cases where independent counsel is to have the conduct of the case they are instructed before the plea and case management hearing, which should improve timeliness.
- The quality of instructions to counsel are acceptable, with one case in our file checks containing a detailed analysis. The acceptability of pleas was addressed in all the relevant cases.
- In complex magistrates' courts cases there is an expectation that the prosecutor who makes the pre-charge decision will conduct any contested hearing. Our checks indicated that prosecutors were nominating themselves to undertake these cases and District Business Managers ensure nominated trial prosecutors are allocated to the correct court. The Area also tries to ensure continuity of court coverage, to reduce preparation time and enhance the consistency of decision-making. However prosecutors do have to prepare cases out of office hours. The use of agents in the magistrates' courts is reducing year-on-year, but the Area needs to ensure that those instructed have sufficient expertise and prepare their cases thoroughly.
- CPS managers conduct checks on the timeliness of staff attendance at court. Where there has been negative feedback from other agencies this has been addressed by managers. In addition staff have had difficulty accessing one magistrates' court sufficiently early to undertake appropriate liaison before court starts.
- Our file checks indicated that prosecutors are proactive in contributing to case progression and court orders were complied with in a timely manner in all but one of the cases.

- The magistrates' courts have a formal listing policy which was drawn up in consultation with the CPS, although this needs reviewing to ensure it accords with the arrangements for the CJSSS initiative. Prosecutors have access to CPS IT systems at most court centres which assists in the provision of urgent material. There is also an effective system for providing prosecutors with the relevant information when a defendant is arrested on warrant. Prosecutor agreement is required for the transfer of cases between court rooms.
- The timeliness of cases needs to be improved, particularly in respect of adult trials. West Mercia performed worse than the national average in each quarter of 2006-07 and the timeliness of adult trials was significantly worse, although better for youth trials. With the implementation of CJSSS the Area is undertaking a review of all outstanding trials to ensure that they are still viable, and backlogs at one court centre in particular have been addressed through extra court sessions. This has resulted in the lead-in time for trials reducing from approximately six months to six weeks.
- The number of wasted costs orders reduced from seven in 2005-06, totalling £8,348, to four in 2006-07 totalling £1,500. The Area keeps detailed records of each case in which an order is made and the prosecutor at court produces a full report.

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

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

- The management of the identification and flagging of sensitive cases, to enable them to be easily recognised as needing special attention, is sound. Our file checks indicated that all cases were appropriately flagged in all the relevant categories. The Area undertakes regular checks and takes appropriate remedial action, for example it identified that some cases involving allegations of domestic violence in which there was an early guilty plea were not being flagged. The Rape Champion has also conducted an audit of cases to ensure they are flagged correctly.
- The Area uses a variety of mechanisms for satisfying itself that sensitive cases are being appropriately reviewed, handled and endorsed. These include CQA, analysis of adverse case reports and specific analysis of certain categories of case, including those involving allegations of rape and domestic violence. There is also a Hate Crime Group, led by one of the Special Casework Lawyers, comprising CPS and police representatives. It meets monthly and discusses a specific topic at each meeting.
- The Area has effective champions who have specific terms of reference, which include undertaking specific training and case analysis. They have delivered training on a number of aspects including the use of special measures and domestic violence. There are appropriate mechanisms for referring cases to champions and specialists. Youth specialists undertake all prosecutions in the Youth Courts.
- The Domestic Violence Champion worked with the Domestic Violence Forum to establish a Specialist Domestic Violence Court (SDVC) in Worcester prior to central funding being agreed. These courts have now been established in most magistrates' courts centres. The CPS was part of the SDVC steering group which included domestic violence co-ordinators, Safer Community Team members, Victim Support and the police.
- There are effective processes to ensure cases are dealt with by suitably experienced prosecutors, in particular those involving allegations of rape and fatalities arising out of road traffic incidents.
- The Area Communications Officer has been involved in the handling of cases of local concern and those with a high profile. Whilst the Area is satisfied that the CCP is notified of all such cases, there would be greater assurance if there were specific guidelines.
- Champions are alert to the need to ensure Area practice is consistent with CPS policies and HMCPSI thematic reviews. Staff were given specific briefings following the publication of the rape thematic review and an action plan was drawn up, which is actively managed.

<sup>5</sup> For the avoidance of doubt all references in this aspect to sensitive cases includes all those involving hate crime (disability hate crime, domestic violence, homophobic, racist and religious crime) child abuse/child witnesses, rape, fatal road traffic offences and anti-social behaviour orders (ASBOs).

