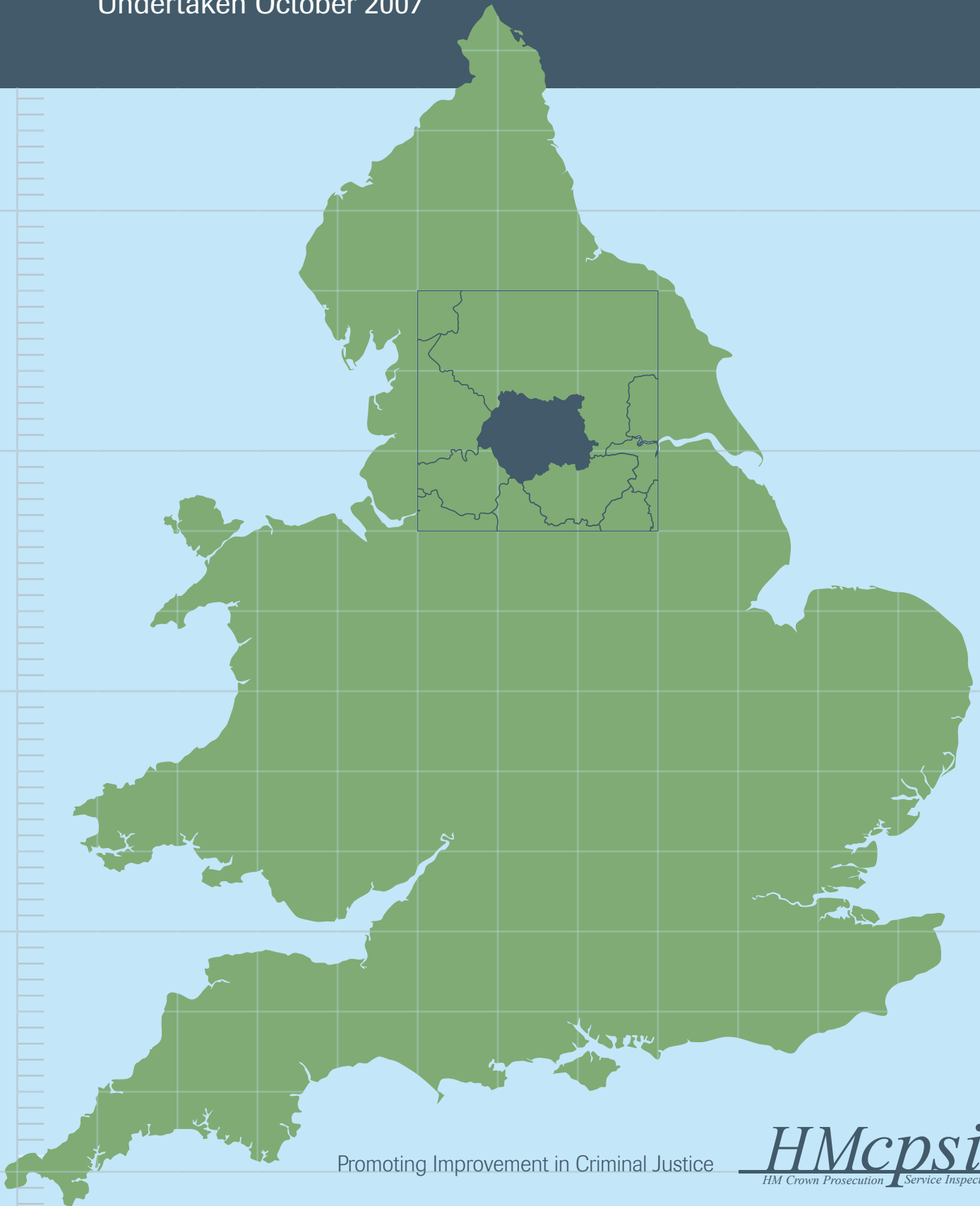


CPS West Yorkshire

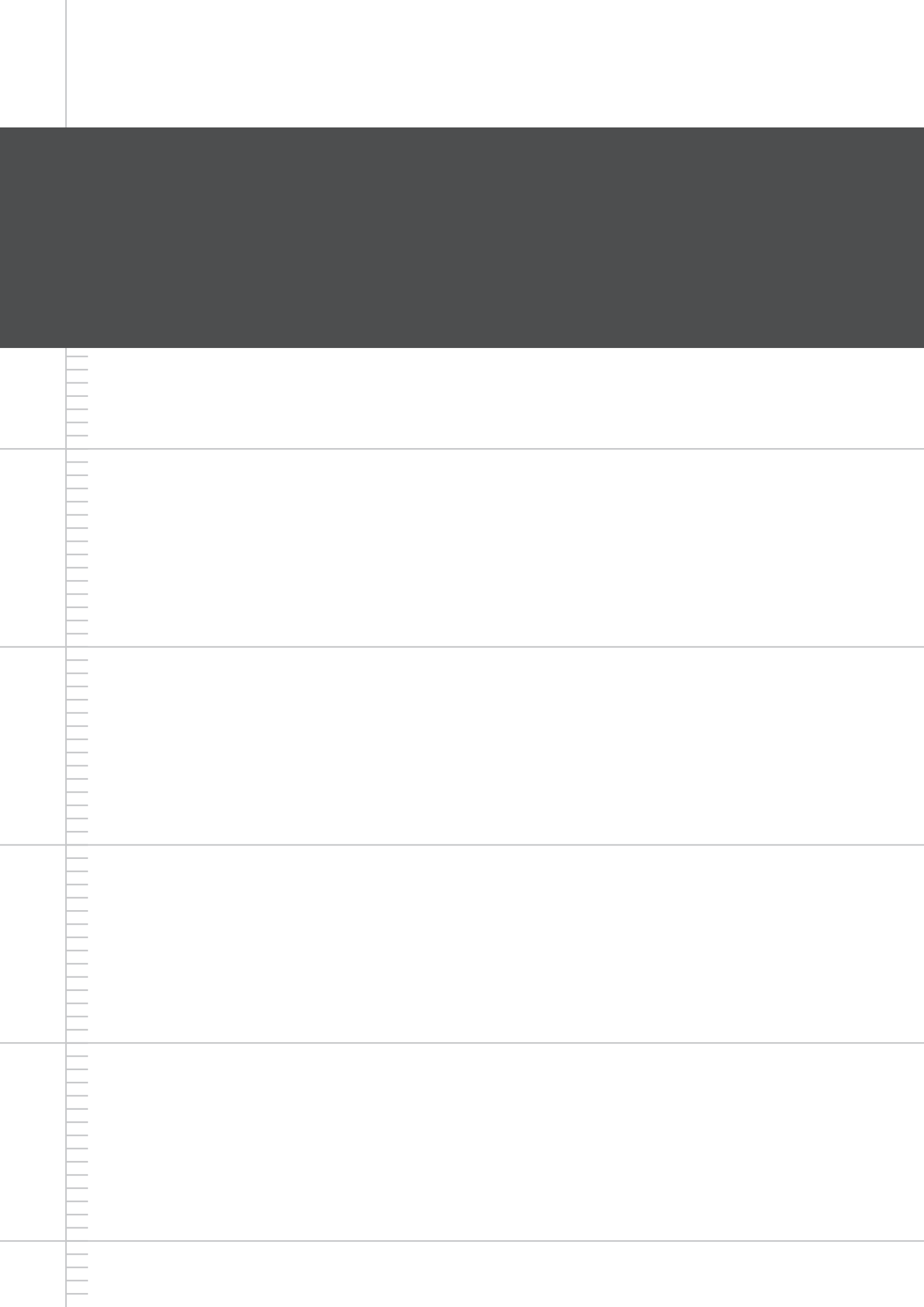
# Overall Performance Assessment

Undertaken October 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 West Yorkshire 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 West Yorkshire serves the area covered by the West Yorkshire Police. It has Area offices in Leeds and Bradford, and is co-located with the police in five police stations. The Area Headquarters (Secretariat) is based at the Leeds office.

Business is divided on geographical lines into Western and Eastern Units, which are each managed by an Area Crown Prosecutor (ACP), have casework and administrative support teams and a cadre of Higher Court Advocates (HCAs). The teams within each unit are managed by District Crown Prosecutors (DCPs) reporting to the appropriate ACP. There are two Witness Care Units (WCUs), each responsible for half the Area and managed jointly by the CPS and police. There is also a Complex Casework Unit (CCU), which is based in Leeds.

During the year 2006-07 the Area had an average of 292.8 full-time equivalent staff in post, and a budget of £13,547,681. This represents an increase in staff of less than 1% and a 5.3% 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	729	Decisions resulting in a charge	14,930
Pre-charge advice (where available)	26,905	Decisions not resulting in a charge <sup>2</sup>	7,897

Magistrates' courts proceedings	2004-05	2006-07	Percentage change
<i>(including cases previously subject to a pre-charge decision)</i>			
Magistrates' courts prosecutions	59,743	47,021	-21.3%
Other proceedings	44	13	-70.5%
<b>Total magistrates' courts proceedings</b>	<b>59,787</b>	<b>47,034</b>	<b>-21.3%</b>
<b>Crown Court proceedings</b>			
<i>(including cases previously subject to a pre-charge decision)</i>			
Cases sent or committed to the Crown Court for determination	4,814	3,283	-31.8%
Committals for sentence <sup>3</sup>	837	827	-1.2%
Appeals from the magistrates' courts <sup>3</sup>	438	570	+30.1%
<b>Total Crown Court proceedings</b>	<b>6,089</b>	<b>4,680</b>	<b>-23.1%</b>

In 2006-07, 43.4% 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**

There has been a high degree of stability in the management team in West Yorkshire, although a new Area Business Manager was appointed towards the end of 2006-07. The Area is operating in an environment of reductions in caseload that will affect the budget they receive from CPS Headquarters in the future. The Area is progressive in implementing new initiatives at an early stage.

### **Summary**

2006-07 was a mixed year for CPS West Yorkshire; some aspects of work have continued to meet the high standards previously reported; some aspects of legal work have shown some decline and shortcomings; and other aspects such as pre-charge decision-making and the service to victims and witnesses are progressing, but failed to deliver the expected benefits in 2006-07.

