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HM Crown Prosecution Service Inspectorate

THE JOINT INSPECTION OF THE GREATER MANCHESTER CRIMINAL JUSTICE AREA

INSPECTED NOVEMBER 2005

HMICA
HM Inspectorate of Court Administration



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CHIEF INSPECTORS' FOREWORD

The Chief Inspectors of the criminal justice inspectorates are pleased to publish their joint report on the Greater Manchester Criminal Justice Area. This inspection builds on the previous joint inspection work undertaken in Surrey and North Yorkshire in 2004-05. Greater Manchester is the fourth joint inspection of six that are planned for 2005-06. This represents a significant increase in joint area inspection activity and shows the commitment of the criminal justice inspectorates to working more closely to help delivery of improved case management and public confidence in the criminal justice system.

The criminal justice inspectorates have for some time been placing greater emphasis on the effectiveness of relationships between organisations which they are responsible for inspecting. In particular the success of agencies in improving performance through co-operation within a framework which recognises the inter-dependencies of a criminal justice system, whilst respecting the separate and independent role of the agencies themselves is of interest to inspectors.

Local Criminal Justice Boards operate on a non-statutory basis and formally came into existence on 1 April 2003. They represent a 'joined up' way of doing business within the criminal justice system, through better co-ordinated and more cohesive working arrangements. This national infrastructure also offers a more substantial focus point for integrated inspection. We, as leaders of the criminal justice inspectorates, are determined to continue to build on this through the planned programme for this year.

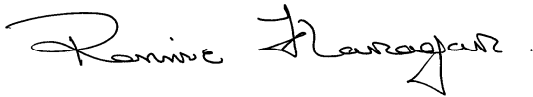
Strategic planning and managing delivery on a cross-agency basis at a local level is a developing concept. The scope of the work of the Local Criminal Justice Boards is kept under constant review by the National Criminal Justice Board, and the Office of Criminal Justice Reform regularly issues guidance and practitioner toolkits, both on new initiatives and good practice, toward improving performance against existing measures. Although the potential benefits of integrated inspection based on criminal justice areas are substantial, the inspection processes are still developing. Each joint inspection we undertake during this business year will be subject to a rigorous evaluation to ensure that there is continuous improvement in our processes.

The framework used for this inspection was developed with a view to it being used across all the joint inspections planned for this business year. Its focus is on the 'front end' of the criminal justice process from arrest to passing of sentence, with particular reference to three objectives - increasing public confidence in the criminal justice system, bringing offenders to justice and reducing ineffective trials. Within the framework we address corporate governance arrangements and the strategies and policies of the Greater Manchester Criminal Justice Board, together with the effectiveness of inter-agency co-operation on those matters which affected overall performance from the point of arrest through to passing of sentence. The framework drew on the substantial guidance and other information as to standards available either from the National Criminal Justice Board or the Office of Criminal Justice Reform or the individual agencies themselves.

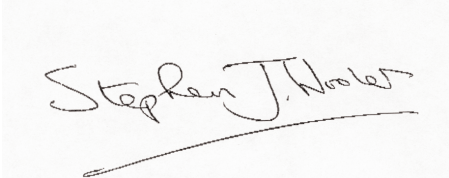
This inspection was carried out in accordance with the principles of inspection set out by the Office of Public Service Reform and examined issues so far as practical from a user perspective – particularly that of victims and witnesses. The inspection team worked closely with the Quality and Standards Department of Victim Support and their assessments have been incorporated into the overall report.

Our intention is that this report will not only inform the people of Greater Manchester about how effectively the local CJS works, by highlighting the strengths of inter-agency working and identifying where further improvement can be made, but also that it will inform the policies, strategies and delivery of the wider criminal justice community.

Finally, the Chief Inspectors take this opportunity to thank the Chief Officers and staff of the criminal justice agencies in Greater Manchester for the considerable assistance rendered to them during the course of this inspection. We also thank those from the wider Greater Manchester community who come into contact with the criminal justice system for giving up their time to inform us of their experiences.



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1. INTRODUCTION

Local overview

- 1.1 The responsibility of the Greater Manchester Criminal Justice Board extends over a wide area. Greater Manchester covers more than 1,200 square kilometres and encompasses not just the cities of Manchester and Salford, but Bolton, Bury, Oldham, Rochdale, Stockport, Tameside, Trafford and Wigan.
- 1.2 The area includes one million households and a population of over 2.5 million, almost 5% of the UK population. A significant transient population attracted to the area by cultural, business and educational establishments boosts this still further. It is estimated that some 60,000 students attend the universities and colleges in the area.
- 1.3 Major sporting and entertainment venues bring millions of people to the Greater Manchester area. The MEN Arena, a major international concert venue, is based in the heart of Manchester. World famous sporting teams, including four Premiership football teams, Rugby league clubs and Lancashire Cricket Club all attract large numbers of visitors every week. Manchester has also played host to major political events and conferences.
- 1.4 Greater Manchester is easily accessible from all parts of the UK and international destinations. It boasts a significant transport network including the M6, M60 and M62 motorways. Manchester International Airport continues to expand and is one of Britain's principal airports handling millions of passengers each year. Manchester is linked to London via the West Coast line train route and has a local Metrolink tram network.
- 1.5 Crime in Greater Manchester is being challenged robustly and notable reductions have been made over the last 12 months. In the year 2004/05, the total number of crimes per 1,000 population stood at 127.85, down from the preceding year's figure of 145.38, a reduction of 11.8%. These reductions notwithstanding, the rate is above the average figure of 118.53 crimes per 1,000 population for peer forces.
- 1.6 This local overview provides an indication of the scale and complexity of the Greater Manchester criminal justice area. The sheer volume of criminal justice activity to be undertaken must therefore be considered in light of the levels of demand created, comparable with only the largest metropolitan areas in the country.

Greater Manchester Criminal Justice Board

- 1.7 The Government has established 42 criminal justice areas in England and Wales, each with a local criminal justice board which is made up of the chief officers of the criminal justice organisations of the area. Greater Manchester Criminal Justice Board (GMCJB) formally assumed its responsibilities in 2003 and is now in its third year of operation as a full board.

- 1.8 All local criminal justice boards are charged with establishing and delivering, at local level, targets to support the achievement of national objectives for the criminal justice system. The national targets are drawn from the Ministerial Public Service Agreements (PSAs) and include:
- Increasing the level of public confidence in the criminal justice system areas effectiveness in bringing offenders to justice to 40% by 2006
 - Improving the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.15 million by 2005/06
 - A reduction of the proportion of ineffective trials by 27% by March 2006, with the proportion of ineffective trials to be no more than 23% in the magistrates' courts and 17% in the Crown Court.
- 1.9 The Office of Criminal Justice Reform has suggested targets for each criminal justice area to assist them to contribute to the overall national targets.

Inspection

- 1.10 The joint inspection focused on the criminal justice process from the point of arrest to sentence. It specifically considered how the criminal justice agencies and their partners such as Victim Support and the Witness Service were working together in Greater Manchester to achieve the targets set by the GMCJB and deliver desirable outcomes for the community.
- 1.11 Shortly before this inspection began Her Majesty's Inspectorate of Court Administration (HMICA) conducted an inspection of the Quality of Service provided to victims and witnesses in Greater Manchester, as part of its ongoing programme of single agency inspections. The inspection teams worked together before and during the fieldwork stage of the inspection and the relevant findings of the HMICA inspection are referenced within this report.

Methodology

- 1.12 Our methodology included a self-assessment by the GMCJB against the inspection framework, which is based on the PSA targets. We examined management information and consulted with criminal justice partners of the GMCJB. We visited the area for ten days in November 2005 and undertook interviews with criminal justice staff at all levels, criminal law practitioners and representatives of other local organisations. Focus groups were held with police officers, victims and witnesses and staff from CPS and Courts. The inspection team carried out observations on the quality of service delivery by the criminal justice agencies and partners at both the magistrates' courts and Crown Court.

Report

- 1.13 An executive summary, outlining the findings and recommendations of the joint inspection, is set out overleaf. The main body of the report replicates the inspection framework, focusing on governance and the three PSA targets (increasing the public confidence in the criminal justice system, increasing the number of offences brought to justice and reducing the rate of ineffective trials). These chapters contain the detailed findings of the inspection team, while the annexes set out the performance results, acknowledgements, and a glossary of terms.

2. EXECUTIVE SUMMARY

Overview

- 2.1 The Greater Manchester Criminal Justice Board operates in one of the busiest criminal justice areas in the UK, serving a population of over 2.5 million people and policed by the second largest force in the England and Wales. It is served by three Crown Court centres and ten magistrates' courts, and there are four prisons in the area. The scale and complexity of challenges presented to the Board within this environment are apparent in a variety of ways. The area has been repeatedly selected as a site for new criminal justice pilots and pathfinders – national warrant handling and statutory charging being just two examples. The necessarily complex nature of the partnership landscape similarly brings challenges on a greater scale than in many other areas. The GMCJB, in recognising this complexity, has taken clear and positive steps, developing both structures and activity to tackle these demands. A number of the recommendations and aspects for improvement identified within this report build upon these developments.
- 2.2 The GMCJB has undergone changes in recent months following a review of its governance, structures and processes. Some members of the Board are relatively new, notably the Chief Probation Officer who joined in April 2005. The chair has been held by Greater Manchester Police since the Board's inception, initially through the Chief Constable, but more recently it was agreed that the Assistant Chief Constable who holds the criminal justice and diversity portfolio (who has been a member of the Board throughout) should take on the role.
- 2.3 Board members held an 'away day' to review its operation, leading to the development of a comprehensive service delivery plan and a revised governance structure, with delivery groups leading on key areas of activity. In addition to these groups, a performance group is led by the Board's chair. Local criminal justice groups have been established, aligned with policing basic command units, to drive activity at a local level. This represents a sound structure upon which to move forward but the co-ordination of these groups needs to be tightly gripped to ensure that they are held to account for their performance and progress, and that clear communication channels exist.
- 2.4 Greater Manchester Criminal Justice Board has made significant progress both in terms of structure and activity, with a clear focus on performance. The recommendations and issues identified within this report will enable the Board to build further on the commendable performance improvements secured to date.

