

CPS West Midlands

Overall Performance Assessment

Undertaken October 2005

March 2006

Promoting Improvement in Criminal Justice

CONTENTS

	PAGE
A. INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS	2
B. AREA DESCRIPTION AND CASELOAD	3
C. SUMMARY OF JUDGMENTS	5
D. DEFINING ASPECTS	8
1. Pre-charge decision-making	8
2. Managing Magistrates' courts cases	11
3. Managing Crown Court cases	13
4. Ensuring successful outcomes	15
5. Handling sensitive cases and hate crimes	17
6. Custody time limits	19
7. Disclosure	21
8. The service to victims and witnesses	23
9. Presenting and progressing cases at court	25
10. Delivering change	27
11. Managing resources	30
12. Managing performance to improve	33
13. Leadership	36
14. Securing community confidence	38
ANNEX A - PERFORMANCE DATA	40

A. INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

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

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

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

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

The table at page 6 shows the Area performance in each category.

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

B. AREA DESCRIPTION AND CASELOAD

CPS West Midlands serves the area covered by the West Midlands Police. It has four geographical sectors, with staff in nine locations:

Sector	Birmingham Central	Birmingham Outer	Eastern	Black Country
Office locations	Birmingham centre	Birmingham centre; Bournville Lane	Coventry Solihull	Brierley Hill; Halesowen; Walsall; West Bromwich; Wolverhampton
Magistrates' courts served	Birmingham	Birmingham; Sutton Coldfield	Coventry; Solihull	Aldridge; Dudley; Stourbridge & Halesowen; Walsall; Warley; West Bromwich; Wolverhampton
Crown Courts served	Birmingham	Birmingham	Coventry; Birmingham (Kings Heath)	Wolverhampton

Area business is divided on functional lines between magistrates' courts and Crown Court work in the Eastern and Black Country sectors. Criminal justice units handle cases dealt with in the magistrates' courts. Trials units handle cases dealt with in the Crown Court. In the Birmingham Central and Outer sectors, teams deal with cases from pre-charge decision to disposal in either the magistrates' courts or Crown Court.

The Area Headquarters (Secretariat) is based at the office in central Birmingham.

During the year 2004-2005, the Area had an average of 471.8 full-time equivalent staff in post.

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

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	21,692	21.1	20.9
Advice	1,708	1.7	5.1
Summary offences	46,804	45.6	46.9
Either way and indictable only	31,816	31.0	26.7
Other proceedings	631	0.6	0.4
TOTAL	102,651	100%	100%

C. SUMMARY OF JUDGMENTS

The Area was inspected fully in December 2003, and a follow-up inspection was carried out in conjunction with this overall performance assessment (OPA).

The Area is one of the largest CPS Areas in the country and deals with a higher proportion of indictable and either-way cases than CPS Areas nationally. It has had difficulty recruiting lawyers in the past and embarked on a more positive recruitment campaign since the last inspection. This has resulted in a small net increase in lawyer numbers by the end of 2004-05.

The West Midlands criminal justice agencies brought 66,985 offences to justice in 2004-05, almost 19,000 below target for the year, and 13.4% below the 2001-02 baseline figure. The target for OBTJ is a shared one set by reference to the criminal justice area. The CPS contribution comes through managing cases to keep discontinuance and unsuccessful outcomes low. Overall, the percentages of unsuccessful outcomes in both the magistrates' courts and Crown Court were not as good as the average national performance. The combined rate for unsuccessful outcomes in the magistrates' courts and Crown court was 22.9%, against a national target of 21% and national performance of 19.6%. Discontinuance rates in the magistrates' courts and judge ordered acquittals were both substantially higher than national averages. Conviction rates were therefore lower in the West Midlands than nationally.

By contrast, Area performance in conjunction with its criminal justice partners was consistently good in dealing with persistent young offenders. For the three month rolling average to February 2005, the Area achieved a performance of 63 days from arrest to sentence against the national target of 71 days.

The Area equalled the national ineffective trial rate in the magistrates' courts (24.5%), but performance in the Crown Court was worse at 19.1% than both national target and national performance. In the second quarter of 2005-06 a steady improvement was made and the rate was 9.9% in September 2005.

Public confidence in the effectiveness of criminal justice agencies in the West Midlands in bringing offenders to justice has improved from 32% in 2002-03 to 40.2%, as measured in the latest British Crime Survey. The Area has worked hard to secure the confidence of the diverse communities in the West Midlands in the criminal justice system, sometimes in very difficult circumstances, and this is an aspect of work in which it excels. Similarly, sensitive cases and hate crime are on the whole very well handled.

Pre-charge advice was given on a non statutory basis from the end of 2003, and the statutory scheme was introduced in 21 centres across the West Midlands in November 2004. The Area's ability to deliver pre-charge decision-making on a statutory basis was not certain during the early part of 2004, because of concerns about staffing levels, but

was eventually delivered within the agreed timescales for priority Areas. The expected benefits from pre-charge decision-making were not being fully achieved in 2004-05, with discontinuance and attrition rates higher than the national averages and outside national target. However, performance was showing improvement by September 2005.

Magistrates' courts cases are generally reviewed and prepared promptly, and the management of cases is helped by the co-location of CPS and police staff in most units. However, the number of cases to be committed to the Crown Court that are instead discharged because they are not ready has been a very significant issue for some years and remains to be tackled successfully.

In the Crown Court during 2004-05 performance in many ways was not as good as the national. In general, appropriate arrangements are in place to enable cases to be presented properly in court.

In the inspection of December 2003, casework decision-making was found to be generally satisfactory. Custody time limits were monitored well and continue to be so. The Area's handling of the disclosure of unused material, particularly in Crown Court cases was found to be weak at that time and performance had not improved significantly by the time of this OPA.

The service provided to victims and witnesses is good in some respects. Ten witness care units (WCU) have been established, and these together with the introduction of effective trial management arrangements and trial readiness procedures, are having an impact on reducing the proportion of ineffective trials due to witness problems. However, letters are sent to victims explaining why charges are dropped or substantially reduced in a relatively small proportion of cases, and outside agreed time limits. This needs to be addressed to ensure the service to victims and witnesses is good in all respects.

During 2004-05 the Area did not make good use of its designated caseworkers or Higher Court Advocates, and agent usage was high. The Area has recognised these weaknesses and is working to increase effective deployment of in-house staff in 2005-06, but strategies to bring about improvement could be clearer. The Area budget was overspent in 2004-05 by 0.9%, which represented an improvement on the previous year's performance.

Major criminal justice initiatives have in the main been successfully planned and delivered with criminal justice partners. The implementation of internal change has been more variable. CPS West Midlands would benefit from the establishment of more formal arrangements for business planning and managing its own planned change, to ensure it is delivered consistently and in a timely way. Planning and change need to be supported by an improved performance management regime. The corporacy of the Area's senior managers is increasing and implementation of these improvements will assist them in achieving their priorities.

In the light of these findings, the Area's overall performance assessment is **FAIR**.

CRITICAL ASPECTS	3 - GOOD
Pre-charge decision-making	3 - Good
Ensuring successful outcomes	2 - Fair
Leadership	3 - Good
The service to victims and witnesses	3 - Good
Managing resources	2 - Fair
OTHER DEFINING ASPECTS	
Managing magistrates' courts cases	2 - Fair
Managing Crown Court cases	2 - Fair
Handling sensitive cases and hate crimes	3 - Good
Custody time limits	3 - Good
Disclosure	1 - Poor
Presenting and progressing cases at court	3 - Good
Delivering change	2 - Fair
Managing performance to improve	2 - Fair
Securing community confidence	4 - Excellent

OVERALL ASSESSMENT	2 - FAIR
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D. DEFINING ASPECTS

1. PRE-CHARGE DECISION-MAKING

3 - GOOD

Timely face to face pre-charge decisions are delivered across the West Midlands by experienced duty prosecutors, and the application of the scheme is being properly monitored. Area-wide reviews of the quality of decision-making, and the reasons for cases being dropped have been undertaken. Good arrangements are in place for analysing dropped cases, and for discussing with the police cases which have been charged outside the scheme, or where advice is not followed. Performance is jointly monitored at Local Criminal Justice Groups (LCJGs). Prosecution Team Performance Management (PTPM) arrangements are not yet in place, but are planned for January 2006. The use of the case management system (CMS) to record advice and decisions, while it takes place in the majority of cases, is not yet fully embedded. The benefits of statutory pre-charge decision-making were not fully realised in the final quarter of 2004-05. In particular, discontinuance levels were high, but performance in 2005-06 is improving.