There was a strong focus on Crown Court and serious and complex casework in 2006-07 and this is reflected in the improving outcomes in these areas of work. Champions and specialists are proactive in liaising with relevant parties to improve processes and performance. Exceptional care was given to the victims and their relatives in some sensitive cases. The Area has made very good progress in deploying its Higher Court Advocates in the Crown Court, which has proved helpful in progressing and managing cases.

Outcomes in respect of magistrates' courts cases were less encouraging, although they show improvements over previous results. There has been a very high level of discontinuance over a sustained period which, despite a significant improvement in 2006-07, remained among the worst in the country. There is a strong link between these outcomes and the quality of pre-charge decisions, which the Area recognised as weak in early 2006. Remedial actions, most notably the appointment of lawyer development managers and further thematic reviews of cases, were taken and have led to improvements. However, for 2006-07, the outcomes were still weak. Further revisions to the provision of pre-charge decisions to the police have been made in 2007-08 and the early signs are encouraging in terms of improved outcomes.

There are dedicated case progression officers in most teams to try to ensure that cases progress smoothly through the courts. Feedback from externals was variable, but many suggested that preparation of committals could have been more timely. The agencies have worked well together to develop court sitting patterns that facilitate use of CPS in-house resources.

There is a strong performance culture among senior managers. Very detailed performance information packs are compiled and progress against local and national targets monitored very carefully. The Area goes significantly beyond the standard national Casework Quality Assurance scheme and conducts detailed thematic studies of casework in addition to local quality assurance checks. Despite the high level of monitoring, not all outcomes were at the desired level, although most were moving in the right direction. Performance against the range of Public Service Agreement targets was generally satisfactory with particularly good results in the timeliness of handling cases involving persistent young offenders; conversely, the rate of ineffective trials in the magistrates' courts was weak and not improving.

There is a need for urgent and significant improvement in terms of compliance with the prosecution's duties of disclosure. 'Reality' checks of files and adverse case reports by inspectors identified a number of cases where discloseable material had not, in fact, been disclosed. The handling of sensitive material also needs to be improved.



West Yorkshire managed its resources well and remained within budget for administration costs. Significant progress was made against its advocacy strategy with very good usage of both Higher Court Advocates and designated caseworkers against stretching targets. There is, however, scope to improve the control of prosecution costs. The Area recognises the risks from potential future budget reductions and is proactively seeking counter-measures.

The Area continues to be in the vanguard of developing community engagement and has done some excellent and innovative work, for example the Hate Scrutiny Panel. The level of public confidence in the ability of the criminal justice agencies in West Yorkshire to bring offenders to justice has improved since the last OPA and is now very similar to the national average.

Victim and witness issues did not receive sufficient priority in 2006-07 and limited progress was made towards reaching the required standards. Compliance with the requirements of the Victims' Code was weak, including performance against the Direct Communication with Victims scheme. Significant activity has taken place in recent months that gives room for greater optimism about the future.

The Area has clear direction and leadership and priorities are communicated to staff. It has implemented a number of major initiatives and most have been undertaken successfully. However, in seeking to address new initiatives a few other aspects of work, for example witness care, have not progressed as much as desirable. Planning for conditional cautioning and the Criminal Justice: Simple, Speedy, Summary initiative was conducted in 2006-07 to facilitate early roll-out of these important projects in the current year. Despite some teething problems, the early signs are encouraging. Relationships with other agencies are generally strong at the strategic level, but more variable among operational staff, particularly with representatives of the magistrates' courts. The agencies are seeking to address concerns over instances of staff blaming each other, which is not in keeping with the ethos of effective joined-up working.

The management of custody time limits was reinforced after a failure in July 2006. The standard was revisited and refresher training provided.

### **Direction of travel**

Five aspects show decline against the ratings of the last OPA, with only one showing improvement. Despite this, there are still many positive points about the performance of the CPS in West Yorkshire. For the three critical aspects rated as 'Fair', we saw considerable activity in recent times that suggests improved results and ratings are achievable in the future. The infrastructure and management systems are in place to enable improvements, and the challenge for the Area will be to translate this into consistent, improved outcomes.

In the light of our findings, West Yorkshire's overall performance is **Fair**.

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

## D DEFINING ASPECTS

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

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

- Until April 2007, pre-charge advice was provided at 14 custody centres from 9am-5pm. Face-to-face advice was given in 82.4% of charging cases. The Area reviewed the arrangements in the light of the need to implement the Criminal Justice: Simple, Speedy, Summary (CJSSS) initiative, anticipated budgetary constraints and concerns as to the efficiency of the existing arrangements. The project reached a number of conclusions: that there was inadequate control of officers' attendance leading to peaks and troughs, with inefficient use of prosecutor time and limited flexibility to deal with peak demands; that there were inadequate arrangements in place for handling some sensitive casework; and that the average number of consultations per site was approximately half of the national figure. It recommended a reduction to eight charging centres resourced on a full-time basis giving face-to-face advice, with an additional two lawyers providing contingency cover. The review recommendations were implemented in April 2007.
- The police have expressed concerns that periods of peak demand are not adequately resourced. A post-implementation review of the changes was commencing at the time of this assessment and will include consideration of the effectiveness of the contingency arrangements.
- Since April 2007, the rate of face-to-face advice has risen slightly. The methods of delivering advice are kept under review by the Area and one of the options being considered involves increased use of secure email and fax communications to receive the police papers and give charging advice. Senior managers should assess carefully the associated risks of a possible reduction in face-to-face consultation and should ensure that, if adopted, the method of delivering advice is recorded accurately.
- Other changes implemented in this financial year include the introduction of a diary system for appointments, strengthening the police Evidential Review Officer function, and a new certificate of evidential readiness completed by them, although the changes are not fully embedded across West Yorkshire. These changes were undoubtedly necessary to ensure the smooth operation of charging; in the period covered by this assessment, there were clear operational difficulties caused by the lack of such processes. The Area has been operating statutory charging since May 2004 and some of the problems, such as lack of robustness at 'gatekeeping' and charging and the resultant poor discontinuance rate, have been apparent since that time. Whilst efforts have been made to improve systems and outcomes, the CPS and the police have not been able to implement effective solutions in a timely manner. The post-implementation review currently underway will report on whether the recent changes to charging have had the desired effect, although early indications are that outcomes are improving.

- There have been a number of cases which ought to have been referred for charging advice but which were not (in the Eastern Unit 161 cases were identified in 2006-07). There is also a higher than national rate for cases being refused charge on evidential grounds, which would tend to suggest that police gatekeeping functions could be more robust. A number of police misunderstandings (such as not referring allegations against persistent young offenders automatically) reappear in logs, suggesting that follow-up action has yet to be fully effective, although such cases are discussed at regular meetings with the police.
- The Area ensures that advices are recorded properly by insisting on a unique reference number before advice is given, and by publishing standards for completion of decisions on the electronic record (MG3s; used to record pre-charge advice and decisions). A reality check showed that in most cases the advice was properly recorded, with action plans where appropriate and follow-up reviews recorded thereafter. Recording of ethnicity in the reality check was less satisfactory, with 40% of cases having no information given. The Area has very low rates for cases where no unit is recorded or the outcome is undefined, which is commendable.
- In most teams there are effective systems in place to ensure that action plans are adhered to and follow-up activity undertaken. However, three of the teams had more than 100 cases on their ongoing pre-charge advice report, some of which date back to 2006, and which warrant further attention. Many of them may be duplicates of cases charged and could be cleared immediately. Ongoing cases are discussed at the monthly meetings with the police. Although it is recorded less often, the meetings also cover bail management. The police would welcome more input from the CPS into the control of periods of bail.
- Arrangements for some specific serious and sensitive cases are well established and appropriate cases are submitted as advice files. Some delays in the provision of advice are reported, but otherwise, the standard of service and excellent relationships between specialist lawyers and specialist units are embedded and appreciated by the police. The Area also has effective systems for disagreements on charging decisions, although the formal appeal process is rarely used.
- A significant number of West Yorkshire's charges are initially advised upon by CPS Direct (CPSD), well in excess of the national average. More work remains to be done to establish the reasons for this. The Area has already conducted a review of discontinued cases after fears expressed about its lawyers' readiness to drop cases which were from CPSD and anecdotal criticism of the standard of CPSD advice. The review found very little difference in outcomes or failure rates between the two groups. The Area has effective liaison arrangements with CPSD and raises with them any cases where CPSD charging decisions are thought to be incorrect. The logs of cases, however, show fewer cases than are reported anecdotally or were suggested by the discontinuance review.
- Conditional cautioning was implemented in the first division in April 2007, with two more brought 'on stream' later and the rest planned for later this year. There had been eight cautions issued at the time of this assessment. The lack of available conditions to combat alcohol and drug-related offending for much of the period to date has hampered the use of the initiative, although these are being addressed. Additionally the workload for the police can also act as a disincentive and the very high rate of offences taken into consideration and simple cautions would suggest these are preferred. This may be resolved in part by predicted changes to the scheme.

**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**

- A reality check of 15 paper files and a further ten cases on the electronic case management system (CMS) showed that the quality of decisions to charge was generally satisfactory. Two cases which were CPSD decisions on the 'threshold' test were subsequently discontinued. In one case, the Area's full review and discontinuance were timely, but in the other they were not.
- Guidance provided to duty prosecutors encourages consideration of relevant issues, ancillary orders, asset recovery, and local and national policy at the charging stage. Monitoring is conducted regularly to ensure compliance with the standards set and a reality check confirmed that performance was good. However, there have been difficulties in ensuring that witness reliability and credibility and possible Proceeds of Crime Act applications are considered from the outset. Efforts to focus attention on witness-related matters (discussed in Aspect 8) are, somewhat belatedly, becoming more systematic.
- The Area has done a great deal of work to ensure that standards of advice are improved in charging centres, including monitoring MG3s regularly, use of the Casework Quality Assurance (CQA) scheme, and a thorough development programme for lawyers. This included a lawyer development manager 'shadowing' in charging centres to assess lawyers' skills, and tailored training activities. The Area has conducted some thorough and helpful thematic reviews, such as on charging levels in assaults or drugs cases, and reviews of discontinued and domestic violence cases. Some of the reviews have been undertaken as a result of concerns raised by partner agencies or data rather than following on from the Area's monitoring. The Area is better informed than most as to the quality of decision-making, but the level of weakness encountered has meant that it has taken a long time for performance improvements to be delivered.
- One of the reviews, in June 2006, looked at decisions not to charge, but responsibility for monitoring these has now reverted to the police. The ratio for determining that there should be no further action (NFA) - currently at about one NFA decision to two charging decisions - is well within the acceptable range although improvement in the discontinuance rate, if it is as a result of increased robustness at charging, may affect this.

