

CPS Avon & Somerset

Overall Performance Assessment

Undertaken October 2005

March 2006

Promoting Improvement in Criminal Justice

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A. INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

This report is the outcome of Her Majesty's Crown Prosecution Service Inspectorate's (HMCP*SI*) overall assessment of the performance of the Crown Prosecution Service (CPS) in Avon and Somerset 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 Avon and Somerset serves the area covered by the Avon and Somerset Constabulary. It has two offices, at Bristol and Taunton. The Area Headquarters (Secretariat) is based at the Bristol office.

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

During the year 2004-05, the average Area number of staff in post was 161.9 full-time equivalents.

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

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	11,064	25.2	20.9
Advice	447	1.0	5.1
Summary offences	22,641	51.5	46.9
Either way and indictable only	9,772	22.2	26.7
Other proceedings	45	0.1	0.4
TOTAL	43,969	100%	100%

C. SUMMARY OF JUDGMENTS

CPS Avon and Somerset was the subject of a full Area inspection in September 2004. At that time the Area had improved its casework management processes since the previous inspection and had done this against a background of change, principally in implementing the shadow and statutory charging schemes. Despite the progress made, more needed to be done in some key aspects of casework.

The follow-up to this inspection was undertaken at the same time as this Overall Performance Assessment and the principal findings are reflected in this report. In general, the Area has continued to move forward and increase its contribution to the effectiveness of the local criminal justice system.

Pre-charge decisions are provided under the statutory scheme in appropriate cases by experienced prosecutors at all relevant charging centres. However, problems in ensuring that files are identified by police unique file reference numbers have affected the accuracy of recording and reliability of performance data. The Area is now concentrating on improving the quality and consistency of advice.

Although magistrates' courts casework suffered during the implementation of charging, casework quality and timeliness is improving. The Effective Trial Management Programme has recently been fully implemented in the Area and joint agency case progression officers ensure that cases are trial ready. Cracked and ineffective trial rates are lower than the national averages. Usage of the case management system (CMS) is closely monitored though technical problems in the Area have affected the confidence of users in the system.

Crown Court cases are dealt with well and the quality of casework is monitored although the scheme would provide greater assurance if the sample was larger. The Area ineffective trial rate in the Crown Court was higher than the national average. Witness problems account for over half of those which are due to the prosecution. The Area did not meet its target for confiscation of assets orders and steps have been taken to improve performance.

The Area has sound systems for dealing with sensitive cases which are handled or supervised by specialists. Area Champions and specialists are also involved in community engagement activities connected with their specialism. A domestic violence court at Bridgwater which focuses on care of the victim has seen an increase in convictions.

The Area has reviewed and amended its system for monitoring custody time limits following a series of custody time limit failures. Staff have been trained in the new system and there are indications that monitoring has improved. Evidence of reconciliation checks carried out on CMS, however, should be retained for auditing purposes.

Disclosure of unused material is handled well. Although lawyers and caseworkers have received training in the past, the Area has no immediate plans to deliver training on the new provisions contained in the Criminal Justice Act 2003 and the new Disclosure Manual. Training new lawyers has been the priority.

Some aspects of the service provided to victims and witnesses need to be improved. Although compliance with the requirement to inform victims if a charge is dropped or

substantially altered is good in terms of identifying appropriate cases, timeliness of sending letters is poor. The Area model for its Witness Care Units has been commended by the National Implementation Team but the northern unit did not meet minimum requirements due to a lack of funding for the additional arrangements.

The Area is working with other agencies to improve case progression. In-house advocates are monitored at least once a year and receive feedback on their performance. Counsel are monitored in the Crown Court for re-garding purposes, although the Area uses the information when selecting counsel in individual cases. The Area has recently re-introduced meetings with chambers to discuss a wide range of issues. Instruction packs for agents in the magistrates' courts have been recently updated but there has been no monitoring.

The Area has a clear sense of purpose and has developed an inclusive business planning process involving extensive dialogue with Area staff and collaboration with criminal justice partners. Risk is managed and reviewed regularly but there should be greater attention to early effective management of joint projects to ensure timescales are met and benefits realised.

The Area approach to performance management is developing but can still be improved in a number of aspects such as unit plans being linked to the Area Business Plan and regular performance meetings between the Chief Crown Prosecutor (CCP) and unit managers. The Area works well with its partners on the Avon and Somerset Criminal Justice Board contributing to the success in achieving targets. However, performance improvement has been hindered by the quality of some data.

The value for money ethic is not sufficiently embedded in the Area, although some cost control measures have been implemented. Staffing requirements are regularly reviewed and agents usage has been reduced. The Area substantially overspent its budget for 2004-05, having continued to recruit despite early indications of its financial position. This was a deliberate strategy to increase staff numbers to deliver key initiatives such as statutory charging. The Area is reviewing its options for restructuring but needs more detailed information about staffing requirements for courts and charging commitments. More needs to be done in managing sick absences.

The Area has well established management structures led by the CCP Advisory Group and supported by casework and administrative fora at unit and team levels. Internal communications are effective to a degree but the Area recognises that this is an aspect which needs to be improved. Area corporacy could also be improved by a greater involvement of all managers in staff activity and communication. The Area works well with its criminal justice partners and senior managers are pro-active in taking initiatives forward.

The Area has engaged in a wide variety of community activities during the year and has sought to establish a group comprising all levels of staff, to target and evaluate business benefits from community engagement. This is led by the Area Business Manager but Unit Heads and Area Champions and specialists also engage with local groups.

In light of these findings, the Overall Performance Assessment for CPS Avon and Somerset is **FAIR**.

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

OVERALL ASSESSMENT	2 - FAIR
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D. DEFINING ASPECTS

1. PRE-CHARGE DECISION-MAKING

3 - GOOD

Pre-charge decisions are provided under the statutory scheme by Duty Prosecutors of appropriate experience and expertise at all Area charging centres. The police operate a gatekeeper system at some centres to ensure that only appropriate cases are referred. There are some concerns about the accuracy of recording because of lack of police unique reference numbers (URNs) to assist in identifying files. This also affects some performance data. The quality of decisions is monitored and any issues are addressed. The Area is now focussing attention on improving the quality and structure of advice, particularly in respect of setting action plans for obtaining further information or evidence. The scheme is effectively monitored jointly and team leaders have direct responsibility with the police at district level for individual charging centres. Most expected benefits are being realised although discontinuance and attrition rates in the Crown Court could be improved.

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

- The Area migrated successfully to the statutory charging scheme in July 2004. Timely pre-charge decisions are provided at all nine Area charging centres. Cover is provided from 9 am until 5 pm, two to five days per week according to demand. On those occasions when a duty prosecutor does not attend at a charging centre, a lawyer from the charging team is rostered within the CPS office to deal with cases by telephone and can attend a charging centre in extreme circumstances. A Trials Unit lawyer is also on standby within the office to assist, if required, with cases which are likely to be dealt with in the Crown Court.
- A review of the statutory scheme by the National Implementation Team concluded that the Director of Public Prosecutions' Guidance was generally complied with and that position has been maintained. Inappropriate requests are pointed out to officers by Duty Prosecutors with an explanation. The police operate a gatekeeper system at some centres to ensure that cases comply with the guidance and it is expected that this system will shortly be extended to all sites. The few cases which are inappropriately charged without advice being obtained are referred back to senior officers.
- Out of hours cover is provided by CPS Direct (CPSD). There is regular liaison between the Area and CPSD. Unit Heads meet with the CPSD team leader with responsibility for Avon and Somerset to discuss any issues that may arise. There has been specific liaison on arrangements for dealing with offenders arrested and charged at the Glastonbury Festival and a Pilton (Glastonbury) pack used by Area lawyers has been supplied to CPSD.