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

- The Area provides face-to-face pre-charge advice and decision-making on a statutory basis from 9am to 5pm at 21 charging centres across the West Midlands. The Area's ability to provide advice face-to-face at a large number of sites has been helped by the co-location of police and CPS offices. Duty prosecutor (DP) rotas are drawn up with an identifiable reserve to ensure cover is maintained in the event of sickness or an emergency, and pre-charge advice and decision-making has always been provided on a face-to-face basis in accordance with the agreed scheme. Charging advice is provided by experienced prosecutors, who have telephone access to specialist prosecutors if necessary.
- Steps have been taken to ensure pre-charge consultation takes place on all relevant files. The police have developed a 'gate keeper' role with whom officers check whether the case is one on which a pre-charge decision must be sought. Police custody IT systems are being reconfigured to include questions to ensure officers comply with the scheme. The development of the gatekeeper role has meant that the Area receives few inappropriate referrals.
- Any cases which have been charged without the required consultation are picked up by CPS prosecutors or designated caseworkers when preparing for court, and local guidance is then given to police staff on a case by case basis. In addition, all cases of non compliance across the Area are referred to the CPS Area champion for discussion with the Assistant Chief Constable.
- Case management reports showing cases which have been subject to pre-charge advice but have yet to be updated with a charge, are sent to the police monthly and the current position clarified.

- The Area has monitored cases dealt with by CPS Direct out of working hours, and the relationship between CPS Direct and the Area is managed overall by the Area charging champion.
- Police computers are being upgraded to ensure that the police are able to provide the unique reference number (URN) for the case, at the initial referral. The absence of a URN at this stage means that there is potential for the double counting of cases. Although there was some double counting of cases when the scheme was first established, monthly checks are in place to ensure recording is now correct.
- In pre-charge decision cases the police provide full evidential files before charge in all committal cases and where a not guilty plea is anticipated. This enables lawyers to review cases fully at an early stage and reduces the need for further evidence later which can cause delay during the court process. Times from arrest to charge should be monitored to ensure they do not extend unduly.

Aspects for improvement

- The CPS case management system is available in all but two charging centres. The use of CMS to record advice and decisions, while it takes place in the majority of cases, is not yet fully embedded.

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

- The Director's guidance has been circulated to all lawyers and is available in charging rooms. Further guidance and updates have been regularly provided to staff.
- The quality of charging decisions, as well as being assessed through the casework quality assurance system and dip sampling, has been assessed through two internal reviews; one examined all dropped cases over a three month period which had been subject to pre-charge advice, and the other examined the quality of advice. Ad hoc reviews have also been carried out in particular units.
- Aspects of decision-making which needed to be addressed have been brought to the attention of staff, and will be reinforced by training due to be delivered at the end of November.
- All pre-charge decision cases which are dropped or where the charge has been varied are subject to an individual case report, which is considered by the Unit Head, and individual cases are examined at Local Criminal Justice Group meetings. The Area has taken steps to ensure that DPs address both the confiscation of assets and bad character issues at the advice stage.
- Satisfactory arrangements are in place for the resolution of disagreements between the DP and police over cases on which no further action is advised.
- Gender and ethnicity details are satisfactorily recorded on CMS.

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

- Performance is jointly analysed with the police, and with other criminal justice partners at LCJG meetings; all cases which have been dropped or the charge altered are discussed. Performance generally is monitored through the Investigation Action Delivery Board of the Local Criminal Justice Board.
- Performance data showing numbers and outcomes of pre-charge decisions is considered regularly in parts of the Black Country sector, and the model is being adopted throughout the Area.
- Some of the benefits of pre-charge decision-making (PCD) were being realised in 2004-05. The guilty plea rates in the magistrates' courts (65.7% compared to 68.8% nationally) and Crown Court (69.2% compared to 66% nationally) represent excellent and fair performance respectively. Attrition rates were not as good as average national performance in both the magistrates' courts (26.4%) and Crown Court (24.5%), but nevertheless the levels represent good and fair performance respectively.

Aspects for improvement

- The proportion of cases which had been subject to pre-charge advice/decision and which were subsequently discontinued, during the last quarter of 2004-05 were 19.4% and 20.7% in the magistrates' courts and Crown Court respectively. These were substantially worse than national averages of 16.3% and 14.6%, and national target levels of 11%, and are regarded as poor for the purposes of the Overall Performance Assessment. Performance is improving in 2005-06. The percentage of PCD cases that are being discontinued is gradually reducing, with average performance in magistrates' courts cases standing at around 17%, and in Crown Court cases at around 14%, for the three months ending September 2005.
- Work has yet to be done to establish the Prosecution Team Performance Management (PTPM) arrangements jointly with the police. PTPM is due to be in place by January 2006.

2. MANAGING MAGISTRATES' COURTS CASES

2 - FAIR

Cases are generally reviewed and prepared promptly and are normally ready to proceed at the next hearing. There is co-location with the police at each office which has helped the efficiency with which cases are prepared. The Effective Trial Management Programme (ETMP), which built on similar previous systems, has been implemented and Case Progression Officers (CPOs) appointed. There is significant liaison with criminal justice partners at all levels. Timeliness figures are good for all types of cases, including the time from arrest to sentence for persistent young offenders (PYOs) which has been better than the 71 day target throughout the year. However, the number of discharged committals increased in 2004-05 compared with 2003-04, and this aspect of case preparation remains to be improved. The ineffective trial rate is better than the national average, although the cracked trial rate is slightly worse. Action has been taken to improve the use of the case management system (CMS) but progress has been very slow in parts of the Area.

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

- Magistrates' courts cases are reviewed and prepared promptly, and follow-up work is undertaken when necessary, with the result that cases are ready to proceed at each court hearing. The police have agreed to provide a full evidential file before charge in all committals and anticipated not guilty cases. This enables a full review at an early stage. Cases are listed seven days after charge. Co-location with the police at all offices has led to greater efficiency of preparation processes. CPOs are in place in all units.
- Adult and Youth timeliness figures are good. The average times to initial guilty plea, to trial and to committal are all significantly better than the national averages.
- A multi-agency project team was established for the implementation of ETMP. The work built on systems that had been in place for some time and ETMP was implemented throughout 2003-04. There is significant liaison with criminal justice partners at all levels. The Area and courts have appointed effective CPOs. Although the police have staff who cover this work, they do not yet have designated CPOs. CPOs meet regularly and there have been resulting improvements in performance.
- The timeliness target of 71 days from arrest to sentence for PYOs was met throughout the year. In the three months to February 2005 the figure was 67 days (the same as the national average) and figures for 2005-06 show even better performance.

Aspects for improvement

- The Area has had, for several years, a high number of committals (particularly in Birmingham) that are discharged because they are not ready to proceed. Each unit reports to the Area Strategic Board (ASB) regularly about these. They are logged and if the decision is taken to reinstate, further evidence is sought from police, and action dates are monitored. Nevertheless, the numbers

have increased from 300 in 2003-04 to 393 in 2004-05. The reasons have not yet been sufficiently analysed and the Area is uncertain that the correct outcome is always identified. It has been agreed to set up a team jointly with the police to monitor these cases.

- No wasted costs orders were recorded by the Area in 2004-05. Nevertheless, it was clear that there was at least one such order in the magistrates' courts or the Crown Court. Units need to ensure that all such orders are notified in their quarterly reports.