Key performance results

- 2.5 There has been a notable improvement in offences brought to justice (OBTJs). The Board has a target to improve the number of OBTJs from a baseline figure (March 2002) of 55,597 to 71,963 for the year ending March 2006 – an increase of 29.4%. Although a stretching target, performance is on track to achieve this level, with OBTJs for the rolling 12-month period to October 2005 standing at 71,475 offences.

- 2.6 The ineffective trial rate in the Crown Court continues to be better than the target of 15%, with the most recently reported figure being 13.6%. In the magistrates' courts the ineffective trials rate is marginally worse than the target figure of 18%, at 19.1% for the quarter ending September 2005.
- 2.7 The national target for the elapsed time between arrest and sentence for persistent young offenders (PYOs) is 71 days and the average number of days for England and Wales has not exceeded this target over the last year. Greater Manchester has met this target in the quarters ending June and September 2005, with figures of 63 days in both quarters and 65 days to the year ending October 2005. This is an improvement on the quarter ending December 2004, where the target was not met (74 days).
- 2.8 The enforcement of warrants where defendants fail to appear at court has shown a considerable improvement. An ambitious target, to reduce the number of outstanding warrants by over 31% to 4,061 by March 2006, has been rigorously tackled. Outstanding warrants at the end of October 2005 had been reduced to 4,314, a reduction of over 26%. Fine enforcement continues to fall just below the 78% target that has been set. During the quarters ending June and September 2005 the figures were 72% and 76% respectively.

Increasing public confidence in the criminal justice system

- 2.9 GMCJB has a target to increase public confidence in the criminal justice system to 41% (from a sample survey of local people) by March 2006; this represents an increase of 6% from the baseline figure of 35% in March 2003. Progress has been consistent in moving towards this target, reaching 39% by the end of June 2005 and 40% by the end of September 2005. However, a particular focus on the confidence agenda is necessary to consolidate improvements and move further towards (and hopefully beyond) the target. The GMCJB commissioned the Office for Criminal Justice Reform to develop a framework to assist in raising confidence; this work has yet to be finalised and this has slowed proposals to undertake proactive work. The issue of public confidence - and specifically how to increase it - is a challenge for the whole criminal justice system and there is no template of 'quick fixes'. There are, however, many excellent activities underway across Greater Manchester which should contribute positively to public confidence, and the relevant delivery group has a key role to play.

Bringing offenders to justice

- 2.10 Statutory charging, under which the CPS takes responsibility for the decision to charge in respect of more serious offences, was implemented in September 2004 and is now well established. Performance in respect of offences brought to justice has improved considerably, reaching 71,475 for the rolling 12 months to October 2005, a 28.5% increase from the baseline figure, against a backdrop of reducing crime levels. Challenges still exist to ensure targets are met. Police officers must ensure that cases are progressed rapidly to the point of charge once advice has been sought. Greater Manchester Police (GMP) and GMCJB have identified this as an area for improvement and are working to

improve structures and processes. GMP has introduced prisoner processing units and evidence review officers in most policing divisions as part of a wider programme of activity to improve the quality and timeliness of investigations. These are positive steps but will take time to become fully integrated. The establishment of domestic violence courts in Wigan and Salford have brought improvements in this sensitive area of work where convictions are difficult to secure; this is likely to improve both confidence and performance. However, progress on other aspects of domestic violence and hate crime investigation and prosecution is more variable. A greater degree of prioritisation of these cases through to finalisation is needed.

Reducing ineffective trials

- 2.11 The ineffective trial rate in the Crown Court continues to be better than the target of 15%, with the quarter ending September 2005 showing a rate of 13.6%. In the magistrates' courts the ineffective trials rate is marginally worse than the target figure of 18%, at 19.1% for the same period. Witness care units (WCUs) are being established across Greater Manchester and already have a heavy caseload; staffing levels will thus need to be kept under review. GMCJB should also ensure that key activities which are vital to the effectiveness of the WCUs – notably seeking the views of victims, witnesses and other agencies – are brought under a robust project management process. Victims and witnesses generally felt well supported by the range of services available in Greater Manchester, although some problems in respect of court accommodation were identified.

Recommendations

1. Acknowledging the challenging size and complexity of the GM area, the GMCJB should take steps to improve the lines of communication with delivery groups and LCJGs, and strengthen the accountability and monitoring mechanisms for these groups (paragraph 3.27).
2. To increase public confidence the GMCJB should, on completion of the OCJR review work, adopt a more cohesive and proactive strategy in respect of communication and public confidence (paragraph 4.11).
3. The GMCJB should adopt a coherent approach to training by mapping current joint agency training, identifying any gaps and opportunities and developing a joint training plan (paragraph 4.33).
4. The GMCJB should introduce an end-to-end approach for tackling domestic violence and hate crime, encompassing good inter-agency working with common targets and agreements on timeliness in respect of case progression within all agencies (paragraph 5.24).
5. To enhance and complement the successful introduction of Witness Care Units, the GMCJB should review and strengthen project management arrangements, set consistent standards of service to witnesses, monitor performance between units and review staffing and training provisions (paragraph 6.29).

Strengths

1. The representation of the Victim Support and Witness Service on the GMCJB, and the inclusive manner in which the service is engaged, demonstrates the Board's commitment to high quality services for victims and witnesses.
2. There is positive engagement with the Criminal Defence Service by the GMCJB.
3. The GMCJB has reviewed its structures and workflows to ensure appropriate delivery mechanisms are in place. The introduction of delivery groups and local criminal justice groups provide a framework within which the GMCJB can comprehensively address criminal justice issues. Clear leadership is apparent within the Board itself and the delivery groups.
4. The GMCJB has an evolving but robust performance management regime encompassing LCJGs, fed by timely performance information and supported by an established meeting structure which ensures that performance concerns are tackled effectively.
5. The website for the GMCJB is comprehensive, clear and kept up-to-date, providing a positive external communication and information medium.
6. Diversity and equality issues are recognised and addressed within GMCJB plans and meeting structures.
7. Financial targets, in respect of asset recovery (through confiscation orders), are on track to be met.
8. The Salford Community Justice Initiative is an exciting development with the potential to engage with the community and positively influence public confidence.
9. Both sanction detections and offences brought to justice have significantly increased in Greater Manchester against a backdrop of falling crime.
10. The domestic violence courts at Wigan and Salford have implemented innovative methods to improve confidence and performance in respect of domestic violence.
11. St Mary's Sexual Assault Referral Centre provides a high degree of care and support to victims of rape and sexual assault and supports the delivery of justice and confidence in the justice system.
12. There is a notable effort within the Crown Court to minimise the number of ineffective trials and this is reflected in improved performance against targets.

Aspects for Improvement

1. The Board should strive to include Forest Bank Prison within its information-sharing and communication arrangements on relevant objectives and invite contributions to its work from the Prison.

2. Given that asset recovery targets are likely to be met, the Board might consider setting more stretching targets for the future, while also seeking to raise POCA awareness still further.
3. GMCJB should work closely with partner agencies to ensure that ASBOs continue to contribute positively to the confidence agenda, and that ASBO breaches are effectively addressed.
4. GMP should build on its current programme of prisoner processing units and evidence review officers/units in order to ensure that investigations are managed expeditiously and pre-charge advice taken at the earliest feasible point. Where such advice leads to a person being bailed, such enquires should facilitate an early charge. CPS should both adhere to the Director's Guidance and take action to progress cases systematically. LCJGs should monitor the performance of local prosecution teams in progressing cases.
5. The arrangements for the exchange of information between police, prisons and local authorities in respect of PPOs and their subsequent release should be reviewed, so that information is shared appropriately and in a timely fashion.
6. Greater Manchester Police should continue to increase awareness amongst operational staff of the need for comprehensive completion of the MG11 (witness statement) form.
7. The IT delivery group of the GMCJB should develop a plan for the development and use of technical equipment within the relevant agencies and courts.
8. Greater Manchester Police should continue to address delays that occur in the provision of medical services within custody suites.
9. Delays in the arrival of prisoners at some police and court sites should be monitored and steps taken to address any identified problems.
10. The GMCJB should review the use of video links with prisons and identify steps that can be taken to improve capacity and usage.

3. GOVERNANCE AND STRUCTURE OF THE CRIMINAL JUSTICE BOARD

Overall assessment

- 3.1 The Greater Manchester Criminal Justice Board (GMCJB) has undergone changes over the last year, undertaking a review of its structures, activity and governance. The Board held an 'away day' and identified a number of actions to move the Board forward and improve its performance. These actions are being implemented and considerable progress is apparent on many fronts. While some members of the Board are relatively new, all are well sighted on the strategic direction and priorities for the GMCJB.
- 3.2 The area has developed a clear service delivery plan identifying key milestones. This is supported by comprehensive terms of reference for the Board and supporting delivery groups, and guidance on governance has been put in place. Local criminal justice groups have been established with clear terms of reference.

Governance

- 3.3 The GMCJB was established in April 2003 and since that time the chair has been held by Greater Manchester Police. The current chair of the Board is the Assistant Chief Constable (Criminal Justice and Diversity). The Board meets on a monthly basis and membership comprises;

- Assistant Chief Constable (Criminal Justice and Diversity)
- Chief Crown Prosecutor
- Chief Probation Officer
- Area Director of HM Courts Service
- Prison Governor – HMP Manchester
- Youth Offending Team Manager, Tameside (acts as a representative for the other YOT Managers within Greater Manchester)
- Chief Executive, Salford City Council (representing chief executives from across Greater Manchester)

In addition, the Board also has associate members without voting rights:

- Chief Executive, Victim Support and Witness Service
- Criminal Defence Service Manager (Legal Services Commission representative)
- Head of Operations (Crime), HMCS

- 3.4 The presence of the Victim Support and Witness Service on the GMCJB is positive, as confirmed by the HMICA inspection on the quality of service provided to victims and witnesses. The Victim and Witness delivery group of the GMCJB is chaired by the Chief Executive of the Victim Support and Witness Service and representation is provided at other relevant sub-group. Greater Manchester is one of a few areas piloting the development of a service level agreement (SLA) between LCJB and victim support and witness services.

Strengths

The representation of the Victim Support and Witness Service on the GMCJB, and the inclusive manner in which the service is engaged, demonstrates the Board's commitment to high quality services for victims and witnesses.