Aspects for improvement

- The Area has not achieved use of URNs by police to identify files, which continues to affect the accurate recording and counting of PCD cases. Lawyers at charging centres generally complete the MG3 record of advice in manuscript and fax or deliver it to the office where it is recorded on the case management system (CMS) by typists. Some lawyers will complete the MG3 on CMS at the charging centre if time permits and there is some evidence that this practice is increasing, although current Area policy does not require this.

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 Area ensures that all lawyers providing the advice and decisions have a full understanding of the operation of the Area scheme, and all local and national guidance, and are of sufficient expertise and experience. The Area delivered a series of charging briefings before roll-out of the scheme. Lawyers are kept up to date on changes by emails and there is a charging folder on the Area shared drive.
- Arrangements for delivering charging have changed recently. In the north, responsibility for charging has transferred to the Criminal Justice Unit from the Trials Unit. Training was provided to lawyers recently appointed to undertake charging responsibilities. In the south, charging is shared by both units. This involves some rotation of personnel but most lawyers at C2 level now have experience of making pre-charge decisions.
- Individual performance in relation to the quality, appropriateness and timeliness of pre-charge decisions provided is assessed by the Casework Quality Assurance scheme (CQA). As part of the roll-out of the statutory scheme, CQA monitoring focussed upon pre-charge decisions. As a result, the Area is now addressing issues over the quality and structure of advice. In addition, team leaders look at all discontinued cases which will highlight any issues with the decision-making process. Appropriate action is taken where necessary. Cases where no further action is advised have not been monitored specifically, although a review in March 2005 of a sample of 20% of pre-charge decisions captured some such cases.
- The Area records the ethnicity and gender of defendants on CMS and the Area Best Practice Guide recommends that typists check that this is done when they enter cases.

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

- There is effective and regular liaison with the police on the implementation and operation of the scheme and police compliance with the scheme is generally monitored with referral and action as appropriate. Team leaders have assumed responsibility with the police at district level to oversee management of the scheme at individual charging centres. Unit Heads attend meetings of the Narrowing the Justice Gap sub-group of the Avon and Somerset Criminal Justice Board (ASCJB) to monitor all aspects of the scheme together with senior police officers and the courts. The extent to which the anticipated benefits of charging are being realised is included in monthly ASCJB performance reports and discussed at meetings.
- Most of the expected benefits are being realised, although there is a mixed picture of performance (see Annex A). The magistrates' courts guilty plea and attrition rates are excellent (71.3% and 19.3%) and both are better than the national averages (68.8% and 22.7%).

Aspects for improvement

- The Crown Court discontinuance and attrition rates for 2004-05. The Area is focussing on these rates and is analysing cases to identify the reasons they remain unsatisfactory. Improvements have already been realised in the early part of 2005-06. Area managers now consider that the management of systems for making pre-charge decisions is sufficiently embedded to allow them to concentrate more on the quality of the advice being provided. It is looking particularly at more effective use of case action plans and ensuring that inappropriate requests, which divert lawyer resources from cases warranting attention, are taken up with the police.

2. MANAGING MAGISTRATES' COURTS CASES

3 - GOOD

Performance in the magistrates' courts suffered during the implementation of shadow charging and the move to the statutory scheme, although it is now improving. Cases are reviewed promptly but, in order to improve first hearing disposal rates, the Area needs to take a more robust approach with defence adjournment requests to consider advance disclosure. Joint agency Case Progression Officers (CPOs) ensure that pre-trial reviews (PTRs) are effective and that trials are ready to proceed. Duty Prosecutors in the charging centres consider at the outset whether the case is one where assets confiscation action may be appropriate. Persistent young offenders (PYOs) are dealt with within national timeliness targets. More needs to be done in respect of the monitoring of casework. The ineffective trial rate is excellent and well below the national average. The cracked trial rate is also better than the national average. Some technical problems with the case management system (CMS) may have affected confidence in its use but this is closely monitored.

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

- The implementation of shadow charging and the migration to the statutory scheme meant the diversion of a number of lawyers from magistrates' courts work and the induction of 15 new lawyers. This affected performance in the magistrates' courts over the period, but the Area is beginning to see improvements.
- The Area Best Practice Guide requires that pre-charge decisions should be in the form of an initial review which obviates the need for further review before first hearing. Decisions recorded on MG3s were generally of sufficient detail, setting out the factors in favour of prosecution and discussing the issues where relevant. Cases outside the statutory charging scheme are reviewed prior to court by the prosecutor. Although cases are generally ready to proceed, there remain a number of defence requests to consider advance information which are not always opposed as robustly as they might be.
- The Effective Trial Management Programme has recently been fully implemented in the Area. There has been a CPO operating in the south at Taunton for some time and a more recent appointment in the north at Bristol. Both are joint agency appointments who are responsible for monitoring the progress of trials and liaising with the defence to ensure that pre-trial reviews are effective and that trials can proceed.
- The Area recognises the importance of considering appropriate cases for confiscation of assets at the earliest opportunity and has introduced a form ASAR 1 to ensure that the possibility of Proceeds of Crime Act action is considered as part of the pre-charge decision process.
- Youth cases are handled well. The February 2005 rolling average figure for dealing with PYOs within 71 days from arrest to sentence is 58 days. This is good and better than the national average of 67 days.

Aspects for improvement

- The quality of review decisions is monitored by team leaders operating the CPS Casework Quality Assurance system. Although this is regarded as a useful monitoring tool, the number of files monitored in recent months has fallen below the national requirement of one per lawyer per month because of the long term absence of two team leaders. The additional responsibilities of those acting up have affected full compliance with the scheme. Team leaders' general duties, however, allow them to monitor informally lawyers' particular strengths and areas for improvement.

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

- CPOs undertake trial checks two weeks in advance of the hearing date to ensure that cases can proceed. The system is less advanced in the north because the CPO has only recently taken up post.
- The Area looks at the reasons for all cracked and ineffective trials and the results and data are discussed within the Avon and Somerset Criminal Justice Board. Any lessons to learn from cases are disseminated through team meetings. The Area ineffective trial rate is 16.1% which is well within the Area target of 23% and better than the national average of 24.8%. Witness problems account for 4% of trials being ineffective. The cracked trials rate is 27.6% (which is better than the national average of 37.1%). Half of these (13.2%) are due to the defendant pleading guilty to the original charges at a late stage. Absent witnesses is the cause of 2.8% of trials cracking. Problems with prosecution witnesses account for 23.4% of all vacated trials and 23.7% result in the end of the prosecution.
- There have been no wasted costs orders.

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

- CMS is used to record key events in cases and there is some monitoring of outstanding tasks by administrative managers. Usage is generally monitored and all managers have a specific objective to ensure that staff use it more effectively.

Aspects for improvement

- The Area needs to do more to encourage usage. Lawyers recorded 28.8% of all full file reviews on CMS during 2004-05, just above the national average of 27.1%. The rate of effective log-ins in April 2005 was 71% against the national average of 80.8%. The Area says that this is due in part to some current users requiring infrequent read only access. The Area has been chosen to pilot an initiative linking NSPIS, the police system, with CMS and it is anticipated that use of CMS will increase as the range of tasks it performs increases.
- Technical problems experienced in the south have led to lack of confidence in CMS and some reluctance to use it for fear of losing work. This has meant that there has been a high level of paper reviews. The Area has been addressing this since the problems began.