**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 2005-06	Area performance 2006-07	National target March 2007	National performance 2006-07	Area performance 2005-06	Area performance 2006-07
Discontinuance rate	11.0%	15.7%	24.4%	18.6%	11.0%	13.1%	14.9%	11.7%
Guilty plea rate	52.0%	69.2%	65.6%	70.7%	68.0%	66.5%	71.1%	75.7%
Attrition rate	31.0%	22.0%	28.7%	23.1%	23.0%	22.2%	20.7%	16.9%

- Four of the six expected benefit targets are being achieved and the overall conviction rate, at 78.2%, is marginally better than the national average of 78.0%. In Crown Court cases, performance in achieving the expected benefits of charging is better than the national average. The rates for all three expected benefits have improved since 2005-06 and across 2006-07, save for a dip in the first quarter in the Crown Court discontinuance rate, since rectified. In magistrates' courts cases the guilty plea rate is better than the national average, but attrition and discontinuances are worse than nationally, although all have improved since 2005-06. For magistrates' courts discontinuances, the Area has under-performed for some time and for 2006-07 the outcome was in the lower quartile of performance nationally. Data for the first half of 2007-08 indicates some improvement against all targets; discontinuance at 16.0% is now closer to the national average (15.3%) and the attrition rate has improved to 20.7%.
- The discontinuance rates have long been a subject of concern within and outside the Area, with analysis of individual cases and regular discussions at meetings with the police and at Local Criminal Justice Board (LCJB) level. A joint pilot, 'Making Charging Work', was instituted in October 2005, partly as a result of the lack of realisation of expected benefits. A review of all discontinued cases in January 2006 concluded that about 45% were either wrongly charged or wrongly discontinued - a significant proportion. It found that 37% were either charged too early (before essential evidence was available) or should not have been charged at all, whereas about 8% were discontinued when they ought not to have been. The Area assessed a decision as 'wrong' where an experienced prosecutor would not have reached the same conclusion, rather than where the decision was perverse or one that no prosecutor could have reasonably made.
- The report in June 2006 on the Making Charging Work pilots concluded that they had achieved the aims of the project brief and the measures should be rolled-out across the Area. However, the impact on the discontinuance rate was not as significant as that hoped for. A second review of discontinued cases conducted a year after the first, in April 2007, found that the overall failure rate was the same (around 45%). It found that the rate of failure at charging had fallen (from 37% in the first review) but that the rate at discontinuance had risen (from 8%) with both around 22-23%. This demonstrates that the level of incorrect decisions is still too high. It is to the credit of the Area that such detailed reviews are undertaken. The reviews, performance discussions and analysis have led to process changes such as mandating approval by a manager before cases are discontinued and to improved performance, although there is still work to do on magistrates' courts attrition and discontinuance rates.
- The CPS and police hold monthly meetings to discuss Prosecution Team Performance Management (PTPM) data, but a lack of consistency in the discussions and format for the meetings limited their effectiveness. Workshops have been held to give guidance on how to get the best from the meetings, supplemented with written guidance, a timetable and suggested core agenda. The lack of detail in the minutes of meetings makes it hard to assess the degree and depth of discussions, particularly around performance and PTPM data. The extent to which agreed actions are checked to ensure compliance was also not always readily apparent.
- The local PTPM meetings feed into a monthly prosecution team strategy meeting, attended by senior officers and managers. This is intended to provide a strategic lead on matters arising from PTPM meetings and there is some evidence that this occurs, but again, recording is sometimes superficial. The meetings also deal with more operational issues which may be better left to the local meetings.
- Any failings which are identified from individual casework analysis or monitoring are clearly fed back to the appropriate people and there is some evidence that anything of wider import is disseminated via team meetings or briefings, but this appears to be less systematic or embedded.

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

## 2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	13.0%
No case to answer	0.2%	0.1%
Dismissed after trial	1.9%	1.1%
Discharged committals	0.2%	0.1%
Warrants	2.6%	1.8%
Overall conviction rate	84.3%	83.9%

- The overall conviction rate, at 83.9%, was slightly worse than the national average of 84.3%, but performance has improved in each of the last two years, rising from 77.2% at the time of the last OPA and 80.5% in 2005-06.
- For most categories of case outcome performance was better than the national average, with the notable exception of discontinuance. All rates have improved since the last OPA, although some had deteriorated from 2005-06 levels. For example, the number of discharged committals rose from 14 cases to 52, although in percentage terms this is still better than the national average when expressed as a proportion of committals and sent cases. Where discharged committals occur, they are all individually reviewed by the DCPs and a report is prepared for the ACP who decides whether a case should be reinstated. Any appropriate feedback is provided to the lawyer handling the case via the DCP.
- However, the key driver to the successful outcome rate is the level of discontinuance. The rate has improved (from a low base) since the last OPA but is still significantly worse than the national average. A national discontinuance review by HMCPSP included data from West Yorkshire, which showed significant numbers of public order offences being dropped on evidential and public interest grounds, and that many minor motoring offences were being discontinued.
- The Area has been concerned at its high discontinuance rate and has undertaken two reviews of discontinued cases since the last OPA. These clearly demonstrated that problems persist and prosecutors are discontinuing cases incorrectly. In the review conducted in April 2007, the review committee concluded that more than 20% of decisions to discontinue were incorrect. This represented significant deterioration from the previous assessment, albeit the file sample included a higher ratio of domestic violence cases. As a result, all cases that are to be discontinued must now be approved first by a DCP before discontinuance, or if that is not possible reviewed by them after the court hearing.

- Management checks are in place to monitor most unsuccessful cases. Adverse case reports are completed when relevant by DCPs and discussed with ACPs. Some information is shared and discussed with police at PTPM meetings. The Area produces comprehensive performance information packs that detail the level of, and recorded reasons for, unsuccessful outcomes. Notwithstanding the improved performance in respect of the discontinuance rate, it is difficult to conclude that remedial actions were fully effective in 2006-07 as evidenced by the continuing high rates and the findings of the April review.
- The target for offences brought to justice is shared with other criminal justice agencies, and the CPS seeks to contribute to this by keeping discontinuances and unsuccessful outcomes low. The 2006-07 target for West Yorkshire criminal justice area was exceeded by 1%, with improved performance at the end of the year. Only 43.4% of the offences were the result of convictions which is below the national figure of 48.8%. The proportion of convictions has dropped by 9.3% since the last OPA, although this fall is in line with other metropolitan areas. In view of the figures, there is scope for the CPS to do more.
- Performance in relation to the timeliness of handling cases involving persistent young offenders (PYOs) has been consistently good. The target of 71 days was met throughout 2006 and the average period for arrest to sentence in the 12 months to December 2006 was 58 days (national average 72). Area champions are proactive and there is a high level of commitment to joint agency working.
- Where the assurance checks and performance data identify lessons to be learnt there is some evidence of this being fed back to individuals. This is most obvious in the work of the lawyer development managers. There is some indication of wider dissemination of learning points during team meetings. Work has been undertaken jointly with the police following identification of problems in the way the Area was handling domestic violence cases.

**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%	38.0%
Cracked trial rate	37.3%	39.6%
Ineffective trial rate	18.9%	22.4%
Vacated trial rate	22.5%	15.0%

- The Area, with the agreement of the police, requires a full evidential file in all bail cases where a committal or not guilty plea is anticipated, before a charging decision will be made. This helps to ensure that files received are in accordance with the Manual of Guidance. The Area does not keep discreet figures on the quality of files received from the police, although timeliness is monitored on an individual file basis (but not collated). Examination of the logs suggested that timeliness was an issue that will have contributed to cases not being prepared in a timely



manner. Each police division has a Criminal Justice Support Unit with a police case progression manager who is responsible for the submission of quality full files to CPS. There is a direct reporting line for the CPS to the Chief Superintendent Head of CJSU.

- The Area has moved away from case 'ownership' by lawyers, a move that can impact on preparation standards and also on the ability of managers to assess each lawyer's work on an individual case for quality assurance purposes. In an effort to overcome the disadvantages a Magistrates' Court Review Team has been established in the Eastern Unit, consisting of lawyers and case progression officers (CPOs) managed by a DCP, to try to ensure the timely handling of magistrates' courts casework. A similar function exists in the Western Unit although not as a permanent organisational team. This was introduced following the concern of the Area management team at the delay in reviewing cases. Committals are prepared by a designated Committal Preparation and Training Team. This is a centralised function and aims to ensure that committals preparation is prompt even if the assigned lawyer is rostered to other tasks.
- Feedback from other agencies is mixed but indicates some concern on the part of the magistrates' courts over the timely preparation of committals, despite the fact that seven weeks is allowed for preparation. This is supported by the Area's own data which indicates that the committal preparation timeliness target is achieved in only 66.4% of relevant cases. There is a significant difference between the performance of the two units – the Western Unit achieved only 48.3%. Our reality checks indicated that the prosecution was prepared for the pre-trial review in all the relevant cases. All teams have a dedicated CPO who deals with ancillary legal applications, correspondence and witness issues on magistrates' courts cases. Regular meetings of CPOs take place to try to ensure consistency of approach and to share good practice.
- As part of the ongoing effort to improve case progression the CJSSS initiative was rolled-out across West Yorkshire in early 2007-08 and feedback from partners indicates that there have been initial improvements in the trial process. Additional funding has been provided to run extra courts to reduce the backlog in listing trials, especially in Bradford Magistrates' Court. The Area has chosen to apply the CJSSS principles to all youth cases to ensure they are dealt with expeditiously. Each team has dedicated specialist youth lawyers and ensure that all youth remand courts are prosecuted by in-house lawyers. Monthly youth case progression meetings are held with the courts and the police to help expedite these cases.
- The effective trial rate has improved since the time of the last OPA, but at 38.0% remains significantly worse than the national average of 43.8%. The cracked trial rate, at 39.6%, is worse than the national average of 37.3%. The main prosecution reasons for cracked trials are witness issues which, at 7.1%, are above the national figure of 5.4%. The ineffective trial rate (22.4%) is worse than nationally (18.8%) and is slightly worse than the figure in 2005-06. The main prosecution reasons for ineffective trials are also the non-attendance of witnesses; the rate was 5.1% against the national average of 3.2%. The Area has reviewed its communications with victims and witnesses to try to redress these problems, but there is limited evidence of any subsequent improvement.
- The vacated trials rate is lower than nationally. When combined with the fact that 62% of all discontinued cases are not dropped until the third or later hearing, it suggests that there may be opportunity to be more proactive in case management. Where lessons to be learnt from analysis of cracked and ineffective trials are identified they are usually discussed with individuals and at team meetings. The teams also have access to detailed 'raw' data on a court-by-court basis.