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

- The Area met its target for the ineffective trial rate in 2004-05 achieving 24.5% compared with the national average of 24.8%. More recent figures show further improvement, in July 2005 the rate was 22.2%. The cracked trial rate in 2004-05 was 40.9%, slightly worse than the national average of 37.1%. There is extensive, regular and formal analysis of all cracked and ineffective trials, in units, at Area level and in meetings with other criminal justice agencies. The percentage of cases that were ineffective where the prosecution was at fault was 6.6% compared with the national average of 6.8%. Appropriate action is taken in these cases.
- Significant work on ineffective and cracked trials has been undertaken with criminal justice partners. Extensive data is shared and analysed at all levels and action has been taken and communicated. The joint work in implementing the three main initiatives of charging, ETMP and establishing witness care units has all contributed to improving performance.

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

- The Area has created a number of CMS/Management Information System reports and is using them to assist in specific usage and monitoring issues. Many forms have been standardised across the Area and local Area templates have been added to the system.

Aspects for improvement

- The Area's overall rating for the use of the CMS in 2004-05 was 67.8% compared with the national average of 69.1%. Use is regularly monitored and data produced to indicate where problems lie. In November 2004, the ASB decided the actions to be taken to improve performance, including monthly reports, the setting of minimum standards, the inclusion of objectives in forward job plans and further training for managers. The benefits of this work have been slow to materialise. Effective use remains poor. Full file review was recorded on CMS in only 29.2% of all relevant cases in June 2005. Performance is variable across the Area, and in Wolverhampton this figure was 87%.
- CPS West Midlands must clear the very large number of outstanding tasks for cases which have been completed in order for cases to be managed effectively, and to enable managers to access meaningful reports.

3. MANAGING CROWN COURT CASES

2 - FAIR

The Effective Trial Management Programme (ETMP) has been implemented and cases generally progress well through the whole court process. There is significant liaison with criminal justice partners including regular meetings to ensure good progression and assist listing. The Area achieved its target for the number of confiscation orders made. Instructions to counsel were timely but their quality could be improved. In 2004-05 the cracked and ineffective trial rates were worse than the national average. More recently the ineffective trial rate has improved. The case management system (CMS) is used well to prepare indictments but the recording of other actions including the full file review is less good.

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

- ETMP has been established in all Crown Court venues. Systems vary slightly as ETMP was built from existing procedures which differed, but in essentials all the systems comply with the programme. Sufficient time is available to prepare cases and Case Progression Officers (CPOs) or caseworkers in Birmingham and Coventry, carry out pre-trial checks. The certificate of readiness is provided to the court and regular meetings are held with court listing officers and Court Case Progression Officers. Most cases are ready to proceed at each court hearing.
- There is significant liaison with criminal justice partners at all levels, including regular meetings with the Recorder of Birmingham. Regular effective case progression meetings or discussions are held by either the CPOs or, in Birmingham and Coventry, by the individual caseworkers who have responsibility for the case. Trial readiness meetings are held before the listing meetings and there is a constant exchange of information between the CPOs, the listing office and the witness care units. As a result of this work, performance is starting to improve.
- Instructions were delivered to counsel in time in 96.4% of cases compared with the national average of 85%.
- The Area has appointed a Confiscation Delivery Manager who monitors cases in which asset recovery should be sought under the Proceeds of Crime Act (POCA), and who has been very pro-active in raising the level of awareness. In 2004-05, the Area exceeded its target of 76 orders achieving 117 orders. There is a target of 133 orders to the value of £1,373,631 for 2005-06 and the profile indicates that this should be achieved.
- In the Crown Court, cases involving persistent young offenders (PYOs) are tracked, periodically reviewed and analysed in detail. PYOs are given early listings in the Crown Court, but youth cases in general are not prioritised at Birmingham and Coventry.
- There were no recorded wasted costs orders in 2004-05 (see Aspect 2).

Aspects for improvement

- Not all instructions to counsel include an analysis of the issues and acceptability of pleas. The Area's own assessment, under the Casework

Quality Assurance system, of the quality of the instructions to counsel shows a generally good performance for the inclusion of an adequate summary, but that some cases did not contain instructions about the acceptability of pleas. A reality check showed that in four out of six Crown Court cases, the instructions were acceptable, but the remaining two were inadequate.

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

- Significant work has been undertaken with criminal justice partners. The systems for joint analysis differ. At Birmingham and Coventry schedules of ineffective cases are produced with a commentary. Cases are analysed and feedback is given to lawyers and to the resident judge at monthly meetings. The reasons for ineffectiveness are validated with the court. At Wolverhampton reports are not produced as a matter of course. A form is completed where there has been an ineffective trial and issues are dealt with immediately. As there are few of these cases an overall analysis is not made. Action has been taken and communicated, and performance is improving as a result. Analysis and reports are distributed to the Local Criminal Justice Groups for regular discussion and solutions.

Aspects for improvement

- The ineffective trial rate in the year ending March 2005 was 19.1% compared with the national average of 15.8% and an Area target of 18.5%. The cracked trial rate was 46.2%, significantly worse than the national average of 39.2%. The ineffective trial rate has been steadily reducing from 23.3% in July 2004 to 14.4% in June 2005. It has been as low as 12% in Birmingham and 10% in Wolverhampton. The percentage of ineffective trials due to the prosecution was 8.7% compared with 6.6% nationally, and for cracked trials was 19.2% compared with 15.3% nationally. These cases are examined and appropriate action is taken with individual staff. There is, however, limited dissemination of lessons to the units or across the Area.

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

- In 2004-05, CMS was used to prepare indictments in 71.1% of cases compared with 81.5% nationally. Performance in this respect improved significantly throughout the year, from a low start of 50% to 90% by the end of the year.
- The Area has created a number of CMS/Management Information System reports, and the performance officer is using them to assist in specific usage and monitoring issues. Unit Heads could use them more effectively and may require further training. Many forms have been standardised across the Area and local Area templates have been added to the system.

Aspects for improvement

- Although CMS is being used, not all staff are recording key events in cases particularly the full file reviews. The Area is taking action to improve usage, particularly amongst the lawyers. Usage is monitored, but outstanding tasks in completed cases are numerous, making management reports less meaningful.

4. ENSURING SUCCESSFUL OUTCOMES
2 - FAIR

Formal assessment of the reasons for unsuccessful outcomes is carried out. Reports are produced and analysed. Action is taken to deal with issues with individuals and lessons are generally shared within the unit, although not across the Area. Reports and data are shared and discussed with criminal justice partners at all levels. Nevertheless, the overall percentage of unsuccessful outcomes was worse than the national average both in the magistrates' courts and in the Crown Court. In particular the discontinuance rate and the proportion of judge ordered acquittals remain high. The criminal justice area did not meet its target for Offences Brought To Justice (OBTJ).

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

- There is formal assessment of the quality of review and case handling. Pre-charge decision cases that are later dropped are recorded, analysed and trends identified. Adverse case reports are normally produced and analysed by the team leaders and Unit Heads. Feedback on issues is given to individuals. A summary of each case is made and these documents are circulated to staff on the unit. Although we were told that feedback is given in team meetings, this was not borne out by the minutes with which we were supplied. There was little evidence that lessons learned are shared across the Area. Data on unsuccessful outcomes is provided to the Local Criminal Justice Groups, which forms the basis for discussion and resolution of the issues. Issues are also raised with the judges at regular meetings.
- Area performance for 2004-05 was as follows:

OUTCOME	AREA FIGURE	NATIONAL AVERAGE
Magistrates' courts		
Discontinuance & bindovers	16.7%	12.5%
No case to answer	0.3%	0.3%
Dismissed after trial	1.8%	1.5%
Discharged committals	0.5%	0.3%
Overall conviction rate	77.5%	80.8%
Crown Court		
Judge ordered acquittals	20.1%	14.2%
Judge directed acquittals	1.1%	2.0%
Acquittals after trial	3.8%	6.3%
Overall conviction rate	73.5%	75.8%