- 3.5 The Criminal Defence Service is also represented at board level, providing an opportunity to engage, albeit not directly, with aspects of the service provided by defence solicitors. Inspectors found evidence that this attendance had increased Board members' knowledge of the defence perspective, supporting one of the PSA targets on respecting the rights of defendants. The Defence Service was keen to engage and support the Board in performance improvement activity.

Strengths

There is positive engagement with the Criminal Defence Service by the GMCJB.

- 3.6 The role undertaken by the Chief Executive of Salford City Council adds value to Board activity. The importance of having local authority representation at the GMCJB was identified by the Board and the Chief Executive of Salford City Council was invited to join as a full member, representing the ten local authorities within Greater Manchester. In addition the Chief Executive is also a representative of the county level partnership business steering group.
- 3.7 One issue of governance which raises a potential concern is the multiplicity of bodies dealing with aspects of criminal justice in Greater Manchester, each with some criminal justice chief officers participating. Until recently the most notable of these were the Board itself and the Greater Manchester Crime Reduction Steering Group. A review of partnership structures within Greater Manchester has recently been undertaken and amended structures are now being implemented. These amended structures take cognisance of governance issues impacting across the area, including the GMCJB. New structures

consist of an Executive Group attended by the 'responsible authorities' (as named in the Police Reform Act amendment to the Crime and Disorder Act 1998). The representatives are the Chief Constable, the Chief Fire Officer, Chief Probation Officer, a senior representative from the Association of Greater Manchester Primary Care Trusts and a Chief Executive of one local authority representing those across Greater Manchester (who is also a member of the GMCJB). The Executive Group, operating with a high level strategic focus, will provide guidance to a Partnership Business Steering Group which has replaced the Crime Reduction Steering Group. The Partnership Business Steering Group is attended by a wide range of representatives including many of those who attend the GMCJB, including the current chair. The terms of reference for the Partnership Business Steering Group specify the need to work with the GMCJB to ensure collaborative working, avoid duplication and secure corporacy across CJ agencies and relevant partners at a Greater Manchester level. These new structures have resulted in a reduction of the number of meetings and a review of attendees. Where an individual attends more than one of the meetings this is to support more effective joined-up working between the agencies represented and the agendas under discussion.

- 3.8 The Greater Manchester Against Crime initiative (GMAC) continues as the business process framework providing information and analysis in support of partnership activity. The integrity of this activity is ensured via the Partnership Business Steering Group and is reflected in the terms of reference. GMAC has established a sophisticated process for the evaluation of extensive partnership data on crime and disorder issues. GMAC produces a comprehensive strategic assessment enabling agencies to set priorities and follows the principles of the National Intelligence Model used by the police service nationally. GMCJB has been proactively engaged with the GMAC process over the last 12 to 18 months. This engagement has contributed directly to the work of the GMCJB, for example, explaining the context within which offending behaviour impacts on communities.
- 3.9 These new structures need to be kept under review, and indeed an undertaking exists to do this, to secure corporacy and ownership of issues that impact on the Board's objectives.
- 3.10 Manchester Prison is represented on the Board and communicates well with the other directly managed prison at Stryal, which comes within the same Prison Service area management. But Forest Bank, a privately-run prison with significant prisoner numbers, is not represented and has limited awareness of the Board's activities, although a representative does attend a Local Criminal Justice Group. The Board should strive to ensure that this prison is included in information-sharing and communication on relevant objectives.

Aspects for Improvement

The Board should strive to include Forest Bank Prison within its information-sharing and communication arrangements on relevant objectives and invite contributions to its work from the Prison.

Support to the Board

3.11 The GMCJB has a small support team which currently comprises:

- Performance Officer;
- Research and Development Officer;
- Public Relations Officer;
- Co-ordinator.

3.12 The Board will shortly be appointing a business manager, an additional post, with responsibility to lead the support team and provide additional resilience to the GMCJB's operation.

3.13 The support team, in conjunction with group chairs and Board sponsors, has been instrumental in drafting the delivery plan and terms of reference to which the Board and associated groups now operate and is actively engaged in much of the Board activity. It is apparent, however, that Greater Manchester Police still provides other secretarial and administrative support to the Board from its own resources. In addition, the force provides accommodation for the support team and meets a number of the associated costs.

Budget

3.14 The GMCJB receives its core funding from the Office for Criminal Justice Reform (OCJR). Initially, all Boards outside London received a start-up grant of £40,000 but later funding was adjusted to take account of the CJ Areas differing sizes and volume of business. GMCJB receives just over £196,000, rising to £200,000 in 2006/07, and most of this is accounted for by staff salaries. The sum remaining for other activity such as projects and publicity is relatively small – approximately £60,000 – and it is thus essential that the Board and its constituent agencies maximise opportunities for synergy arising through, for example, joint training.

Structure

3.15 The GMCJB has been developed to operate at a strategic level and has a framework to provide the tactical delivery of its plans. This framework consists of a series of delivery groups, a performance group and local criminal justice groups. While this structure is still relatively new, with delivery groups taking effect in 2005, all have terms of reference and plans against which they are seeking to deliver services.

Delivery groups

3.16 GMCJB has established a number of delivery groups each with a nominated chair. In the majority of cases these groups are not chaired by Board members; however, a Board sponsor is nominated to support each group. In a few cases the GMCJB has identified a rationale for a group being chaired by a Board member - eg, diversity. Groups meet regularly and appropriate records of meetings and activity are recorded. Seven delivery groups currently cover:

- Diversity
- Confidence
- Case Management
- Enforcement
- Victims and Witnesses
- IT
- Prosecution Team Steering Group

3.17 The structure and envisaged activity of the delivery groups is appropriate but it is less clear how the delivery groups are formally held to account by the GMCJB, which should monitor progress against their plans. There is no clear mechanism in place to review progress comprehensively against delivery plans, nor a formal reporting mechanism to the Board by the groups, although certain issues are raised at GMCJB meetings. This role is fulfilled by the performance group; in fact, while the group is in receipt of some information from delivery groups, it does not undertake such a comprehensive review of activity and delivery as it does on other performance matters.

3.18 The delivery groups need to apply the same performance management disciplines apparent in other aspects of GMCJB business. Inspectors were informed that the new role of business manager would include a focus on this area.

Local criminal justice groups

- 3.19 Local criminal justice groups (LCJGs) have been established over the last 12 months, aligned with policing basic command units (BCUs). They are currently chaired by the local police chief superintendent, with the exception of one chaired by a local community safety manager. (In the city of Manchester three police BCUs are drawn together within one LCJG.) Terms of reference have been agreed for LCJGs and membership consists of representatives of local CDRPs, courts, CPS, police, victim support and witness service and other local agencies. Effectively, LCJGs provide the operational delivery of GMCJB plans.
- 3.20 Each LCJG has a Board member sponsor who attends occasional meetings to support the developing LCJG, although actual attendance is variable between these Board sponsors. GMCJB should consider whether an agreed level and form of support from sponsors is desirable.
- 3.21 The introduction of LCJGs has evidently contributed to improved performance and public confidence, as illustrated by warrant performance. The execution of 'fail to appear' or FTA warrants fell considerably short of challenging targets, as identified by the GMCJB and the performance group. These concerns were identified to the relevant LCJGs and Manchester, Salford and Oldham LCJGs developed action plans in response; other LCJGs have taken operational steps to address the effective execution of warrants. Updates have been provided to the GMCJB on progress and performance is now improving. LCJGs are engaged in a regular and formal process of performance review with the GMCJB and the example given regarding warrants represents one such area of work. Performance in relation to cracked trials in the magistrates' courts is another example where changes in processes impacted positively on performance. In this instance, LCJGs were asked to review the reasons behind cracked trials - one factor negatively influencing performance data was the incorrect classification of cases at some courts.

Strengths

The GMCJB has reviewed structures and workflows to ensure appropriate delivery mechanisms are in place.

The introduction of delivery groups and local criminal justice groups provides a framework within which the GMCJB can comprehensively address criminal justice issues.

Clear leadership is apparent within the Board itself and the delivery groups.

3.22 Issues escalated by an LCJG to the main GMCJB are addressed, but how the Board considered/resolved the issue is not always well communicated back to the LCJG. One example concerned accommodation issues at Manchester City Magistrates' Courts, whereby court capacity was identified as a concern by the LCJG. The GMCJB instigated a review but the LCJG indicated they had received insufficient feedback. Such communication lapses could affect the credibility of the Board, even though the matter is now in hand.

Performance management

3.23 The performance group meets monthly to examine performance in greater detail than is feasible at the full Board. The Group is chaired by the ACC (Criminal Justice and Diversity) who also chairs the Board, and is well supported by the performance officer. Meetings have taken place with other agencies and systems established to gather relevant performance information. This information is timely and limited testing for data accuracy is undertaken.

3.24 Performance information is analysed and presented to the GMCJB, the performance group and LCJGs. The GMCJB receives a summary of performance at every meeting, with data presented in a user friendly, colour-coded format, highlighting progress against targets. On a quarterly basis a more detailed performance stocktake is undertaken within the Board meeting. The Performance Group receives a comprehensive report on all key aspects of performance and highlights areas for action. Inspectors found that the performance group is robust in reviewing performance and addressing performance concerns, identifying questions that are then raised with LCJGs. LCJGs receive a performance report - presented at each meeting by the GMCJB performance manager - focusing on the issues pertinent to that area. The performance manager also raises questions which require a written response to the GMCJB.

Strengths

The GMCJB has an evolving but robust performance management regime encompassing LCJGs, fed by timely performance information and supported by an established meeting structure which ensures that performance concerns are tackled effectively.

Summary of structures and performance management

3.25 The GMCJB has developed a sound and comprehensive structure with the establishment of delivery groups, LCJGs and the Performance Group, which has an instrumental role in ensuring a clear focus and drive on performance matters.

- 3.26 These structures are still relatively new and the quality and impact of performance scrutiny is not as well developed in respect of the delivery groups. The GMCJB anticipates that the introduction of a business manager will enable these areas of business to be more robustly managed. Communication channels between, for example, an LCJG and a delivery group are not clear to those involved and action should be taken to ensure that good communication is embedded as these new processes develop.
- 3.27 In the context of the positive progress made by the Board and associated groups, the following recommendation is to made to support future development.