- The Area has moved to a system of 'live' case analysis by DCPs to quality assure its casework. It hopes to prevent cracked and ineffective trials by resolving problems before the hearing. Cracked and ineffective trials are discussed and analysed both internally by DCPs and ACPs and with partners at PTPM, LCJB Operations Group and court listing meetings. These involve detailed analysis of the reasons for trials cracking or being ineffective and action being taken in relation to individual agency performance or inter-agency systems. This has included changes to court listing matrices and inter-agency special measures meetings.
- Good use is being made of CMS to record key events: 75.4% of magistrates' courts cases had a review recorded in March 2007. However there is a need to improve the timeliness of case finalisation and recording hearing outcomes on the system as this impacts on other aspects of work, particularly the ability of the WCUs to comply with the timeliness targets within the Victims' Code.

<b>3 ENSURING SUCCESSFUL OUTCOMES IN THE CROWN COURT</b>	OPA 2005	OPA 2007	Direction of travel
	Fair	<b>Good</b>	<b>Improved</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%	11.4%
Judge directed acquittals	1.4%	0.5%
Acquittals after trial	6.5%	3.7%
Warrants	1.3%	1.2%
Overall conviction rate	77.7%	83.2%

- The conviction rate in the Crown Court is better than the national average and has improved from the previous year (79.7%). Performance in all categories of unsuccessful outcomes is better than the national averages. The Area has proactively sought to reduce the number of judge ordered acquittals and judge directed acquittals. Each is analysed by the DCPs and a report submitted to the ACP. Action is taken where areas of concern are identified.
- A case cannot be dropped or reduced without the approval of the DCP. In exceptional circumstances, if approval cannot be obtained in advance, the duty lawyer or HCA on the day of hearing must complete a full account for inclusion in the adverse case reports. These are reviewed externally at court user and PTPM meetings in addition to the internal review.
- Feedback is given individually and lessons learnt disseminated at team meetings. The Area is proactive in identifying where performance requires improvement. Area-wide reviews are undertaken and external input to these is encouraged. The resultant papers are comprehensive and indicate good self-analysis. Where an individual requires development the lawyer development manager is tasked to undertake one-to-one assessment and coaching.
- In 2006-07 the Proceeds of Crime Act (POCA) target for orders was achieved: 235 against a target of 140 and the value target almost met: £4,464,902 against £4,490,196. The Area has been proactive in adapting processes to try to ensure that POCA opportunities are not missed. A review was conducted in 2007 which led to the appointment of a second lead and the establishment of a POCA group to oversee performance. The Chief Crown Prosecutor (CCP) has been proactive at LCJB meetings and in seeking to gain the support of the police at a strategic level to ensure POCA is a high priority, although these attempts have not been fully successful. Lead lawyers attend the LCJB sub-group on asset recovery. The POCA Champion attends team meetings to raise awareness where poor performance is identified in any division. All HCAs have received training on the preparation and conduct of confiscation hearings. Each Crown Court team has two enforcement caseworkers working with the DCP who has day-to-day management and liaises with the champions on strategic issues.

- The HCAs are proactive in identifying unduly lenient sentences and referring these to the CCU Head. Referrals are frequently made in advance of external expressions of concern. A significant majority of cases have resulted in sentences being increased.

### **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%	36.1%
Cracked trial rate	39.5%	49.9%
Ineffective trial rate	12.4%	14.0%

- A small number of cases are managed by the CCU. Given the complexity of the work each lawyer individually reviews the progress of their caseload with the ACP monthly. The allocation and referral of cases is governed by a protocol agreed with the police. DCPs may refer cases or seek advice from the experienced lawyers within the unit. There is some movement to and from the unit to ensure skills obtained are shared.
- Most of the Crown Court files, except those handled by the CCU, are prepared by a team of lawyers. The DCP who supervises preparation certifies the quality and timeliness of review. Many of the sensitive cases are prepared by the allocated specialist lawyer. The quality of this work is monitored using CQA. The approach to CQA is usually robust and is sometimes targeted at areas of perceived weakness. With the exception of disclosure, which is dealt with elsewhere, reality checks on files showed the quality of review and case preparation to be generally sound and timely and particularly good on sensitive cases. The increased use of HCAs enables constructive feedback to be given to lawyers on committal and case preparation.
- A named casework manager in each unit is the point of contact for all case progression. They attend the weekly special measures meetings with witness care and Crown Court case progression officers. In addition the DCP is available to ensure judge's orders are complied with and to liaise with the WCU over witness issues. Applications for mention must be approved by the manager.
- The effective and cracked trial rates are both significantly worse than the national average. More trials crack as a result of defence reasons: 69.1% compared with 63.3% nationally. Ineffective trials (14.0%) are also worse than the national average, albeit within the target of 14.2%. The prosecution were not ready in 14.0% of the ineffective cases compared to a national average of 8.5% and problems due to disclosure are also above the national average: 3.4% compared to 2.2%.
- Cracked and ineffective trial meetings are held monthly and attended by both Crown Court DCPs, CPOs, court managers, witness care staff and some defence representatives. Detailed analysis is undertaken and actions identified to ensure the trial progresses at the next hearing. Lessons are disseminated to staff and, through the PTPM meetings on each division, to the police. The data for cracked and ineffective trials is a standing agenda item at local Criminal Justice Operational Group and is discussed at the LCJB. The Area Board (the senior management team) considers issues and initiates action when appropriate.

- All youth cases are allocated to a youth lawyer who works to strict time schedules set by the youth liaison judge who sits at each court. Youth cases are listed on the same day to ensure that short plea and case management hearing and trial dates are fixed.
- The rate of use of CMS for Crown Court reviews was 88.8% against a national target of 90%. Where the Area identified a division which was performing poorly remedial assistance was provided. The reality checks showed good usage of CMS.

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

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

- Systems provide for magistrates' courts cases to be ready to progress at the first appearance. The Area monitors the outcomes of cases at first hearing. For early administrative hearings (where a not guilty plea is anticipated) approximately 15% of cases are finalised, while for early first hearings (where a guilty plea is expected) the figure increases to 41.5% (with a further 13% referred for sentencing).
- The timeliness of both adult and youth cases is good and better than the national average for guilty pleas and for trials in all courts. Performance in respect of committals is less good. The Area uses national Time Interval Survey data to monitor its timeliness performance. Regular ineffective trial review meetings are held to discuss Crown Court and magistrates' courts cases at the LCJB Operations Group.
- The Area has reviewed its case progression arrangements and in the Leeds office created a Magistrates' Court Review Team to undertake full file review of magistrates' courts cases. In the Western Unit, all teams have a dedicated lawyer resource rostered to undertake full file review of such cases. All committals are prepared centrally by a Committal Preparation and Training Team. These measures were introduced to try to ensure that cases were fully reviewed and committals prepared on time. However, logs maintained by the Area show that there are delays between cases being sent to the specialist review teams and actions being taken on them.
- The CPS worked closely with the police and HM Courts Service to improve case progression and complete the roll-out of CJSSS across West Yorkshire in the first quarter of 2007-08. There are some indications that the rate of guilty pleas at the first hearing has improved.
- The Area considers for each Crown Court case whether to instruct counsel or use its own HCAs. It seeks to use HCAs in all cases where a guilty plea is expected, or the trial is within the competency of an in-house advocate. It is not always possible to predict this, which can lead to late instruction of counsel. If it is intended to brief counsel for the trial, this happens before the plea and case management hearing. The aim is to ensure briefs are with HCAs or counsel at least ten days before a hearing. The Area's data pack indicates that they achieve this in approximately 78% of cases, which is similar to the national average. In our file sample appropriate instructions were given to counsel together with an explanation of the issues in all seven Crown Court cases and there was adequate guidance to counsel on the acceptability of alternative pleas in six of these.
- To ensure that advocates at initial hearings in the magistrates' courts have sufficient information from the reviewing lawyer, the Area redesigned the MG3 form completed at the pre-charge decision stage to include any guidance for the advocate.

- Court sitting patterns have been negotiated that facilitate effective use of in-house prosecutors and designated caseworkers (DCWs). The DCPs strive to ensure that prosecutors are given sufficient preparation time for their courts through appropriate rostering and allocation of work. However, there are indicators in the minutes of team meetings that preparation and reviews are occasionally undertaken just before the next hearing, due to delays in the files reaching the appropriate lawyer.
- An advocacy development manager has been appointed who reviews the performance of selected advocates at court centres, produces advocacy reports and provides bespoke training. The Area actively seeks to develop the advocacy of its staff and to provide support and guidance to those deemed in need. However, this monitoring only covers a small proportion of prosecutors, mainly those new in post. Part of the advocacy monitoring programme covers attendance at court; feedback from partners indicates some concerns regarding timely attendance. Managers accepted that some prosecutors in Leeds do not leave the office until 9.45am, which allows limited time for consultation with the court, defence, or victims and witnesses should it be required. Prosecutors are expected to introduce themselves to witnesses before the trial starts. Feedback from victims groups indicates that victims and witnesses are treated well at court.
- Lawyers are expected to be proactive in court and this is monitored for those prosecutors included in the advocacy monitoring programme. Training was provided to all DCWs in March 2007 on case progression. The Area has provided guidance to all advocates that cases should only be adjourned for review decisions in exceptional circumstances. In addition, CPS senior managers have observed magistrates' courts, together with senior managers from the Courts Service, and gave direct feedback to advocates and legal advisors. They also report to joint CPS and Courts Service liaison meetings. This is a commendable initiative. This joint observation now forms part of the CJSSS implementation strategy to ensure robust and proactive case progression at court.
- A listing protocol with the magistrates' courts is in place; it covers issues such as the transfer of work between courtrooms and is reinforced regularly through meetings with the courts and police. Area-wide agreements exist for the submission of additional material from the police including file upgrades. Agreement with the Crown Court has been reached for the HCA clerk to attend daily and weekly listing meetings to agree the distribution of work between courts with a view to maximising HCA deployment.
- The Area keeps a record of the number of wasted costs orders through unit logs. A small number of orders were paid in 2006-07 totalling around £8,000, although some of the awards related to cases handled in 2005-06. One case accounted for over £6,000 of this total.

