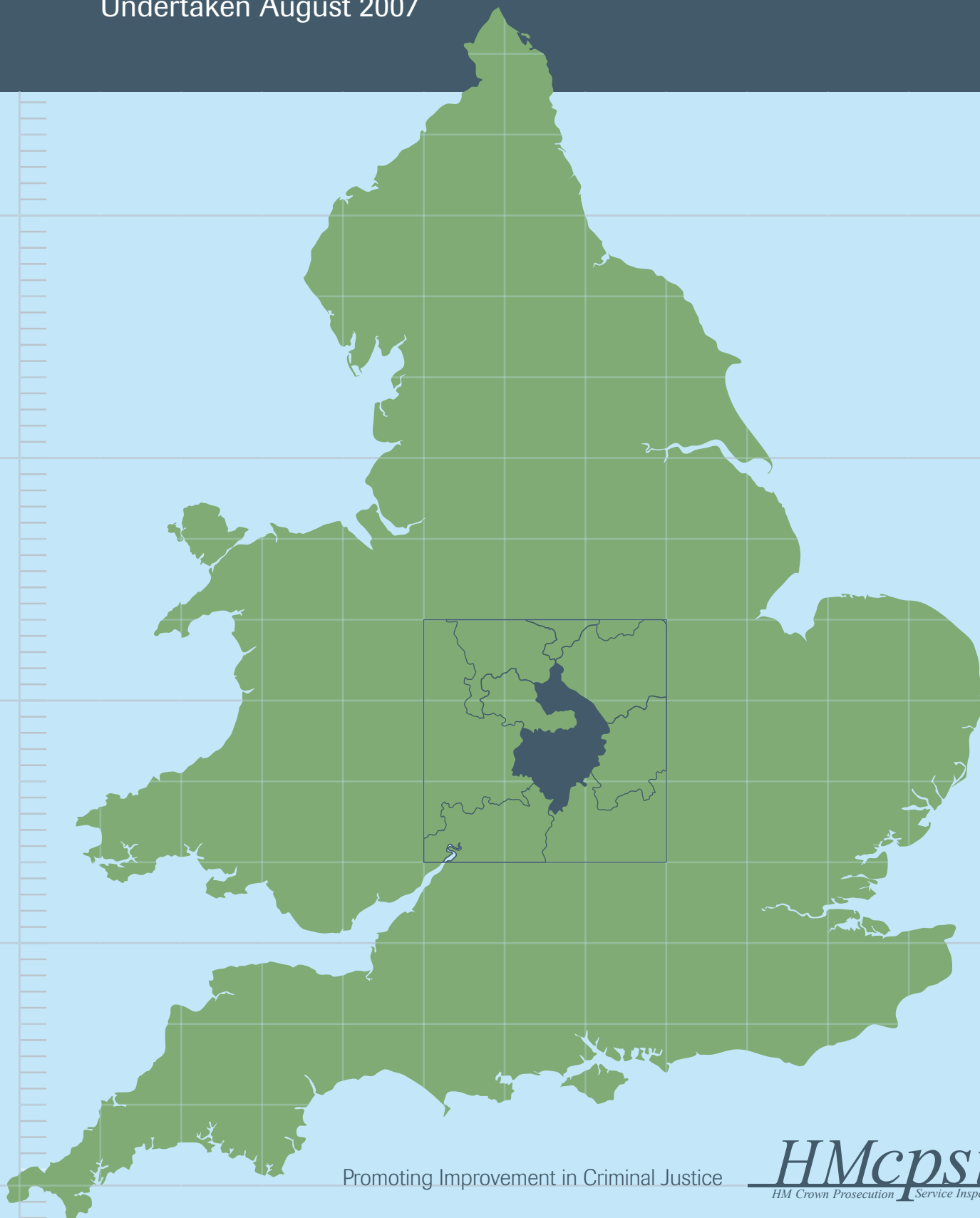


CPS Warwickshire

Overall Performance Assessment

Undertaken August 2007



Promoting Improvement in Criminal Justice

HMcp*si*
HM Crown Prosecution Service Inspectorate



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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 (HMCPsi) overall assessment of the performance of the Crown Prosecution Service (CPS) in Warwickshire 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 HMCPsi based on absolute and comparative assessments of performance. These came from national data; CPS self-assessment; HMCPsi'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 Warwickshire serves the area covered by Warwickshire Constabulary. It has just one office based at Leamington Spa that houses the Area Headquarters (Secretariat). Area business is divided on functional lines between magistrates' courts and Crown Court work.

During the year 2006-07 the Area had an average of 37.9 full time equivalent staff in post, and a budget of £1,859,494. This represents a 4.2% increase in staff, and a 14.6% increase in budget since 2004-05, the period covered by the Area's last overall performance assessment.

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

Pre-charge work¹

2004-05		2006-07	
Written advice	862	Decisions resulting in a charge	2309
Pre-charge advice (where available)	1644	Decisions not resulting in a charge ²	2028

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	8980	7340	-18.3%
Other proceedings	113	72	-41.0%
Total magistrates' courts proceedings	9093	7412	-22.6%
Crown Court proceedings (including cases previously subject to a pre-charge decision)			
Cases sent or committed to the Crown Court for determination	332	392	+18.0%
Committals for sentence ³	123	129	+0.5%
Appeals from the magistrates' courts ³	56	59	+5.3%
Total Crown Court proceedings	511	580	+13.5%

In 2006-07 (to November 2006), 41.6% of offences brought to justice were the result of convictions, compared to 48.8% nationally

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 Warwickshire has a stable, experienced senior management team. The Area has the smallest caseload nationally. It has been able to locate all staff in one geographical location and appears to be reaping the associated advantages which is reflected in its performance. The Area has focussed on casework and has historically performed well in this regard, having a strong emphasis on outcomes and performance management. It also has a tradition of working in close cooperation with partners. The innovative Warwickshire Northern Justice Centre and the formation of a replica Southern Justice Centre Group is a fine example of all CJS agencies developing plans to create geographical and systemic synergy.

Summary

The statutory charging scheme was rolled out in March 2006 and is now fully embedded in the Area. The prosecution team ethos is developing particularly in relation to performance management, and outcomes are improving as a result. The Area has fully realised the benefits of charging.

The Area has the highest number of successful outcomes in the country for both magistrates' courts and Crown Court cases. The Area operates a cradle to grave files ownership policy which ensures a high level of continuity. Cases are well reviewed, case preparation is timely and the use of case management system (CMS) for recording full file reviews, identifying sensitive cases and recording outcomes is improving.

The Area has sound systems in place for progressing cases and ensures that cases are prosecuted by advocates of appropriate experience. The cracked and ineffective trial rates in the magistrates' courts and Crown Court remain consistently good.

The Area has appointed champions and specialists for all categories of sensitive cases. Champions are proactive in delivering training, performance management, and liaison with community groups. Successful outcomes in hate crimes are excellent.

The handling of unused material is good, although police schedules often contain inadequate descriptions of items and the disclosure record sheet is not routinely completed in all cases. The disclosure champion has provided training to lawyers, caseworkers and the police.

The Area has a comprehensive custody time limit (CTL) policy that incorporates national policy and some elements of good practice. Our reality check of files revealed some inconsistencies, particularly between magistrates' court and Crown Court files.

There is clear commitment to victims and witnesses with the Area contributing to an innovative Victim Information Partnership (VIP) through which all multi-agency activity is directed. Prosecutors are aware of their obligations at the pre-charge decision stage through to the trial stage. Measures such as cracked and ineffective trials and the proxy targets are some of the best nationally.