3. MANAGING CROWN COURT CASES

3 - GOOD

Crown Court cases are handled by experienced lawyers and caseworkers and allocation takes account of expertise where necessary. Quality of casework is monitored, although use of the Casework Quality Assurance scheme (CQA) could be improved in terms of numbers of cases. The Area did not meet its target on confiscation orders in 2004-05 but new procedures and additional training have brought about improvements. There is some monitoring of the quality of briefs but this needs to be more structured. During 2004-05, case progression was not as structured as it is now. The ineffective trial rate was higher than the national average and problems with witnesses account for just over half of those which are due to the prosecution. The cracked trial rate is lower than the national average, although the prosecution offer no evidence in a significant proportion. Preparation of indictments on the case management system (CMS) is high although usage overall could be improved.

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

- Crown Court cases are routinely reviewed and prepared promptly, with follow-up work undertaken where necessary. Cases are allocated to lawyers by team leaders who take account of expertise and existing caseload. Administrative managers remind lawyers of the deadlines for service of papers in cases sent to the Crown Court so that cases can proceed. The quality of preparation and review is checked using CQA. Lawyers are given a copy of the monitoring form after review and any issues are discussed. Team leaders also carry out ad hoc sampling and consider all cases which are discontinued.
- Lawyers have been trained in the provisions of the Proceeds of Crime Act (POCA) and guidance has been issued to them by the POCA Champion. Some 58 Area lawyers have been trained and ten of those have been trained specifically in dealing with restraint proceedings. The Area forms ASAR 1 and ASAR 2, devised by the Area Champion have brought structure to the process and ensure that confiscation issues are considered at the pre-charge stage and when the file is submitted. The Area did not meet its target of 39 confiscation orders in 2004-05; 34 orders with a total value of £1,831,014 were obtained. The Area is well on track to exceed its target for 2005-06.
- There are few youths dealt with in the Crown Court and there are no specific arrangements for handling them. Cases involving persistent young offenders, however, do receive special consideration from the Crown Court. Again, there are very few, but two long running cases are likely to impact upon the overall figures when they are finalised. Delay sometimes occurs when the court defers sentence so that the case can be dealt with at the same time as the adult offender. More could be done with Area criminal justice partners in dealing with youth cases.

Aspects for improvement

- Team leaders carry out some checking of the quality of briefs to counsel but it is not structured or systematic. CQA also provides some information about quality. The Area is currently considering a requirement that caseworker managers check one brief per caseworker each month.

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

- Although there are variations in the north and south of the Area, systems exist to ensure that cases are trial ready. There are no dedicated posts of Case Progressions Officers (CPOs) as there are for magistrates' courts cases. The Trials Unit casework manager acts as CPO in the south and there are two caseworkers designated as CPOs in the north. They also prepare a weekly trials report for the team leaders and Unit Head which is updated to show case results. CPOs are now (since April 2005) responsible for submitting the certificates of trial readiness and informal meetings are held with the Crown Court CPOs. The certificate of readiness has helped the process by promoting greater co-operation and joint case management by lawyers and caseworkers. Unit managers also use the monthly ineffective trials reports to identify problems.
- Cracked and ineffective trials are analysed and considered within the Area and with criminal justice partners. Team leaders attend meetings with the Crown Court to look at ineffective trials and performance is also examined by the Narrowing the Justice Gap sub-group of the Avon and Somerset Criminal Justice Board. The ineffective trial rate - 17.5% - is lower than the Area target of 19% but higher than the national average of 15.8%. The prosecution is responsible for 6.1% of trials which are ineffective. This is better than the national rate of 6.6%. Problems with witnesses account for just over half of these (3.4%). The Area cracked trial rate of 34.4% is better than the national average of 39.2%. The prosecution is responsible for 10.2% of trials cracking which is again better than the national figure of 15.3%. The prosecution, however, offer no evidence in 7.2% of trials.

Aspects for improvement

- Cracked and ineffective trials are reducing although there is still some progress to be made. The current combined Area target is 16.5%; the figure for the first quarter of 2005-06 was 17.8% and the figure for July 2005 was 18%.

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

- Area lawyers prepare 84.6% of indictments on CMS against a national rate of 81.5%.

Aspects for improvement

- Usage of CMS could be improved in the northern half of the Area. Usage in the Southern Trials Unit is higher. Routine tasks are generally entered on the system but CMS is not universally regarded as a major case management tool. Trials Unit managers consider the outstanding task lists at unit meetings. Casework managers look at individuals' task lists and generally take action. Team leaders may undertake ad hoc checks but these are not systematic or structured. The Area is now considering the development of a checklist for team leaders and casework managers to control task lists more closely.

4. ENSURING SUCCESSFUL OUTCOMES

3 - GOOD

There is regular and formal assessment of the quality of review and case handling through the Casework Quality Assurance scheme (CQA). Adverse and discontinued cases are subject to documented reviews by Unit Heads and, generally, the reasons are clearly set out. Where there are learning points these are discussed with lawyers, although more could be done to determine trends and discuss issues. Performance in the magistrates' courts improved in many outcomes, particularly discontinuance which was markedly better than the previous year. However performance in the Crown Court deteriorated and is worse than the national average for Judge Ordered Acquittals (JOAs), acquittals after trial and for the overall conviction rate. The Area is above target for pre-charge decision cases resulting in a conviction in the magistrates' courts and the Crown Court and, there has been a progressive reduction in unsuccessful outcomes in the magistrates' courts.

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

- There is regular and formal assessment of the quality of review and case handling through CQA. Adverse and discontinued cases are subject to documented reviews by Unit Heads and team leaders respectively and generally the reasons are clearly set out. Where there are learning points these are discussed with lawyers.
- Performance in the magistrates' courts has improved during 2004-05 and generally the Area is at or near the national average for discharged committal, no case to answer and acquittal rates. Discontinuance and bindover results are much better than the previous year when these were worse than the national average. The following table shows Area outcomes.

OUTCOME	AREA FIGURE	NATIONAL AVERAGE
Magistrates' courts		
Discontinuance & bindovers	11.5%	12.5%
No case to answer	0.1%	0.3%
Dismissed after trial	2.4%	1.5%
Discharged committals	0%	0.3%
Overall conviction rate	80.5%	80.8%
Crown Court		
Judge ordered acquittals	15.1%	14.2%
Judge directed acquittals	1.8%	2.0%
Acquittals after trial	7.1%	6.3%
Overall conviction rate	75.1%	75.8%

- The percentage of completed pre-charge decision cases resulting in a conviction is increasing and higher than the national averages and national targets for both the magistrates' courts and the Crown Court.
- The Area has progressively reduced unsuccessful outcomes during the year in the magistrates' courts and bettered the 21% combined target with an outturn of 19.8%.
- There is joint working with the courts to establish causes for cracked and ineffective trials and joint performance meetings with the police where relevant adverse cases are discussed.