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

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

- All lawyers have received training to enable them to deal with domestic violence and other hate crime. In an effort to improve outcomes the Area Board has a strategic policy to pursue offenders where the victim may not wish to give evidence. The police have been encouraged to gather additional evidence routinely so as to build a strong file for these cases. Charging lawyers are usually proactive in requesting evidence which may support this approach. Additional guidance on prosecuting domestic violence cases has been circulated both to the police and CPS staff.
- Other sensitive cases are not normally dealt with in the time-limited charging slot but, if appropriate, are bailed for allocation by the relevant DCP. Experienced specialist lawyers who have received the appropriate training give the charging advice and maintain conduct of the case. There have been some delays in the provision of advice in the past, but the DCP now strives to ensure the advice is timely. If the case is exceptionally complex it is referred to the CCU for advice and, if appropriate, allocation. Where a case is not charged the DCV letters are completed by the lawyer and passed to the DCP for approval. Meetings with victims and their families are offered where appropriate.
- Fatal road traffic cases are governed by a protocol with West Yorkshire Police to ensure timeliness of advice. They are allocated by the ACP who authorises decisions, oversees letters to the family and accompanies the lawyer to any requested meeting with them. Such meetings are well planned and designed to minimise distress. When these cases reach court, the reviewing lawyer will attend the hearing in addition to the advocate. This ensures that there are two representatives of the CPS present, one specifically there to address issues raised by the family. Care is taken to ensure relatives are kept fully informed of hearings. Decisions on these cases are overseen by the CCP.
- In sensitive cases, where the suspect cannot be bailed and the pre-charge lawyer is not a specialist, they are expected to seek advice from their DCP who may refer the case to a lawyer from the committal preparation team or, where necessary, a rape specialist. If the decision is not to proceed in a rape case a second opinion must be obtained from a specialist.
- There are recognised champions for all aspects of sensitive and hate crimes. They are proactive in liaising with the appropriate police departments and disseminate information and learning points to their colleagues and the police on common evidential failings. West Yorkshire Police have indicated that these cases are dealt with very well.

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



- The Area rape co-ordinator has taken a leading role in supporting the police with a cold case review operation. Early advice and guidance was provided which resulted in a number of convictions and very positive media coverage. In addition to the usual monitoring, the co-ordinator reviews all unsuccessful outcomes personally following a report from the lawyer and, if appropriate, counsel. The Area is currently working closely with the police to establish a specialised rape investigation unit where early advice will be encouraged.
- Rigorous casework checks are carried out on all unsuccessful outcomes involving sensitive and hate crime to ensure that failings are addressed, lessons learnt and that all actions are in accordance with CPS policies. HMCPSI thematic reviews are considered and where relevant implemented across the Area.
- The Area has established and funded a Hate Scrutiny Panel with an external legally qualified facilitator. This has been evaluated by the University of Hull and has been recognised nationally as a model of good practice. Careful consideration has been given to ensure the membership is diverse. The panel meticulously examines files which are randomly selected by the non-CPS members. Feedback is detailed and action points agreed. The work is clearly supported at strategic level and senior staff attend. However the CPS is keen to use the panel as an opportunity to disseminate learning to staff and external agencies and attendance at the panel now includes lawyers from across the Area.
- The Area has recognised the need to raise awareness of the issues of forced marriage and 'honour' based violence. They have included this in their Hate Crime Plan. Other cases of local concern are identified and included on a sensitive case log. This alerts managers and the CCP of potentially high profile cases. Managers ensure that these files are kept under constant review.
- The Area is proactive in dealing with the media on sensitive cases and has worked closely with a national television programme to publicise the benefits of cold case reviews in rape cases.
- Sensitive cases are usually flagged for monitoring purposes; the reality checks confirmed that 11 out of the 13 relevant cases had the appropriate flagging. Monthly checks are carried out by an administrative manager to ensure compliance and, where a training need is identified, this is done on a face-to-face basis.
- A Children's Champion has been appointed. She attends the Child Sexual Exploitation Strategy Sub-Group and is responsible for developing the investigative and evidential strategy in respect of cases which involve this type of offending. The champion is also the point of contact for the Local Safeguarding Children Board and attends meetings as and when required. Whilst safeguarding children is not mentioned in the Area Business Plan 2006-07 it features in both unit plans for 2007-08.

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

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

- Checks on compliance with the prosecutor's obligations under disclosure are regularly assessed under CQA analysis. This indicates average compliance at 94.4% compared to the national figure of 92.0%. Our examination of CQA forms indicated variable degrees of robustness and, in the light of our findings in reality checks, the Area's own assessment appears generous. Failings are fed back to the individuals. The committal preparation team is managed by a DCP who quality assures each committal in terms of case preparation, including disclosure. Guidance on when disclosure should be completed has been issued under the Making Charging Work initiative and for CJSSS.
- The reality checks undertaken did not reflect the findings of the Area's own assessments. Fifteen files were examined. Initial disclosure was adequately dealt with in 61.5% of cases and continuing disclosure appropriately in 85.7%. All of the four cases that contained sensitive material showed failings and these are not included in the figures quoted above. One involved the inadequate completion of the schedule, one had sensitive material stored on the file, and two related to previous convictions of prosecution witnesses which the police believed to be sensitive (see below). There are appropriate arrangements for the storage of sensitive material and they should be used.
- The prosecution were informed of previous convictions pertaining to prosecution witnesses on three files. In the magistrates' courts case there was an endorsement stating that these could be shown to the defence on the day of trial, thus affording the defence no opportunity to take them into consideration in their preparation. In both Crown Court cases the potential undermining nature of the previous convictions was specifically drawn to the attention of the reviewing lawyers by the police but there was nothing to indicate that the lawyers had addressed their minds to the issue. The importance of timely disclosure of prosecution witnesses' previous convictions where appropriate had previously been raised within the Area and advice from the Head of CCU circulated, but had not been followed in these cases.
- A variety of reports and reviews assessing outcomes indicated that disclosure was a reason for cases either being lost or proceeding longer than they should have. Whilst the number of cases in individual reports was comparatively low, the Area had not picked up on or investigated the apparent weaknesses for wider trends. Some of the difficulties related to late disclosure of items which should have been brought to the attention of the charging lawyer, inaccurate certification by the disclosure officer and inadequate description on the schedules. The lawyers failed to refer these insufficiencies back to the police. Although sound training has been given to the police in the past, this was some time ago and the Area should consider further training for lawyers and police. During 2006-07, 0.3% of trials in the magistrates' courts and 0.5% of trials in the Crown Court were ineffective due to prosecution disclosure issues. This compares to national figures of 0.4% and 0.3% respectively.

- As part of our assessment other cases were identified from the adverse outcome reports as failings by lawyers to read documentation fundamental to disclosure. Two cases in one month were discontinued only when counsel received the unused documentation and undermining material was found on items routinely provided at charge and present throughout. Feedback to the individual lawyer on this failing appears to have been given.
- In the reality check one file in the sample caused particular concern. Potentially undermining material contained in a memorandum from the police had the undermining element omitted from the letter responding to a defence request. This was misleading and could have had serious consequences; however, in the event the defendant was acquitted. Our attention was drawn to another case where the handling of unused material on a serious offence was inadequate. A full enquiry has been commenced by the Area and preventative action has already begun to try to ensure that there is no repetition.
- The disclosure record sheet (DRS) was only completed satisfactorily in one case and many did not have the DRS attached to the file. Others were attached and left blank or had inadequate entries. On a number of magistrates' courts cases the disclosure schedules were amongst the correspondence on the file which made lack of a DRS more significant. In the Crown Court cases disclosure is normally kept in a separate folder.
- The Area has been proactive and successful in working with the Crown Court and the local Bar to ensure compliance with the protocol on blanket disclosure. HCAs have been reminded of the need to resist such applications and have been successful. When the CPS receives feedback from the judiciary it has been taken very seriously and acted upon. There are no issues of concern relating to the handling of third party material.

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

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

- There is a written custody time limit (CTL) system which complies for the most part with the latest CPS national guidance. The system is contained in three separate documents: a standard, desktop instructions, and guidance for specific grades. These are each useful in themselves but have areas of overlap and do not facilitate ready familiarisation with the overall system. The system includes processes for checking and monitoring CTLs, such as dip-samples, use of task lists and checks of CTL diaries, and these are largely carried out as prescribed.
- The Area has made a considered decision to adapt part of the national guidance on essential actions which requires a record of certain key pieces of information on the front of the file jacket. It determined that changes to expiry dates potentially made the file jackets too confusing, so prefers instead a marker on the front of the file to identify it as a custody case and a CTL log kept inside the file with any related papers. A reality check on six files showed that the CTL logs were generally satisfactory. Other parts of the national essential actions, including some of the provisions on file endorsements, case progression and applications to extend, are also omitted from the system documents. The lack of completeness of, and step-by-step guide to, the system were aspects for improvement in the last OPA in 2005.
- There has been one CTL failure since 2004-05, which occurred in July 2006 and has not been reported to CPS Headquarters. It resulted from an error as to the starting date of the Crown Court time limit, a mistake that was not detected by any monitoring or checks until after the limit had expired. The correct date had been recorded on CMS but it was manually overridden in reliance on the incorrect date recorded on the file. The defendant, a youth charged with two robberies, had been remanded to the custody of the local authority, but was therefore released on conditional bail, albeit on condition that he remained in the care of the local authority.
- The reality check showed incorrect calculation of expiry dates on two of the six files, one of which was corrected immediately upon the file returning from the first hearing. On the second, the 'ready reckoner' had been used to calculate an expiry date after a defendant had been remanded back into custody following a period on bail, despite clear instructions in the Area's written system that a manual calculation must be made. The calculation that resulted was wrong but because - by chance - it led to the expiry date falling on a Saturday, the date recorded as the expiry was the day before, which was correct. The incorrect methodology was not picked up by monitoring at any stage or fed back to the lawyer concerned.
- The monitoring systems have highlighted concerns with the standard of file endorsements, which was also apparent on one file examined as part of the reality check. In that case, there were three defendants, each of whom had other files, but the file endorsements and case management were such that it was impossible to say with certainty or at all readily what was the accurate position and history in relation to each defendant.