Aspects for improvement

- Performance in the magistrates' courts was below national average in a number of respects. In particular, the discontinuance level was substantially worse. The proportion of cases dismissed after trial, the proportion of discharged committals and the overall conviction rate are also worse than nationally.
- In the Crown Court, the conviction rate was lower than average national performance. The proportion of judge ordered acquittals is substantially worse than the national average. A monthly schedule is kept of cases which have been sent to the Crown Court and later discontinued. These are analysed and any issues arising are addressed with the lawyer who made the initial decision to charge. Analysis seems to indicate that the majority of Crown Court cases that are dropped are those where the full evidential file was not available at the pre-charge stage and expected evidence does not materialise. Managers accept that more robust and realistic decisions need to be taken before deciding to charge.
- Unsuccessful outcomes in both the magistrates' courts and Crown Court were worse in the West Midlands than average national performance. The combined rate for unsuccessful outcomes in the magistrates' courts and Crown Court was 22.9%, against a national target of 21% and national performance of 19.6%.
- The attrition rate in pre-charge cases is 26.4% in magistrates' courts cases and 24.5% in Crown Court cases. Nationally these figures are 22.7% and 23.8% respectively.
- The criminal justice area did not meet its 2005 target for OBTJ, by 18,854 cases, 13.4% below the 2001-02 baseline. The Area explains this by the fact that recorded crime fell by 13.4%, and that there was a change in the policy leading to a substantial reduction in recording offences taken into consideration. Full discussion takes place between criminal justice partners at the Local Criminal Justice Board, identifying issues and possible resolution. The new target for 2005-06 is considerably lower than the previous year and recent data indicates that the area is on target to achieve the new figure. The OBTJ target is a shared one with criminal justice partners. The CPS contribution comes through managing cases to keep discontinuance and unsuccessful outcomes low, both of which need attention in the West Midlands.
- The high number of committals (particularly in Birmingham) that are discharged because they are not ready to proceed is an issue we have dealt with in section 2A.

5. HANDLING SENSITIVE CASES AND HATE CRIMES	3 - GOOD
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Sensitive cases are dealt with well. They are generally correctly flagged on the case management system (CMS). There are effective champions for each category who give guidance, taking into account the recommendations of thematic and joint reviews, and who carry out extensive work with other agencies. Trained specialists deal with the cases. The review and handling of these cases is assessed and reported upon. There is systematic analysis of racist and religious crime, and of rape cases.

5A: The Area identifies and manages sensitive cases effectively

- Sensitive cases (domestic violence, homophobic, racist and religious crime, child abuse, rape, fatal road traffic offences and anti-social behaviour orders) are generally flagged up on CMS. In each unit, checks are made by dip sampling to ensure that cases are properly flagged. A reality check conducted showed satisfactory performance. The review and handling of sensitive cases is formally assessed through the Casework Quality Assurance system, although a separate assessment for these cases is not noted. Rape and racist incident cases are seen and assessed by the relevant specialists who identify trends and report to the Area Strategic Board (ASB). The Area makes thorough checks of failed cases which will include these sensitive categories. An annual snapshot of domestic violence cases is made in December each year. Action is taken by reference to individuals where necessary.
- All magistrates' courts have specialist domestic violence courts which are regulated by protocol, with specialist prosecutors and trained legal advisers and magistrates.
- The Area has appointed champions and specialists for sensitive cases, who disseminate information to prosecutors and caseworkers, and provide guidance and mentoring. The champions are fully involved in extensive multi-agency work. Each unit has a "mini" champion to fulfil a similar role locally. There are sufficient prosecutors with the appropriate specialist skills and knowledge to provide guidance to lawyers making pre-charge decisions, and for these cases to be handled effectively. Training is regularly provided on most specialist categories.
- The Area takes CPS policies and HMCPSI thematic reviews into account when devising Area practice. For example, in rape cases a form is placed on each file which contains the actions necessary to comply with the recommendations of the joint thematic review of the investigation and prosecution of rape offences.

- The Area systematically analyses hate crime cases in which a reduction or change of charge, or an agreed basis for plea, reduces or removes the 'hate element' from the offence, and action is taken as a result. Detailed reports are provided from each unit covering all racist incident cases. These are analysed by the Communications Manager and the champion, and results are reported to the ASB and shared with other agencies.
- In the first quarter of 2005-06, the Area met its target of 38% or below for the percentage of hate crime cases (that is cases of domestic violence, racist/religious crime, and homophobic crime) which resulted in an unsuccessful outcome.

6. CUSTODY TIME LIMITS
3 - GOOD

Each unit has a written custody time limit (CTL) system which complies with national guidance. There are no protocols with the courts about CTLs, but expiry dates are agreed and noted in the magistrates' courts, and account is taken of the expiry dates in the listing of cases that are sent to the Crown Court. Systems are reviewed and updated regularly and all staff have been trained, although the use of the case management system could be better. Regular assurances are given to senior managers that the systems are secure, but the fact that management checks of expiry dates had been made could be shown more clearly on the files and in the CTL diaries. Our reality checks of files show generally good practice and compliance with the systems.

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

- The Area has a written custody time limit system for each unit. They comply with the national guidance, and are adapted for application within the systems of each office. They contain elements of good practice. The Area has had no CTL failures in 2004-05.
- Although there are no formal protocols with the courts about CTLs, the Area has spoken to local magistrates' courts to gain their involvement in the accurate calculation of the CTL. The expiry dates are agreed in court and noted. The listing arrangements in the Crown Court for cases sent under section 51 Crime and Disorder Act 1998 automatically take account of the date of expiry of the CTL, but not necessarily in committed or transferred cases.
- The systems are reviewed on a regular basis and are updated immediately national changes take place. The Area CTL champion checked the systems and made the necessary adjustments following the recommendations of HM CPSI's thematic review of CTLs. Systems were reviewed when the units were recently restructured.
- All new staff are trained on CTLs as part of their induction. Strict compliance with the checking systems ensures that relevant staff are constantly reminded of their obligations. The case management system (CMS) is not used to back up the diary systems and more could be done to ensure an understanding as to how CMS can assist once the many outstanding tasks have been cleared.
- We made a reality check on ten files with CTLs which indicated generally good performance. The expiry and review dates were correctly calculated and shown on all but one file. The single mistake had been immediately corrected.

Aspects for improvement

- Senior managers require and receive regular assurances that the CTL system is effective and up to date. However, the initials of CTL managers showing that the expiry dates on the files and in the diary had been checked were often missing. These would enable senior managers to check that the systems were being properly applied.
- On four of the files with more than one defendant, the custody status of each defendant was not clearly shown for every hearing.

7. DISCLOSURE

1 - POOR

The Area assesses performance in relation to disclosure but this needs to be more thorough and realistic. Our reality check of files showed poor performance in many respects, and particularly in the housekeeping of disclosure documents and actions. The Area has a disclosure champion who has given some guidance. Little training has yet been delivered; the training planned will also involve the police. There has been limited improvement since the last inspection.

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

- Area systems ensure that all sensitive material schedules and unused sensitive material are stored securely.
- The Area Disclosure Champion undertakes some work in disseminating information to prosecutors and caseworkers, and in providing guidance and mentoring. For example, before the new provisions in the Criminal Justice Act 2003 came into effect, the champion produced a short guide and disseminated a detailed academic guide to the new provisions. A further guide was disseminated in August 2005, four months after the commencement date of the Act. In early 2005, the disclosure champion delivered training on sensitive material to caseworkers.

Aspects for improvement

- At the time of the last inspection, HMCPsi's assessment of the percentage of cases in which disclosure was handled properly in the magistrates' courts and Crown Court was 59.2%. This was considerably worse than the national average performance of 70.3%, and represents poor performance, for the purposes of the overall performance assessment.
- There is some evidence of prosecutors' performance in relation to disclosure being assessed through the Casework Quality Assurance system. However, the results of our reality checks indicate that these assessments could be more thorough and realistic. Area results showed a much better performance and it is clear that appropriate action is not always taken where necessary.
- We examined 11 magistrates' courts files. Where recorded, the decisions about disclosure were all correct. Primary/initial disclosure was timely in all, but the schedule of disclosure items on four files had only a lawyer's signature with no indication that the items had been separately considered or how they should be treated. Secondary or continuing disclosure was not made on the two relevant files. Correspondence was not dealt with in a timely manner or at all on all four relevant files. The disclosure documents were not filed together and the disclosure record sheet was not completed on any file.