Aspects for improvement

- Some viable cases have been discontinued by lawyers without reference to supervisors. The Area would benefit from periodic trend analysis of adverse and discontinued case reports to identify common themes for discussion with all legal staff.
- The performance in the Crown Court during 2004-05 was not as good as the previous year with increases in JOAs from 13.9% to 15.1%, acquittals after trial from 6.9% to 7.1% and a reduced overall conviction rate from 76.6% to 75.1%.
- The target for Offences Brought to Justice (OBTJ) is a shared one set by reference to the criminal justice agencies. The ability of the CPS to influence this particular target is limited because it includes offences dealt with by non-prosecution disposals. The CPS contribution comes through managing cases to keep discontinuance and unsuccessful outcomes low; the Area has been pro-active in this regard. The local OBTJ target has not been met but performance is improving. The Area and its partners achieved 27,636 offenders brought to justice in 2004-05 which was approximately 10% below target. The CPS contribution reduced by approximately 9% but this is commensurate with a similar reduction in recorded crime. The targets have since been changed.

5. HANDLING SENSITIVE CASES AND HATE CRIMES

3 - GOOD

Systems for handling sensitive cases are sound. The Area has Champions and specialists for all sensitive cases who deal with or supervise their handling and provide training and guidance to other lawyers. They are also pro-active in community engagement activities linked with their specialisms. A domestic violence court at Bridgwater has seen an increase in successful outcomes in such cases and there are plans to open another court in the northern half of the Area. Recently established Area links with a support organisation for victims of homophobia is expected to result in an increase in reported crimes.

5A: The Area identifies and manages sensitive cases effectively

- The Area has appointed Champions and specialists for sensitive cases, including race and religious hate crimes, homophobia, domestic violence, rape offences, child abuse, fatal road accident cases and anti-social behaviour. They disseminate information to prosecutors and caseworkers and provide training and guidance when required. Sensitive cases which do not require direct handling by specialists are dealt with by prosecutors with appropriate experience.
- The last HMCPSI report said that the Area had a sound approach to monitoring sensitive cases and that position has been at least maintained. Cases are generally identified and flagged on the case management system (CMS), although there have been some problems in reconciling some hate crime data and the Area is now working with the police to ensure that cases are accurately identified and recorded. Sensitive cases are managed or supervised by specialists in line with CPS policies. All hate crimes are referred to team leaders for checking before monitoring forms are completed by the team leaders.
- A domestic violence court was established at Bridgwater in January 2005, taking cases additionally from Minehead and Taunton. Two courts, one of which is a trials court, sit two days per week. The courts were established through a multi-agency steering group which ensured that staff from each agency had been appropriately trained. The court also has a victims' advocate. This initiative, together with a more rigorous approach to handling domestic violence cases, has seen an increase in successful outcomes. There are plans to locate a similar court in the north.
- There was very little homophobic crime recorded in the Area in 2004-05 (nine cases, six of which were guilty pleas and three trials with one acquittal). The Area Champion has now established links with a new organisation, Education Action Challenging Homophobia, and a rise in case numbers is anticipated because of the additional victim support which will be provided.

- Area Champions and specialists also take part in community events linked to their specialism. The Area champion on race and religious hate crime is a member of the Partnership Against Hate Crime fora in the Avon area and has given presentations on CPS policy.
- The Area takes account of CPS policies and HMCPSI thematic reviews when devising Area practice and handling cases. Procedures for dealing with road traffic cases involving a fatality ensure that cases are reviewed in the Trials Unit by experienced lawyers and are referred to the Unit Head. There is guidance on dealing with such cases in the magistrates' courts. Champions and specialists are involved in updating any relevant action plans arising from thematic reviews.

6. CUSTODY TIME LIMITS

1 - POOR

Following a series of custody time limit (CTL) failures during 2004-05 some amendments to the monitoring system were introduced. The Area had a different system operating in each unit until March 2005 when an Area wide system of monitoring and clear desk top instructions were introduced. The logs used to monitor CTLs in each unit still differ. Training in the new system has now been provided and a review was undertaken in July 2005. The reality check showed that there is now generally satisfactory practice but evidence of regular reconciliation checks on the case management system (CMS) should be retained for auditing purposes. Work to gain the co-operation of the magistrates in agreeing CTL expiry dates should be progressed.

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

- There were five CTL failures in the Area between July and September 2004 - one in the magistrates' courts and the others in the Crown Court. At that time there was no unified system; CTL procedures differed between units. The reasons for each failure were analysed and systems and procedures were revised to prevent recurrences. All staff were reminded of their responsibility to notify senior managers of any failure. All Staff were given training on the CPS Essential Guide to CTLs and their local system.
- In March 2005, the Area introduced a revised unified system which generally complies with national guidance. It has also issued laminated 'Key Point Guides' which set out individual responsibilities. Further training has been given to all staff on the new monitoring system.
- Senior managers are now instructed to seek regular assurance that the CTL system is effective and up to date. Each week, the CTL monitor checks the unit log and reports to the team leader who, in turn, reports to the Unit Head. The CTL champion sends out legal updates for all staff.
- A check of current files indicates generally satisfactory practice with expiry and review dates calculated correctly. However, in one case, the expiry date had been unnecessarily recalculated following a prosecution appeal against the granting of bail. Time was allowed for the period between the notice of appeal being served and the result, when the defendant had remained in custody throughout. Some endorsements were unclear and there was some unnecessary monitoring of one case where the defendant was on bail. All dates were entered into the logs.
- The Area has gained the co-operation of the Crown Court in monitoring CTL expiry dates. Caseworkers write to the court notifying them of all expiry dates. The court then sends regular reminders to the CPS when the expiry date is imminent and these are actioned.

Aspects for improvement

- The file check showed that the main system used for monitoring is the individual log in each unit which is either a computer produced or handwritten list of defendants in custody. Concern that cases may not be entered into either the logs or CMS makes the reconciliation of both advisable. Although this is noted in the Area system, compliance was not always apparent. Those monitoring should retain the annotated CMS printouts for an agreed period for auditing purposes so that senior managers can assure themselves that this is done regularly. In addition, two of the units use computer produced logs rather than a manual system as a back up to CMS monitoring. This will cause obvious problems in the event of a technical failure.
- No review of the reliability of the Area system took place during 2004-05. However, the CTL Champion carried out an objective review in July 2005 following implementation of the new system. This revealed that there were still some errors in operation which were reported to individual units and highlighted the need for refresher training. A further review is to take place in November. Since November 2004 the new CTL monitor in the Bristol Trials Unit has implemented a system of regular CTL audits every two to three months.
- No local agreements have been reached with the magistrates' courts regarding the agreement of expiry dates in the magistrates' courts or their involvement in monitoring expiry dates. None of the files seen had expiry dates noted as agreed or stated in open court.

7. DISCLOSURE

3 - GOOD

Area performance in dealing with disclosure of unused material continues to be sound. Disclosure schedules show good evidence of full consideration by prosecutors and decisions are clearly endorsed. There is also good evidence of Area compliance with its duties of secondary or continuing disclosure although late defence statements - and sometimes failure to serve at all - can hamper the process. Team leaders monitor performance of individual prosecutors formally and informally. There has been joint training with the police in the past on aspects of disclosure which has been targeted on those officers responsible for file-building. The Area has a disclosure Champion who has delivered training to other lawyers. However, competing priorities have led the Area to defer formal training on the new disclosure provisions of the Criminal Justice Act 2003 (CJA) and Disclosure Manual. Lawyers and caseworkers have been issued with written guidance instead. The Area priority is to train new lawyers and caseworkers.