The Area Business Plan (ABP) is aligned with the main initiatives and CPS national priorities, and a Risk Register is in place. There is clear evidence of commitment to planning and working with partners in joint initiatives and shared targets. There is a CPS representative on all major change programmes. There is evidence that training is specifically linked to the business need, and that ABP objectives are linked within teams and at individual level.

There are effective systems in place to monitor budgets and non ring-fenced administration spend has been consistently good to excellent since 2004. Budget is effectively managed through the Area Business Manager (ABM) and is a standing agenda item at Area Management Meetings (AMT). There is evidence that resource allocation is regularly reviewed and that forecast planning for future needs is conducted. Although in-house lawyer, Designated Caseworker (DCW) - non-lawyers specially trained to conduct certain categories of case in the magistrates' courts, and Higher Court Advocate (HCA) - CPS lawyers with the right to conduct cases in the Crown Court - usage could have been better, the plans and targets for the period 2007-08 and current performance bode well for year end. The Area's average sickness absence is the lowest nationally and improved since 2005-06.

It is clear from the Chief Crown Prosecutor (CCP) down, that the Area possesses a performance focussed culture. Despite its small size the Area produce sophisticated data that is regularly reviewed at AMT and team meetings. This information is used to improve performance. There is also considerable evidence of CJS partners working together to improve performance and the formation of the Southern Justice Centre Group is an innovative project aimed at creating synergy between agencies. Compliance with the casework quality assurance (CQA) system has been consistently good, with feedback on performance discussed with individuals and trends discussed at AMT.

The AMT is small, comprising of the CCP, ABM and two unit heads (UHs). CPS Warwickshire is geographically located on one site, enabling staff to have daily access to the CCP and other managers. The Staff Survey (conducted in March 2006) has many positives concerning the direction and treatment of staff. However the Area score particularly poorly in respect of holding regular and constructive meetings with staff and working relationships.

The Area considers that performing well in their core business best promotes community confidence in CPS work and the wider criminal justice system. The Area's efforts in respect of community engagement tend to be focussed through collaborative efforts with other criminal justice agencies. The Area has a good working relationship with the Warwickshire Race Equality Partnership (WREP). Community engagement and events tend to be organised through WREP and the Local Criminal Justice Board (LCJB). Because of limited resources the Area does not have a dedicated Communications Officer, therefore the Area endeavours to link with other agencies' media networks.

Direction of travel

Since the last OPA, seven aspects have improved, one aspect has declined and all other aspects have remained stable. The overall picture is one of much improvement with a focus on outcomes and managing performance to improve. The Area has the capacity to improve if it can; build upon the strengths of a combined criminal justice centre; consult with staff about implementing a more constructive meeting structure that is more effective in encouraging views and ideas; and developing a more refined community engagement strategy.

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

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

D DEFINING ASPECTS

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

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

- The Area has been operating the statutory charging scheme since March 2006. Pre-charge advice is provided between 9am and 5pm at Leamington Spa police station and Nuneaton Justice Centre, and between 9am and 1pm at Rugby police station. Afternoon cover is provided by telephone from the main office or by Duty Prosecutors (DPs) at the other charging centres. Although the police have indicated they would prefer full time cover at Rugby the volume of work (approximately 20% of the caseload) passing through the charging centre does not justify extending hours of cover at this time. Face to face advice is also available from lawyers located at Rugby if serious and urgent matters arise. Where DPs are rostered for whole day sessions there is a lunchtime rota with telephone advice provided from the office. In 2006-07, 55.9% of consultations were face to face.
- The charging centres are covered by magistrates' court unit (MCU) lawyers. However, serious and complex cases where the defendant is on bail will usually be referred to the Crown Court Unit (CCU) where they are dealt with by specialists. Unit Heads and the CCP will provide second opinions where necessary. The Area does not have set criteria for referral, which is at the discretion of the DP, and some senior police officers will approach the CCU direct for advice.
- Police officers are proactive in seeking early advice on cases and historically too many cases have been referred which were either not ready because further investigation was necessary or where there was clearly insufficient evidence and the decision to take no further action could have been made by the police. Police Case Directors have recently been put in place in all charging centres across the Area; they act as gatekeepers and part of their role is to screen cases to ensure that inappropriate requests for advice are not made.
- Breaches of the Director's Guidance are identified by DCWs or prosecutors prior to the first hearing and are brought to the attention of the Case Handling Unit (CHU) manager. All such cases are logged on a spreadsheet and referred to the Chief Inspector of Judicial Services and discussed at joint performance meetings.
- There is an established procedure to allow police to appeal against the decision of a duty prosecutor, with escalation to CCP level if necessary. There have been very few appeals with most disagreements being resolved informally at Unit Head level. Due to the very low numbers the Area does not keep a log of appeals.

- Compliance with pre-charge decisions and management of bail are the responsibility of the police. All cases where further action is required are logged on a spreadsheet, CMS and monitored by a CPS administrator to ensure compliance. The Area undertakes regular audits of outstanding cases on the CMS to ensure that backlogs of cases do not accumulate. Checks of on going pre-charge cases showed relatively few cases with outstanding actions.
- The use of CMS to record and accurately count advices and decisions is improving; in 2006-07 86.6% of pre-charge decisions were recorded against a target of 90% with 90.2% of cases also having an MG3. In a reality check of ten files, MG3s and the defendant's ethnicity and gender were properly recorded in all cases.
- Liaison with CPS Direct (CPSD) has been good but the nominated point of contact has recently changed and working relationships are yet to be established.
- Conditional cautioning commenced at Nuneaton in June 2007, and is due to be introduced in the rest of the county by the end of March 2008; it is therefore too soon to evaluate how well it is working.

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

- The Area ensures that all Duty Prosecutors are of sufficient expertise and are aware of local and national policies on charging. All Duty Prosecutors have attended the Proactive Prosecutor Programme training and managers have attended the Proactive Prosecutor Manager's training. Charging champions have been appointed for each charging centre, and policy bulletins and national guidance are regularly distributed by the CCP.
- Prosecutors consider appropriate issues at the pre-charge stage including the restraint of assets and ancillary orders. The post implementation review carried out by the National Prosecution Team in October 2006 found the standard of reviews to be 'exemplary'. This is supported by our reality checks which indicated thorough decision making, full consideration of potential issues, and victim and witness needs.
- The quality of pre-charge decision making and operation of the scheme is monitored through the monthly casework quality assurance scheme (CQA), analysis of adverse outcome reports, and regular attendance at court and charging centres by Unit Heads and the CCP. Any issues are taken up with individual prosecutors.
- Quality assurance of cases which result in no further action (NFA) is undertaken through regular dip sampling, and the unit head will focus attention on charging centres or DPs causing concern. The NFA rate for 2006-07 was 37.7% compared to a national figure of 31.9%, with those charging centres which have had Case Directors in place performing better than those which have not. Following deployment of Case Directors at all charging centres, local data is suggesting a significant fall in the NFA rate.