WE RECOMMEND

Acknowledging the challenging size and complexity of the GM area, the GMCJB should take steps to improve the lines of communication with delivery groups and LCJGs and strengthen the accountability and monitoring mechanisms for these groups.

4. IMPROVING CONFIDENCE IN THE CRIMINAL JUSTICE SYSTEM

Overview

- 4.1 Greater Manchester has a target to increase public confidence in the local criminal justice system area's effectiveness in bringing offenders to justice 41% by March 2006. This represents an increase of 6% from the baseline of 35% in March 2003. Progress has shown a consistent improvement in performance against this target, reaching 39% in June 2005 and 40% in September 2005 (figures are based on rolling 12-month data). The national average in December 2004 was 43%.
- 4.2 Within the GMCJB delivery plan, confidence is highlighted as key: *'The LCJB (Local Criminal Justice Board) has identified public confidence as the major issue for Greater Manchester in 2005/06 and aims to devote resources and effort into impacting in this area...'* The delivery plan identifies four key stakeholder groups where the Board, represented by the confidence delivery group, is aiming to make progress during the current year. These are staff, service users, local communities and the general public. The delivery plan identifies actions intended to support delivery of increased confidence in these areas. However, the actions do not all have clear ownership and time-scales to drive implementation.
- 4.3 In 2005, a review of work on public confidence was undertaken by a performance action team (PAT) from the Office for Criminal Justice Reform, commissioned by the GMCJB. This review was designed to look at GMCJB arrangements for delivering the improving public confidence target; and the anticipated outputs were:
- A report containing findings and recommendations; and
 - A toolkit (framework) for use by the Confidence Delivery Group to support delivery.
- 4.4 It has taken somewhat longer than anticipated for this work to conclude. In October 2005 the review team presented findings to the Board but the toolkit, now referred to as a framework, is still being developed. In early November a workshop to progress the framework was cancelled at the last minute due to organisational planning. A continued focus on the strategic direction of the work to enhance confidence is vital. The findings presented by OCJR, coupled with finalisation of the framework will, as they are implemented, support the development of the confidence agenda within Greater Manchester.
- 4.5 Inspectors did however note some significant work under way designed to increase public confidence, including theatre performances on hate crime issues, sentencing events held within the community and particular initiatives across Greater Manchester during 'Inside Justice' week, notably:
- Joint open day in Manchester, with Manchester Crown, Magistrates' and County Courts, attracting over 2,000 people;

- Media features on various themes; and
 - Criminal justice events at local libraries.
- 4.6 Other work seeks to gain a better understanding of confidence levels in black, minority and other ethnic communities and this is referenced later in this report. Although these are laudable initiatives, opportunities exist to increase their impact on public confidence. One example relates to Anti-Social Behaviour Orders (ASBOs). Such orders can have positive effect when first put in place, but a significant negative impact when the enforcement of breaches is seen to be inadequate. Given that the Greater Manchester area has a significant number of ASBOs in place at any one time, the confidence group should consider how to maximise their positive impact on public perception and confidence.
- 4.7 Greater Manchester Police has improved performance over the last two years both in terms of crime reduction and detection. This focus, coupled with positive media campaigning around this success, complements the GMCJB drive to increase confidence and is a likely contributor to the improvements apparent in public confidence in the Greater Manchester area. The issue of public confidence - and specifically how to increase it - is a challenge for the whole criminal justice system and there is no template of 'quick fixes'. The Board needs to work closely with OCJR, the Home Office and other LCJBs to identify and implement projects that could move it still closer towards, and beyond, target.

Communication

- 4.8 Effective communication is a core component of the drive to increase confidence and GMCJB's website is commendably comprehensive, user friendly and up-to-date. Within the revised structures the Board no longer has a specific delivery group focusing on communication; rather, the Board has decided that this would better addressed via the confidence delivery group. The limited documentation available for inspection included a Communication and Consultation Protocol, dated July 2003 and a Communication Strategy dated September 2004. Since this time the Board's structure and processes have changed considerably and the strategy is in need of updating.
- 4.9 Governance arrangements, produced to support the 2005/06 GMCJB delivery plan, identify that a communication strategy with a supporting action plan will be developed. These documents have not yet been produced and approved by the GMCJB which opted to await finalisation of the OCJR work before developing further strategy. The OCJR PAT review discussed earlier contained communication within its terms of reference and the findings identify that the strategy should be reviewed. Given the difficulties with communication identified earlier in the report, the production of this strategy and action plan is overdue. Progress in respect of communication will usefully be assisted with finalisation of the framework referred to earlier.

- 4.10 The staff newsletter produced by the Board, 'Making Justice Count', is very informative, containing useful updates on its delivery groups and information on a number of the initiatives under way in the Greater Manchester area.

Strengths

The website for the GMCJB is comprehensive, clear and kept up-to-date, providing a positive external communication and information medium.

- 4.11 While there are many positive messages and excellent initiatives under way in Greater Manchester, opportunities exist to adopt a more co-ordinated approach to the confidence and communication agenda. The GMCJB should ensure that the diverse activity and work streams which could enhance confidence are identified and benefits maximised. The developing structure of the GMCJB, delivery groups and LCJGs present both opportunities and challenges in respect of internal and external communication.

WE RECOMMEND

To increase public confidence the GMCJB should, on completion of the OCJR review work, adopt a more cohesive and proactive strategy in respect of communication and public confidence.

Equality and diversity

- 4.12 GMCJB has identified equality and diversity as integral issues within the delivery plan for the current year, covering actions to:

- promote diversity;
- improve the measurement of diversity; and
- review processes.

- 4.13 To deliver the Equality and Diversity plan, the GMCJB established the Diversity Delivery Group, which first met in June 2005 and has taken responsibility for addressing the actions within the delivery plan. The principal aim of the group is to promote race equality and diversity across the criminal justice system in Greater Manchester. The chair of the GMCJB also chairs the Diversity Delivery Group which has clear terms of reference focused on the six strands of diversity - race, religion/faith, gender, age, sexual orientation and disability.

- 4.14 Despite the relatively short time that the group has been in operation, positive progress has been made. It has, for example, overseen work to ensure all agencies represented on the GMCJB have agreed a Diversity and Race Equality Protocol to underpin work on diversity issues. Other examples are the evaluation of hate crime theatre workshops, held earlier in the year, and an agreement to provide funding and support to community engagement work. The group has initiated work to monitor processes in relation to hate crime and this work is now in progress. The group has also commissioned performance data from the performance officer in respect of proportionality regarding offenders and will need to consider how to use this data effectively once it is in place.
- 4.15 A survey to establish confidence levels in black, minority and ethnic communities was undertaken with financial support from the OCJR. Initial indications were that confidence was higher than BCS data may indicate, but full analysis of this work is not yet available. Funding has now been agreed to repeat this survey and the delivery group will need to consider how to explore the analysis further and develop relevant actions.
- 4.16 In addition to the delivery group the GMCJB has established an Independent Advisory Group (IAG), meeting on a regular basis and involving members of local communities. This group adopts a consultative, advisory and supportive role to the Board and has received thorough briefings on the work of the GMCJB. It is notable that members of the IAG were invited to attend a recent full Board meeting as observers.

Strengths

Diversity and equality issues are recognised and addressed within GMCJB plans and meeting structures.

Enforcement of court orders and community penalties

- 4.17 HMCS Greater Manchester employs a number of enforcement officers operating across the area. A cross-agency protocol has been established by GMCJB on community penalty enforcement, which took effect in September 2005, designed to improve performance management information and performance.
- 4.18 Court Enforcement Officers currently have access to the Police National Computer (PNC) at only three sites, and introducing PNC access at other sites will enhance the capability of Court Enforcement Officers as PNC access is very beneficial. It is anticipated that other sites will come on line soon, further strengthening enforcement. Staff are able to access probation reports when assessing risk, as well as consulting regularly with the police.

- 4.19 Two principal targets in respect of community penalty enforcement are:
- that 50% of breaches of community penalties should be resolved within 25 days of the second unacceptable absence/breach; and
 - ensuring an average elapsed time of 35 working days from the second unacceptable absence to resolution of the case.
- 4.20 Within the GMCJB delivery plan and the work of the Enforcement Delivery Group, actions are identified to secure achievement of these targets and performance data in respect of this has been collected from October 2005.

Warrant enforcement

- 4.21 Where people fail to attend court and a warrant has to be issued, both public confidence and performance in bringing offences to justice can suffer unless warrants are executed promptly. Greater Manchester has shown historically high levels of unexecuted warrants. To address this, GMCJB set challenging targets to reduce the outstanding number of fail to appear (FTA) warrants to 4,061 by March 2006, a reduction of almost 30% from the baseline figure of 5,905. For the quarter ending September 2005 the figure was 4,679; at the end of October 2005, numbers had reduced still further to 4,314, a 26.9% improvement over the baseline figure.
- 4.22 The GMCJB, via the Performance Group, has taken positive steps to intervene and seek improvement in warrant execution. Questions have been raised with poorer performing LCJGs and good practice ideas sought from the better performing ones. Responses to the questions raised generated action plans to address performance across the agencies involved. The impact of this is exemplified within one BCU where every officer, including all the senior staff, was allocated a warrant to execute. This positive approach is encouraging and signifies a commitment to ensure that the challenging target is met.
- 4.23 A protocol for the withdrawal of warrants has been established by GMCJB that links police, CPS and courts activity so that, in appropriate cases, a clear process is in place formally to withdraw warrants. Targets have also been set in respect of the time within which the courts should notify the police of a failure to attend. This target measures the time that elapses between when an FTA warrant being issued and its receipt by the police _ 90% should be notified within one working day and 100% within three working days. Performance at the end of September 2005 fell short of target, being 60% (one day) and 97% (three days) respectively. Greater Manchester is to become a pilot for the National Warrant Handling Strategy and this should support and enhance the work already in train.
- 4.24 Greater Manchester successfully took part in Operation TurnUp during January and February 2005. This operation, undertaken by police and Court Enforcement Officers was aimed at bringing defendants who fail to attend back before the courts. During the period of the operation, 1,092 offences were brought to justice, exceeding the target that had been set of 1,000.