- The hate crime co-ordinator undertakes an analysis of hate crimes and performance data by unit is produced. This data is also considered by the Area Hate Crime Group and shared with the police. Specific hate crime topics are considered at the monthly group meetings, including an analysis of relevant finalised files. Lessons to be learnt are then disseminated to prosecutors and the police. The minutes of these meetings indicate that this is a very effective forum. Issues are addressed at team meetings and there has been specific work to improve performance in respect of homophobic crimes, following an analysis of outcomes by the Hate Crime Group.
- The overall proportion of successful outcomes for sensitive cases and hate crimes is improving year-on-year from 56.5% in 2005-06 to 66.0% in 2006-07, although this was slightly worse than the national average of 67.2%. Performance in the first quarter of 2007-08 improved further to 70.5%, which was better than found nationally.
- The proportion of successful outcomes in cases involving allegations of domestic violence improved throughout 2006-07 and the first quarter of 2007-08, and is now better than the national average. The level of discontinuance of domestic violence cases is similar to that found nationally (24.7% compared to 24.4%).
- Whilst the proportion of successful outcomes in racially and religiously aggravated cases also improved, West Mercia's performance was significantly worse than found nationally, although it continued to improve in 2007. Fewer cases involving homophobic crimes were successfully prosecuted in 2006-07 compared with 2005-06, although the numbers involved were small (17).
- The attrition rate in rape cases in 2006-07 was 36.3% compared to 44.1% nationally, with all cases flagged correctly in the last quarter of 2006-07.
- There are meetings with the relevant police units to discuss children safeguarding issues, including the need to ensure that all relevant background information is provided. There is a need, however, to strengthen Area links with the Local Children Safeguarding Boards.

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

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

- Performance in respect of compliance with the provisions of the Criminal Procedure and Investigations Act 1996 (as amended by the Criminal Justice Act 2003) has improved significantly since our last OPA when we found that a significant proportion of our file sample showed deficiencies in the handling of disclosure. Our reality checks for this OPA indicated that initial disclosure was dealt with correctly in each of the magistrates' and Crown Court cases. Continuing disclosure was also dealt with correctly in every relevant case, although was not timely in one. These findings are broadly consistent with those found in our examination of Area files during HMCPSI's recent thematic review of the disclosure of unused material. Non-sensitive material schedules were endorsed correctly in each case and it was apparent that the prosecutor had considered individually each item listed. Sensitive material schedules were similarly endorsed by the prosecutor, save for some of those submitted with no items listed.
- Disclosure material and related correspondence is kept separate from the main file and we found general compliance with this requirement.
- Contrary to national guidance a Disclosure Record Sheet is not used - there is a log in each file on which key dates should be recorded and initialled. We found that on some files these were only partially completed, making it difficult to determine when key actions took place. The Area intends to review its approach to record keeping following publication of the findings of the thematic review.
- The CPS has worked closely with the judiciary to ensure compliance with the Crown Court protocol on the handling of unused material and our reality checks reflected compliance, with inadequate defence statements being challenged at the plea and case management hearing stage.
- The Area champion undertakes regular and detailed reviews of the handling of disclosure of unused material. These reviews are robust and involve an analysis of files, with findings circulated to managers and learning points identified clearly. Overall, these reviews provided the Area with a higher level of assurance on this aspect of casework than would have been provided by use of CQA. Use of CQA to assess the handling of unused material was reinstated in the latter part of 2006-07 and now runs in parallel with the specific review programme. Early CQA returns indicate that managers are robust in their assessments.
- There are appropriate systems for the storage of sensitive material and associated schedules.
- There is an effective Disclosure Champion who, in addition to the quality assurance reviews, provides a quarterly progress report on the Area strategy to improve performance. They also drafted a disclosure aide-memoir for prosecutors which was included in the Area newsletter. Our limited checks indicated that this is displayed prominently.



- The champion provided disclosure training to prosecutors in 2006-07 and all appropriate staff were required to do the CPS Prosecution College e-learning disclosure module. In 2007-08 advanced disclosure training is planned.
- The Area has strived to get involved in training the police on disclosure, although this has not been as successful as it would have wished. However, there are positive indications that the offer to deliver training will be taken up in 2007-08.
- A number of positive steps have been taken to improve disclosure performance since the last OPA, in particular the work done by the champion. There is also an Area-wide strategy on the disclosure of unused material which is reviewed regularly, with reports provided to the AMT. These actions and our findings demonstrate that performance has improved since the last OPA.

<b>7 CUSTODY TIME LIMITS</b>	OPA 2005	OPA 2007	Direction of travel
	Fair	<b>Fair</b>	<b>Improved</b>

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

- The custody time limit (CTL) system was reviewed and revised at the end of 2006-07 in the light of the failures mentioned below. This system complies with CPS guidance. There has been some quality assurance of the operation of the revised guidelines through peer review, but these need to be completed in two of the three units.
- A CTL Champion has been appointed and management checks have been strengthened since the last OPA. Further training for prosecutors and caseworkers is planned for 2007-08.
- There were two CTL failures in 2006-07, both of which were reported promptly and in detail to CPS Headquarters. The first breach arose from poor file endorsements and a failure to take prompt action once the error was identified. The other from a failure to undertake the necessary management checks. Following the breaches the Area strengthened its management checks and our examination of the relevant diaries indicated that these are now complied with fully. Senior unit managers assure themselves on a weekly basis that the necessary actions have been undertaken.
- On each file we checked the date the defendant entered custody, the custody time limits and review dates were endorsed correctly and shown clearly on the file. Prosecutors were also alert to when the CTL expiry date changed, for example when the defendant consented to summary trial on an either way offence. In one case involving very serious allegations there were a number of applications to extend the CTLs. These were all dealt with correctly and the chronologies were well drafted.
- The Area does not work with the magistrates' courts to ensure CTLs are correctly calculated and monitored. The position is better in the Crown Court and there is a good awareness of the need to try and fix trials before the expiry of the CTLs.
- There are now extensive management checks to assure the soundness of the CTL system. First line unit managers undertake daily checks of the CTL diaries, which are annotated with actions taken and relevant information. There are weekly checks by senior unit managers to assure themselves of the actions taken.
- CMS task lists are used to monitor the effectiveness of the system, with weekly reports taken from it. In the first part of 2006-07 there was an issue over the accuracy of CMS reports in respect of some Crown Court cases, which may have contributed to one of the CTL breaches. Following assistance from CPS Headquarters this has now been resolved.