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

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	11.7%	9.7%	11.0%	13.1%	7.3%	5.9%
Guilty plea rate	52.0%	69.2%	80.6%	84.7%	68.0%	66.5%	81.4%	81.3%
Attrition rate	31.0%	22.0%	14.5%	12.4%	23.0%	22.2%	10.9%	11.1%

- The Area has realised the benefits of charging in relation to all of the key indicators and performance is significantly better than the national average. In the magistrates' courts performance has improved in all areas since 2005-06; the guilty plea rate and attrition rate are excellent and the discontinuance rate is good. In the Crown Court the discontinuance and attrition rates are excellent and the guilty plea rate is good.
- The Area conducts a monthly analysis of all performance data on a charging centre and Area basis. Full consideration of data, adverse outcome reports and charging centre champions' reports takes place at monthly Area Management Team meetings and is communicated to staff at the away day.
- Prosecution Team Performance Management (PTPM) meetings between the police and Area are held quarterly, and review the full range of performance data, including NFA rates and the benefits realisation data. Charging centre champions meet at least once a month with Case Handling Unit (CHU) managers and report back to the PTPM meetings. Further consideration of operational issues affecting charging takes place through the six weekly Joint Agency Group (JAG). Sanction detections, cautions and fixed penalty notices are monitored by the LCJB.
- Joint analysis of the Area charging scheme is undertaken and action taken with the police to improve the scheme. For example a detailed analysis was undertaken by the CCP comparing the performance of those charging centres with Case Directors to those without. This analysis was used to negotiate with the Chief Constable to put Case Directors at all charging centres as a ring-fenced resource with noticeable results.

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

2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	5.8%
No case to answer	0.2%	0.0%
Dismissed after trial	1.9%	0.5%
Discharged committals	0.2%	0.0%
Warrants	2.6%	0.0%
Overall conviction rate	84.3%	92.2%

- The Area has the highest number of successful outcomes in the country and overall performance is excellent. The overall conviction rate for magistrates' court cases (92.2%) is better than the national rate (84.3%) and has improved since 2004-05. The rates for all categories of unsuccessful outcomes, set out in the table above, are better than national performance. There have been no discharged committals and only three no case to answer outcomes.
- The discontinuance rate has improved from 7.7% in 2004-05 to 5.8% and it is significantly better than the national figure. Cases that have received pre-charge advice require the approval of the Magistrates' court unit (MCU) Head before a decision to discontinue is made. The reality check showed that discontinuance was timely and the police had been consulted in nine out of ten cases.
- The Area conducts a full review of all unsuccessful outcomes. All acquittals are the subject of a report by the advocate and the charging champion and are considered by the MCU and CCP. A monthly report on discontinued cases is prepared by the charging champions. Performance is reviewed internally at monthly Area Management Team (AMT) meetings, and with criminal justice partners at PTPM, Joint Agency Group (JAG) and LCJB meetings.
- The target for offences brought to justice (OBTJ) is shared with other criminal justice agencies and the CPS contribute to this by keeping discontinuances and unsuccessful outcomes low. Data for 2006-07 shows that the Area exceeded the OBTJ target of 10,384 offences brought to justice to 12,542; 42% of this total were the result of convictions. The Area, with its partners, have consistently exceeded its OBTJ target since 2004 and have made a 55% improvement on the baseline figure taken in 2001-02.

- Performance in relation to timeliness of handling persistent young offenders (PYOs) has been consistently good. The Area has a proactive PYO champion and there is a high level of commitment to joint agency working. The target of 71 days was met in 2006, and the average period of arrest to sentence in the 12 months to December 2006 was 55 days.
- Lessons learned are communicated to staff at training days or via e-mail. Where issues are identified relating to a specific member of staff they are addressed on an individual basis.

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

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	57.1%
Cracked trial rate	37.3%	29.4%
Ineffective trial rate	18.9%	13.5%
Vacated trial rate	22.5%	17.7%

- The standard of police files is monitored pre-charge and post charge by the Area to ensure they comply with the Manual of Guidance. At the pre-charge stage Case Directors vet files and deficiencies are identified by Duty Prosecutors and highlighted on a spreadsheet. All cases are reviewed by prosecutors and DCWs attending the police station the day before the first listing of a case in court, and they will bring any files which do not meet the standard required to the attention of the Case Handling Unit (CHU) managers. Committal files are monitored by the Crown Court Unit (CCU) Head through the joint performance management (JPM) regime.
- The Area operates a 'cradle to grave' file ownership policy. Magistrates' court lawyers work in teams to cover Leamington Spa, Nuneaton and Rugby cases; they will provide pre-charge advice at the associated charging centre, and by determining which court any charged case will be bailed to, they are able to prosecute the case in court. The case will then be allocated to the prosecutor who provided pre-charge advice. This system ensures a high level of continuity. The MCU Head monitors casework preparation through the CQA process and attendance at court. In our reality check all five magistrates' court cases had been properly reviewed in accordance with the Code, and requests for outstanding information had been followed up.
- There are no dedicated case progression officers in the MCU and prosecutors are responsible for ensuring the effective progression of their cases. Administrative staff are responsible for checking files one week before the next court hearing to ensure any outstanding actions have been dealt with and the case is ready for court.
- There has been effective joint planning for Criminal Justice: Simple, Speedy, Summary (CJSSS) which is due to roll out across the area in October 2007.

- All youth cases are allocated to and prosecuted by youth specialists. The Area PYO champion works closely with the legal adviser who has responsibility for all youth courts. Issues relating to youth cases including timeliness are dealt with through the multi agency PYO group. Data as at December 2006 showed 100% of youth guilty plea cases were dealt within the timescales. More recent data and that relating to timeliness of trials is not available due to the small number of cases.
- The Area's performance in respect of cracked and ineffective trials is excellent, although it has declined from the last OPA. The effective trial rate is 57.1% and is better than the national rate of 43.8%, although not as good as the last OPA when it was 61.7%. The ineffective trial rate of 13.5% is better than the national figure but has declined since the last OPA when it was 9.8%. The cracked trial rate is 29.4% and better than the national figure of 37.3%, and has marginally declined from 28.5% at the last OPA. The vacated trial rate of 17.7% is better than the national rate of 22.5%.
- The Area attributes the change in performance to the introduction of LIBRA, a national computerised results programme, into the magistrates' courts in Warwickshire. Teething problems with the system have resulted in an increase in the length of time from entering a not guilty plea to trial date, and subsequent backlogs being created.
- Reasons for cracked and ineffective trials are analysed thoroughly. The CPS member of staff in the Victim Information Partnership (VIP) agrees the reasons with the legal adviser responsible for listing in the magistrates' courts, and prepares a monthly report. This is then considered by the AMT, JAG and LCJB. Where there are lessons to be learned they are addressed on an individual basis or brought to the attention of the responsible agency.
- The Area's use of the CMS to record events is improving. As at April 2006, 33.3% of magistrates' court cases had a review recorded on CMS; as at March 2007 this has risen to 89.3%. Reality checks showed no outstanding full file reviews and a minimal number of escalated finalisations or outstanding hearing outcomes.

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

3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals	13.1%	5.1%
Judge directed acquittals	1.4%	0.8%
Acquittals after trial	6.5%	3.6%
Warrants	1.3%	0.4%
Overall conviction rate	77.7%	90.1%

- Performance in relation to successful outcomes is excellent. The number of successful outcomes has increased since 2004-05 and at 90.1% is the best in the country.
- The rate of judge ordered acquittals (JOAs) at 5.1% is significantly better than the national performance of 13.1% and has improved since the last OPA when it was 6.6%. The rate of judge directed acquittals (JDAs) has remained stable; there was one case which resulted in a JDA in 2004-05, and there have been two cases in 2006-07.
- There is no requirement for Pre-Charge Decision (PCD) cases to have the authority of the Unit Head before discontinuing, although in practice cases are usually referred to the Crown Court Unit (CCU) or CCP before being discontinued.
- Detailed adverse outcome reports are prepared by the reviewing lawyer and caseworker for all cases which do not result in a conviction. Copies of the reports are provided to the Chief Inspector of Judicial Services and any specific issues are resolved with the CCU Head. Performance is reviewed at the Joint Agency Group (JAG) and LCJB, and where there are lessons to be learned they are disseminated to the appropriate staff through team meetings or on an individual basis.
- The Area has met its POCA target in respect of both the value and numbers of orders made. The Area obtained 24 orders against a target of 11, with a value of £837,537 against a target of £319,339. The Area has a POCA champion, who had delivered training to lawyers and established a multi agency asset recovery group which considers POCA cases, enforcement and assets. The group reports regularly to the LCJB.