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

- The last HMCPSI report identified disclosure as an Area strength and performance has been maintained. Area performance during the last full cycle of Area inspections was excellent with disclosure being properly handled in 85.5% of the file sample overall against the national average of 70.3%. Secondary disclosure in the Crown Court was particularly good at 85.7% against 59.4% nationally.
- A selection of files was examined as part of this assessment. They revealed that primary or initial disclosure is handled well in the magistrates’ courts and in Crown Court cases. Disclosure schedules were generally well prepared by the police and were clearly endorsed by lawyers with their decision as to the disposal of material. Files show evidence of compliance with the duty of providing secondary or continuing disclosure, although the review process is sometimes hampered by late defence statements or a failure to provide them at all in some cases.
- Area performance is monitored by team leaders using the Casework Quality Assurance scheme which also shows a high level of compliance. Issues identified are discussed with individuals and any wider lessons are disseminated as appropriate in team meetings or by email to all lawyers and caseworkers. Team leaders also monitor performance informally through discussion of cases with lawyers as part of their normal responsibilities.
- Unused material (including standard disclosure letters) is kept in separate folders in case files. Other correspondence relating to disclosure, for example dealing with defence requests for copies of specific material which has not been deemed disclosable, is filed with general correspondence.

Disclosure record sheets are generally completed. It is rare for sensitive material to be kept in the Area offices but there are arrangements to ensure that it is stored securely.

- There has been some joint training with the police in the past on the revised Joint Operational Practice Instructions. Because all police staff who deal with disclosure could not be trained, training was targeted at the prosecution team officers responsible for file building.

Aspects for improvement

- Competing priorities have led the Area to defer training on the new provisions of the CJA indefinitely. The new Disclosure Manual and details of the revisions to the law have been circulated to all relevant staff. The Area has taken the view that lawyers are sufficiently experienced to be able to assimilate the changes to the law and procedures without the need for formal training, although they have been issued with desktop instructions by way of guidance. The Area also takes the view that disclosure issues are often discussed between colleagues ensuring a consistent understanding and approach. Formal training, however, would allow the opportunity for discussion between lawyers, caseworkers and the police to prevent misunderstandings and misinterpretations and provide for consistency of approach. The first priority is to train new lawyers and caseworkers and there are plans for a one day course which will be followed by supplementary training for other lawyers. Training will be provided on advanced disclosure once the Area Champion has been trained and an assessment has identified those lawyers and caseworkers for whom the training is appropriate.

8. THE SERVICE TO VICTIMS AND WITNESSES

2 - FAIR

Compliance with the Direct Communication with Victims (DCV) scheme is good but the timeliness of letters sent is poor. Speaking Up For Justice (SUFJ) is embedded in the Area with timely applications seen. The model for the Witness Care Unit (WCU) received praise from The National Implementation Team but the Northern WCU only partially met minimum requirements due to a phased implementation of the premium service. This was necessitated by lack of funding for the additional arrangements. This difficulty is foreseen in the new Southern WCU. The Area works with its partners to analyse cracked and ineffective trial data to see where witness problems have affected it and the Area is also carrying out further analysis of failed cases following a dip in performance. The Area has good relations with the Witness Service.

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

- DCV and SUFJ are generally embedded throughout the Area. Compliance with DCV is generally good. Timely Special Measures applications were seen on files examined.
- Witness warning procedures are generally effective and pre-trial checks are carried out two weeks prior to the trial.
- There is analysis of cracked and ineffective trial data with criminal justice system colleagues and efforts are being made to secure a reduction in the number of cases where this occurs due to witness issues. The main prosecution reason for ineffective trials is witness failure to attend but this is below the national average and the percentage varies each month. The adverse case reports contain examples where, although witnesses have been warned, their likely failure to attend has not been picked up until the trial date.
- The Area noted that performance dipped after the Northern WCU came into operation. A review of cases receiving premium service showed that these are not problematic and the Area recognises that further analysis of all cases is needed. The WCU manager now attends the cracked and ineffective trial meetings where individual cases are analysed and discussed.
- Most prosecution advocates and staff introduce themselves and provide information to witnesses at court. The local Witness and Victim Experience Survey showed positive reaction to the CPS, above the national average for this survey.
- Liaison with the Witness Service occurs on a regular but informal basis. The Trial Unit Head will speak to representatives, each week, whilst at court and email contact was noted in relation to specific issues. Formal liaison occurs

every six months at Court User Group meetings and through the Avon and Somerset Criminal Justice Board (ASCJB) Victim and Witness Task Group. Lists of Witnesses to Attend Court are supplied to the witness service and sensitive cases are highlighted for their attention. The ASCJB has obtained funding for a Witness Service representative to work on each WCU. One is now in place in the south and the other has been recruited.

Aspects for improvement

- The timeliness of DCV letters was poor throughout 2004-05. The Area system requires lawyers to provide a report for inclusion in the letters compiled by caseworkers on the Case Information Bureau. Other demands for the file, for adverse or discontinued case analysis, delay this. From January to March 2004, 24% of letters were sent within five days and 47% of letters were sent after ten days. Figures for the quarter ending September 2005 indicate some improvement but it is too soon to determine if this will be sustained. Some consideration of priorities in file movement should be made to improve timeliness. Monitoring of identified victim cases on the case management system (CMS) was done in only half the cases examined. This could assist in the early identification of files that require letters.
- Implementation of No Witness No Justice is problematic with some future difficulties anticipated. Integrated working with the police in the North WCU was praised in the post implementation review and the Area model has been identified as best practice. Some of the minimum requirements have been only partially met due to the phased approach in the WCU. Lack of sufficient resources have resulted in the premium service not being provided to Bristol cases and it will not be provided to Taunton cases in the new South WCU. Those without the premium service will only have full needs assessments for victims, rather than for all witnesses, when a not guilty plea is entered.
- Initial needs assessments are hampered because the necessary information is not provided. Duty prosecutors at charging centres are now tackling this problem at the outset.
- Communication problems between the WCU and CPS units have prompted liaison with staff to inform them about the unit's work and job shadowing is taking place. Communication is now improving but there is further work to be done.
- Although an agreement is in place with the police concerning the handling of fatal road traffic cases there is no procedure by which the family of victims in these cases are automatically offered a meeting with senior CPS lawyers. The meeting will only be arranged if the family request this specifically.

9. PRESENTING AND PROGRESSING CASES AT COURT 3 - GOOD

The Area is amongst those agencies leading the initiative to improve case progression at court. Work is usually allocated to prosecutors with full consideration of experience and expertise and all in-house advocates in the magistrates' courts are monitored at least once a year and provided with feedback to improve performance. There are some problems with late delivery of files which hinders court preparation. The joint monitoring of counsel for re-garding purposes with the Bar is used by the Area to inform selection of counsel. Chambers meetings, which discuss a wide range of performance and legal issues were instituted in May 2005. No agent monitoring has been carried out. Agents are provided with instruction packs which were updated when a new programme of agent and counsel training was introduced in May 2005.

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. Case Progression Officers are in place in the north and south of the Area and the Effective Trials Management Programme is being implemented in liaison with the courts. Regular pre-trial checks are carried out and Judges' orders are monitored for compliance.
- The Area has made attempts to ensure that papers are provided to agents and in-house prosecutors in time to allow proper preparation. Court rotas are prepared by administrative staff in liaison with Team Leaders. Court lists are usually provided by midday the day before court for files to be collated in good time. There are occasions when the late delivery of Early Administrative Hearing files direct to court results in advocates not being able to prepare thoroughly. Files which are sent for preparation at distant sites may not be returned in time for the hearing.
- Selection of prosecution advocates for all courts is usually undertaken with full consideration of their experience, expertise and qualifications. Suitably trained prosecutors cover most specialist courts. Most youth courts are covered by Youth Team lawyers but trials may go to counsel. Specialist prosecutors deal with the dedicated Domestic Violence Court at Bridgwater. There are no similar courts in the north yet but prosecutors liaise with specialists in relation to proposals to discontinue cases. Higher Court Advocates (HCAs) are allocated work according to their experience.
- Most cases in the magistrates' courts are susceptible to transfer between courtrooms. Lawyers are given sufficient time to read these cases. However, there is a listing protocol that ensures certain sensitive cases are not moved.