- We examined six Crown Court files. Again, where recorded, the decisions about disclosure were all correct. Primary/initial disclosure was dealt with properly and in time in all. Although the defence statement was sent to the police on the two relevant files, the police response was not chased and no secondary/continuing disclosure was made. Correspondence was not dealt with in a timely manner or at all on the four relevant files. The disclosure documents were not filed together on four of the files, and the disclosure record sheet was not completed on any.
- There is limited evidence of prosecutors and caseworkers having received training on the disclosure provisions of the Criminal Justice Act 2003 and the CPS/ACPO Disclosure Manual, or of a timely programme of training being set. The trainers have now attended the advanced disclosure training course and will deliver training to others, including the police, in November. This training is rather late and many of the files do not indicate that the stricter regime of disclosure was being applied despite the guidance already given.
- Some work has been undertaken with the police, but this has not been systematic. In 2005 a protocol for third party disclosure involving the Local Authorities was being developed entailing considerable work with the police. It was anticipated that the protocol would be signed in December 2005. Issues are raised with the police about disclosure, particularly when a case has failed because of a failure to disclose. The quality of the schedules of disclosure items is generally satisfactory, but there are still delays in response from the police when further items are required to be provided, or when they are sent the defence statement for comment.
- Some work has been undertaken to improve performance since the last inspection. There is evidence of improvement in the schedules, and automatic full disclosure without an appropriate decision by the lawyer in the case is no longer made at Wolverhampton. However, considerable further work is needed, and realistic monitoring needs to be in place.

8. THE SERVICE TO VICTIMS AND WITNESSES
3 - GOOD

Witness care units (WCUs) have been established across the West Midlands, and the Area has had considerable success, with criminal justice partners, in reducing the proportion of trials that are ineffective due to witness problems, and in improving the rate of witness attendance at court. Victim and witness satisfaction levels are close to, and in some cases higher than the national average. The proportion of victims who receive an explanatory letter when their case has been dropped or the charge reduced is not good, nor are victims contacted quickly. This needs to be addressed to ensure that the otherwise good service provided to victims and witnesses is not marred by this poor performance.

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

- The Area has worked successfully with its criminal justice partners to establish ten WCUs across the West Midlands. Six were established by the end of 2004, with a further four established, with only minor slippage from the agreed timetable, by the end of June 2005.
- Satisfactory systems are in place to ensure victims and witnesses are kept informed of the progress of their case at all stages. The Area has worked with the police to establish a protocol to ensure victims and witnesses are kept aware of the investigation during the period between pre-charge advice being sought and charge. From the first court appearance to the end of the case witnesses are kept informed by WCU staff.
- Lawyers identify any special needs victims or witnesses may have when the case is reviewed. Witness Care Officers conduct structured needs assessments for all witnesses when a case is listed for trial, and so are also able to identify any vulnerable or intimidated witnesses at that stage. Applications for special measures are not routinely monitored, but there is evidence that special measures have been used effectively to enable particularly vulnerable victims and witnesses to give evidence.
- Inter agency protocols have been established to ensure victims of domestic violence are supported by the police, specialist and trained prosecutors, and staff from Victim Support and the Witness Service at specialist domestic violence courts.
- In 2004-05, the percentage of ineffective trials in the magistrates' courts due to the absence of prosecution witnesses (other than the police) stood at 4.5%, around the same as the national average. The percentage of cracked trials due to witness absence was, at 5.5%, slightly worse than the national average of 4.9%.

- In the Crown Court, 5.5% of trials were ineffective due to witness non attendance, significantly higher than the national average of 3.7%. However, the percentage of trials that are ineffective due to witness absence steadily decreased throughout 2004-05 and into 2005-06. The Coventry and Wolverhampton Crown Court centres, in some recent months, had no ineffective trials due to witness problems.
- Witness attendance improved from a baseline figure of 68% in June 2003 to almost 80% for the period January to June 2004.
- CPS staff have worked well with police partners to reduce the number of ineffective trials due to non attendance by police officers. Performance improved by 50% between October 2004 and September 2005.
- A recent survey indicated that 60% of victims and 79% of witnesses were satisfied with their contact with the West Midlands criminal justice system, compared with 61% and 70% nationally. Other satisfaction levels were around the national average, although the percentage of victims who had been offered the opportunity to make a personal statement was less than the national average (24% against 32%). 100% of witnesses in the West Midlands who felt intimidated, considered their concerns were addressed, compared with only 50% nationally.

Aspects for improvement

- The Area performs significantly less well in writing to victims to explain why charges have been reduced or dropped than the national average. Work undertaken by CPS headquarters estimates that in 2004-05 51% of relevant cases were captured, less than national average of 56.3%. There were substantial variations in performance across the Area. This drop in performance was recognised and steps were taken through the Unit Heads to address it. Letters were sent to victims within the five day target in only a small proportion of cases.
- Working processes within the WCUs have yet to be fully established, and achievement of minimum standards has been hindered by some difficulties in staff recruitment.
- In 2004-05, witnesses waiting times at court were slightly longer than the national averages. In the magistrates' courts in the June and November surveys waiting times were 89 minutes during both survey periods, against national averages of 86 and 88 minutes respectively. In the Crown Court waiting times averaged 168 minutes and 199 minutes, against national averages of 145 and 151 minutes respectively.

9. PRESENTING AND PROGRESSING CASES AT COURT 3 - GOOD

The Area is amongst those agencies leading the initiative to improve case progression in court. The Effective Trial Management Programme (ETMP) with effective Area Case Progression Officers is in place. There is sufficient time for in-house prosecutors to prepare and there is timely delivery of papers to counsel and agents. The selection of prosecutors, both in-house and others, takes full account of their experience and expertise and specialists are used where necessary. The advocacy of new prosecutors is regularly monitored but others, including counsel and agents, are seen only on an ad hoc basis, and observations are not recorded except for re-grading purposes.

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

- The Area is amongst those agencies leading the initiative to improve case progression in court. CPS Case Progression Officers make careful pre-trial checks in magistrates' courts cases to ensure the case is ready to proceed as do the caseworkers in the Crown Court. ETMP has been implemented in all courts, building on previous similar systems that have been in place for some time.
- Proper time is allowed for prosecutors to prepare the cases and papers are delivered in good time to agents and counsel.
- Selection of prosecution advocates for all courts is undertaken with full consideration of their experience, expertise and qualifications. Rotas are drawn to enable in-house prosecutors of suitable experience to present cases in the specialist courts, for example the youth and domestic violence courts. The Area has a strong and effective relationship with local chambers and counsel are selected on the basis of their grade and expertise by those who know them. The increasing use of Higher Court Advocates in the Crown Court enables the lawyers to contribute to this selection.
- Complaints about the conduct or performance of prosecutors in court are thoroughly investigated, and timely action is taken if appropriate.
- The advocacy of new in-house prosecutors is regularly monitored as part of their induction and for through grading to a higher level. Other prosecutors are seen on an ad hoc basis when managers are in court. In our last report we considered that the quality of advocacy was generally good, including, on the whole, that of the agents used. If any concern is expressed by other agencies, more regular monitoring will be carried out, although this has not been needed for some time. Feedback is given to individuals immediately and in performance appraisal.

- Agents and counsel are given full instruction packs which are regularly updated, the latest revision being in July 2005. Appropriate instructions are usually given to counsel in sensitive cases, and guidance given about new law or initiatives.

Aspects for improvement

- Agents will be seen when managers are at court. This ad hoc monitoring is not recorded and could be more systematic. Counsel are monitored only for re-grading purposes. The relationship with local chambers enables performance issues to be raised and resolved when necessary.