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

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

- The No Witness No Justice (NWNJ) national initiative aims to improve victim and witness satisfaction and court attendance. Witness Care Units (WCUs) were introduced providing a single point of contact between the CPS/police and victims and witnesses. There are service obligations to keep victims and witnesses informed of case decisions and for assessing needs. Ring-fenced funding was provided between April 2004-April 2007, but the units are now funded from general budget allocations.
- In 2006-07 West Mercia had seven WCUs, each having one CPS member of staff. The number of units has reduced to six following the closure of the police trials unit in Droitwich.
- The Area has produced extensive guidance to staff based on the national NWNJ code of practice and a laminated sheet has been produced setting out the Prosecutors' Pledge. Generally, compliance is monitored through CQA and by DCP analysis of discontinued cases. We comment further on the adequacy of the CQA arrangements in Aspect 11.
- The NWNJ handover report of July 2006 indicated that witness needs assessments were being determined by letter and that MG3s showed little indication of needs assessments being undertaken by the charging lawyer. The Area has taken action to raise lawyer awareness of issues and developed a policy that pre-charge decisions are not to be provided unless witness needs information is provided. DCPs review MG3s and where these are below standard issues are taken up with the prosecutor.
- In 2006-07 the NWNJ Operational Management Team, a sub-group of the LCJB, identified a knowledge gap in witness care staff concerning the use of special measures and further training was arranged and delivered by the Area Special Measures Champion. Briefing notes have also been produced to assist in improving performance in non-PCD cases.
- In June 2006 the Area was achieving only 35% of expected Direct Communication with Victims (DCV) letters against a proxy target of 128. (The proxy target is linked, on a quarterly basis, to the local discontinuance rate and as the rate reduces the monthly proxy target is reduced accordingly.) To investigate issues the Area set up a Six Sigma improvement project and the results showed several reasons for low compliance, including not all relevant cases being identified, letters being written but not recorded as completed, and some letters not being written when they were required, for example where the victim did not attend the trial. To address the findings the Area has focussed on ensuring that CMS is used properly to flag relevant cases and that check boxes are ticked. Standard letters have also been produced which permit some customisation and lawyers have been encouraged to draft the text of DCV letters while at court and fax the details back to the office for completion by typists to improve timeliness.

- These changes improved the compliance rate, albeit this was also assisted by lower proxy targets, with 101% of the proxy target being achieved in November 2006 and 150% in March 2007. Some of the over-performance can be attributed to the clearing of backlogs revealed by the Six Sigma project. Compliance for the final quarter of 2006-07 was noted by CPS Headquarters as excellent with West Mercia exceeding their proxy target by 4% overall. Overall, 72.8% of DCV letters were timely, which was a slight improvement from the previous quarter.
- Our reality check of ten discontinued cases showed that nine of these required a DCV letter, of which eight were sent. Of the eight sent, six were timely and the quality of the letters was satisfactory, with the majority personalised.
- In 2006-07 the warning of witnesses was generally timely and accurate in most WCUs, but there was an eight week backlog in providing witness details in one owing to staff shortages. Processes were streamlined to ensure that this task was prioritised and the use of CMS improved, which resulted in the backlogs being cleared.
- In-house prosecutors speak to witnesses at court before trials commence, or if there is to be any delay, and generally keep them informed as to what is happening. The performance of agents is less satisfactory and feedback from the Crown Court suggests that the CPS should become proactive in ensuring that counsel are appropriately involved.

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

- At sign over in 2006 the NWNJ initiative was achieving three of the 14 minimum standards set by the national NWNJ team, with partial compliance for the other 11.
- An action plan was created and progressed but uncertainty concerning future funding affected long term planning by the CPS and the police and the Area has been seeking to agree a single strategy. Work is being undertaken to clarify the roles and responsibilities of WCU staff and those of specialist police units and family liaison officers. At the time of the OPA the Area was unable to confirm the number of minimum requirements currently being complied with and a local reassessment was due at the end of October 2007.
- The Area Quality and Performance Officer prepares a monthly performance report on the NWNJ secondary measures based on information from WCU performance tracking tools. This report is circulated to CPS staff and the responsible LCJB sub-group.
- During 2006-07 the LCJB NWNJ Operational Management Team was responsible for joint performance analysis, but following a restructuring of LCJB governance this responsibility has passed to the LIDTs. Witness attendance issues are discussed but that regarding cracked and ineffective trials is not evident and local information for these measures is not timely.
- The Area monthly performance report also includes performance information related to victims and witnesses including attendance, letter volume and timeliness. Area-wide cracked and ineffective trials data is included but this is not broken down to units for the reasons given above.