- The Area has a written endorsement standard and most endorsements seen were satisfactory.
- Complaints from other agencies about prosecutors are investigated and action is taken if appropriate. The Area will receive feedback about any problems at regular cracked and ineffective trial meetings.
- In-house prosecutors are monitored at least once a year, and feedback is given at that time to improve performance and develop staff. Examples were seen of advocacy monitoring forms with more lengthy reports provided if an issue for improvement was noted. The lawyer being monitored signs the assessment to show they have seen the form.
- Agents and counsel are given full instruction packs and are advised of new initiatives and policy directives. The Area agents' pack was updated in April 2005. The Area has established a two week training programme for agents which will be implemented this year.

Aspects for improvement

- There is no monitoring of counsel except for re-garding purposes but the Area uses the information from this exercise to inform selection in individual cases. No meetings with chambers took place in 2004-05 but performance issues are now discussed at recently introduced Bar Liaison meetings. The format for these meetings was established with one set of chambers in May 2005 and a full round of meetings, with all chambers used by the Area, was completed between July and September 2005 using the same agenda. Chambers asked that caseworkers should check availability prior to brief delivery to ensure that counsel are available throughout the case and caseworkers were given these instructions in August 2005.
- No monitoring of HCAs is being carried out at present but this is planned for the coming year.
- There is no monitoring of agents and although usage has now fallen (10.9% of court sessions) it was higher during 2004-05 when agents were used for 21.3% of sessions. Although this was better than the national average of 26.9%, some form of monitoring of agents would be beneficial if usage should again increase.

10. DELIVERING CHANGE

2 - FAIR

The Area has a clear sense of what it wants to achieve and has developed an inclusive business planning process. There is extensive dialogue with staff. National priorities and the wider contexts are explained. However greater reference could be made to internal issues to facilitate unit planning. The Area collaborates with criminal justice partners and engages staff in delivering change through local Implementation Teams (LITs) and there is some evidence of these activities improving performance. Risks are managed at Area level and periodically reviewed. More work is necessary to secure early effective project management and stakeholder consultation for joint initiatives if timescales are to be met and benefits realised. Relevant training was delivered in 2004-05 and the Area supported staff in gaining vocational qualifications. Some training, including that on the Criminal Justice Act (CJA) 2003 has yet to take place.

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

- The Area has a clear sense of what it wants to achieve and has developed an inclusive business planning process with the cycle being initiated by the formation of a planning group involving a cross section of staff. There is consultation on draft plans with team leaders. The final Area Business Plan (ABP), Area targets, Headquarters priorities and related Avon and Somerset Criminal Justice Board delivery plans are put into context for staff through a series of face to face briefings by the Area Business Manager (ABM).
- Plans are pertinent, relate correctly to the Area circumstances and follow national guidance in their content. The ABP and Risk Register are reviewed periodically and updated throughout the year.
- There has been some success in planning with partners which has improved performance, for example domestic violence prosecutions.

Aspects for improvement

- The ABP could make greater reference to internal issues. This would facilitate meaningful unit plans which do not exist at present.

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

- Although the Area is often keen to involve itself early in new initiatives, change in general is not yet systematically managed, with the Area tending to be reactive in responding to change rather than anticipating and planning for it. Some change has, nevertheless, been reasonably well implemented.
- Most initiatives have clear plans and achievement against plan is reviewed and corrective action agreed. The establishment of the specialist domestic violence court at Bridgwater was achieved within tight timescales and involved partner agencies working together and balancing priorities. The Area is also pro-active

in producing action plans for HM CPSI thematic reports which are relevant to the Area's situation, for example the prosecution of racially and religiously aggravated offences.

- The CPS risk management strategy is managed at Chief Crown Prosecutor's Advisory Group (CCPAG) level and is a standing item on the CCPAG agenda. The Risk Register is regularly reviewed and the ABM takes responsibility for revising the document. There are clear links between the Risk Register and the ABP and its objectives, e.g. pre-charge decision-making and No Witness No Justice (NWNJ).
- The Area involves staff in change initiatives through LITs and process mapping is used to determine the impact of change.

Aspects for improvement

- Early attention to the effective governance of initiatives in regard to project management and stakeholder consultation is needed to avoid slippage and to secure early benefits realisation (cf NWNJ and statutory charging).
- Revised processes to deliver new initiatives need to be integrated with core business processes in a more timely way.

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

- Relevant training has been delivered, for example in relation to religious and race hate crimes, custody time limits, disclosure and other legal and procedural topics. All staff receive comprehensive induction training which is acknowledged by staff in the 2004 Staff Survey. The Area now takes into account the need to provide overview courses on legal topics for non-legal staff when commissioning training for lawyers.
- The Area supports staff to attain vocational qualifications including the Law Society scholarship scheme, diploma in personal and professional development and the certificate in criminal prosecution.

Aspects for improvement

- Charging training for lawyers was provided through briefing sessions but this was not fully successful as evidential action planning was inconsistent. Training in the CJA has yet to be given and staff have not had formal diversity training, although all staff have completed an online training package.

11. MANAGING RESOURCES

1 - POOR

The Chief Crown Prosecutors' Advisory Group (CCPAG) receives regular financial reports accurately setting out the Area's position. The Area needs more focus on securing value for money. There are few references to value for money in the 2004-05 Area Business Plan (ABP) although there have been cost control measures implemented. Additional funding for the majority of improvement projects has resulted in improved performance. Staffing is reviewed at Area fora and agent usage has been actively reduced during the year. The Area overspent its 2004-05 budget and although it was aware of its financial position early on, additional recruitment made the overspend inevitable. Further economies are possible and the Area is reviewing restructuring options. This work, however, needs to be informed by a detailed analysis of court and charging obligations. Action has been taken to reduce sick absence and increase the deployment of designated caseworkers (DCWs) in the magistrates' courts and the savings made by Higher Court Advocates (HCAs) in the Crown Court.

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

- The CCPAG receives a regular monthly financial report which details spend under key budget heads.
- The Area is in the early stages of developing value for money policies with some clear indications of value for money activity, for example cost controls to reduce unnecessary expenditure on travel and subsistence. However, the 2004-05 ABP did not contain specific value for money proposals. This is addressed to some degree in the 2005-06 ABP.
- The Area was allocated additional funding of £915,000 for a variety of improvement initiatives as well as funding for charging within their baseline. In the main, the Area has made good use of the money and is able to demonstrate improvements. The effective trial rate in the magistrates' courts increased from 50.4% to 59.5% during the financial year ending in March 2005 and the ineffective trial rate reduced from 17.1% to 12.6%. In the Crown Court the effective trial rate improved from 40.8% to 45.5% by the end of the financial year. Similarly, the ineffective trial rate reduced from 24.7% to 18.3%. The Area also increased the number of charging sessions undertaken.
- A Proceeds of Crime Act (POCA) Champion was appointed in September 2004. Training was provided to legal staff and reference guides produced. The Area secured 34 confiscation orders against a target of 39, recovering £1,800,000.