10. DELIVERING CHANGE
2 - FAIR

Major criminal justice initiatives have in the main been successfully planned and delivered with criminal justice partners. Internal change has not been as systematically managed in all circumstances, and some past changes have not been implemented as successfully as they might have been. Risk management is not yet fully embedded as part of the Area's management processes and is not regularly and formally reviewed. The Business Plan does not identify all key objectives, or set out milestones or targets for their delivery, and is not formally or regularly reviewed.

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

- There is evidence of successful planning with criminal justice partners, which takes place through the Local Criminal Justice Board, its action delivery boards, local criminal justice groups, and inter-agency project groups. These inter-agency groups, at an Area-wide level, have been successful in achieving co-located CPS and police teams, the introduction of statutory pre-charge decision-making, the establishment of witness care units and the Effective Trial Management Programme. At a local level, in some parts of the Area, effective systems have been established to ensure trial readiness, and court listing issues have been addressed so that the Area is able to use its staff more efficiently.
- Key priorities are reflected in the job objectives of staff.

Aspects for improvement

- Whilst senior managers have clear aspirations about what the Area should achieve, in general terms, the Area's supporting plans are weaker than would be expected in a large CPS Area which wishes to bring about continuing change and improvement. The Area Business Plan (ABP) does not set out milestones for the achievement of objectives or in the main identify responsibilities for delivery beyond the general responsibility of the Area Strategic Board (ASB). Not all relevant objectives or targets are included in the plan.
- The Area has accepted that the ABP is not reviewed as regularly as it should be. Given the plan's weaknesses this means that performance against key targets and objectives is not systematically reviewed by the ASB, although there is evidence of some key activity being monitored.
- Ensuring the business plan reflects the Area's priorities fully, and reviewing it regularly, should form part of the Area's performance management regime.

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

- The Area has successfully implemented some change in conjunction with CJS partners, as set out above. Internal changes have also been implemented to improve the Area's position. In particular, the Area now recruits staff more aggressively, has improved the speed with which it pays graduated fees to counsel, and some organisational structures have been altered.
- A risk register is in place which identifies pertinent risks.
- The implementation of statutory charging has been well reviewed.

Aspects for improvement

- The Area does not have specific arrangements in place for the management of change. Whilst inter-agency projects are run on established project management lines, this is not mirrored internally. Unlike many Areas there is, for example, no dedicated project or change manager who co-ordinates projects to ensure continuity, links, and timely delivery, and regular reporting across all projects to the ASB.
- Some change has been outstanding for some time, and it is not clear how all necessary planned change will be brought about. For example, the establishment of a formal, regular performance management regime, and improvement in arrangements for Direct Communication With Victims. Relative staffing levels, together with the relatively high numbers of administrative staff, remain to be addressed. The Area wants to make better use of its Higher Court Advocates (HCAs), and is training more lawyers for the role, but no HCA strategy is in place and it is not clear how this change will be achieved.
- Whilst there is some evidence of past change having been reviewed, arrangements for review are not yet systematic or formally incorporated as part of the change management process.
- A more systematic approach to change, accompanied by a business plan that captures more precisely the Area's objectives and key steps in their delivery, may help the Area to be more pro-active, rather than reactive, in its approach to change, particularly if supported by improved arrangements for performance monitoring. In this way the Area could achieve the success and good performance in all aspects of work that it has achieved in some.
- Risks are not reviewed regularly. It was not clear whether any adjustments had been made to planned Area activity in the light of a review of risks.

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

- The Area has a training strategy for 2004-06 which links training subjects with strategic themes, and the Area training plan for the same period includes a comprehensive list of training courses that are to be delivered. Changes have been made to the way training is managed, including allocating two members of staff full time to training, to ensure a more systematic approach to the identification of training needs and to delivery. Most key training has been delivered, but the Area still has to take steps to improve attendance.
- Action is taken to ensure part-time staff are able to attend training courses. There is good support within the Area for personal development. Some staff have undertaken the law scholarship scheme, and staff are supported through the legal trainee scheme and to undertake the Diploma in Personal and Professional Development. A number of the Area's managers have undergone specific managerial training and coaching.

11. MANAGING RESOURCES

2 - FAIR

The Area is in the early stages of developing value for money policies. Some staff have been redeployed resulting in savings to the payroll. Some structural change has taken place to allow greater flexibility in staff deployment, but the distribution of staff across the Area has not yet been examined. Financial responsibility is devolved to District Heads, and satisfactory financial controls are in place at Area level. The Area overspent its budget in 2003-04 and 2004-05, although the extent of the overspend decreased between the two years from 1.9% to 0.9%. Designated caseworker (DCW) and Higher Court Advocate (HCA) deployment, and the number of court sessions undertaken by in-house staff was relatively low in 2004-05, and targets have been set to improve performance.

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

- The Area has recognised the need to improve value for money and included relevant objectives in its plans for 2004-05, but is in the early stages of developing firm value for money policies. In the main the Area sees value for money being achieved through improved performance arising from pre-charge decision-making, greater use of the case management system, ensuring more effective trials, and more efficient staff deployment (see below).
- Non-ring fenced administration and prosecution costs budgets are devolved to District Heads, who are accountable for financial performance and have been trained in financial planning and management. Satisfactory financial monitoring is in place, with monthly position reports produced by the Area's secretariat and circulated to all districts.
- Prosecution costs are monitored at district level, and expenditure on special counsel in the magistrates' courts is properly accounted for, and reduced by 13% between 2002-03 and 2004-05. The Area made notable improvements in the timeliness of graduated fee scheme payments which increased from 34.7% to 60% during the year, better than national average performance.
- Additional funding received for the effective trial management programme (ETMP), No Witness No Justice (NWNJ), the implementation of statutory charging and street crime has been used to secure extra lawyers and administrative staff. The extra funding did not cover the full costs and with no further funding, the shortfall will have to be borne by the Area in future. The outcomes for ETMP have contributed to improved performance in the rate of effective and ineffective trials in magistrates' courts and Crown Court.
- Overspend on the annual non-ring fenced budget reduced from 1.9% in 2003-04 to 0.9% in 2004-05. The latter overspend, for the purposes of the overall performance assessment, is rated as fair performance. Prosecution costs in 2004-05 exceeded the budgetary allocation by 13.8%.

Aspects for improvement

- The Area had planned some operational efficiency measures, to improve value for money, including those aimed at reducing electricity, dispatch and transport costs. However, it was not clear whether real savings had been achieved, and a clearer focus on, and monitoring of, value for money activity would be beneficial.
- It is planned that the development of the sector business manager role will allow increased controls and knowledge of sector budgets locally.

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

- Senior managers have taken some steps to deploy staff more efficiently. In 2004-05, part of the Area's structure was changed and two sectors created (Birmingham Central and Birmingham Outer) consisting of teams handling cases from the pre-charge decision stage to final disposal in the magistrates' courts or Crown Court, to allow for greater flexibility in lawyer deployment. No structural change occurred in the Eastern or Black Country sectors.
- The Area has gradually, between 2003 and the present, reduced the number of staff at senior level. The responsibilities and deployment of Case Progression Officers, and designated caseworkers have been reviewed, and a review of the deployment of caseworkers is shortly to be undertaken.
- During 2004-05 the Area introduced targets for lawyers and DCWs for the time they should spend in court and charging centres, as a proportion of available weekly time. The purpose of the target was to increase court coverage by the Area's in-house staff, and thus also reduce agent usage. Targets were not routinely monitored in 2004-05. Although regular monitoring now takes place there remain gaps in the data for 2005-06. In the main, the target for senior lawyers is being met, but for more junior lawyers performance is patchy.
- Sickness levels averaged seven days during 2003 and 2004, which represents good performance.
- The Area has a documented policy on flexible working, with clear rules on its application. All grades of staff are allowed to participate. Deployment records also indicate staff use of compacted hours and part-time patterns, as well as career breaks.

Aspects for improvement

- The last inspection report recorded that the Area planned to review staffing levels. The inspection found that there was an imbalance of lawyers across

the Area, that lawyer shortages were greater in some parts of the Area than others, and that the Area had a disproportionate number of administrative staff. A review of staffing levels in the four sectors has not yet been undertaken.