- The system has been reviewed regularly with the input of one of the CTL Champions. It was revised in October 2005 in response to restructuring and again in October 2006 to reflect changes to working practices. Subsumed into the 2006 review were the recommendations of the report on the CTL failure that July. At the same time, a helpful document was circulated setting out the key changes and training was given to staff by both champions. Training has emphasised the consequences of failures in CTL processes and the importance of reporting any failures.
- The CPS and Crown Court work closely together to monitor CTLs and there was evidence of this on the files examined as part of the reality checks. Efforts to secure a similar agreement with the magistrates' courts in 2003 met with no success, but the Area has recently revived the discussion with the Courts Service.

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

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

- The Area has struggled to meet its obligations under the Direct Communication with Victims (DCV) initiative for some time. Despite changes to processes and responsibilities and the introduction of compliance checks, the identification of cases where DCV applies and the timeliness and quality of letters leave room for improvement. In 2006-07, 66% of letters were sent within the target five days, against national performance of 73%. In 2006-07, West Yorkshire met the proxy target for the number of letters sent in only four out of the 12 months; performance ranged from 41% to 127% against the target. The Area has recognised that there needs to be a significant shift in focus to ensure that victim and witness care receives the attention from staff at all levels that will enable the requirements of DCV to be met. The CCP is to deliver training on the standards expected, in order to bring about the necessary improvements in culture and performance.
- Although it was not the case for some of the period covered by this OPA, the Area is now carrying out needs assessments for victims and witnesses, and appropriate special measures applications are being made to the courts. There is more to do to ensure that witness needs are recorded at the time that statements are taken by the police and that any special measures ordered by the courts are notified to the WCUs. A reality check showed that, in three cases where witnesses had particular needs, they were identified and addressed appropriately.
- Witnesses are warned for court and reimbursed any expenses in a timely manner. Recently, systems have been introduced to check all trials seven days before the hearing to ensure that witnesses are supported and will be attending. The Area relies to some extent on feedback from partner agencies to ensure that the standards expected and the requirements of the Prosecutors' Pledge for witness care at court are met. Feedback from partner agencies for this assessment was that victims and witnesses are treated with courtesy at court. It is hoped to enhance standards of care with the increased use of in-house advocates in the Crown Court.
- Witnesses and victims are kept updated of the progress of their case and there is a full record kept of the contact and other relevant information on the electronic Witness Management System. Since April 2007, a dedicated team of witness care officers deal with domestic violence cases, ensuring that the particular needs of victims are met and contact maintained. This was initiated following the identification of witness attrition, particularly in domestic violence cases, as a significant contributor to the unsuccessful outcome rate. Specific arrangements also exist for other categories of cases such as child protection, other hate crime, and where a family liaison officer has been appointed by the police.

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

- The Area has yet to meet fully the requirements of the No Witness, No Justice scheme, and has some way to go to comply with the Victims' Code. The 'sign-off' report for NWNJ in November 2006 reported partial compliance with 12 of the 14 minimum requirements, and full compliance with two. Since then, some improvements have taken place, but there is room for greater gains.
- Two WCUs have been established which are jointly managed by the CPS and police and some progress has been made, for example in the implementation of the appropriate IT systems and in the arrangements for particularly vulnerable victims and witnesses. Some blockages have been identified and steps taken jointly with partners to address them, such as where police witnesses have failed to attend. In particular, WCUs are now informed of instances of long term sick leave and police processes to follow up non-attendance have been improved. Prosecutors are becoming more challenging of defence witness needs to ensure that only those officers (and other witnesses) who are essential are required to attend.
- The Area has available a range of data on performance of the WCUs and monitors most of the primary and secondary measures jointly with the police and at LCJB sub-group level. The rates for trials which crack or are ineffective as a result of witness issues are better than the national average in the Crown Court but worse in the magistrates' courts. In magistrates' courts cases the rate for cracked trials due to witness non-attendance has deteriorated whereas that for ineffective trials for all types of witness (including police and professionals) has stayed the same. Witness waiting times have improved at magistrates' courts but worsened in the Crown Court. Overall, levels of satisfaction with the criminal justice system amongst victims of crime have consistently improved while those of witnesses are more variable.
- The Area has been slow to find the right allocation of responsibilities and accountability within the WCUs and to resolve communication difficulties between them and the casework teams, particularly where there are queries over witness attendance or needs. Delays in raising or addressing these queries have jeopardised effective trial and successful outcome rates, but efforts to resolve them have been hampered by an apparent lack of awareness of the importance or implications amongst some staff.
- There have been a range of measures and compliance checks put in place and the CPS and LCJB have instituted regular self-assessments of compliance, but these have not proved to be effective. The Area recognises a previous lack of robustness in its assessments which has hampered identification of the barriers to improvement. There is now in place a renewed focus on witness issues, a revised management structure within the WCUs, and formal system of liaison with newly-introduced police counterparts to help the renewed focus lead to the necessary changes. Initial assessments of performance against the available data on the Victims' Code show improvements. Dip-sampling during a case and follow-ups with victims and witnesses afterwards have been implemented to support a more realistic assessment of progress.

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

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

- In 2006-07 the key priorities for the Area were the advocacy strategy and delivering improvements in the quality of pre-charge decisions, with subsequent reductions in attrition rates. In the latter half of the year it began planning for the implementation of the CJSSS initiative, which will become the main focus of attention in 2007-08. These priorities are discussed with staff and managers at the staff conferences for onward dissemination.
- The 2006-07 Area Business Plan established responsibilities and timescales for delivery of the objectives. Some of the milestones could have been more clearly defined and in some places the plan itself could have been more focussed. The plan was aligned to the European Foundation for Quality Management's Excellence Model and is therefore structured a little differently from most CPS plans; however, there were links to national CPS and Public Service Agreement targets. The format of the plan for 2007-08 has changed significantly, with most of the detail in unit plans, and clearer links are made to the CPS national strategic themes and priorities.
- The ACPs conduct regular reviews of the plan, although there is limited evidence of it being reviewed at the Board or quarterly performance meetings. It is not clear if all relevant remedial actions are identified and actioned to ensure delivery of the overall objectives, as the review documents make no comment on some objectives. There were some examples of remedial actions being identified where a specific action had not been achieved. Overall, there is a good commitment to review plans and initiatives.
- In 2006-07 there were no unit plans as the Area felt comfortable in managing objectives at an Area level; this has changed for 2007-08 and three unit plans have been drafted. There were good links to training plans and team and personal objectives. The Area business plan was cross-referenced to a number of other plans and documents such as the risk register, LCJB plans and the certificate of assurance.
- There are a number of positive examples of joint planning with criminal justice partners. The agencies introduced the CJSSS initiative throughout the area to a demanding timescale and conditional cautioning has also been implemented in parts of it. Negotiations continue with the magistrates' courts to try to achieve the optimum court sitting patterns. Good work has been done with the Crown Court to facilitate effective HCA deployment. The main aspect for improvement in terms of joint planning relates to the Proceeds of Crime Act.

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

- The Area has generally had a positive year in terms of implementing new change successfully, most notably with the advocacy strategy, CJSSS initiative and to a lesser degree conditional cautioning. However, existing national initiatives did not progress in line with expectations. Whilst a significant amount of work was undertaken on the provision of pre-charge decisions to



the police, this did not lead to the desired level of improved outcomes for magistrates' courts cases in 2006-07, although more progress has been made in the current year. The NWNJ initiative did not progress satisfactorily in 2006-07.

- The CCP and Area Business Manager (ABM) maintain the high level oversight of major projects and initiatives. For most major strands of work, project plans/briefs are issued, some using formal project management techniques. Each project has a lead who regularly updates the Board on progress.
- Links between projects are generally established. For example, the implications of increased HCA deployment on other activity was considered, and the close alignment between the Making Charging Work project and CJSSS led to the projects merging into an integrated approach. Most staff were trained on the aims and processes for CJSSS and conditional cautioning before implementation.
- Initiatives are subject to formal review and there are a number of examples of remedial action being taken as a result. In some instances this has quickly led to improved outcomes whereas in others, such as witness care, the Area should have been more proactive where there were clear problems, and the delay has had an adverse effect on performance. In the current year there are good controls in place to deal with the teething problems of the CJSSS initiative.
- A risk register is maintained at Area level and subject to regular reviews by each of the units. The Area may wish to consider unit-based risks in the future as the issues are different at each site, for example administrative staffing in Leeds. In 2006-07 there were eight risks, most of which related to the possible failure to achieve specific targets. The register appeared to be a continuation from the previous year and it was difficult to understand the timing of some counter-measures and risk assessments. Risks associated with victim and witness issues were conspicuous by their absence. Some of the risk assessments and updates were a little generous or inaccurate, for example, a statement that the level of discharged committals had reduced. The register for 2007-08 also contains eight risks including a new theme of victim and witness issues and the CJSSS initiative.

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

- The Area made a strong commitment to training and development of staff in 2006-07. The formal training programme was supplemented with a significant amount of coaching and personalised training by the lawyer development managers and the advocacy development manager. Training needs for new initiatives were generally delivered prior to implementation. Quarterly reports were issued to the Board on training activity undertaken.
- Diversity issues are contained in the training programme including completion of the national e-learning module. A well-being programme was introduced in 2007 to assist staff who felt they needed support. There are specific training courses on diversity-related themes including the prosecution of hate crimes. Consideration was being given to providing 'dignity at work' training for newer managers in 2007-08.
- Training application forms allow candidates to identify any special needs. Where appropriate, courses are held over multiple days to facilitate attendance. Liaison with the Area equality and diversity group was undertaken to try to avoid training taking place during key religious festivals.