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

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	44.7%
Cracked trial rate	39.5%	44.7%
Ineffective trial rate	12.4%	10.7%

- The Area operates a similar file ownership system in the CCU as in the Magistrates' Court Unit (MCU). For indictable only cases the prosecutor allocated to conduct the preliminary hearing at the Crown Court prepares the case and owns the case until its conclusion. In either way cases the lawyer preparing the committal papers owns the case until conclusion. Sensitive cases are usually allocated to specialists who invariably will have made the pre-charge decision in the case. The quality of casework preparation is monitored by the CCU Head through the CQA process and review of unsuccessful outcomes. A reality check of files showed prompt reviews to a good standard, timely follow up, and clear file endorsements.
- The arrangements for case progression are working well. The Area maintains a spreadsheet of committal and sent cases to track progress. Caseworkers act as case progression officers (CPOs) in their own cases and the Crown Court has appointed a CPO as a single point of contact for case progression issues. Compliance with directions is monitored by the casework manager who liaises on at least a weekly basis with the Crown Court CPO to monitor the progress of forthcoming trials.
- There are relatively few youth cases dealt with in the Crown Court but the Area is aware of the negative impact a few long running cases can have on overall performance. Youth cases are monitored by a dedicated lawyer and caseworker who liaise with the PYO champion and report to the multi agency PYO group.
- The Area continues to perform well in respect of ineffective trials; the ineffective trial rate at 10.7% is excellent and has improved since the last OPA when it was 15%. The effective trial rate at 44.7% is not as good as the national figure of 48.2%. The cracked trial rate of 44.7% is also not as good as the national figure of 39.5%.
- The Area undertakes a thorough analysis of all cracked and ineffective trials. A detailed report is prepared outlining the reasons why the case did not proceed and highlighting any issues to be taken forward. The report is provided to the LCJB Performance Officer and Crown Court and considered by the JAG and LCJB. Where there are lessons to be learned they are dealt with accordingly but as the actual numbers of cracked and ineffective trials have been very small the Area has been unable to establish any trends to enable improved performance.
- In 2006-07 the Area completed 83.7% of Crown Court reviews on CMS against a target of 90%. However there was steady improvement throughout the year from a starting point of 39.3% in April 2006 to 100% in March 2007. Tasks are monitored, and managers use CMS to support their management functions.

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

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

- Advance information is available in all either way cases at the first hearing and the prosecution are ready to proceed. However, the case was adjourned at the defence request in all cases in our reality check, some for up to one month.
- Papers are provided to prosecution advocates in advance of the hearing date to ensure cases can be prepared and presented effectively. Agents in the magistrates' courts are sent their papers two days before the court date. DCWs are given the day before court to prepare, and lawyers are provided with their papers two days before court. HCAs conduct advocacy on their own cases. Briefs to counsel were timely in 95.6% of cases compared to national performance of 78.7%. A reality check of Crown Court cases showed high quality instructions with detailed analysis of the case including the acceptability of pleas.
- Selection of prosecution advocates is based on their level of experience, and sensitive cases in the Crown Court, such as rapes are allocated to specialist lawyers and counsel. In the magistrates' courts DCWs cover every other day in court, leaving a full day free prior to court attendance to prepare. There is no target number of court sessions for prosecutors in the Magistrates Court Unit (MCU), who are rostered to cover their own cases on a fixed rota system.
- The MCU Head undertakes advocacy monitoring of all MCU lawyers once a year. The Crown Court Unit (CCU) Head monitors HCAs when he attends court as an advocate. The Area also relies on informal feedback from other criminal justice agencies. No systematic monitoring of counsel or agents has taken place although this was an aspect for improvement in the last OPA.
- Prosecutors are expected to attend court at least half an hour before the court sits in order to allow time for appropriate liaison with court staff, police, witnesses and defence solicitors. Attendance is monitored by the MCU Head and CCP attending court and through feedback from legal advisers. Complaints over late attendance have been dealt with robustly.
- The file ownership policy in both the MCU and CCU ensures that advocates are proactive in progressing cases at court. Prosecutors cover the same court each week and cases that that are adjourned for further work to be undertaken will usually be adjourned to that prosecutor's court. There is therefore an incentive for the prosecutor to ensure that the case progresses as quickly as possible. There are no dedicated CPOs in either the MCU or CCU, however, the Area is satisfied that in light of the excellent ineffective trial rate in both courts that the processes for case progression are working well.
- There are established arrangements for court listing in the magistrates' courts which are reviewed twice a year. DCWs' extended rights of audience are fully accommodated, and cases are not transferred from one court to another without the agreement of both prosecutors. Warwick Crown Court is shared with CPS West Midlands and work is listed on different days of the week. Agreement has been reached with the Crown Court to list cases being dealt with by the same HCA in one court room.

- The Area has measured the number of adjournments and the time taken from first hearing to trial over a period of years and can demonstrate a reduction in the number of adjournments; this is supported by national data. However our reality checks showed a high number of hearings before the trial date or committal date, nearly all of which were at the defence request. The Area's performance for timeliness of guilty pleas at 86% is in line with the national figure of 85%. Following the introduction of LIBRA (see aspect 2b above) there has been an increase in the length of time for a case to be listed for trial which has caused a backlog of trials. This is currently being addressed and the situation is improving. There is no data on the timeliness of trials due to the small numbers.
- There have been no wasted costs in either the magistrates' courts or the Crown Court during 2006-07.

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

5A The Area identifies and manages sensitive cases (including hate crime⁴) effectively

- At the pre-charge decision stage high profile, sensitive or complex cases where bail is appropriate will usually be advised upon in the Crown Court Unit (CCU) by a specialist. Cases on the threshold test are advised upon by Magistrates Court Unit (MCU) lawyers, all of whom are experienced. All fatal road traffic cases are dealt with by the MCU Head.
- The Area has appointed champions for all categories of sensitive cases; these are all lawyers of considerable experience. They are expected to provide training and guidance to other prosecutors, engage with the appropriate community groups and criminal justice partners and undertake analysis of performance data. They do not have objectives relating to their specialisms in their Performance and Development Reviews but are clear as to what their role entails.
- Sensitive cases and hate crime cases are not handled exclusively by specialists, although it is a requirement that the prosecutor should have undertaken the relevant training. Training is regularly delivered by specialists to staff and other partners and has included training on domestic violence, Anti-Social Behaviour Orders (ASBOs), child abuse and handling traffic cases.
- The CCP is involved in all cases of local or national concern, and is responsible for media liaison. He frequently advises the police on the content of press statements in high profile cases.
- The Area is aware of the importance of flagging sensitive cases on the CMS for monitoring purposes, and has devised a form to be attached to all files to highlight the flags to be set on CMS by administrative staff when registering files. A reality check carried out by the Area in November 2006 showed that not all cases were being appropriately flagged, but in our file sample eight out of ten files were correctly flagged.
- All changes to CPS policies and casework bulletins are disseminated to staff by the CCP and the information is then placed on the Area's shared drive. HMCPSI thematic reviews are considered by the CCP who will evaluate whether Area practices already comply with recommendations or if changes are necessary. Individual staff may be expected to assist in the implementation of recommendations.
- Unlike many other areas the Area does not operate a policy whereby the authority of a Unit Head is required before a charge is altered, or a basis of plea is accepted, which reduces or removes the hate element of the offence. These are analysed through examination of adverse outcomes and cracked and ineffective trials. The Area is in the process of implementing a hate crimes scrutiny panel which is planned to roll out in October 2007.