- For 2004-05 the Area had a target to reduce its reliance on lawyer agents by 20%. Although usage reduced each quarter, from 40.3% in Quarter 1 to 30.7% in Quarter 4, average agent usage still represented an increase on usage levels for 2003-04.
- Area papers contain references to the need for a 50% reduction in agent usage for 2005-06. The Area Business Plan (ABP) does not include this target, and the data reported quarterly by district managers is inconsistent. Agent usage during the first quarter of 2005-06 increased slightly (by 1%) on usage in Quarter 4 of 2004-05, and over 25% of the Area's annual lawyer agent budget for 2005-06 had been exhausted by May 2005.
- The Area had between 16 and 20 DCWs during 2004-05, who undertook 1450 sessions, representing 4.7% of magistrates' court sessions against a national average of 8.3%. This is assessed as poor performance for the purposes of the overall performance assessment. Performance has improved to 8% during the first quarter of 2005-06, although this is still below the national average of 9.8% for that period. In addition the number of sessions covered equates to only 55% of its target DCW capacity.
- The Area had an average of 25 trained HCAs during 2004-05, who completed 79 sessions during the year, 37 of which were completed during the final quarter. The savings realised per session were £202 and £238 respectively. The 2005-06 ABP includes the Area's objective to improve HCA deployment, and this is reported on a quarterly basis. The Area has achieved 137 HCA sessions during the first quarter of 2005-06. Sessions are mainly completed by lawyers in the Birmingham Central sector. Area strategy for ensuring the effective deployment of all its existing HCAs, as well as the planned increase in HCA numbers, is not clear.

12. MANAGING PERFORMANCE TO IMPROVE
2 - FAIR

Aspects of operational underperformance are highlighted and considered by the Area Strategic Board (ASB), but the Area does not systematically collate performance information across all its key targets or necessary aspects of work, to inform its senior managers. There is limited consideration of performance against key indicators at ASB meetings. District Heads are held accountable for the performance of their sectors but the quality and presentation of unit and district performance reports varies, and is not always supported by analysis. Managers and staff participate actively in joint working with criminal justice partners, and some aspects of performance have improved as a result; performance information is routinely exchanged.. The operation of the Casework Quality Assurance (CQA) system is not robust, and there is limited analysis and feedback at unit or Area level.

12A: Managers are held accountable for performance

- Aspects of operational underperformance are highlighted and considered at ASB meetings. In 2004-05, for example, the need to improve performance in respect of discharged committals and discontinued cases that had been subject to pre-charge decisions was raised and action points agreed. Discussions at ASB meetings include general performance summaries on high profile initiatives such as statutory charging and the effective trial management programme (ETMP).
- District Heads are held accountable for performance in their sector through quarterly performance meetings with the Chief Crown Prosecutor (CCP) and the Area Business Manager (ABM), and District Heads hold their unit managers similarly accountable.
- District and unit managers have responsibility for taking action to improve performance, and have had some success in delivering improvements at local level. Timeliness of graduated fees payments has improved across the Area. Managers working jointly at unit level with local criminal justice partners, have also had some success at reducing ineffective trials at both magistrates' courts and the Crown Court.
- There were examples of managers taking action at district and unit levels to identify and address operational ineffectiveness. Responsibility for operational effectiveness and efficient administration below District Head level has been addressed through the establishment of business manager posts in all sectors.
- The performance appraisal regime is used to address individual performance, through the setting of annual objectives which include some expectations for individual involvement in improvement activity. There was evidence that lawyers' objectives were linked to Local Criminal Justice Board (LCJB) targets, but it was unclear how CPS aspects for improvement, such as use of the casework management system for full file reviews, were taken into account.

Aspects for improvement

- Whilst the ASB considers aspects of performance as they arise, the Area does not systematically collate performance information across all its key targets, or the aspects of work where it has identified improvement is needed. This means that senior managers cannot easily analyse performance across the Area, identify trends, and assess the relative performance of sectors and units. The absence of such information does not encourage the accountability of the ASB for the performance of the Area as a whole. Little Area-wide performance information is available other than that provided through the LCJB. The quarterly district performance reports are not circulated to other District Heads.
- Quarterly performance meetings are not always timely, and although a comprehensive reporting template is in place, sectors report on performance in different ways.
- Whilst the Area has sought to clarify the role of its business managers, there are, in practice, variations in the skills and extent of the monitoring and management of performance.

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

- Managers and staff participate actively in joint working with criminal justice partners at local (operational) and Area (strategic) levels. There are satisfactory systems in place for reporting performance of the various Action Delivery Boards (ADB) to the overarching Performance and Delivery Group of the LCJB on which the ABM sits.
- CPS analysis of pre-charge decisions resulting in no further action and cracked and ineffective trial cases are produced and exchanged with the police and courts monthly. There have been some improvements in trial effectiveness, though the LCJB target for 2004-05 for reducing ineffective trials was not achieved.
- Implementation of ETMP has resulted in the development of joint training for Case Progression Officers (CPOs), as well as liaison with the local magistrates' courts on listing protocols. The Area is also championing the clearance of a backlog of warrant files by escalating this with the police.

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

- Relevant performance information is received from criminal justice partners. The LCJB produces a comprehensive performance pack that includes performance against all targets and progress reports on ongoing initiatives, as well as summary reports on activities of the various ADBs.

- Guidance was issued to staff following the identification of inaccurate data entries by CPS Headquarters. The Area has re-analysed data entries as part of a review of discontinued cases which had been subject to pre-charge decisions. Entries are now subject to dip sampling to assure the quality of data entry.

Aspects for improvement

- Each sector has at least one Management Information System (MIS) licence holder with responsibility for producing performance reports, but the Area has not yet determined how MIS reports should be used to analyse and inform the work of the Area.
- Staff have access to quarterly sector and monthly unit performance reports. However, the narrative format of these reports makes it difficult to understand the data and any associated analysis. Performance information is not currently user friendly.
- The Area appointed a performance manager at the end of 2003, but the post holder has been deployed exclusively on the No Witness No Justice programme, and the Area has not put interim arrangements in place to cover the role.

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

- Pre-charge decisions were the subject of a quality check in the first quarter of 2005-06, and findings were reported to ASB in detail. When Casework Quality Assurance is undertaken there is feedback to lawyers on a case by case basis.

Aspects for improvement

- Operation of the CQA system is not sustained and quarterly volumes remained below 70% during 2004-05, dropping as low as 36% in the second quarter. There is little collective CQA analysis or feedback at either sector or ASB level.
- Monthly unit reports do not include any assurance that the CQA system has been operational. There were inconsistent patterns of reporting by sectors, ranging from compliance statements to summaries of analysis.

13. LEADERSHIP

3 - GOOD

The Area's senior managers display a corporate approach, and priorities have been communicated to staff. Senior managers play a key role in working with criminal justice partners, are engaged in outward looking activities, and have shown a commitment to equality and diversity policies. The Area's vision and how it is to be achieved could be more clearly articulated both within the Area Strategic Board (ASB) and to staff.

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

- Senior managers demonstrated a corporate approach to managing the Area. Key messages about the importance of effective pre-charge decision-making, reducing discontinuance rates, and increased in-house coverage of courts, are communicated to staff by District Heads, through staff and team meetings, which are held fairly regularly.
- The corporate approach of the ASB has been reinforced by a recent move to fortnightly meetings and the establishment of terms of reference to govern the work of the board. Corporacy is developing further as the new governance arrangements evolve. District Heads are being held more accountable for progress and performance of their districts through the development of quarterly performance meetings, although the content and regularity of these meetings needs attention.
- Senior managers make themselves available across the Area to present and discuss new initiatives with staff. The Chief Crown Prosecutor (CCP) attends some staff/team meetings and Local Criminal Justice Groups. Senior managers also have a regular dialogue with staff through Whitley Council meetings.
- Senior CPS managers continue to play a key role in the delivery of joint initiatives with criminal justice partners, including pre-charge decision-making, and the establishment of Witness Care Units across the Area, and are active within the Local Criminal Justice Board and its delivery boards.