Fine enforcement

- 4.25 Performance in relation to fine enforcement for the rolling 12-month period to September 2005 stood at 76%, falling short of the March 2006 target of 78%. Recent performance (Table 1) shows fluctuating performance, but as the September 2004 performance stood at 64%, notable improvement has been made.

TABLE 1 - TOTAL VALUE OF FINES COLLECTED AS A PERCENTAGE OF THE VALUE OF FINES IMPOSED (EXCLUDING CONFISCATION ORDERS)				
CJS Areas	Quarter 3	Quarter 4	Quarter 1	Quarter 2
	Oct-Dec 2004	Jan-Mar 2005	Apr-Jun 2005	Jul-Sept 2005
England and Wales	80%	80%	80%	82%
Greater Manchester	77%	72%	72%	76%

Source: NCJB

- 4.26 To improve performance, Greater Manchester has successfully participated in the latest iteration of Operation Payback, a joint operation between the police and courts to collect unpaid fines. Court enforcement officers were instrumental in the success of this operation, undertaken during September and October 2005, with £250,000 in unpaid fines collected across Greater Manchester. The operation was a significant achievement and a notable increase from the first Operation Payback in March 2004, when £120,000 was collected. The total amount of fines paid within Greater Manchester during October 2005 was £999,284.

Proceeds of crime

- 4.27 Success in seizing the proceeds of crime from criminals has a marked impact on public confidence, sending a message that 'crime does not pay' and countering the corrosive effect of lifestyle criminals' image of wealth. Within Greater Manchester, asset recovery targets are covered in the 2005/06 GMCJB Delivery Plan, and driven by the Enforcement Delivery Group. Targets have been set to secure 424 confiscation orders, with a value approaching £3 million, with associated improvements in performance in respect of a reduction in outstanding balances and the number of collectable orders over 12 months old.

- 4.28 In the previous year (ending March 2005) GMCJB achieved its asset recovery target and the trajectory suggests that the financial target for 2005/06 will also be met (ie, confiscation of over £2.8 million), as orders in the first six months of the year reached £1.9 million. While the financial target may be met, the number of orders made may fall slightly short of target, standing at 193 orders for the first six months of the year. In the past, nominal orders were secured to leave open an option to pursue them in the future. Such orders no longer count towards this target and this is likely to reduce the total number of orders achieved.
- 4.29 CPS has a dedicated lead in relation to the Proceeds of Crime Act 2002 (POCA), with local ‘champions’ in support, and effective working relationships exist between the relevant agencies. A local agreement (April 2005) has been developed between the police, CPS and HMCS Greater Manchester regarding POCA processes and is a useful guidance document. Within HMCS a Confiscation Unit has been established at Bolton which acts as a central point for POCA activity.

Strengths

Financial targets, in respect of asset recovery (through confiscation orders), are on track to be met.

- 4.30 The introduction of a Regional Asset Recovery Team for the North West will enhance the capability available to Greater Manchester. The CPS and the Courts have provided training to lawyers and appropriate staff, and the CPS has introduced a ‘Proceeds of Crime Review sheet’ to ensure that POCA issues are covered by investigators and prosecutors.

Aspects for Improvement

Given that asset recovery targets are likely to be met, the Board might consider setting more stretching targets for the future, while also seeking to raise POCA awareness still further.

Anti-Social Behaviour Orders

- 4.31 Anti-social behaviour orders are used extensively within Greater Manchester. While this can have a positive impact on confidence, the GMCJB must ensure that the number of breaches and the manner in which they are addressed does not impact negatively on public confidence.

- 4.32 The number of individual ASBOs breached during the period 1 April to 31 October 2005 was 384, and the total number of breaches was 920, suggesting that some ASBOs are being repeatedly breached. Concerns were noted during the inspection from various sources that the number of ASBOs has risen to a level that made enforcement difficult. In one case, a single ASBO had been breached eleven times but the individual concerned remained at liberty.

Aspects for Improvement

GMCJB should work closely with partner agencies to ensure that ASBOs continue to contribute positively to the confidence agenda, and that ASBO breaches are effectively addressed.

Joint training

- 4.33 During the inspection, some innovative joint training was highlighted. Examples include probationer police officers spending time with the Victim Support and Witness Service; the training provided to both police and CPS under the Proactive Prosecution Programme led by CPS; and the training provided by the Sexual Assault Referral Centre to both police and CPS. However, such training, while commendable, is largely ad hoc rather than resulting from specific objectives of the GMCJB or its agencies. This is a missed opportunity for the Board to influence the training agenda to the benefit of all agencies involved and the GMCJB should ensure that relevant training is co-ordinated and prioritised across agencies. Such co-ordination would also ensure that any duplication between training initiatives is minimised.

WE RECOMMEND

The GMCJB should adopt a coherent approach to training by mapping current joint agency training, identifying any gaps and opportunities and developing a joint training plan.

Salford Community Justice Initiative

- 4.34 The Salford Community Justice Initiative began in early 2005, with the first dedicated court sitting in late November to deal with anti-social behaviour in the community. Principally dealing with crimes affecting quality of life, it is proposed that local people will have the opportunity to make a contribution to local justice. It is anticipated that penalties will be geared to resolving local concerns, for example cleaning up areas damaged by criminal activities. Implementation of the Initiative is led by a project board chaired by a GMCJB member - the Area Director of HMCS. A change manager leading the Initiative currently sits as a member of the local LCJG and the CDRP, which helps to ensure that dependencies with other issues are addressed.

- 4.35 Community consultation has been central to the project, identifying the key crimes that concern people most and providing an insight as to how these crimes and associated behaviour affects them. Magistrates have undergone awareness training, dedicated CPS prosecutors are assigned to the project and Witness Service and defence solicitors are positively engaged.

Strengths

The Salford Community Justice Initiative is an exciting development with the potential to engage with the community and positively influence public confidence.

5. BRINGING OFFENDERS TO JUSTICE

Overview

5.1 Increasing the number of offences brought to justice (OBTJ) is clearly a top priority for GMCJB - given the size of the Greater Manchester area, success or failure here will impact on national performance. Against this backdrop, significant improvement in performance has been achieved. From August 2005, securing OBTJs is a target for both the police and CPS.

Performance

5.2 GMCJB has a target to raise the number of offences brought to justice to 71,963 for the year ending March 2006, a significant increase of almost 30% from the baseline figure of 55,597 set in March 2002. Notable progress has been made over the last 18 months as the police have striven to increase the sanction detection rate, with a consequent positive impact on the number of offences brought to justice (Table 2).

TABLE 2 - OFFENCES BROUGHT TO JUSTICE, 2002 TO 2005				
CJS Areas	March 2002 (baseline year)	Year ending June 2005	Rolling year to Sept 2005	Rolling year to Oct 2005
England & Wales	1,002,204	1,195,143 (Increase of 19.3% from baseline)	1,235,692 (Increase of 23.3% from baseline)	1,248,925 (Increase of 24.6% from baseline)
Gr. Manchester	55,597	68,768 (Increase of 23.7% from baseline)	70,236 (Increase of 26.3% from baseline)	71,475 (Increase of 28.5% from baseline)

Source: National Criminal Justice Board and JPIT

5.3 The rolling year performance to October 2005 – 71,475 OBTJ – is very promising but the Board must continue its efforts and retain the focus on OBTJs to achieve its target at the end of the performance year. These increases in OBTJs are against a backdrop of significant reductions in overall recorded crime, down nearly 10% on the comparable period last year (October 2004 – September 2005, compared to the same period in 2003-2004). Performance in relation to sanction detections over the same period has increased from 18.59% to 21.09%.

Strengths

Both sanction detections and offences brought to justice have significantly increased in Greater Manchester, against a background of falling crime.

- 5.4 Table 3 analyses detections by type and reveals that the percentage of detections secured by charge/summons in Greater Manchester is high in comparison with its most similar police forces while the proportion of detections by other methods (fixed penalty notices, cautions and offences taken into consideration) is lower.

TABLE 3 - DETECTIONS (12 MONTH PERIOD SEPT 2004 – AUGUST 2005)				
	Fixed Penalty	TIC	Cautions	Charge/ Summons
Greater Manchester	6.79%	3.83%	16.56%	60.69%
Most similar forces	7.38%	7.34%	19.23%	51.53%

*Source: Adapted from IQUANTA (note: not equate to 100 percent as administrative detections, which are not OBJ, are not shown)
(Note – Most similar forces are West Midlands, West Yorkshire, Merseyside, South Yorkshire and Northumbria)*

Statutory charging

- 5.5 Statutory charging has largely been a success story in Greater Manchester from its introduction in September 2004 following a successful shadow charging scheme. Performance data in respect of charging is reported to the GMCJB and discussed in more detail at the performance delivery group (Table 4). The Prosecution Team Steering Group, meeting at strategic level, oversees progress on charging and at a local level prosecution teams also meet regularly. Good lines of communication are evident.

TABLE 4 – CHARGING SCHEME, PRE-CHARGE DECISIONS (PCD) PERFORMANCE				
	Aug 05	Sept 05	Oct 05	Target
Discontinuance rates- PCD				
Magistrates	16.5%	14.4%	12.7%	12.4%
Crown	9.7%	11.8%	9.4%	15.2%
Guilty plea rate – PCD cases				
Magistrates	69.4%	72.8%	73.5%	77.8%
Crown	76.6%	73.2%	70.4%	68.6%
Attrition rate – PCD cases				
Magistrates	22.3%	19.9%	17.5%	31%
Crown	15.5%	19.1%	17.0%	23%

Source: LCJB data

- 5.6 The CPS Overall Performance Assessment in August 2005 observed that the rollout of statutory charging had been professionally handled; pre-charge advice and decisions are handled at all relevant charging centres by suitably experienced lawyers. Charging offices visited during this inspection were operating well; lawyers are following the Code for Crown Prosecutors, along with current policy and legislative guidance, and providing positive advice to police officers.
- 5.7 The last CPSI inspection of Greater Manchester (published in February 2005) also identified that the evidential test was being applied properly in all cases at initial review, in 98.9% of cases at summary trial review and in 97.2% of cases at committal review. This performance was reflected in the limited file samples undertaken during this inspection. Inspectors found evidence that some quality assurance work on pre-charge decisions was undertaken by means of a limited file review sample.
- 5.8 Benefits are being realised from the charging scheme but a continued focus is required in the magistrates' courts, where discontinuance rates remain higher than target and guilty pleas lower than target in pre-charge decision cases. This is an area of concern that the GMCJB will wish to address.
- 5.9 It is notable that discontinuance rates at the magistrates' court in *all* cases (not simply those where pre-charge decisions have been made) remains better than target. In respect of *all* cases, 9.2% are discontinued against an 11.6% target. Those cases subject to pre-charge advice are, of course, more complex than those that otherwise may be charged directly by the police, and this will potentially impact on subsequent discontinuance and associated performance.
- 5.10 While commending the overall good position regarding pre-charge advice and statutory charging, this inspection highlights that delay is a problem, frequently caused by defects in the police investigation and compounded on occasions by CPS requests for additional work which appears to add little value. These matters were identified through file sampling, court observations and interview. Delays are compounded when the police do not expedite the requested action. Some cases took over six months to reach the decision to charge, with the result that trials were delayed, jeopardising the chance of a successful and timely prosecution.
- 5.11 Cases observed at court and in file sampling reflected a cautious policy in respect of charging, for example:
- asking for medical evidence when a decision could have been taken immediately on level of charge;
 - seeking CCTV evidence when there was a full witness statement; and
 - seeking fingerprints/DNA evidence from a broken bottle even though this would not conclusively conclude that this was the offensive weapon.