- There have been communication issues between the CPS and the WCU and the Area have sought to address these by clarifying job responsibilities and encouraging job shadowing between lawyers and WCU staff. It has also moved the line management responsibility for Witness Care Officers to CPS CPOs to improve day-to-day communication.
- The Area is approaching its target of 5.7% for cracked and ineffective trials due to witness issues in the magistrates' courts, achieving rolling figures to July 2007 of 5.9% for the year and 5.7% for the quarter. In the Crown Court performance is worse than the 2.7% target with both annual and quarterly rolling figures showing 3.7%. These figures are better than the average for England and Wales.
- The July 2007 year-to-date NWNJ witness attendance rates were 86% compared to the Area target of 90%.

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

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

- The Area has a clear sense of purpose and produces appropriate plans, although the 2006-07 Business Plan was not fully aligned with CPS Headquarters priorities as no business objectives were included for CQA and POCA and the Area subsequently underperformed in these aspects in 2006-07. POCA was addressed in the 2007-08 plan but intentions regarding CQA remain unaddressed.
- The business plan sets out activities and associated timescales and identifies responsible owners, with links to the majority of national CPS targets and Public Service Agreements.
- The business plan and risk register are reviewed quarterly to align with the CPS Headquarters performance reporting arrangements. Units review their position against the business plan monthly through the Area performance reporting system and Unit Heads are required to highlight to the CCP three items they are specifically tackling each month.
- Full unit plans are not developed as the business plan is explained to all staff. Instead units have action bullet points listed under the main topics of the business plan which reaffirm Area targets and other achievements sought. Targets are reflected in team plans and relevant performance objectives form part of individual job plans.
- The CPS undertakes joint planning with criminal justice system (CJS) partners to meet medium and long term objectives and has addressed concerns expressed in the previous OPA. The relationship with the Courts Service has improved over the last two years, with better sharing of performance concerns and understanding of each others' problems. Joint work has taken place to reprofile the work of local courts to enable DCWs to undertake a greater volume of non-contested cases, which has been partially successful. There is also a better understanding between the CPS and police of each others' roles, aided by constructive use of PTPM reports. Protocols have been agreed with CJS partners to address inter-agency weakness, for example in regard to PYOs and a draft victims and witnesses protocol.

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

- The Area has implemented many initiatives including the PCD scheme, PTPM, NWNJ and effective trial management and in general these have been successful, but there has been some funding uncertainty concerning NWNJ which has slowed progress. Preparation for the introduction of CJSSS and conditional cautioning is considered to have been successfully planned, with very effective co-operation and co-ordination. Ongoing liaison is identifying and addressing initial problems.
- Better use is being made of post-implementation project reviews and audits to identify residual weakness and so drive up performance. It is also Area practice to use peer review techniques, where staff from one unit review the operational work of another, which improves objectivity and cascades good practice. Concerns noted at the last OPA have been addressed.

- Systematic arrangements are in place to implement and manage change through the auspices of the revised LCJB governance structure implemented in April 2007. The LCJB Performance Delivery Group oversees change programmes and is supported by six LIDTs. They have broader terms of reference than the previous tripartite groups and are focused on working together to deliver an effective and efficient victim-centred justice system and are also responsible for taking forward change initiatives locally. LIDTs meet on a bi-monthly basis and bring together legal and business managers from each of the agencies. These revised arrangements address concerns noted in the last OPA report.
- Systematic links are established between projects, priorities, procedures and training, and processes are re-mapped to reflect modified business flows and clarify changes in agency responsibility. Where performance falls short, reviews or audits are undertaken to identify underlying weaknesses and action taken accordingly.
- The Area develops and maintains a business risk register and keeps the risks under review although some are rather general, leading to an extensive list of counter-measures. Separate risk registers are developed for projects.

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

- The Area Business Manager (ABM) determines training priorities annually based on the CPS national workforce development plan and other local needs to support the business plan. Line managers use the performance appraisal process to determine training priorities for individual staff.
- Diversity issues have been included in both business and training plans. All new staff have received e-learning training for diversity and community engagement to support Area community engagement objectives. The Prosecution College was used to provide equality and diversity refresher training for legal staff in 2006-07 with time allocated specifically to undertake the training, which successfully addressed an issue raised in the last OPA.
- The Area ensures staff have equality of access to training by holding events on different days of the week to maximise the opportunity for part-time staff to attend. Training locations are rotated between the main sites and arrangements are made with adjacent CPS Areas to increase training availability where possible.
- Key mandatory training has taken place or is planned in the current financial year. Recently all new staff have received induction training; however only 15% of staff joining in the two years prior to the 2006 staff survey stated that they had received effective induction training compared with the CPS average of 41%.
- Training records are maintained and some evaluation by staff takes place. Evaluation return rates need to improve and these are now being tracked by District Business Managers who have unit responsibility for learning and development.