⁴ 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).

- Performance data in respect of domestic violence, racial and homophobic cases are considered monthly. All failed cases are the subject of adverse outcome reports which are considered by Area Management Team (AMT). The domestic violence champion produces a monthly report on all failed domestic violence cases and the rape champion has compiled a report on all failed rape cases, including those where the advice was to take no further action. Performance data is shared with champions for use at local groups.
- Successful outcomes are excellent although performance has declined since 2005-06 both in respect of the overall rate and in relation to specific types of hate crimes. The rate of 79.2% is significantly better than the national rate of 67.2%.
- The Area has appointed a child abuse specialist and takes child protection issues seriously. The champion is the first point of contact for the Warwickshire Child Protection Unit and will deal with the majority of child abuse cases from pre-charge to conclusion. She is an associate member of the Local Safeguarding Children's Board, a member of the Pre-Trial Therapy Group and is involved in the training of the group.

6 DISCLOSURE	OPA 2005	OPA 2007	Direction of travel
	Excellent	Good	Declined

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

- Prosecutors are generally complying well with the provisions of the Criminal Procedure and Investigations Act (CPIA) 1996 (as amended by the Criminal Justice Act 2003), the Attorney-General's Guidelines and the expert witness protocol. Our reality checks of ten files showed that initial disclosure was dealt with properly in seven files. Continuing disclosure was dealt correctly in all Crown Court files but was not relevant in any magistrates' court files. However, in two other files out of date unused material schedules had been used by the police, and in most cases the descriptions of items were inadequate for the prosecutor to make a decision without viewing the unused material.
- The Area has devised its own disclosure form, the W100 form. This is used to address deficiencies in the unused material schedule (MG6C) completed by the police, where either items have been omitted from the form or where the prosecutor makes a decision that items identified by the police to form part of the prosecution case, are in fact unused material. Where this occurs the prosecutor will list the items on the W100 form and send a copy to the police and defence.
- Although it is acceptable for the prosecutor to disclose items to the defence without waiting for an amended MG6C, the Disclosure Manual is quite clear that in these circumstances the prosecutor should inform the officer of the deficiencies, and return the schedules to the officer to be amended. In all cases in our reality check where the W100 form was utilised a revised MG6C was not sought from the police. This is a missed learning opportunity for the police especially bearing in mind the training that has been delivered to them by the CPS Warwickshire.
- All lawyers and caseworkers are familiar with the Crown Court protocol. The Area has had discussions with the Crown Court regarding the disclosure protocol and caseworkers are expected to provide feedback to the CCP or Crown Court Unit (CCU) Head where the advocate provides blanket disclosure. To date no failures have been reported.
- The Area monitors the handling of unused material through the CQA scheme, analysis of unsuccessful outcomes and cracked and ineffective trials.
- Disclosure schedules and unused material are kept in separate folders within the main file. The Area does not accept that disclosure record sheets (DRS) are necessary even though this is stipulated in national procedure. We found such sheets in only one file of our sample. If completed correctly the DRS provides a clear audit trail of what has been disclosed and when, and can be invaluable to a prosecutor dealing with disclosure issues in a busy court.
- Sensitive unused material is kept separate from the main file and stored securely. A log is kept of all public interest immunity applications although these are relatively rare. There has been close liaison between the disclosure champion (who is also the child abuse champion) and Social Services regarding child abuse cases but there is no third party protocol in place in the Area.

- The Area has had a disclosure champion in place since before the last OPA. She has provided training and guidance to lawyers, caseworkers and the police and has attended the national disclosure champions' conference.
- Training has been delivered to all prosecutors and caseworkers on the disclosure provisions of the Criminal Justice Act 2003 and the CPS and Association of Chief Police Officers (ACPO) Disclosure Manual. Three training sessions have been delivered to the police, which have included specific guidance on the importance of good quality descriptions of items on schedules. However, this aspect of the training does not always appear to have had the desired effect on improving performance.

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

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

- The Area has a written custody time limit (CTL) policy that fully complements national guidance. A dual system (manual diary and CMS) is in place for entering CTL review and expiry dates.
- The Registry Manager is the Area Champion for CTL. The last OPA included an aspect for improvement regarding reaching an agreement with the courts concerning the calculation and verification of expiry dates. This has yet to be achieved. The Area consider that the amount of programme change management faced by HM Courts Service in Warwickshire has prevented progress on this issue. The Area also consider the need to urgently pursue this protocol has lessened due to the reduced agent usage in court and the robust systems employed in-house.
- The last OPA also recommended that instructions and guidance concerning decisions in respect of applications to extend CTLs be made clearer. This guidance has since been amended. The effect has been to remove any ambiguity over the lawyers' responsibility to decide whether or not to apply for an extension to the CTL.
- CPS Warwickshire had no CTL failures in 2005-06, in 2006-07, or by the time of this inspection. The CMS check list is 'run' every week to ensure that all CTLs have been accounted for in the forthcoming period. An annual review of the CTL system is undertaken by the ABM to ensure compliance. Unit Heads are responsible for the day to day monitoring and quality assurance.
- Our small file sample of CTL cases indicated that, in general, files were well managed, dates correctly calculated and applications to extend made in good time. However one Crown Court file contained an application to extend that did not satisfactory detail good and sufficient cause or whether the prosecution had acted expeditiously and with due diligence. A magistrates' court file wrongly noted the CTL date or whether the charges made against the defendant were actually subject to CTL. This was because the defendant was remanded into custody on separate matters and the CTL that applied in that case was incorrectly assumed to apply to the file under examination.
- There was also inconsistency in approach in respect of marking files as CTL cases. In the Crown Court the file was marked clearly and boldly with a sticker and had review dates printed thereon, whereas magistrates' court files had 'RIC' (remanded in custody) stamped in red on the front sheet with the CTL date written and highlighted but without review dates.
- CMS task lists are not used to monitor the effectiveness of the system, with more reliance being placed on manual diary checks. CMS is used to send extension letters.

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

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

- The Direct Communication with Victims (DCV) scheme, which requires a letter to be sent to a victim when a charge is discontinued or substantially reduced, is embedded throughout the Area. In 2006-07, 71% of the letters were sent within the five day target compared to 73% nationally. Our checks indicated that letters were sent in all appropriate cases and were generally timely. The quality of the letters was appropriate to the circumstances of the case.
- The Area has a proxy target, set by CPS HQ, which is based on a prediction of the number of DCV letters that the Area would need to send if all required letters were sent. The proxy target for the Area has been successively reduced from 35 letters per month in 2005-06 to 19 letters, with the result that it is exceeding the target, 124% compliance rate (rolling average to March 2007). The HMCPSI audit of CPS compliance with the DCV requirements across the Service suggests that such apparent results are indicative of unduly low target setting.
- In 2006-07 Area managers assessed that 93% of files met the CQA standard in respect of victims and witnesses compared to a national average of 91%.
- Area compliance with CPS obligations contained in the Victims Code are monitored not only through the CQA process but also through the Area's membership of the Victim Information Partnership (VIP) forum. The VIP, a multi-agency group, forms one of the sub groups of the LCJB and regularly meets to discuss all aspects of performance affecting victims and witnesses. It has also commissioned work, separate from WAVES data, concerning victim and witness satisfaction levels in the Area. 66% of respondents in the survey were either satisfied or very satisfied with their overall experience of the criminal justice system.
- Prosecutors are now more aware of the need to make an informed decision at the PCD stage concerning the use of special measures and other requirements the victim or witness may have. Full needs assessments are conducted for all witnesses when a 'not guilty' plea is entered. The Area has a manager seconded to the VIP who provides advice to witnesses on special measures and other help that is available. Training of lawyers was also conducted by the VIP concerning witness issues and information needed on MG3's.
- There are effective systems in place to ensure witnesses are warned in a timely and appropriate manner. The VIP promotes a proactive strategy of early engagement with victims and witnesses and continues to inform them of the progress of their case. It also analyses the continuing extent of contact with witnesses that is disseminated and discussed at VIP meetings. The VIP also monitors the timely and accurate warning of witnesses with 97% of Lists of Witnesses to Attend Court (LWACs) for magistrates' court cases being received within five days of the trial being fixed and 100% of LWACs for Crown Court cases being within time.