- 5.12 There is no unified system for the CPS and police in Greater Manchester to manage and progress such cases, though the police have some ad hoc bail management processes. Stockport offers a better example, whereby police and CPS undertake a monthly reconciliation of bail and advice
- 5.13 GMP has made considerable strides in file quality and timeliness, but there is room for further improvement. Prisoner processing units and evidence review officers are being implemented in the majority of districts, which is a significant step in addressing these concerns. Additional work focusing on post-charge case-building will further enhance the standard of evidence review. The training of police supervisors in file supervision and the recognition of good work by 'file mentors' will similarly raise awareness of the importance of thorough and prompt investigation and file submission. The availability of joint performance information has historically been limited and this presented additional challenges in identifying and addressing matters relating to file quality and management. Now, management and information-sharing on file quality is embedded in the area. These developments must be built upon further to address the concerns that have been identified.

Aspects for Improvement

GMP should build on its current programme of prisoner processing units and evidence review officers/units in order to ensure that investigations are managed expeditiously and pre-charge advice taken at the earliest feasible point. Where such advice leads to a person being bailed, such enquires should facilitate an early charge. CPS should both adhere to the Director's Guidance and take action to progress cases systematically. LCJGs should monitor the performance of local prosecution teams in progressing cases.

Priority and sensitive cases

- 5.14 Activity in relation to specialist and sensitive cases varies significantly. Inspectors found evidence of successful initiatives in place across the area but, equally, variances in practice and opportunities to improve the level of service provided.

Domestic violence

- 5.15 The first specialist domestic violence court in the Area was established at Wigan in March 2005, with another since introduced at Salford. GMCJB has directed that, until these courts have been reviewed - a task the Board support team will undertake - no further rollout will take place. This should ensure that, if further rollout is agreed, it will take place in a corporate and consistent manner, taking into account good practice and lessons learnt.

- 5.16 For Wigan, a signed inter-agency agreement aims to enhance court effectiveness, promote informed and consistent judicial decisions, increase confidence, improve victim participation and satisfaction and bring more perpetrators to justice. A steering group oversees activity.
- 5.17 The court at Wigan now sits for one full day per week and convictions have risen by 10%, supported by special training for magistrates and the presence within the court of domestic violence officers, which also improves victim confidence. Furthermore, the use of identified CPS prosecutors provides a consistent input. At Salford, the court had a target to deal with cases in 28 days - while not always achieved, this is a commendable good. One of the benefits of specialist domestic violence courts, in addition to better service to victims, is the potential positive impact on attrition rates and therefore a potential improvement in public confidence.

Strengths

The domestic violence courts at Wigan and Salford have implemented innovative methods to improve confidence and performance in respect of domestic violence.

- 5.18 Greater Manchester Police has domestic violence units in each BCU and force policy is being revised to encompass latest good practice. An inspector acts as lead in respect of domestic violence, drafting policy, overseeing operational activity and identifying best practice. There is evidence of good communication between these police and CPS leads on DV matters, though data that would be useful to the police in respect of attrition and outcomes is yet to be made available by the CPS. There are opportunities to increase communication between CPS, police and courts over issues of concern to domestic violence practitioners - for example, the acceptance of unsatisfactory addresses for perpetrators in bail applications, restraining orders and bail conditions. Police DV units do have performance indicators but these do not give an accurate picture of attrition rates. CPS national policy on domestic violence is adhered to locally and a service level agreement between the police and CPS addressing retractions has been deployed.
- 5.19 Tackling domestic violence is a police priority, and performance should improve with improved out-of-hours access for officers to domestic violence units. CPS specialist prosecutors are in place to deal with domestic violence cases but there was no evidence that this enabled cases to be prioritised either within CPS or beyond.
- 5.20 With the exception of specialist courts, there is no prioritisation of domestic violence cases in the court process, with cases being listed in the same manner as any other case. Delays in hearing such cases may impact disproportionately on victim/public confidence and performance to reduce attrition, given the particular vulnerability of DV victims. Greater efforts are needed to ensure a seamless and timely process across agencies in respect of domestic violence case management.

5.21 Victims of domestic violence and witnesses are generally well supported by specialist police domestic violence officers and the Victim Support and Witness Service. Police officers have the responsibility to identify cases where appropriate support is needed and can be put in place. Although this does not always happen, some commendable examples of 'victim focus' were noted. In one BCU, Victim Support is running a pilot scheme whereby Victim Support staff accompany police officers on visits to domestic violence victims and victims of racist crime. In another BCU, Victim Support staff attend the daily tasking meeting and can thus engage with victims of more serious crime at a very early stage. Inspectors were informed this process has been adopted as national good practice.

Hate crime

5.22 Similar issues pertain to hate crime, where the police response is variable. Three BCUs have a dedicated hate crime unit to undertake investigations, but in the majority of BCUs monitoring and investigative work is done by more generalist community and race relations officers, many of whom lack specialist training in hate crime. Potential benefits from joint training with the CPS have been identified and should be pursued. GMP's hate crime policies are being rewritten to take account of latest guidance and the ACPO Hate Crime Manual, and police officers are unclear on relevant performance information for this area of work. There was evidence of quality checking of police investigations into hate crime, with a community and race relations officer dip-sampling and visiting victims to check on the service provided. In another area, a member of the CDRP's hate crime sub-group was involved in quality assurance.

5.23 CPS action in respect of hate crime is less visible. Dedicated CPS prosecutors are nominated for certain areas of hate crime, for example racially and religiously aggravated offences, and more recently regarding homophobic crime. Police complained of delay in advice from the CPS in respect of hate crime cases, particularly if no arrest had yet been made or an offender was on police bail and a file submitted for advice. An example was cited of an offender being re-bailed twice because advice had not been received, and a supervisor observed a need to 'chase' CPS for the necessary advice. This was less apparent when a person was in custody, where advice under the charging scheme was prompt. At court, no priority was routinely given to hate crimes over and above other crime.

5.24 The diversity delivery group of the GMCJB identified hate crime as an area to progress and has instigated a process review, for example in tracking hate crime from the report to disposal. This ongoing work looks at definitions, data and recording issues across the justice system. The GMCJB have also arranged a series of theatre performances to inform the public on how hate crime is dealt with by the criminal justice system. These performances took place at a number of locations throughout Greater Manchester in April 2005 and evaluation revealed that the performances were positively received, albeit attendance levels varied.

WE RECOMMEND

The GMCJB should introduce an end-to-end approach for tackling domestic violence and hate crime, encompassing good inter-agency working with common targets and agreements on timeliness in respect of case progression within all agencies.

Child abuse

- 5.25 The management of child abuse enquires is important in the context of both victims and public confidence. Some concern exists amongst CPS staff over the length of interviews with children and the use of inappropriate questions. One case was cited involving an interview with a victim of child abuse continuing for over two hours without a break, while other interviews were also observed to be lengthy. Given the vulnerability of the victims and the highly sensitive nature of child abuse work, it is commendable that an 'away-day' training exercise is planned by police and CPS staff to address these concerns.

Sexual Assault Referral Centre

- 5.26 St Mary's Sexual Assault Referral Centre was established in 1986 to offer a comprehensive service to the victims of rape and sexual assault, co-ordinating health care and criminal justice support to victims. The centre was a pioneer and its services are being expanded to encompass work with child victims. The GMCJB has recently contributed financially to the Centre, supporting some refurbishment work.

Strengths

St Mary's Sexual Assault Referral Centre provides a high degree of care and support to victims of rape and sexual assault and supports the delivery of justice and confidence in the justice system.

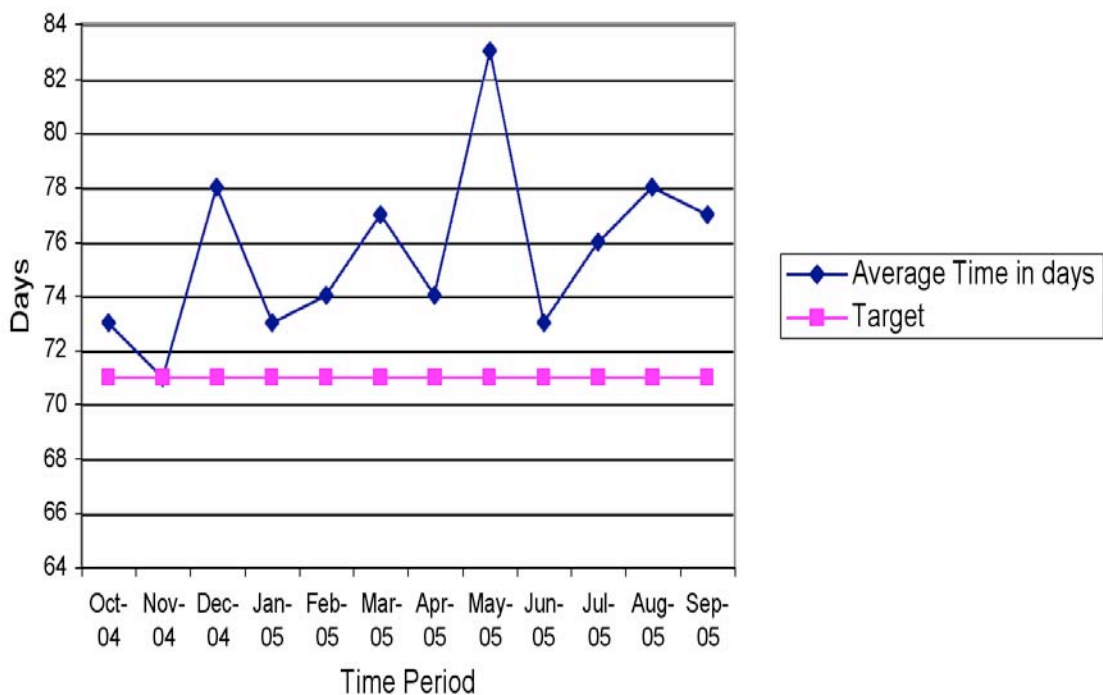
Persistent young offenders

- 5.27 The national target for the elapsed time between arrest and sentence for persistent young offenders (PYOs) is 71 days. This target is reflected within the GMCJB delivery plan and performance is subject to scrutiny within the performance management framework outlined earlier within this report. Performance against this target has remained consistently below the target figure over recent months. Table 5 and Figure 1 show performance for the year ending October 2005, not displayed in the table below, was 65 days.