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

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

- The Area has a good sense of cost control by monitoring supplier costs and investigating alternative procurement solutions as required. Other value for money actions have included periodic IT inventory checks to release redundant equipment and user licences; optimising the availability of legal reference books, which made significant savings; prioritising overtime to tackle backlogs; and increasing IT data capture to improve management reporting.
- The Area has improved its control over non ring-fenced spend over the last two years; it had an overspend of 3.1% in 2005-06 and an underspend of 1.4% in 2006-07. However there has been some weakness related to accrual accounting which has led to some uncertainty regarding the spend situation for both the non ring-fenced and prosecution cost budgets.
- There is some devolution of the budget for the use of agents and authorisation of overtime.
- There was an underspend of the prosecution cost budget for both 2005-06 and 2006-07 at 98.36% and 92.35% respectively, the latter figure occurred despite the Area handing back £416,000 in February 2007 to CPS Headquarters.
- Timeliness of payments under the graduated fee scheme (GFS - an arrangement for paying independent counsel who prosecute in the Crown Court) was poor. In 2005-06 the four month timeliness ranged between 68.3%-80.5% and in 2006-07 between 71.0%-95.0%. Timeliness reviews by the Area showed that some payments related to work completed in previous financial years, dating back to 2002-03. The CPS nationally has introduced a policy of not being obliged to pay invoices from chambers which are more than three months in arrears and this could not be implemented by the Area until backlogs were cleared.
- To improve GFS performance fee payment accrual monitoring, additional staff training and weekly reporting to the Area Secretariat was implemented in the latter part of 2006-07. These actions have significantly improved performance, with the first quarter of 2007-08 showing 96.7% of GFS expenditure related to cases finalised in the previous four month period. These actions have moved West Mercia from the lower quartile to the upper mid quartile when compared with the other CPS Areas.
- There were no very high cost cases in 2006-07, but processes are in place for operating the national scheme covering these.
- Additional funding was received in 2006-07 for HCAs (£81,800), NWNJ (£164,300), anti-social behaviour order (ASBO) work (£34,000), CJSSS (£34,000), and Operation Tornado, a complex animal rights case, (£59,000). These monies were spent on employing dedicated legal and administrative staff for the functions concerned, with some back-filling by external agents. The investment has led to increases in performance, particularly in regard to HCA and NWNJ work and the granting of ASBOs.



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

- The AMT reviews regularly the distribution of work between units and staffing adjustments are made when required. Where appropriate, use is made of activity based costing models to inform decision-making. At the request of the AMT, a review of the Hereford sub-office was conducted by CPS Headquarters in 2006-07 to determine its viability. The review concluded that the office was viable and recommendations were made to provide it with further underpinning work, which have been taken forward. In 2007-08, to improve focus on resource allocation, a Finance and Resources Monitoring Group has been established. The purpose of the group is to ensure that resource allocation is optimised to support business planning objectives, recognising the need to deliver more with less resource. The group is comprised of staff from each unit and is chaired by the ABM.
- Expectations have been set for the deployment of legal staff. It is Area policy for lawyers to spend eight sessions per week at court and providing pre-charge advice, with DCWs expected to prosecute at court for seven sessions a week.
- In 2006-07 DCWs covered 16.7% of magistrates' courts sessions which, although well short of the 25% target, is twice the level achieved in 2005-06. In the first quarter of 2007-08 coverage increased to 21.9%. Agreement in principle has been reached with the Courts Service that sufficient sessions will be made available to meet the Area target of 25% of magistrates' courts sessions being covered by DCWs. However, current listing practices are such that these targets are not being met and DCWs are not fully utilised, although they achieved approximately 60% utilisation against the Area expectation of 70%.
- Overall in-house coverage of magistrates' courts work was increased in 2006-07, achieving 74.9% coverage against 65.6% the previous year, although this was still below the Area's 80% target. However, agents have been back-filling for lawyers engaged in preparing new initiatives which have been an Area priority. Further improvement has been made in the first quarter of 2007-08 with 87.6% in-house coverage.
- West Mercia has 12 Crown Advocates and six HCAs. HCA session targets for the Droitwich and Shrewsbury offices have been set at six and four sessions per week respectively. During the financial years 2005-06 and 2006-07 the number of HCA sessions undertaken increased from 226 to 519 and the average value per session from £427 to £444 (compared with £306 and £355 nationally). Counsel fee savings were £213,075 for 2006-07, which is 77.0% better than target compared with 138.4% nationally. In the first quarter of 2007-08, 206.8% of the HCA earnings target (£104,502) was achieved. Crown Advocates and HCAs undertake a range of complex work including rape trials, large drug conspiracies and as junior counsel in murder cases.
- The sickness absence target of seven days per person per year was not met in 2006-07, with 10.4 days per person being lost. Much of this relates to long term absences that were unavoidable, but there has been some significant incidental sick absence. The Area has been proactive and medical referrals are made in appropriate cases. All managers have been trained in sick absence handling. The ABM receives copies of trigger reports and action is taken in all cases. There have been a number of oral warnings and, where necessary, remedial action is taken.
- A range of working patterns are in use. Part-year working opportunities are offered annually to ensure that the previous year's contracts can be reviewed and staff with greatest need can be addressed as a priority. Approximately 27% of staff have non-standard work patterns.