- The Area recognises that waiting times for victims and witnesses is an issue and are seeking to address this through the auspices of the VIP to ensure better witness listing to avoid unnecessary appearances or waiting times.
- All prosecutors have been supplied with a copy of the Prosecutor's Pledge and have completed the Proactive Prosecutors Programme. Whilst there is no formal advocacy monitoring policy, the Area's two Unit Heads are able to assess their advocates' performance in court and with witnesses first hand as well as receiving feedback from the Witness Service. Our reality check also reveals that other agencies are very positive concerning CPS advocates in court. They describe advocates acting in a professional and helpful manner with victims and witnesses.

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

- The Area programme for the VIP is on target with the project's objectives exceeding expected milestones. The NWNJ sign over review by the national NWNJ team indicated that the Area was meeting eight of the fourteen minimum requirements. The Area implemented a NWNJ action plan following the sign over and these have since been implemented. The VIP has concluded that NWNJ minimum requirements have been achieved and continues to monitor its position in respect of these requirements.
- Cracked and ineffective trials are reviewed by the VIP, at prosecution team performance meetings and through the Area's performance framework. The ineffective trial rate in the magistrates' courts attributable to the absence of prosecution witnesses is 1.2%, compared with 3.2% nationally (best nationally). In the Crown Court the ineffective trial rate due to witness issues is 1%, compared with 2.3% nationally (fourth best nationally). The cracked trial rate in the magistrates' court and Crown Court due to witness issues are both better than the national average.
- Secondary measures are also collated and discussed at VIP meetings. Any issues of concern in relation to trends, systems or individual cases are disseminated for action and brought to the attention of the Area Management Team (AMT). This is discussed at AMT meetings and reparatory action taken through communication with relevant staff members.

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

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

- The Area Business Plan (ABP) reflects CPS Warwickshire targets and objectives for the year and how it intends to deliver on these commitments. These objectives complement the Directors vision. The plan is clearly structured with a high level statement of intent, a named person responsible for its delivery, milestones and expected outcomes. The ABP establishes clear links with corporate objectives. The ABP also incorporates local initiatives and ongoing change initiatives with the partnership.
- Staff are able to make contributions to the plan through the meeting structure and at a staff training day timetabled to discuss the Area's vision and values for the forthcoming year. It is acknowledged by the Area Management team (AMT) and staff that many targets and activities are a requirement of the service. However staff are able to get involved in how these objectives and targets can be effectively met.
- The ABP is not supported by any detailed or supplementary action plan containing actions necessary to meet the various objectives. The Area does not have sufficient resources for a change manager or project champion, therefore operational activity and review of projects is co-ordinated by the ABM. The AMT involve as many of the lawyers and support staff as possible to deliver the plan. These responsibilities form part of their personal objectives. The two Unit Heads develop unit objectives (Crown Court unit and magistrates' court unit) that link directly with the ABP. The ABM monitors and reviews the ABP and risk register regularly and reports to the AMT meeting any changes or actions needed to meet objectives.
- There is clear evidence of a strong commitment to planning and working with partners to meet individual agency objectives and shared objectives, both in the medium and long-term. An example of this is the multi-agency Southern Justice Centre Group who will replicate the Warwickshire Northern Justice Centre (opened in March 2005) which brought all agencies together in handling cases from arrest to sentencing. The latter has resulted in more effective processes, value for money and a reduction in duplication.
- Other joint initiatives such as statutory charging, conditional cautioning and CJSSS are coordinated through the LCJB. The Board agrees who will lead on a particular project supported by local implementation groups made up from appropriate agencies. There is a CPS representative on all major multi-agency change programmes.

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

- Because of its size the Area does not have a dedicated Business Development Unit or project manager to develop initiatives and delivery mechanisms to ensure implementation success. However its small size allows all projects to be monitored by the ABM who reports on progress

and delivery to the AMT. There is evidence that change has been successfully implemented monitored and reviewed including statutory charging, NWNJ and conditional cautioning. The advocacy strategy aims to deliver challenging outcomes for the 2007-08 period. The plan has identified the most effective use of DCWs and HCAs and is being monitored closely by the ABM and the AMT meeting.

- External multi-agency change projects are systematically implemented through the LCJB. Internal Area change initiatives are implemented through the AMT. Each project is assigned a project manager who recruits staff with the required skills onto each project group. The Area is keen to involve its staff in planning and delivering change. It sees this as a critical factor in successful implementation, through ownership, as well as a means of introducing staff to new areas of personal development and learning. Indeed the staff survey indicates a high percentage of staff who feel personal development and growth is key on the Area (61% compared to 48% nationally).
- Training is considered within the project initiation document in order that staff have the required skills to deliver the objectives of the project. Similar arrangements exist, inter-agency, through the LCJB.
- The Area risk register forms an integral aspect of the ABP and is compiled by AMT members taking into account resources available, experience of staff and potential barriers to successful implementation. The risks are regularly reviewed by the ABM and amended accordingly.

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

- Area training is specifically linked to delivering the business need. CPS Warwickshire delivers its own training on certain issues but also participates on a regional basis with adjacent Areas to deliver some national training. The Area utilises a variety of training methods to ensure equality of access. For example Compass training is provided on a one to one basis for staff who cannot travel longer distances.
- The training plan includes training for all lawyers on hate crime and the single equality scheme. All staff have received, or have access to, equality and diversity training. In addition individuals are asked to identify their own particular training needs during the appraisal process and these are considered along with the business need.
- Induction training is delivered through a structured programme and timetable. As the individual reaches a certain level of competence their line manager 'signs off' their competency against evidence produced for that competency.
- We found evidence that staff are encouraged to engage in multi-functional activities. In-house training and development had been given to support staff with their wider remit. The Area score well in the staff survey concerning the opportunity to learn and develop, where 71% of staff considered they were given this opportunity compared to 61% nationally; as well as personal development and growth, where 61% of staff considered they were given this opportunity, compared to a national average of 48%.

- Evaluation of whether training has been effective is measured in a number of ways. Unit Heads have specifically monitored and discussed with lawyers the quality of their reviews following proactive prosecutor training. This resulted in the CCP giving feedback for programme improvement to the CPS Headquarters. The Regional training officer also completes analysis through the evaluation of returns in the feedback process. Monitoring of performance pre and post training is also monitored to evaluate anticipated benefits.