TABLE 5: PERFORMANCE ON TARGET NUMBER OF DAYS FROM ARREST TO SENTENCE				
	Quarter 3	Quarter 4	Quarter 1	Quarter 2
CJS Areas	Oct-Dec 2004	Jan-Mar 2005	Apr-June 2005	Jul-Sept 2005
Eng. And Wales	69	67	65	63
Gt. Manchester	74	61	63	63

Source – NCJB data

Figure 1 - Average time (in days) from arrest to sentence for PYOs



Source – JPIT Time taken to complete PYO cases in all criminal courts in Greater Manchester year to September 05

5.28 A protocol has been agreed between relevant parties to speed up the committal process for youth cases and this appears to have impacted positively on performance in PYO cases. A specific protocol around PYO cases is currently being drafted.

Prolific and other priority offenders

- 5.29 Within Greater Manchester, prolific and priority offenders (PPOs) are identified and progressed at CDRP level, in line with national guidance. Overall management of PPOs is not the responsibility of GMCJB but it does retain an oversight in respect of the 'catch and convict' strand of the premium service protocol that has been developed. A database scoring system, the Persistent Offender Management (POMAN) system is used to help assess persons likely to be identified as PPOs. However, there are no specific targets in relation to PPOs and this area of work is not referenced within the delivery plan itself. This decision followed consideration by the GMCJB of PPO management and the inclusion of PPO's within the GMAC strategic plan.
- 5.30 GMCJB has worked with CDRPs and other partners to establish a PPO strategy, following national guidelines. This strategy is overseen by a partnership group, chaired by a senior police officer within the Criminal Justice department of Greater Manchester Police, who reports to the current GMCJB chair. A Board member, the Chief Executive representing local authorities, acts as lead member regarding the PPO strategy for the Board. This structure facilitates communication between partners and the GMCJB. Premium service is generally working well, although there are issues with the monitoring of PPOs and the flagging of PPOs from point of arrest to detention.
- 5.31 There are mixed perceptions about relationships with the prison service in respect of PPOs. HMP Manchester is a signatory to the protocol and clear working arrangements are outlined. Forest Bank Prison (privately run) is not included within the protocol document, reinforcing concerns about interaction more generally between GMCJB and Forest Bank – specifically, that there is a lack of shared information about PPOs and other prisoners which could detract from their effective and sensitive management in prison. Additionally, a lack of information from prisons to relevant agencies results in poor targeting of services for released prisoners. The diverse nature of the prison estate within Greater Manchester which includes, among others, a high security prison, a privately run prison and a prison and young offenders institution combine to make the management of PPO premium service application very challenging. An increased focus on this aspect of PPO activity would therefore be beneficial.

Aspects for Improvement

The arrangements for the exchange of information between police, prisons and local authorities in respect of PPOs and their subsequent release should be reviewed, so that information is shared appropriately and in a timely fashion.

Special measures

- 5.32 The judiciary within the Greater Manchester area stated that special measures applications were made on a regular basis but that the impact of a witness being in court was not being considered by the CPS. From a CPS perspective the importance of sufficiently considering whether to use video evidence or call live evidence has been highlighted to lawyers by the Chief Crown Prosecutor, with reference to 'Achieving Best Evidence' guidelines. It is perhaps not unrealistic for a person who has been video interviewed to believe they will not need to give evidence in a courtroom where the defendant is present. Manchester Crown Court (Crown Square) has an excellent video/witness suite, with five video rooms linked to a number of the courts. Within Bolton Crown Court, four out of the five courts have video link capability, but with poor quality televisions in all but one court. Large plasma screens provide a much higher quality image than older technology.
- 5.33 For almost two years, the local witness service has been seeking a protocol covering conduct in the court video link rooms. Witness service staff who are present in these rooms while witnesses give evidence have received no training and there is little or no risk assessment of the process. All staff who support witnesses in video link rooms should be adequately trained and, where child witnesses are concerned, properly vetted. Inspectors understand that these matters are being addressed by the judiciary with a protocol; training is planned during 2006. The GMCJB victim and witness delivery group, in conjunction with the judiciary, will wish to ensure that the highlighted concerns are addressed as a part of this work.
- 5.34 In one court, a Witness Service volunteer attends all the plea and case management hearings to keep track of the progress of cases on behalf of the external agencies with an interest in the case. If the Witness Service has had no contact two weeks before a trial involving special measures/vulnerable witnesses, they will initiate contact to ensure all necessary action has been taken before the trial.
- 5.35 Police officers were regarded as reasonably sensitive to witness needs for special measures, although this was not universal. In some instances police did not identify cases where either domestic violence, homophobic or racist crime was a factor and thus affected witness vulnerability. The introduction of witness care units should help to address this concern.
- 5.36 Comprehensive completion by the police of the witness statement form (MG11) is important for a number of reasons, not least to enable the early identification of special measures. In one area, an audit revealed that MG11s are not completed fully and old forms were still being used. The standard and quality of witness information in MG11s is often poor, even though training has been provided. In all cases where these forms are not completed to an acceptable standard, problems are created for witness care units (WCUs) who have to play 'catch up' throughout later processes. This impedes the early identification of any special measures that may be required. Briefings have taken place for divisional operational officers in Greater Manchester Police on the need for accurate completion of MG11s, and consideration of special measures and victim personal statements. Greater Manchester Police should continue to raise awareness - the role of evidence review officers will assist in this area.

Aspects for Improvement

Greater Manchester Police should continue to increase awareness among operational staff of the need for comprehensive completion of the MG11 (witness statement) form.

Technology developments

- 5.37 The availability of an increasing range of technical equipment to gather evidence and record aspects of the criminal justice process presents both opportunities and challenges. The transition towards more digital technology is an obvious step to improve the quality of the information/evidence being captured. One example is police custody suites where a mix of technology is being employed - video, audio and DVD – but its use must be co-ordinated. Police custody staff expressed concern over the impact of this mix of technology upon the CPS and courts in terms of training needs and availability of equipment across the agencies. It is important that technology is used to maximum advantage in all cases, notably those involving sensitive cases and special measures, to ensure the best quality evidence is both collected and able to be presented at court. The provision of audio-visual technology in courtrooms is an issue that has been raised and referred to the IT delivery group by the chair of the GMCJB. It will be appropriate to ensure that the scope of the work undertaken by the group encompasses relevant matters within all agencies.

Aspects for Improvement

The IT delivery group of the GMCJB should develop a plan for the development and use of technical equipment with the relevant agencies and courts.

6. REDUCING INEFFECTIVE TRIALS

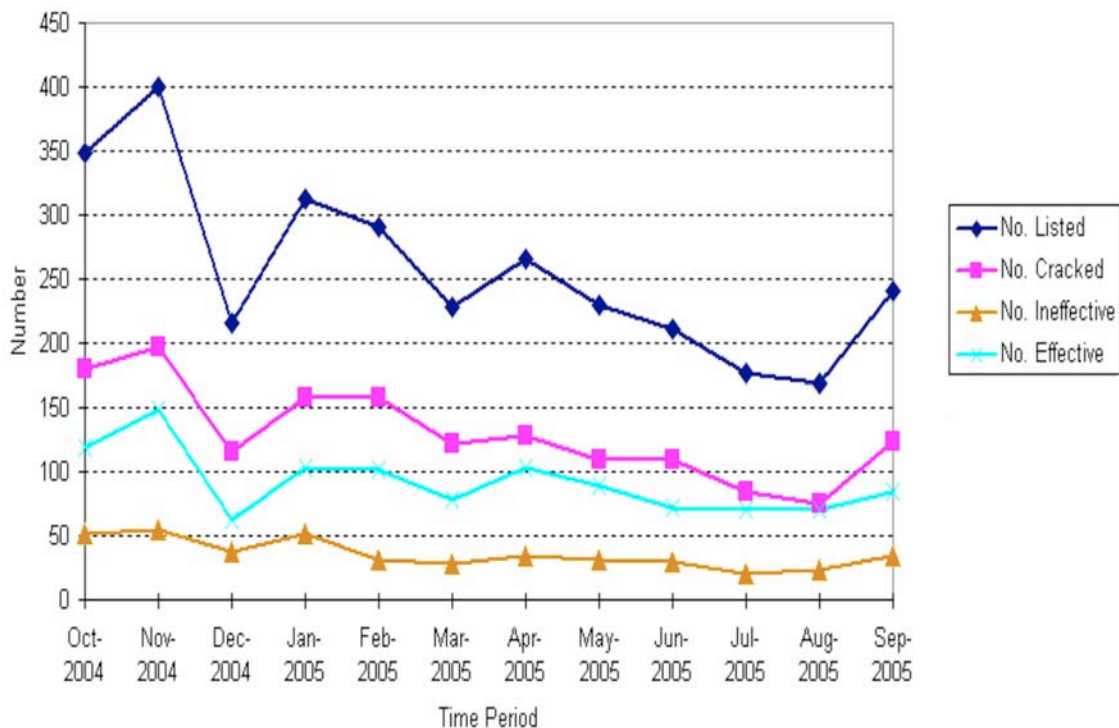
Overview

6.1 The GMCJB has made good progress in achieving targets at the Crown Court level, consistently remaining under the 15% target for ineffective trials. In the magistrates' courts, performance is not so strong, remaining above the 18% target. Performance in relation to ineffective trials is significantly better than the national average.