<b>11 MANAGING PERFORMANCE TO IMPROVE</b>	OPA 2005	OPA 2007	Direction of travel
	Fair	<b>Fair</b>	<b>Improved</b>

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

- The Quality Manager produces a monthly comprehensive performance report with a summary scorecard, giving a clear view of Area and unit performance against a range of key indicators. The report shows the Area and unit year-to-date figures against each measure together with monthly performance. A 'traffic light' indicator is used to highlight adverse performance. The report is annotated with comments by the Quality Manager on issues affecting performance and other matters for attention by the AMT.
- Performance is a standing item on the AMT agenda and issues and trends which impact on end-of-year assessment are discussed regularly. Where there are problems, managers are tasked to investigate and report on improvement actions. Performance is discussed at all team meetings throughout the Area and DCPs use the performance report to assist in communicating performance achievements to staff. A monthly newsletter has been introduced in which aspects of performance are covered.
- There have been instances during 2006-07 where backlogs and insufficient data entry has affected data quality and the action taken. Problems affecting data quality have also been identified through reviews and audits and addressed through training, on the job mentoring, and the production of 'handy hints' for staff.
- Unit managers at all levels are clearly accountable for performance. Managing performance and maintaining efficient systems form part of managers' personal development plans. Where deficiencies have been noted managers will typically produce or revise process manuals and train staff to ensure systems are compliant.
- The CCP and ABM hold quarterly meetings with unit managers to review progress against unit targets, which replicate the CPS Headquarters performance management system. Unit managers are required to discuss actions they plan to take to improve performance against each aspect rated 'red' or 'amber' and the CCP has additionally introduced monthly reporting between quarterly reports.
- Champions have defined terms of reference for their roles and are active in undertaking reviews, analysing performance and process improvement activities.
- Over the last five quarters, the number of measures against which the CPS Headquarters quarterly reviews have assessed West Mercia as performing satisfactorily or better have risen from eight to ten (out of 15).

- The Area has introduced CPS Invest (the CPS-wide staff performance management system). Unit targets and objectives are referenced in staff forward job plans and personal contributions scrutinised in staff appraisals. The scheme has been implemented well. The Investors in People (IiP) re-recognition report commends the Area on its comprehensive strategy for the continuous improvement of its staff.

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

- The CPS participates in the work of the LCJB, which was chaired until recently by the former CCP. The ABM and Quality Manager attend the LCJB Performance and Delivery Group and other staff attend meetings with the police and Courts Service to discuss performance issues and actions to be taken. There is regular CPS attendance at most meetings, although there has been some intermittent attendance at one of the magistrates' courts meetings and similarly for the Crown Court.
- The LCJB has recently revised its governance structure and more direct performance management will be focussed at local level through the LIDTs which are aligned to the six police Basic Command Units. The LIDTs were formed in April 2007 with a remit that includes statutory charging, NWNJ, court performance and the CJSSS roll-out. The CPS is represented at these meetings by the relevant DCP and Unit Business Manager. CJS partners report that these meetings are effective, but they need to be minuted and actions noted.
- The Area provides a range of information to CJS partners including the CPS monthly performance report, information on hate crimes and copies of the annual domestic violence snapshot monitoring. It has worked with the police on PTPM data which is now supplied monthly to the LIDTs.
- Use is made of a variety of information received from CJS partners to inform improvement discussions, including magistrates' and Crown Court cracked and ineffective trial data, court lead times and PYO performance data.
- The Area works with partners to develop and implement joint improvement strategies and these have been effective in driving up performance. For example CJS partners set up a working group to investigate PYO performance issues. Changes were made to processes and a revised joint protocol agreed. Performance has been improved and is currently within the 71 day target. Other work has included a joint working group to secure improvements to the NWNJ initiative and these efforts have also been successful.
- Improvements in CPS performance have been noted by CJS partners over the last two years.

#### **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 scheme is not an Area priority, with no business objective scheduled in the business plan, nor do DCPs have personal objectives for undertaking the scheme. However it is clear that DCPs are responsible for casework quality in their units and have specific objectives for this.
- In 2006-07, a local variation of the CQA scheme was implemented which involved scrutiny of 'live' pre-charge decision files only, as the Area considered it impractical to follow the national scheme in the absence of 'cradle to grave' file ownership. By concentrating on live files it is believed mistakes can be identified early on and remedial action taken.

- The move to a localised scheme was aligned to the introduction of a full PCD discontinuance case check, where DCPs review every discontinued PCD. Each of these is categorised appropriately as poor charging decision, poor police work, poor witness care and so on, with results fed back to prosecutors and witness care staff and to other CJS agency staff through the LIDTs meetings.
- The sample rate for the local CQA scheme is one case per prosecutor per month and the return rate was 27% in the first quarter of 2006-07 rising to 75% in the fourth, which was in the bottom quartile of the 42 CPS Areas. Returns did not include DCWs, who have recently been added to the scheme, although DCPs and the Special Casework Lawyers have been removed.
- Decision-making is not fully robust as victim and witness issues were rated at 100% compliant for the first three quarters of 2006-07 at a time when NWNJ issues were being identified. There was no CQA analysis of disclosure during 2006-07, but the Area benefited from several robust reviews by the Disclosure Champion and this work is considered to be to a high standard and more authoritative. Case preparation is rated about the same as the national average for CQA.
- CQA results are fed back to lawyers individually, although the level of detail varies across the units. There is performance discussion at team meetings but this tends to focus on other sources of performance data.
- DCPs have spans of control ranging from 15-25 staff and as such the Area considers advocacy monitoring on a formal basis to be unfeasible. It is done on a risk basis focussing on new prosecutors. Caseworkers monitor counsel in the Crown Court on a formal basis and this is robust. Feedback is received from the Courts Service on CPS staff and independent counsel, and this information shows that Area prosecutors and counsel are highly regarded and on par with defence counsel.