- Most mandatory training has been delivered to appropriate staff. Courses are planned in 2007-08 for the few outstanding lawyers who need Proactive Prosecutor Programme and domestic violence training. The Area has a pragmatic approach to induction training, with a mixture of formal and deskside training to complement the induction pack.
- The Area recognises the importance of evaluating training and for some courses 30% of delegates are approached for feedback. There is evidence in the quarterly training report of the feedback from individuals. The lawyer development managers can track progress of individuals over time, giving an indication of the impact of the training delivered. Whilst it has taken some time, the scheme has improved the performance of those lawyers who needed development.

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

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

- The Area has operated within its allocated non ring-fenced administration costs budget for each of the last two years. In 2005-06 it spent 99.9% of budget and in 2006-07 the figure was 99.5%.
- Managers understand the importance of value for money principles, particularly in light of future projected budget reductions. The Area seeks to achieve value through high levels of in-house deployment to courts, identifying process efficiencies, and ongoing review of staffing levels and structures. There was a strong commitment to the training and development of lawyers and managers in 2006-07, an investment that is now showing dividends.
- The processes used to control the budget are sound, using national resource accounting packages to monitor spend. Care needs to be taken to ensure that updates as a result of staff moves are always made in a timely fashion. Systems are in place to monitor committed expenditure. Budget forecasts are provided to the Area Board on a regular basis and used to inform future activity. In February 2007 £50,000 was returned to CPS Headquarters when it became clear that an underspend was likely. In 2006-07 budgets were devolved to the three units and managed by the local performance teams. In 2007-08 most financial control has been centralised to the Secretariat, allowing some redeployment of staff.
- There is scope to improve the control of prosecution costs, particularly the timeliness of processing graduated fee payments to counsel. After a positive start to 2006-07, performance declined in the second half of the year and continues to fluctuate in the current year. Managers are alert to this issue and work is underway to try to improve the situation, including discussions with the CPS National Finance Centre over the accuracy of some submissions. The prosecution costs budget has been overspent by approximately 10% in each of the last two years. In 2006-07 this was partly attributable to an oversight by one of the local performance teams. The high level of HCA deployment should help reduce spend and the risks currently associated with prosecution costs.
- A small amount of additional funding was received during 2006-07. Part of this was used to bolster performance in relation to anti-social offending with the appointment of a dedicated specialist. Two performance officers were also recruited to assist in driving improvements in the WCUs, although the benefits of this additional resource may be more apparent in 2007-08.

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

- The structure of CPS West Yorkshire is unusual with a number of non-standard roles and functions. Some of these are designed to improve performance against specific weaknesses identified by the Area, for example the appointment of lawyer development managers. There are also a large number of performance officers who act as a mini-Secretariat in most of the teams. Specialist committal preparation and magistrates' courts review teams are in place and focus on a

very narrow range of activities that would normally be carried out by the lawyer allocated to a case. The Area keeps its structure under review using the activity based costing model as a guide to distribution of lawyers between the units. The non-standard roles and functions have also been reviewed. Some economies have been achieved in recent months and work is in hand to identify further opportunities. The Area has been proactive in assessing the resource implications and opportunities brought about by the CPS national restructure whereby the West Yorkshire and North Yorkshire Areas work more closely together and can share staff in some instances.

- Managers understand the importance of increasing the level of in-house court coverage. There are objectives for DCWs to cover an average of seven to eight half-day sessions per week. There was no specific target for individual lawyer coverage save that there is an expectation that managers were responsible for keeping within their allocated budget. Agent usage reduced from 31.8% in 2005-06 to 13.5% in 2006-07, achieved through increased use of DCWs and prosecutors, combined with some reduction in the overall number of sessions.
- The Area is at the forefront of DCW deployment and has made extensive use of their services. In 2006-07 they conducted 28.7% of all magistrates' courts sessions in West Yorkshire, which was the best performance of the 42 CPS Areas. There were an average of 19.2 DCWs during the year and they conducted 4,922 half-day sessions between them. This is better than the expected number of sessions (six per DCW per week for 80% of the year). There is scope for greater efficiency, as a number of sessions are comparatively short and there is opportunity for some consolidation of work into a reduced number of busier sessions. The Area is alive to this and discussions are underway with the court on this matter.
- Very effective use of HCAs continues to be made. There were two teams of 'permanent' HCAs, each having six staff for much of 2006-07, supplemented by almost 40 others who undertake sessions on a less regular basis. Counsel fee savings of £651,515 against a target of £545,807 were achieved in 2006-07. HCAs conducted 1,927 sessions covering a wide range of hearing types, including trials for more than 200 defendants. In the current financial year they are aiming to achieve a stretching target of more than £700,000 and have made an excellent start.
- The level of sickness absence was quite high for the calendar year 2006. The average level was 9.5 days per person, which is worse than the national average of 8.5 days and the target of 7.5. Almost 70% of absence was attributable to long-term sickness, some of which was due to stress. There was quite wide variance between grades with lawyer managers and one group of administrative staff having significantly higher levels of absence. Systems for monitoring and managing sick absence have been modified and additional training provided to managers. Progress has been made in 2007 and the number of staff on long-term sick leave has reduced dramatically.
- Flexible working is supported and there are a variety of arrangements in place to assist staff, including term-time working and compressed hours. Over 20% of staff work part-time. Results in national and local staff surveys indicate some concern over the granting of annual leave and the work-life balance in general.

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

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

- There is a strong performance management culture at senior management level. Regular consideration of a comprehensive range of performance measures takes place at each Area Board meeting. Data covered includes casework outcomes, progress against the national CPS performance targets and results against the national Public Service Agreement targets. Whilst accepting that it is expected that managers will analyse the results themselves, we consider that the performance pack would benefit from the addition of a short executive summary of key issues that could be disseminated to staff.
- Performance information is available at unit and team level. Managers at all levels are expected to analyse the data to identify issues, trends and variance between teams. Managers were able to provide examples whereby analysis of the raw data and quality assurance checks had identified issues that required remedial actions. On the other hand the Area had failed to judge accurately the level of performance with regard to the handling of disclosure, despite indicators from a variety of sources. There is good evidence at senior level of a willingness to compare performance and systems with other CPS Areas and to learn from them where appropriate.
- There is evidence that managers at all levels have taken actions to improve performance and systems. For the most part remedial actions have proved effective in improving performance, for example CMS usage and the discontinuance of cases on public interest grounds. In a few instances, including the quality of pre-charge decision and discontinuance rates, the level of change required has meant that it has taken a long time for the remedial work to translate into improved results. Progress with regard to victim and witness issues was slow in 2006-07, although recent activity augers well for the future. The Area has undertaken a number of thorough thematic reviews of specific aspects of performance, which have led to remedial actions.
- Responsibilities for performance management and quality assurance are clearly defined at senior management level. The ACPs are held accountable for the performance of their units and hold formal quarterly meetings with the CCP and ABM to discuss performance of the teams under their control. Responsibility is a little less clear with other roles, partly due to the unusual structures/functions within the Area. There is the potential for overlap and duplication between the roles of the lawyer development managers, advocacy development manager, DCPs, performance teams, and administrative managers.
- A significant amount of data integrity checks are undertaken to ensure the accuracy of data within CMS. Weekly reports are sent to managers to check and amend where appropriate. The Area has a high level of confidence in the accuracy of performance indicators and as such we consider that managers should keep the level and type of checks under review.

- The appraisal system is used to set relevant objectives to drive up performance at a personal level. Coaching, training and support via the lawyer development managers has improved the quality of decision-making of a number of prosecutors.

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

- Managers play an active role in joint performance meetings with other criminal justice agencies, particularly with the police. The CPS has three representatives on the LCJB Delivery Group, which is the primary forum for addressing the agencies' operational performance.
- The Delivery Group is supported by five local Criminal Justice Operations Groups each of which has CPS representation. The ACPs have regular contact with representatives of the courts and with the heads of the police Criminal Justice Departments.
- There are monthly PTPM meetings between the CPS and the police. As with most large criminal justice areas there is some variation in the effectiveness of these groups, despite guidance on how to structure the meetings and make them effective.
- There is a good interchange of data between the CPS and the other criminal justice agencies. It provides extensive data to police counterparts for the PTPM meetings. In this and other key performance data streams it is encouraging that data is available at team, court, or police Basic Command Unit level to facilitate local analysis and performance comparisons. The CPS receives relevant information from partners including cracked and ineffective trial data.
- There have been some weaknesses in the arrangements for the provision of pre-charge decisions to police over a sustained period. Joint work was initiated in 2006-07 to improve the situation, although the benefits will be greater in 2007-08. In addition to working with the police on issues such as the optimum level of coverage and the role of the Evidential Review Officers, the Area has involved CPS Direct in some of its review work to analyse and improve the quality of outputs from their lawyers. There is ongoing work with other agencies to iron out some early teething problems following the roll-out of CJSSS.

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

- The Area has sustained operation of the national CQA scheme and consistently exceeded the target number of files to be examined. It is proactive in monitoring performance and, commendably, conducts a variety of additional quality assurance and quality control checks over and above CQA. Increasingly, checks are carried out on live files so potential issues can be avoided rather than detected after the event.
- There was some inconsistency in the robustness of the assessments in the forms we examined although the majority were satisfactory. Some were very good and had clearly identified and addressed relevant issues, whereas in some teams not a single issue was identified. ACPs conduct ad-hoc checks to try to ensure consistency, but we consider that some further work is advisable. In particular the robustness of checks on disclosure should be revisited as the self-assessment appears generous in the light of our findings (see Aspect 6).

- Reports are regularly compiled noting the key findings of CQA assessments and these are often considered at Area Board level. This is made available to managers for any remedial actions and should be cascaded to staff. Findings from the local staff survey confirm that feedback is given to individuals although a few staff appear uncomfortable at the level of scrutiny to which they are subject.
- There is a dedicated advocacy development manager, part of whose role is to make formal assessments of prosecutors' performance in court and provide guidance and further training where required. There is clear evidence of issues being raised and fed back to the individuals concerned and examples have been seen where follow-up activity has taken place. The development manager issued an annual report that showed the findings of the 33 assessments he carried out. The monitoring is focussed on new prosecutors and those taking on new advocacy responsibilities, primarily DCWs and HCAs. The role of the development manager should not replace that of line managers, who should supplement his work with their own systems to understand prosecutor performance.