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

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

- In 2006-07 the Area under spent its non ring-fenced administration budget by 1.8%. Spend on the non ring-fenced administration budget for the 2004-05 and 2005-06 period was excellent.
- The Area demonstrates value for money primarily through the more effective use and deployment of staff and administrative costs although individual examples are apparent such as a tightening of processes concerning attendance of witnesses abroad. The Area is also a key player in the establishment of the Southern Justice Centre Group that seeks to bring all agencies together in handling cases, from arrest to sentencing, in one geographical location. The aim is to improve effective processes, value for money and to reduce duplication of effort.
- There are effective systems in place to monitor and account for budget spend and regular discussions held at Area Management Team (AMT) level. Managers do not have a devolved budget, with all budget lines being managed and monitored by the ABM and collectively through AMT meetings where budget performance is a standing agenda item.
- Prosecution costs for the 2006-07 period resulted in an overspend of 4.2%, representing an improvement on the 2005-06 when the Area overspent by 9.3%. Prosecution costs are monitored by the ABM through a series of spreadsheets and the GFS register maintained by the Crown Court Unit. Timeliness of GFS payments within one month is the third best nationally and all payments are paid within a four month period. There were no Very High Cost Cases in the financial year.
- The Area has received various additional funding from the CPS HQ's Resources and Performance Branch but these have been ring-fenced for specific expenditure.

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

- There is evidence that resource planning is regularly reviewed with workload linked to staffing levels. Staff numbers are small which allows for only limited flexibility. The AMT review the Area structure using performance indicator data and the ABC model. This has enabled extra lawyers to be trained as HCAs and an extra DCW to be recruited. The AMT are currently positioning themselves for potential budget restraint in the next financial year and are planning an internal restructure to enable increased multi-functional working arrangements, assessing increased HCA usage and developing POCA seizures.
- There are clear expectations set for lawyer and DCW deployment in court and charging centres. Within these expectations, flexibility is key, therefore the ABM and Unit heads constantly monitor rotas and workloads to enable efficient use of resources.

- Agent usage for the 2006-07 period was 22% which was significantly reduced from 40% usage in the last OPA, 2004-05. However it is still above the national average (19.6%). The Area continues to improve in this aspect with current agent usage being reduced further to 14%.
- At 13%, the Area did not achieve its target for DCW usage (19%) and was also below the national average (14.7%). This was due to one (of only two) DCWs being on adoptive leave. The Area has since employed a further DCW and should easily meet its DCW target of 17% for the 2007-08 period.
- The Area exceeded its HCA target for 2006-07 with counsel fee savings totalling £45,734 against a target of £41,112 but was significantly below the average national savings (112% compared to 138% nationally). Although the results do not compare favourably with other Areas, it is CPS Warwickshire's contention that their HCA counsel fee savings, if taken as a percentage of total GFS advocacy value, compares favourably with most other Areas.
- HCA work was split between lawyers engaged solely on Crown Court work and others who also had wider responsibilities. Some HCA work included cases listed for trial but such cases were not in the event contested because of unexpected guilty pleas. HCA workloads are monitored through the Unit Head, ABM and through the AMT meeting.
- The Area has a target of £55,900 savings for the 2007-08 period and is currently on target. This target is underpinned by an advocacy strategy that has considered capacity analysis of HCA usage. The Area has also set a target in its Area Business Plan for HCAs to conduct a total of 6 trials within the current year.
- The average sickness absence for 2006-07 was 4 days (to December 2006) which was the lowest sickness rate nationally and has shown improvement on the previous year. The Area consider that this performance is achieved through active management of sickness, back to work interviews and keep in touch logs.
- Because of small staff numbers, the Area considers flexible working arrangements on an individual case by case basis, in accordance with national guidance, and balanced against the current business need. The Area has a number of staff members currently taking advantage of flexible working arrangements. Most staff are able to use flexi-time arrangements in agreement with their line manager.

11 MANAGING PERFORMANCE TO IMPROVE	OPA 2005	OPA 2007	Direction of travel
	Good	Excellent	Improved

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

- Area performance is considered at regularly scheduled Area Management Team (AMT) meetings where performance is a standing agenda item. The Area does not have the resources to have a dedicated performance manager and, unusually, the CCP himself collates and distributes a wide range of data for AMT members to consider in advance of the AMT meeting. This high level understanding of performance management and data housekeeping contributes significantly to the performance culture of the AMT and the Area as a whole.
- Although the Area only has two Unit Heads it is clear that they, along with the ABM and other managers, evaluate their performance and look to improve over a wide range of performance indicators. Units therefore benchmark themselves directly with other Areas, particularly those of a comparable size. Performance is also benchmarked nationally through the LCJB Performance Report. Other shared targets are also discussed both at the relative partnership meeting and at AMT meetings.
- In November 2006 Management Information Branch conducted an audit to verify accuracy of case data recorded on CMS across eight data entry categories. Of the eight measures, three categories were assessed as being met in full, three as being in need of remedial action and two assessed as being mainly met. These recommendations have since been implemented resulting in better housekeeping procedures and leading to a data entry audit which is conducted every month. This entails data being run off and any disparities checked and corrected. Any anomalous performance indicator data is also investigated.
- In addition to the high level data reports produced for the AMT, individual managers are also responsible for the production of performance data for their team and areas of responsibility. Non- managerial staff are also involved in data analysis and report writing concerning performance. Involvement of staff at all grades is deliberate and promotes a performance culture and ownership of actions to improve performance. We found examples of the information and data produced being utilised to correct and improve performance across a wide range of targets.
- Performance appraisals are linked to individual objectives that follow the unit's objectives outlined in the business plan.

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

- CJS partners work effectively together to improve performance. The Warwickshire Northern Justice Centre and the formation of the Southern Justice Centre Group are innovative projects that aims to consider performance of the CJS holistically rather than as separate silo agencies. All senior managers and some other staff participate actively in the work of the LCJB and other inter-agency groups.

- There is a two-way data and information sharing process between partner agencies. The Area routinely produces information for the LCJB and the Victim Information Partnership. Other information is provided to other inter-agency groups on an ad hoc basis.
- Inter-agency working has led to jointly owned strategies aimed at driving up performance and bringing more effective working processes between CJS partners. There were good examples of joint initiatives and working leading to improved performance on a wide range of issues.

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

- Compliance with the CQA system has consistently been good throughout the 2006-07 period with an average of 107% compliance rate. Our reality check of files proved to be, on the whole, reliable and accurate. The results of the Area's self assessment in respect of quality standards of files is indicating performance above the national average for all but one category (disclosure).
- Unit Heads use the findings of these checks to feedback to lawyers and DCWs on a one to one basis. The results also form discussion at unit meetings if a trend is identified. Overall CQA performance and trends are also discussed at AMT meetings.
- There is no formalised system of advocacy monitoring designed to evaluate performance in relation to case progression. The CCP and Unit Heads regularly attend court where they are able to monitor advocacy. The Area consider the effectiveness of case progression is demonstrated by the low adjournment rate. The AMT also take into consideration feedback from other agencies, formally and informally.