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

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

- There was a change of CCP in the last quarter of 2006-07 and prior to this a temporary post holder for a short period. The June 2006 bi-annual staff survey was not very encouraging with the majority of main topics being rated below the national average, including those which related to dignity at work, communications and meeting effectiveness. Only 31% of staff considered they had regular team meetings compared with 61% nationally, similarly only 36% thought those meetings were effective. Overall, 57% of staff thought they were treated with fairness and respect compared with 64% nationally and only 10% thought poor performance was dealt with effectively. In response the Area took positive action and formed staff consultation groups with leadership provided by the local Whitley Council. Recommendations were reported to the AMT through the ABM in the third quarter of 2006-07.
- In February 2007 the Area held a leadership and strategic management workshop to address issues including those arising from the staff survey. Key corporacy themes for the business year were agreed and these included managers having a more proactive management style with more engagement with staff; for team meetings to be held monthly and recorded; and for more emphasis on addressing people performance. Related activities were captured in the 2007-08 Business Plan.
- Local vision and values have been developed with staff to guide Area aspirations and behaviours. The business plan is developed through workshops involving staff and thus they are aware of priorities and targets.
- Corporacy is monitored by the AMT making use of the monthly performance report and through quarterly performance meetings with unit managers; action logs are maintained and progressed for these meetings. 'Floor walking' opportunities are taken by the CCP and ABM to speak with staff when visiting the different offices. Locally-originated changes to practices are copied to the Quality Manager to stimulate discussion with other units. Regular updates are given to the AMT following senior management conferences, with key messages being reinforced as appropriate.
- The terms of reference for the AMT are defined, as are the role descriptions of DCPs and Unit Business Managers.
- Action Learning Sets have been introduced where members of staff can discuss problems they face, explore causality and benefit from the experience of others. Their use has enabled staff to tackle sensitive issues with more confidence and ensure adherence to policies such as sickness management and the setting of staff objectives.
- Relationships with other CJS agencies have improved and partners have noted improved performance, although there are concerns that utilisation levels are impacting on joint activity.

- The AMT had doubts about the viability of the Hereford sub-office and requested an independent review from CPS Headquarters. The report showed that it was in the CPS interest to maintain the office and viability would be strengthened with some changes to office work allocation. The AMT have taken the recommendations on board, confirmed their commitment to Hereford and are progressing the necessary changes.
- The CPS is active within the LCJB and the previous CCP was chair until October 2006. The current CCP is the LCJB senior responsible officer for community confidence. The ABM and Quality Manager attend the LCJB Performance Delivery Group and unit managers attend the LIDTs. The ABM was the senior responsible officer for NWNJ and the Area appoints project leads to work on joint initiatives.
- Senior managers reflect on surveys and reports and learn from success and failure; they are innovative in addressing issues, the use of Action Learning Sets being an example. The liP re-recognition assessment was successfully completed in September 2007 and the report concludes the Area has demonstrated incisive leadership and the strategies used have brought about a culture of performance improvement and a clarity of roles.

**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 acknowledge good performance by staff at team meetings, through the Area newsletter and the CCP has written to each HCA thanking them for their efforts in meeting the HCA target three months early. The liP report acknowledges the quality of the open and supportive management behaviour.
- There have been no substantiated complaints by staff about their treatment by managers in 2006-07 or the year-to-date.
- The Area is inclusive in its approach and provides examples of teamwork and staff supporting each other, with current performance contrasting well to that indicated by 2006 staff survey.
- Complaints by staff are taken seriously and investigated by management; unsatisfactory or improper behaviour is dealt with properly and fairly and managers involve counselling and welfare services as appropriate. There have been several instances of misuse of the IT system and formal warnings have been given.
- The ABM is the senior responsible manager for equality and diversity matters. The Area is integrating equality explicitly into its policies and systems and is working towards a Single Equality Scheme with their CPS Group. There is a strong commitment to diversity and the Area is working with a local disability charity to provide a work experience placement.
- The Area does not have up-to-date workforce representation data but there is some information in the staff survey return which indicates that its staff ethnicity does not quite match that of the area served; the Area seeks to ensure that job opportunities are publicised to a wide audience.