Aspects for improvement

- The Area overspent its non ring-fenced administrative budget in 2004-05 by 6.1% following an on target spend the previous year. The Area believes this resulted from historic under-recording of case finalisations for previous years, which the Area's budget is based upon. Senior managers appreciated the Area's financial position early on but continued to recruit additional staff and an overspend was inevitable.

- The Area overspent its prosecution budget by 19% against a national average overspend of 18%. In the last HMCPsi report of January 2005, the Inspectorate made mention of the inappropriate use of the 3010/3020 accounts code budget (now 8002/8003) which relates to use of counsel for special cases in the magistrates' courts and forms part of prosecution spend. Whilst there has been some improvement, some cases are still being allocated to counsel under this costs code when the normal arrangements for payment of agents in the magistrates' courts are appropriate.
- The monies spent on No Witness No Justice are yet to show consistent improvement on victims and witness court attendance and further work with the police is required to ensure high value POCA orders are targeted.

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

- The CCPAG has staffing as a standing item on the agenda and there are also staffing discussions within units. The Area used agents for 21.3% of magistrates' courts sessions during the year having actively reduced usage from 30% to 13.8%.
- The Area supports a wide range of work patterns including full-time, part-time, flexi-time, compressed hours, term-time working and job-sharing. Applications from staff must be endorsed by the unit head and must support business needs.

Aspects for improvement

- The Area has an ongoing restructuring programme to implement optimal operational business structures across the Area. This project needs to be informed by a comprehensive analysis of staff deployment requirements to meet court and charging obligations. Where necessary established working patterns, for example compressed hours, need to be reviewed for compatibility with new operational arrangements.
- The Area has 4.5 DCWs who undertake non-contentious work in the magistrates' courts and 7.2% of sessions (696 in total) were covered in 2004-05 compared with the national average of 8.3%. DCWs use their extended powers but there is spare capacity and the Area is engaged in fruitful negotiations for more DCW courts.
- The Area deployed 22.5 HCAs in the Crown Court for 584 sessions during the year. Savings in the last quarter were up to £201 per session but are below the national average of £224.
- The Area budget was centrally controlled during 2004-5 but criminal justice units were able to instruct agents in the magistrates' courts. This contributed to early depletion of this budget head. The Area has since changed its approach for 2005-06 and allocates agent spend to units incrementally.
- Staff sickness absence for 2004 was 9.2 days per person, above the national average of 8.7 days. The rate for the previous year was 12.6 days. Action has been taken to resolve long term sickness issues and improvements are anticipated by the Area. Revised procedures have been introduced for 2005-06.

12. MANAGING PERFORMANCE TO IMPROVE

2 - FAIR

The Area approach to performance management is developing but, whilst Area fora discuss performance, this has been mainly associated with work volumes. Unit reporting was introduced in 2005-06 and the overall approach is evolving. Staff objectives are linked to Area objectives and some Area Champions assist with performance analysis, although this is not uniform. Units need action plans which focus on issues of concern and progress needs to be tracked. Although the Chief Crown Prosecutor (CCP) meets with unit managers monthly in CCP Advisory Group (CCPAG) meetings, there should be regular quarterly meetings between the CCP and unit managers. The Area works well with the Avon and Somerset Criminal Justice Board (ASCJB) and CPS senior staff lead on several topics. The partners have had some success in achieving Public Service Agreement targets for the Persistent Young Offender (PYO) pledge and progressing public confidence. More work needs to be done to establish formal Prosecution Team Performance Meetings with the police to underpin the statutory charging scheme. There are data quality issues and routine unit based data integrity audits need to be established to improve its quality. Managers need to make more use of the case management system (CMS) reporting capability. A robust Casework Quality Assurance (CQA) Scheme is in operation but the full level of monitoring is not achieved.

12A: Managers are held accountable for performance

- In some respects, the Area has demonstrated a commitment to performance management but this has mainly been driven by national requirements and the overall approach to performance management is still evolving. In 2004-05 there was some performance discussion in the monthly CCPAG meeting but this mainly focused on work volume rather than performance. The position is the same at unit level. There have been recent changes to the agenda for CCPAG meetings in 2005-06 to expand discussion on performance to include all key targets and projects.
- The Area Casework Advisory Group meets regularly and considers a wide range of casework performance information both internal and external. Action has been taken to resolve backlogs of graduated fee payments by changing responsibilities and procedures, and managers routinely undertake analysis of adverse and discontinued cases.
- Unit performance reports have been introduced in 2005-06 and the Area is working on a balanced scorecard. Staff have performance objectives which are linked to the Business Plan.

Aspects for improvement

- Units need to have action plans which will support Business Plan objectives and focus on correcting unit weaknesses. Unit reporting needs to be linked to these plans. Quarterly meetings need to take place between the CCP and unit managers to review progress on delivery. These meetings need to be documented. Team meetings need to be held regularly with actions being recorded.
- There is some evidence that Area Champions are involved in assessing performance associated with their remit but this is not uniform. Area Champions need to have written objectives appropriate to their roles.

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

- The ASCJB is chaired by the CCP and has a well developed approach. The phasing of the planning cycle enables partner agencies to incorporate ASCJB objectives into their business plans. The ASCJB has ten sub-groups and the CPS leads on three of these. The Area is also represented on the other task groups. Where the CPS leads on an improvement initiative, for example No Witness No Justice, reports are made to the ASCJB through an appropriate sub-group.
- The CPS provides its partners with key information, for example that related to unsuccessful outcomes and hate crime. There is evidence of joint strategies being successful, the Area implemented procedures for prosecuting domestic violence cases in collaboration with the police and the conviction rate moved up from 50% to 65% during 2004-05.
- There are joint performance meetings with the police which are overseen by a Joint Performance Board. Issues are identified and discussed and are escalated as necessary.
- The criminal justice agencies had some success with shared targets meeting the PYO pledge of 71 days for the year, converging towards the national average for public confidence achieving 42% against a national average of 43%, and recovering £1,800,000 proceeds of crime assets, although confiscation order numbers were below target. The Offenders Brought to Justice Target was not met but has since been reduced.

Aspects for improvement

- The Area moved to statutory charging in July 2004 but formal structured prosecution team performance arrangements are yet to be established.

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

- The Area has four Compass Management Information System (MIS) licences. The capabilities of MIS were not fully exploited last year and the approach is being developed for 2005-06.
- The Area provides information to and receives it from other agencies and uses it in its own management reports. The Area is aware that its data quality could be improved as there has been under recording of case finalisations in the past. When completing the migration to CMS administrators found a large number of ancient un-finalised cases involving 2000 defendants.
- A recent custody time limit review (July 2005) showed that many key activities were not done correctly.

Aspects for improvement

- The Area needs to consider establishing an administrative performance role in each unit with the post holder becoming an accomplished MIS user. More needs to be done to benchmark with other Areas to compare outcome and process performance.
- The Area would benefit from a quarterly documented unit data integrity audit which would thoroughly review a representative number of cases for all aspects of finalisation and other status information, and use the information to improve staff understanding.

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

- The CQA system has been applied continuously during 2004-05 but with a review ratio that is two thirds of what the national scheme requires. Analysis, however, is robust. Issues identified (for example weaknesses in aspects of case preparation) are followed up with lawyers either individually, or generally at team meetings.