Aspect for improvement

- Whilst priorities have been communicated, it is not clear that the Area's vision has been fully articulated by the ASB, or that senior managers are absolutely clear what needs to be done to achieve it. Senior managers' approach to leading the Area would be reinforced by improved knowledge about performance to inform their decisions.

- Quarterly performance meetings between the District Head, CCP and Area Business Manager would benefit from being expanded to include all members of sectors' management teams to assure the accountability of all senior managers for the implementation of Area priorities and objectives.

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

- All senior managers are to some degree involved in outward looking activities. The Area engages well with other public sector employers to increase generally its opportunities for recruitment, and improve employment opportunities for people with disabilities; and the Area has contributed to the design of a diploma in public service leadership.
- The Area shows commitment to CPS equality and diversity policies, and equality and diversity activity in the Area is led and marshalled by the CCP personally. The Area's proportion of black and minority ethnic (BME) staff was close to the BME working population of the West Midlands as a whole in 2004 (18.8% against 20.5%) but has since surpassed this level and now stands at 21.8%.
- The last Staff Survey indicated that staff in the West Midlands were less content than staff nationally with the way dignity at work was promoted (53% against 55%), and the last inspection found that staff were not aware of how to ensure their concerns were addressed. Action has been taken by the management team, and the equality and diversity complaints procedure reissued. Some complaints have subsequently been made, behaviour has been challenged and action has been taken where necessary.
- By contrast, the last Staff Survey found that 45% of staff were content with the quality of communication within the Area, compared with an average for all Areas of 43%. Communication is helped by regular and informative newsletters.
- Good performance by staff has been acknowledged and rewarded both within the CPS and through external awards.

Aspects for improvement

- The Area has equality and diversity committees in each of its three districts as well as an Area-wide committee, but two committees are not especially active.
- The Area's approach to equality and diversity is not captured in its business plan.

14. SECURING COMMUNITY CONFIDENCE

4 - EXCELLENT

Senior managers are committed to securing the confidence of the community and support staff in a wide range of engagement and confidence building activity, and there are specific examples of success. Area staff have received awards, both from the CPS and other organisations, for the quality of the work that has been undertaken. The Area has worked jointly with criminal justice partners to increase local confidence in the criminal justice system in the West Midlands, which rose substantially from 32% to 40.2%, between the 2002-03 baseline and 2004-05. The Area would benefit from a defined strategy to ensure all its activity has the right focus, and to enable it to identify benefits from its work.

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

- Senior managers are committed to engaging with, and securing the confidence of the community, and have a good understanding of the profile of the population. The Area has been pro-active and innovative in its approach to raising awareness of the CPS and criminal justice system among minority ethnic communities, and in securing community involvement and gaining their confidence. The Area's approach has contributed to positive results.
- Securing community confidence forms part of the core business of the Area. Community engagement activity is marshalled by a dedicated officer, well supported at senior level, who works with senior managers to arrange engagement activities. During 2004-05 staff took part in or led a number of varied activities. These included meeting community and other representative groups to explain CPS policies on domestic violence, anti-social behaviour, and racist and other hate crime; working with schools, colleges and universities, and attending community events. Intensive work has been undertaken with a section of the community affected by gang and gun crime.
- The Area has achieved recognition for its work including internal CPS awards and commendations and external awards from RaceActionNet (2004) and the Law Society and Commission for Racial Equality. The Area's lead officer on community engagement has also received awards for work in raising the profile of the CPS in the media.
- The Area engages with Crime and Disorder Reduction partnerships at sector level and through the Local Criminal Justice Board.

- The Area was successful, with other criminal justice agencies, in increasing confidence in the criminal justice system from 32% to 40.2% between 2003-04 and 2004-05. This is a substantial increase from a low baseline, although the overall confidence level is not as high as confidence levels nationally (43%).

Aspects for improvement

- In 2003, the Area undertook a diversity excellence model assessment which highlighted the Area's inability to demonstrate outcomes from its activity. Area objectives for 2004-05 included an objective to develop a community engagement strategy, but this is not yet in place. Managers and staff are engaged in wide-ranging community engagement activities. Without a strategy outlining the Area's focus, demonstrable outcomes from all its activity will remain difficult to identify, although the Area has had some notable successes.

ANNEX A

PERFORMANCE DATA

ASPECT 1: PRE-CHARGE DECISION-MAKING

MAGISTRATES' COURTS CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	16.3%	19.4%	52%	68.8%	65.7%	31%	22.7%	26.4%
CROWN COURT CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	14.6%	20.7%	68%	66%	69.2%	23%	23.8%	24.5%

ASPECT 2: MANAGING MAGISTRATES' COURTS CASES

INEFFECTIVE TRIAL RATE			OVERALL PERSISTENT YOUNG OFFENDERS PERFORMANCE (ARREST TO SENTENCE)		
National Target	National Performance 2004-05	Area Performance 2004-05	National Target	National Performance (3-month rolling average Feb 05)	Area Performance (3-month rolling average Feb 05)
24.5%	24.8%	24.5%	71 days	67 days	63 days

TIME INTERVALS/TARGETS FOR CRIMINAL PROCEEDINGS IN MAGISTRATES' COURTS CHARGED CASES ONLY (MARCH 2005)						
	Initial Guilty Plea Target 59 days		Trials Target 143 days		Committals Target 176 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	83%	6,152	66%	2,698	89%	992
Area	91%	412	79%	210	97%	73

TIME INTERVALS/TARGETS FOR CRIMINAL PROCEEDINGS IN YOUTH COURTS CHARGED AND SUMMONSED CASES (MARCH 2005)						
	Initial Guilty Plea Target 59 days		Trials Target 176 days		Committals Target 101 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	87%	5,185	87%	3,309	91%	190
Area	89%	282	91%	211	100%	25

ASPECT 3: MANAGING CROWN COURT CASES

INEFFECTIVE TRIAL RATE		
National Target	National Performance 2004-05	Area Performance 2004-05
18.5%	15.8%	19.1%

ASPECT 4: ENSURING SUCCESSFUL OUTCOMES

UNSUCCESSFUL OUTCOMES (AS A PERCENTAGE OF COMPLETED MAGISTRATES' COURTS AND CROWN COURT CASES)		
National Target	National Performance 2004-05	Area Performance 2004-05
21%	19.6%	22.9%

OFFENCES BROUGHT TO JUSTICE		
	CJS Area Target 2004-05	CJS Area Performance 2004-05
Against 2001-02 baseline	+11%	-13.4%
Number	85,839	66,985

ASPECT 7: DISCLOSURE

DISCLOSURE HANDLED PROPERLY IN MAGISTRATES' COURTS AND CROWN COURT CASES PERFORMANCE IN THE LAST INSPECTION CYCLE		
	National Performance	Area Performance
Primary test in magistrates' courts	71.6%	76.2%
Primary test in Crown Court	79.9%	70.2%
Secondary test in Crown Court	59.4%	31.3%
Overall average	70.3%	59.2%

ASPECT 11: MANAGING RESOURCES

NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE (END OF YEAR RANGES)	
2003-04	2004-05
101.9%	100.9%

DCW DEPLOYMENT (AS % OF MAGISTRATES' COURTS SESSIONS)			HCA SAVINGS (PER SESSION)		SICKNESS ABSENCE (PER EMPLOYEE PER YEAR)		
National Target 2005-06	National Performance 2004-05	Area Performance	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target	National Performance 2004	Area Performance 2004
11.6%	8.3%	4.7%	£224	£238	8 days	8.7 days	7 days

ASPECT 14: SECURING COMMUNITY CONFIDENCE

PUBLIC CONFIDENCE IN EFFECTIVENESS OF CRIMINAL JUSTICE AGENCIES IN BRINGING OFFENDERS TO JUSTICE (BRITISH CRIME SURVEY)	
CJS Area Baseline 2002-03	Most Recent CJS Area Figures In 2004-05
32%	40.2%

NOTES



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