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

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

- The Area has published its own vision statement which is consistent with the national 'World Class Prosecution Service' ethos. This is supported by the 'Behaviours We Expect' document that lays out the values that should be displayed by staff.
- At senior management level there is a clear understanding of individual responsibility for delivering against Area strategy and plans. The Area Board has formal terms of reference and comprises the CCP, ABM, and the three ACPs. It also includes two of the DCPs who are included for a period on secondment, and are then rotated out to enable other DCPs to attend.
- The Board is keen to promote corporacy and managers are expected to take an Area perspective on issues. Any occasional lapses are treated seriously. There is scope for more standardisation of systems and processes between the Eastern and Western units, although we recognise that the differing structures, including co-location, will lead to some variances.
- Senior managers make themselves available to staff in a variety of ways and try hard to keep them informed of issues. The CCP addresses the staff conference outlining key priorities for the year. Senior managers attend various fora, including team meetings, at which they can interact with staff at different levels/roles. Senior managers have not found it easy to persuade staff to become more engaged and involved with them. The findings of the 2006 staff survey indicate that only 28% feel that it is safe to challenge managers. Focus groups existed in 2006-07, but following feedback from staff these have recently been replaced by a monthly Friday Forum at which issues can be raised directly with managers. The project manager for the CJSSS initiative visited teams to keep them informed of plans and progress.
- As with most large Areas occasional breakdowns of communication occur but, overall, significant effort is made to keep staff involved and informed. In the last national staff survey West Yorkshire scored almost 20% better than the national average in terms of communication via team meetings. Information should be cascaded from the Area Board to staff via unit meetings chaired by the ACPs and team meetings held by the DCPs. However, there is limited evidence that key information is cascaded to staff in a consistent manner (this may in part be attributable to the poor quality of minutes for some meetings). In order to address this, ACPs now liaise over a standard set of key messages to be disseminated. In some parts of the Area the formal team meetings have been supplemented by a series of briefing meetings.
- Relationships with partner criminal justice agencies are a little mixed, but generally positive, and tend to be a little stronger at strategic than operational level. Discussions are usually open and frank and, for the most part, constructive. There were some concerns over occasional instances of agencies publicly blaming one another and reminders have been made at senior management level over the importance of corporacy and a 'prosecution team' ethos. Relationships with the magistrates' courts staff need to be strengthened.



- CPS managers are heavily involved in inter-agency work and have the lead in a number of important aspects of work. The CCP chaired the LCJB for three years until 2006 when the post was rotated. One of the DCPs has been the project manager for CJSSS, which is deemed to be a crucial initiative for all agencies in 2007-08. CPS managers chair two of the LCJB operational groups and take the lead on other sub-groups such as the one for domestic violence. The Area involved staff from external organisations, particularly the police, in a number of its thematic reviews of casework in 2006-07.
- Managers clearly demonstrate a willingness to learn through success and failure. In addition to the higher than usual level of thematic reviews of casework undertaken, they have visited other Areas to try and understand how they manage particular aspects of work.

**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**

- The Area demonstrates a strong commitment to equality and diversity and has put in place an infrastructure to enable delivery against its objectives. Diversity issues are integrated into Area plans including the overall business plan, community engagement strategy, and hate crime policy. It is innovative in some of its diversity work, for example the involvement of 'critical friends' from various external diversity groups in a number of meetings. The Area has led the way with the formation of a Race Scrutiny Panel and also has a Community Involvement Panel.
- The CCP and ABM take the lead on equality issues and both are members of the Area equality and diversity group. Following an internal review which identified that the earlier enthusiasm of the forum had waned, the group has recently been reinvigorated with amended terms of reference.
- There was workforce representation plan for 2006-07 although it is unclear as to what progress was made during the year on some objectives. The plan for 2007-08 is very similar. The workforce is representative of the local working community with almost 12% of staff from black and minority ethnic (BME) groups.
- Feedback from national and local surveys suggested that some staff believed recognition of good performance was an aspect of management that could be improved. In 2006-07 there was evidence in a number of meetings of positive messages being given to teams and individual praise was given in appropriate circumstances following assessments of casework.
- Reminders have been issued to staff with regard to their treatment of colleagues. This reinforces the message from the Behaviours We Expect document. The findings of the 2006 staff survey indicate satisfaction levels slightly better than the national average with regard to dignity at work issues. However, there have been isolated incidents where behaviour has fallen below the expected standards and these have been firmly addressed by managers.
- One complaint has been made by a member of staff concerning their treatment by a manager; this was subject to ongoing investigation. Steps have been taken to try to minimise any perceptions of exclusivity or cliques. Specific focus groups were held for BME groups in 2006-07, and these have now been subsumed into other more general staff communication groups.
- Reminders have been given to staff over improper use of the internet and the importance of timekeeping. There have been isolated examples of inappropriate behaviour by staff and these have been dealt with quickly and appropriately by managers.

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

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

- Senior managers are engaged in activities which demonstrate a high level of commitment to engaging with, and securing the confidence of, local communities.
- The Community Engagement Strategy is underpinned by the business plan and monitored quarterly by the Area Board. The business plan sets out aspects for improvement and how goals will be achieved. Community engagement objectives have been set for all staff in their performance development plans for 2007-08. All members of staff are responsible for contributing to, and taking part in, community engagement activities. They are able to improve their skills through learning and development, and Area specialists and champions provide briefings to other staff prior to events. The engagement log shows activity by a cross-section of staff both by grade and geographically.
- In June 2004 the Area commissioned the University of Hull Department Of Criminology and Social Justice to undertake a mapping exercise of West Yorkshire using the 2001 Census data to identify the ethnic and religious diversity of each ward within the area. This information has been used by the CPS to target vulnerable and disadvantaged groups. A variety of information sources are used to ensure it has up-to-date information on the demographics of the area. An extensive and diverse database of local community organisations and contacts throughout West Yorkshire has been developed and is updated regularly.
- The Area engages with the Community Involvement Panel on a regular basis and the CCP, ABM and Equality and Diversity Officer attend bi-monthly meetings with the panel, which comprises representatives of excluded and disadvantaged groups. A campaign is currently underway to increase membership to include representatives of mental health, faith and young people's groups. The Area works with the panel to identify key issues and concerns in the communities, which it then follows up and actions.
- West Yorkshire set up a Hate Crime Scrutiny Panel which has been replicated by other CPS Areas. The panel was externally evaluated in June 2006 by Hull University and a number of recommendations were made to improve its effectiveness. The Area devised an action plan in response to these recommendations and a number of improvements have been made. Panel meetings are followed by briefings to CPS staff on lessons learnt and good practice identified during the scrutiny of cases. The Area invites critical friends from voluntary and community groups to challenge their practices and to attend meetings to discuss community engagement strategies.
- Public confidence in the ability of the criminal justice agencies in West Yorkshire to bring offenders to justice has improved since the last OPA, but has declined during the course of 2006-07. In the 12 months to March 2007 it stood at 42.4%, which is similar to the national average. The Area has worked hard to maintain the confidence of the Muslim community following the terrorism incidents.

- The Area takes a proactive and positive approach to the media with a dedicated Communications Manager who sends out press releases to raise awareness of individual cases, promoting the profile of the CPS. The CCP makes monthly radio appearances to discuss current events and criminal justice issues. Training in dealing with the media has been provided to staff who have regular contact, including the CCU lawyers and senior managers. Community engagement activities undertaken by Area staff are highlighted to the media.
- The local media regularly contact the Communications Manager to obtain comments from appropriate people regarding high profile cases and issues. The domestic violence and anti-social behaviour order (ASBO) specialists regularly give interviews highlighting the work of the CPS on these issues.

## 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%	24.4%	18.6%	11.0%	13.1%	14.9%	11.7%
Guilty plea rate	52.0%	69.2%	65.6%	70.7%	68.0%	66.5%	71.1%	75.7%
Attrition rate	31.0%	22.0%	28.7%	23.1%	23.0%	22.2%	20.7%	16.9%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	78.2%

#### 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%	83.9%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	38.0%
Cracked trial rate	37.3%	39.6%
Ineffective trial rate	18.9%	22.4%
Vacated trial rate	22.5%	15.0%

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

<b>National target</b>	<b>National performance 2006</b>	<b>Area performance 2006</b>
71 days	72 days	58 days

*Offences Brought to Justice*

	<b>CJS area target 2006-07</b>	<b>CJS area performance 2006-07</b>
Number of offences brought to justice	64,903	65,555

<b>Percentage make up of Offences Brought to Justice</b>	<b>National 2006-07</b>	<b>Criminal justice area 2006-07</b>
Offences taken into consideration (TICs)	8.5%	16.6%
Penalty notices for disorder (PNDs)	10.3%	6.2%
Formal warnings	5.8%	2.4%
Cautions	26.5%	31.4%
Convictions	48.8%	43.4%

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

	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Successful outcomes (convictions) as a percentage of completed Crown Court cases	77.7%	83.2%

<b>Trial rates</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Effective trial rate	48.2%	36.1%
Cracked trial rate	39.5%	49.9%
Ineffective trial rate	12.4%	14.0%

<b>Proceeds of Crime Act orders</b>	<b>Area target 2006-07</b>	<b>Area performance 2006-07</b>
Value	£4,490,196	£4,464,902
Number	140	235

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

	<b>2005-06</b>	<b>2006-07</b>
Non ring-fenced administration costs budget outturn	99.9%	99.5%

<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%	28.7%
HCA savings against Area target	100%	138.4%	119.4%
Sickness absence (per employee per year)	7.5 days	8.5 days	9.5 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>
35%	40%	43%

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

### **Police**

West Yorkshire Police

### **HM Courts Service**

Bradford Crown Court

Leeds Crown Court

Bradford, Huddersfield, Keighley and Wakefield Magistrates' Courts

### **Victim Support**

Victim Support West Yorkshire

### **Community Groups**

Surviving Trauma After Rape (STAR)





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

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