Aspects for improvement

- As team leaders carry a caseload, their work also needs to be subject to CQA analysis.

13. LEADERSHIP
2 - FAIR

There are well established structures for governance with the Chief Crown Prosecutor's Advisory Group (CCPAG) being the strategic decision-making body operating by consensus. However all the main fora operate without terms of reference. Although there is some evidence of good communication between management and staff, the Area has recognised that it has not yet reached the level it requires and is seeking to address this. There needs to be more corporacy from senior managers when engaging with staff concerning the Area Business Plan (ABP). More needs to be done to explain the CPS vision and in particular how the CPS remains independent while collaborating with partners. The Area works well with local criminal justice partners leading on several initiatives. The Area is well advanced on its equality and diversity agenda and pro-actively advertises for lawyers in the minority ethnic press. There is a comprehensive community engagement strategy with many Area staff leading or participating in activities some of which are challenging.

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

- The CCPAG is the main decision-making body operating by consensus and this is supported by well established structures including a Case Management Advisory Group plus unit, team and administrative fora. While the Area has reasonable arrangements in place for management, there is some evidence of a lack of corporacy.
- There is evidence of some good communication with staff through business planning but there needs to be more corporacy around this issue.
- The Area works well with local criminal justice agencies and senior staff are active in taking joint initiatives forward including, charging, No Witness No Justice and domestic violence.

Aspects for improvement

- There are no terms of reference for the main Area management fora, minutes are not available to staff and often messages are not cascaded efficiently.
- The vision and values are not yet fully embedded. The Area has consciously chosen to adopt the national CPS vision and while the vision is not published in the Area Business Plan it has been explained to staff and each staff member has a copy in their personal development log. A significant minority of staff are either neutral or feel the CPS is not sufficiently independent from other agencies.

- The Area acknowledges that there have been difficulties with the frequency and effectiveness of team meetings and this is reflected in the 2004 Staff Survey where the Area was marginally below the CPS national figure for communications. The Area is introducing a briefing system and performance scorecard.

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

- The Area's commitment to equality and diversity policies is evidenced in a number of ways, including the personal commitment and involvement of managers.
- The Area has been pro-active in advertising for lawyers in minority ethnic publications and through community engagement work. This has been very successful. Other staff almost reflect the population served by the Area offices and the Area is seeking to improve its position.
- The Area has produced a comprehensive community engagement strategy which is supported by an Employee and Community Awareness Group. Staff lead and participate in a wide range of activities some of which are very challenging, for example meeting with a residents' association that was setting up an action team to reduce anti social behaviour.
- The 2004 Staff Survey showed the Area was above the CPS Area average for promoting dignity at work (albeit on a lower return rate) and there was no evidence of prejudice in the working environment.
- Although the Area does not have a formal staff recognition policy, good work is acknowledged through letters and e-mails to staff.

14. SECURING COMMUNITY CONFIDENCE
3 - GOOD

The Area has been active in a varied range of community engagement activity throughout 2004-05. In line with actions set out in the Area Business Plan (ABP), they have sought to establish a group encompassing all levels of staff from the Area to target and evaluate business benefits from engagement activity. The Area Business Manager (ABM) leads this but unit heads and specialists engage with local representative groups as an integral part of CPS business.

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

- The commitment of senior managers is clear and evidence exists of wide engagement activity with the community. During 2004-05, Area managers and other staff took part in a number of community events. These included giving talks to minority ethnic and local business groups; participation in national and local charity events; attending career fairs and giving career talks to students; a presentation about CPS domestic violence policy to charity and volunteer organisations; assisting schools with mock trials, and speaking to local communities about dealing with anti-social behaviour. All lawyers and Designated Caseworkers each have a personal objective of being involved in one community activity during the 2005-06 reporting year.
- The Chief Crown Prosecutor sits on two overarching hate crime and racial equality groups with high level membership from criminal justice agencies and local councils. Senior managers and Area Champions attend the Avon and Somerset Criminal Justice Board (ASCJB) task groups on race and victims and witnesses. The North Criminal Justice Unit Head chairs the Domestic Violence Task Group and Area Champions meet local Race Equality Councils (REC) and attend domestic violence fora.
- The Area established an Employee and Community Awareness Group in 2004-5, led by the ABM. The establishment of this group is a stated objective in the ABP for 2004-05 and aims to involve all levels of staff to improve the range of community engagement taking place by staff and increase public confidence. It comprises volunteers from each unit and from different grades. Twelve members of staff attended the first meeting in June 2004 and terms of reference and an action plan were drafted. A second meeting took place in February 2005 with further meetings planned more frequently.

- The Area has not consistently measured the success of its activity but a stated aim of the new group is to evaluate the benefits of community engagement. The Area is obtaining demographic information and sought and received advice from the Equality and Diversity Unit about evaluating work. They will, this year, agree three engagement activities in relation to ASCJB priorities and set objectives for engagement actions. They will then measure if these are met and if benefits can be seen to the community and to CPS business.
- The Area consulted 30 community groups by questionnaire in relation to the Witness Care Unit (WCU) and their views were fed back in December 2004. Presentations on the WCU were given to the REC and representatives of the deaf community. In December 2004 a Draft Equality and Diversity Policy Statement was sent to 32 representatives of community groups for consultation. Liaison with race and domestic violence fora is meaningful, with discussion around problematic cases, and some community groups have provided assistance in recruitment. Representatives believe that engagement has informed decision-making in charging.
- The Area is a Home Office Trailblazer Area with an Anti-Social Behaviour Expert Prosecutor. This expert and other specialists have been involved in liaison, through the Home Office Anti-Social Behaviour Unit, with some tenants' organisations and residents' associations. They have spoken to the Crime and Disorder Reduction Partnership Business Group about charging and the Code for Crown Prosecutors.

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%	12.5%	52%	68.8%	71.3%	31%	22.7%	19.3%
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%	19.6%	68%	66.7%	70.3%	23%	23.8%	30.9%

ASPECT 2: MANAGING MAGISTRATES' COURTS CASES

INEFFECTIVE TRIAL RATE			OVERALL PERSISTENT YOUNG OFFENDERS PERFORMANCE (ARREST TO SENTENCE)		
National Target	National Performance 2004-05	Area Performance 2004-05	National Target	National Performance (3-month rolling average Feb 05)	Area Performance (3-month rolling average Feb 05)
24.5%	24.8%	16.1%	71 days	67 days	58 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	86%	151	74%	43	95%	19

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

	Initial Guilty Plea Target 59 days		Trials Target 176 days		Committals Target 101 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	87%	5,185	87%	3,309	91%	190
Area	86%	92	93%	46	-	-

ASPECT 3: MANAGING CROWN COURT CASES

INEFFECTIVE TRIAL RATE

National Target	National Performance 2004-05	Area Performance 2004-05
18.5%	15.8%	17.5%

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%	19.8%

OFFENCES BROUGHT TO JUSTICE		
	CJS Area Target 2004-05	CJS Area Performance 2004-05
Against 2001-02 baseline	+13%	+6.9%
Number	29,224	27,636

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%	85.7%
Primary test in Crown Court	79.9%	85%
Secondary test in Crown Court	59.4%	85.7%
Overall average	70.3%	85.5%

ASPECT 11: MANAGING RESOURCES

NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE (END OF YEAR RANGES)	
2003-04	2004-05
100% overspend	106.1%

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%	7.2%	£224	£201	8 days	8.7 days	9.2 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
42%	40%



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