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

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

- The Area Business Plan (ABP) sets out the objectives for the year, incorporating the Director's vision and values. A summarised copy is given to all staff members. The Staff Survey (conducted in March 2006) showed that awareness by staff of the Director's vision of the CPS becoming a world class prosecution service is high at 92%, compared with 80% nationally. However staff indicate that their opportunity to discuss the vision is much lower at 41%, compared to 59% nationally. Despite this, staff awareness of what is expected of them, what their contribution is to their team and the CPS generally is higher than the national average.
- The Area's vision is underpinned by a comprehensive programme of objectives and activities that are regulated through a matrix of performance data. Unit objectives complement the ABP and are linked to individual objectives.
- The Area Management Team (AMT) is small, comprising the CCP, ABM and two Unit Heads. The AMT understand their responsibilities for implementing the ABP and demonstrate a corporate responsibility for delivering shared objectives with partners. The AMT actively involve other managers in this process at lawyer and support staff level. Managers also work together on cross departmental issues to enable value for money outcomes.
- CPS Warwickshire is geographically located on one site, enabling staff to have daily access to the CCP and other managers. Consequently managers are available throughout the year and not just at key stages. This undoubtedly contributes to the high corporate awareness of staff and the ease of managers to interact with staff in communicating important messages.
- Despite the advantages of being located on one site the staff survey reveals that only 25% of staff consider they have regular meetings compared to 59% nationally and that only 29% of staff feel those meetings were effective, compared to 55% nationally. The AMT consider, because of staff having open access to talk to managers and each other, that the need for more regular meetings is unnecessary. However this ignores the need for staff to bring and discuss issues formally and in a structured way. In addition only 21% of staff thought it was safe to speak up and challenge the way things were done, compared to 35% nationally. Evidence from the staff survey would indicate that the Area needs to develop an internal communication strategy in order to foster a more transparent two-way process.
- It is evident that staff believed that managers tackled poor performance effectively, 50% compared to just 17% nationally. The staff survey also revealed that staff felt that their line manager understood their job related issues and problems (71% compared to 58% nationally), and they received regular and constructive feedback (57% compared to 36% nationally). This position is also an improvement on the staff survey conducted in 2004.

- Senior managers have considerable responsibility for leading or participating in a wide variety of criminal justice initiatives and other inter-agency groups. Relationships with most partners are positive and constructive at both the strategic and operational level. The ability of senior managers to engage in outward looking proactive activity, in respect of inter-agency or community initiatives, is limited and lacks impetus in the absence of a dedicated individual to co-ordinate and promote such activity.
- Good examples were found of senior manager's positive approach in their willingness to learn through reviewing success and failure. Overall, such an approach is evidenced in the Area's improving position in most aspects of key performance.

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

- Although the Area does not have a formal reward or recognition policy, evidence indicated that there appeared to be a 'thank you' culture where good performance by staff was identified and acknowledged. Good performance is also recognised in the annual appraisal process. Although the staff survey indicated that only 17% of staff believed there was effective recognition, this was better than the national average of just 14%.
- The staff survey highlighted that the Area scored below average in respect to working relationships and had significantly declined from the staff survey taken in 2004. The proportion of staff who considered they were treated with fairness and respect was 54% compared to 63% nationally and declined from the 2004 position of 67%. Most staff feel that the CPS are working towards equality and diversity (67%). Senior managers consider they tackle any inappropriate behaviour both robustly and swiftly and scores high in the staff survey in respect of tackling poor performance. There have been no substantiated complaints made by staff about their treatment by managers.
- In respect of equality, the Area endeavours to ensure that its plans and strategies are explicitly integrated, although there is no systematic proofing or a separate overseeing committee. However the Area champion for equality issues is the ABM and the CCP also chairs the Diversity sub-group of the LCJB.
- The make up of staff in CPS Warwickshire approximately reflects the local community. There is also commitment in the ABP to maintain, monitor and improve workforce representation. There have been no complaints concerning discrimination or prejudice in the workplace.

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

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

- Senior managers understand the increasing need to improve community confidence and become more accountable to the public, particularly as the prosecutorial role develops. The CCP is the chair of the LCJB diversity sub group, through which many community engagement activities are directed. The Area considers that performing well in their core business best promotes community confidence in CPS work and the wider criminal justice system.
- The Area also believes its limited resources are best utilised by being combined with those of its criminal justice partners; such as the sharing of resources and engagement platforms to avoid duplication. The Area played a significant role (including its provision of some funding) in establishing the Warwickshire Race Equality Partnership (WREP). A two-way information giving and receiving process is taking place through this medium. This has led to a consultation survey with the Black and Minority Ethnic (BME) communities and emerging communities. From this survey the CCP has addressed specific surgeries to support groups who have a growing need for public sector services.
- The Area Business Plan 2007-08 includes various objectives to improve community confidence and engage with the community. The objectives have named individuals responsible for delivery although the expected outcomes could be more specific and measurable.
- It is evident that community engagement is becoming core business not only with senior managers but also lawyers and support staff who have attended various events where they have been able to talk about their particular expertise and CPS work in general.
- The Area's relationship with WREP means that it is able to access current data concerning demographics as well as local community and interest groups. Using the information from the independent research commissioned by WREP the Area is beginning to engage with groups that may be particularly vulnerable. The approach adopted by the Area has been one of collaboration with other criminal justice agencies through the auspices of the LCJB diversity sub group.
- While the Area is open to adapting practice and procedure to meet community needs, no such engagement has resulted in policy change. The Area recognise the need to develop this aspect of community engagement as a positive approach to community concerns.
- The criminal justice area's performance in bringing offenders to justice, as measured by the British Crime Survey, slightly improved from its 38% baseline taken in 2002-03 to 39% (March 2007) . However this is below the national average of 41% and is significantly reduced from the peak of 45%, in December 2005. The target of 50% for the year 2007-08 is a challenging one for the Area and its partners.

- Area resources are such that a dedicated post of Communications Officer, who would be able to proactively develop and engage both the community and media, has not been possible. Media relationships are consequently not developed beyond a reactive role for CPS Warwickshire. The Area has made good use of the LCJB press officer and links are made with the police media department. In common with other areas, CPS Warwickshire await guidance from a newly formed Group Secretariat concerning the future of press liaison from a broader perspective.

ANNEXES

A PERFORMANCE DATA

Aspect 1: Pre-charge decision-making

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	11.7%	9.7%	11.0%	13.1%	7.3%	5.9%
Guilty plea rate	52.0%	69.2%	80.6%	84.7%	68.0%	66.5%	81.4%	81.3%
Attrition rate	31.0%	22.0%	14.5%	12.4%	23.0%	22.2%	10.9%	11.1%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	87.6%

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%	92.2%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	57.1%
Cracked trial rate	37.3%	29.4%
Ineffective trial rate	18.9%	13.5%
Vacated trial rate	22.5%	17.7%

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

National target	National performance 2006	Area performance 2006
71 days	72 days	55 days

Offences Brought to Justice

	CJS area target 2006-07	CJS area performance 2006-07
Number of offences brought to justice	10,384	12,362
Percentage make up of Offences Brought to Justice	National 2006-07 ⁵	Criminal justice area 2006-07
Offences taken into consideration (TICs)	8.5%	11.9%
Penalty notices for disorder (PNDs)	10.3%	7.2%
Formal warnings	5.8%	5.3%
Cautions	26.5%	34.1%
Convictions	48.8%	41.6%

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%	90.1%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	44.7%
Cracked trial rate	39.5%	44.7%
Ineffective trial rate	12.4%	10.7%

5 Final figures awaited.

Proceeds of Crime Act orders	Area target 2006-07	Area performance 2006-07
Value	£319,339	£837,537
Number	11	24

Aspect 10: Managing resources

	2005-06	2006-07
Non ring-fenced administration costs budget outturn	99.8%	98.2%

Staff deployment	National target 2006-07	National performance 2006-07	Area performance 2006-07
DCW deployment (as % of magistrates' courts sessions)	17.2%	14.7%	13%
HCA savings against Area target	100%	138.4%	111.2%
Sickness absence (per employee per year)	7.5 days	8.5 days	4 days

Aspect 13: Securing community confidence

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

CJS area baseline 2002-03	2004-05 (last OPA)	Performance in 2006-07
38%	45%	39%

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

Police

Warwickshire Police

HM Courts Service

Warwick Combined Court

Warwickshire LJA

Victim Support

Nuneaton Witness Service

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