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

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

- The CCP is the senior sponsoring manager for securing community confidence and is also the LCJB's senior responsible officer for public confidence. The CCP has been involved with the press and radio explaining the role of the CPS and launching initiatives such as the Specialist Domestic Violence Courts. However there is little involvement by DCPs and where there has been relevant engagement useful leads, although identified, have not been followed up.
- The approach to community engagement for 2006-07 was not strategic and the activities outlined in the business plan lacked coherence. For 2007-08 the Area redefined its community engagement programme and has taken steps to link engagement effort to related CPS core business. Here it is building on learning points from 2006-07, for example much was learned about the approach to domestic violence when the CPS arranged and facilitated a multi-agency and pan-Area event involving the County Council, Probation Service, police, Courts Service and women's aid groups, as well as service users. The outcome of the event showed the benefits of cross-agency and pan-Area working and many service improvement measures were noted.
- Community engagement forms part of unit objectives, but were not developed into specific personal objectives until the latter part of 2006-07. The limitations of this was recognised in the third quarter of 2006-07 and the Area explained to staff at team meetings what it was seeking to achieve through its community engagement programme, thus encouraging a wider range of staff to become involved. The ABM also produced a set of example objectives for staff. Subsequently, staff organised activities to raise the profile of the CPS. However, the community engagement log shows a limited range of engagements for 2006-07 and year-to-date. In 2006-07 there were 28 events listed but five of these were internal to the CJS agencies, for example providing training rather than engagement with the population served.
- A main priority for the Area has been to work with disabled and vulnerable adults. Several mock trials have been undertaken to assist these groups to understand the legal process, and the events were well received. Other work has included active involvement with other CJS agencies at a conference focussed on working with vulnerable and intimidated witnesses, which resulted in the revision of inter-agency processes so that more effective use was made of special measures provisions.
- There has been some engagement with at risk or marginalised groups such as the lesbian, gay, bisexual and transgender (LGBT) community, the disabled and travellers. However there has been little contact to date with minority ethnic communities although it is known that some suffer a high degree of racial harassment. The Area recognises this and is planning relevant activity.

- Through contact with the LGBT group a pack setting out aspects of CPS policy and general information was distributed leading to further contacts being made, which identified a training need for greater CPS staff awareness concerning the handling of such cases. This also led to the identification of a need for a leaflet to be designed and distributed to explain how intimidation could be handled. After consultation the content of the leaflet has been agreed and at the time of our OPA was about to be distributed.
- There is some evaluative information in the community engagement log but this is mainly qualitative and the Area needs to capture other information such as the number of delegates attending, those from priority communities and the range of questions asked.
- The Area has a good breakdown of demographic data showing overall numbers and where specific minority ethnic groups are concentrated. However, there has been significant migration from eastern Europe in the recent past which the data does not reflect.
- The Area has a list of community contacts which includes minority ethnic representatives and other groups which are at risk of exclusion and discrimination. However more needs to be done to identify community leaders representing eastern European citizens and for contact to be made.
- Public confidence in bringing offenders to justice has declined. In March 2006 it stood at 50.8% for that quarter, which was above the Area target of 49.0%, but in March 2007 the figure had declined to 42.5%. Rolling annual figures indicate a steady decline in confidence.
- Area press cuttings show some mention of CPS work but this is generally in the context of police community engagement. Relationships are starting to be established with local newspapers and this looks encouraging; the liaison with local radio is more developed. There have been several CCP interviews and the Anti-Social Behaviour Champion has been on a tour of a council estate in Telford with a radio reporter from Radio Shropshire discussing concerns related to anti-social behaviour and the CPS role in tackling it.



## 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 2005-06    2006-07		National target March 2007	National performance 2006-07	Area performance 2005-06    2006-07	
Discontinuance rate	11.0%	15.7%	18.5%	17.0%	11.0%	13.1%	12.5%	13.4%
Guilty plea rate	52.0%	69.2%	64.5%	65.5%	68.0%	66.5%	71.7%	68.2%
Attrition rate	31.0%	22.0%	26.7%	24.5%	23.0%	22.2%	19.4%	21.2%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	76.2%

#### 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%	84.2%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	46.0%
Cracked trial rate	37.3%	37.6%
Ineffective trial rate	18.9%	16.3%
Vacated trial rate	22.5%	19.9%

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

National target	National performance 2006	Area performance 2006
71 days	72 days	75 days

*Offences Brought to Justice*

	CJS area target 2006-07	CJS area performance 2006-07
Number of offences brought to justice	27,257	28,678

Percentage make up of Offences Brought to Justice	National 2006-07	Criminal justice area 2006-07
Offences taken into consideration (TICs)	8.5%	7.2%
Penalty notices for disorder (PNDs)	10.3%	8.6%
Formal warnings	5.8%	2.5%
Cautions	26.5%	32.2%
Convictions	48.8%	49.6%

**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%	79.3%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	45.5%
Cracked trial rate	39.5%	43.5%
Ineffective trial rate	12.4%	11.0%

<b>Proceeds of Crime Act orders</b>	<b>Area target 2006-07</b>	<b>Area performance 2006-07</b>
Value	£1,749,989	£412,058
Number	91	30

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

	<b>2005-06</b>	<b>2006-07</b>
Non ring-fenced administration costs budget outturn	103.1%	98.6%

<b>Staff deployment</b>	<b>National target 2006-07</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
DCW deployment (as % of magistrates' courts sessions)	17.2%	14.7%	16.7%
HCA savings against Area target	100%	138.4%	177%
Sickness absence (per employee per year)	7.5 days	8.5 days	11.4 days

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

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

<b>CJS area baseline 2002-03</b>	<b>2004-05 (last OPA)</b>	<b>Performance in 2006-07</b>
42%	48%	41%

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

### **Police**

West Mercia Constabulary

### **HM Courts Service**

Crown Court

Magistrates' courts

### **Victim Support**

Victim Support Herefordshire and Worcestershire

Victim Support Shropshire

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