Crown Court

6.2 In the quarter July – September 2005 the Crown Court Centres in Greater Manchester achieved an ineffective trial rate of 13.6%. While the number of trials listed during the August – September period increased considerably, it is notable that the ineffective trial rate rose only very slightly (Figure 2).

Figure 2 - Crown Court – police force area: number of effective, ineffective and cracked trials



Source – JPIT

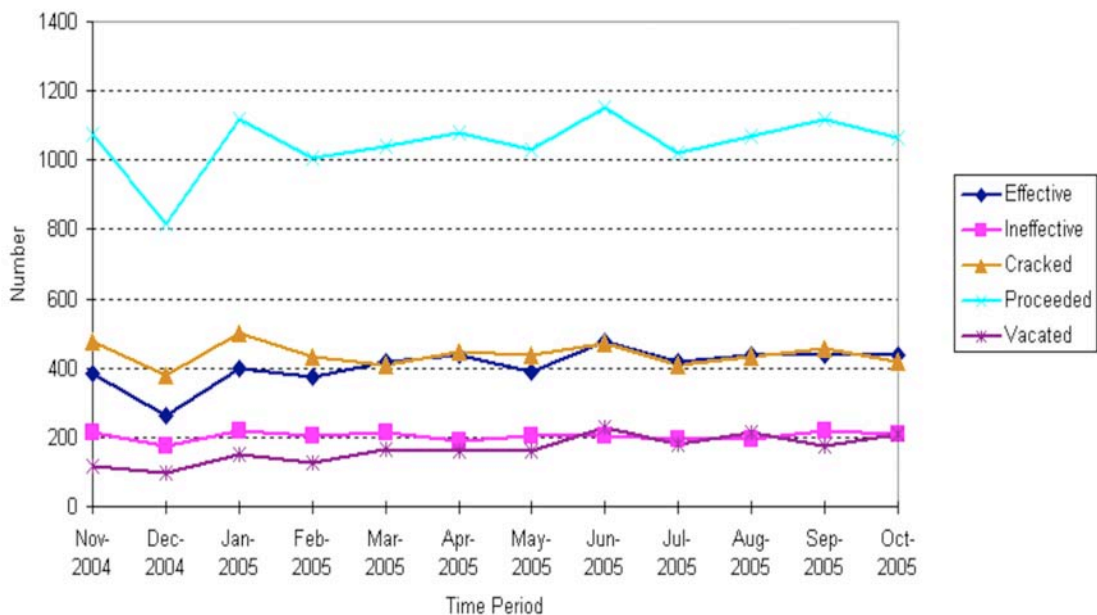
- 6.3 Performance in relation to ineffective trials in the Crown Court is closely managed, with Case Progression Officers meeting weekly with counterparts in the CPS and ensuring that certificates of readiness are issued in advance of trial at Manchester, Minshull Street and Bolton Crown Court Centres. Close management of cases within the Crown Court Centres was also evident in plea and direction and case management hearings. Within Manchester Crown Court Centre an additional tier of case management was noted in some serious cases, where pre-trial issues were addressed and legal representatives called to account for any failure to comply with directions. In Manchester Crown Court, the date for such a hearing is often fixed when a trial is first listed, contributing to a reduction in ineffective trials.
- 6.4 At Manchester Crown Court, a local process is in place to ensure that all parties are ready to proceed; forms capture a record of orders which are circulated to all parties. Steps are being taken to speed this process up by the use of secure e-mail. Recorders operating in Manchester Crown Court are briefed by the case progression officer on the systems in place to minimise ineffective trials. At Minshull Street Crown Court, a national pilot on electronic file tracking is impacting positively on performance.

Strengths

There is a notable effort within the Crown Court to minimise the number of ineffective trials and this is reflected in improved performance against targets.

Magistrates' Court

Figure 3 – Magistrates' courts: number of effective, ineffective, and cracked trials



Source – JPIT

6.5 Ineffective trials in the magistrates' courts for the quarter ending September 2005 stood at 19.1%, marginally worse than the target of 18% and a small increase on the quarter ending June 2005 where it stood at 18.3%. As Figure 3 shows, performance in relation to ineffective trials has remained reasonably constant since February 2005. Numerous reasons exist to explain ineffective trials, and these are tracked monthly (Table 6).

TABLE 6 – MAGISTRATES' COURTS, NUMBER OF AND REASONS FOR INEFFECTIVE TRIALS												
	Nov 04	Dec 04	Jan 05	Feb 05	Mar 05	Apr 05	May 05	Jun 05	Jul 05	Aug 05	Sep 05	Oct 05
Prosecution not ready	12	14	11	10	14	15	11	11	13	6	26	15
Prosecution not ready (disclosure problems)	7	6	5	6	4	8	2	8	5	4	12	8
Prosecution witness absent – police	16	15	16	17	14	15	14	12	18	23	23	15
Prosecution witness absent – other	34	25	42	40	37	33	30	45	34	44	35	42
Defendant absent – did not attend	29	21	41	29	33	29	40	28	26	29	22	22
Defendant absent – ill	12	12	19	20	20	12	11	13	11	15	17	16
Defendant absent – not produced from custody	8	6	7	10	6	3	9	7	4	9	4	9
Defence not ready	11	17	23	17	16	17	26	19	16	20	18	29
Defence not ready (disclosure problems)	8	6	7	8	3	5	8	6	9	8	8	7
Defence witness absent	10	12	16	9	8	14	9	12	8	6	11	10
Lack of court time/magistrate availability	16	12	13	10	19	19	15	16	19	10	13	13
Over listing	13	7	7	10	17	10	13	11	12	8	31	20
Other reason	36	21	12	17	22	11	15	16	21	14	1	3

- 6.6 The key reasons for ineffective trials in the magistrates' courts are the absence of a prosecution witness, followed by the absence of the defendant either through a direct failure to attend or illness. The absence of prosecution witnesses relates predominantly to non-police witnesses. Reasons for ineffective trials are subject to scrutiny at the GMCJB performance meeting. In respect of police witnesses, a system has been introduced, via the Prosecution Team Steering Group, whereby prosecuting lawyers must notify police supervisors of officer non-attendance.

Effective Trial Management Programme

- 6.7 The Effective Trial Management Programme (ETMP) is a key driver in reducing ineffective trials and increasing the quality of file preparation in contested cases. ETMP is a key project identified within the GMCJB delivery plan and is the responsibility of the case management delivery group; it is subject to a post-implementation review in 2006.
- 6.8 Case progression is an integral part of ETMP. Where dedicated case progression staff are appointed within the courts and CPS, meetings occur regularly on Crown Court cases. Similar meetings are no longer taking place within all magistrates' courts and variances in practice must be guarded against. The poor return by defence solicitors of certificates of readiness within the magistrates' courts is a contributory factor to ineffective trials, but there are limited sanctions to address those who fail to follow the directions of the court.
- 6.9 CPS case progression officers cited problems in obtaining full files from the police; at Manchester City Magistrates' Court the lack of files ready for pre-trial review has been a particular concern. A senior police officer was required to attend court to explain why a file was not present for a third time at pre-trial review. On other occasions, cases listed for pre-trial review were delayed because the necessary papers were absent. Such difficulties are longstanding, having been flagged by HMCPSI in the follow-up to the inspection of Greater Manchester CPS, undertaken in February 2005. ETMP has established a system whereby senior representatives of all agencies can be called to court to explain delays with individual cases.
- 6.10 Earlier in this report reference was made to the poor timeliness of police enquires and file submissions, especially pre-charge. It is important to note that the need to improve practices and timeliness, already identified by the police and GMCJB and highlighted within this report, also extends to cases post-charge.
- 6.11 A continued focus is required on reducing ineffective trials, particularly within the magistrates' courts, where performance has remained largely consistent over the last 12 months. The improvements achieved in the Crown Court are clear, and elements of the activity under way here may be capable of impacting on the larger number of ineffective trials within the magistrates' courts.

Victim and witness care

Overview

6.12 Victims and witnesses feature as a vital element within the GMCJB delivery plan. Key themes of work under way in this area include the delivery of 'No Witness, No Justice', notably the roll-out of witness care units, and the implementation of the Victims' Code of Practice. GMCJB has established a delivery group, the Victim and Witness Delivery Group, chaired by the Chief Executive of the Victim Support and Witness Service, who is an associate member of the Board.

Victim and witness care

6.13 Victims and witnesses were in the main positive about their treatment by the CJ agencies. Some had received regular information updating them of progress but where this was not the case, the police were often the source of the problem. Victim Support staff similarly reported difficulties at some sites in obtaining information from police in 'consent cases' – ie, sensitive cases such as domestic violence, sexual assault, hate crime and homicide, where explicit victim consent is required before Victim Support make contact. This can result in unnecessary delay in the most sensitive of cases.

6.14 Witnesses generally felt their needs were accommodated in respect of adjournment dates and that the police and courts were supportive when there were issues of intimidation. Support from both Victim Support and the Witness Service was valued by service users. Services provided by Victim Support include assistance with criminal injury compensation applications; support with medical care; counselling, and general support. Overall, there were many practical examples of ways in which Greater Manchester Police worked co-operatively with Victim Support, not least of which were very good systems whereby victims in 'non-consent' cases were referred by police to the charity.

6.15 There are opportunities for the police to improve the role they play in supporting victims and witnesses. Inadequate completion of the statement Form, MG11, is one such issue as noted earlier; police knowledge and awareness of the procedures around Criminal Injury Compensation applications and the need to obtain victim personal statements also varied significantly.

6.16 Communication with vulnerable victims and witnesses after the first point of contact with the police is a key issue. Victims and witnesses are often left wondering what is happening with a case, sometimes invoking or exacerbating fear. The HMICA inspection of the quality of service to victims and witnesses identified good facilities within Crown Court Centres in respect of children and young people who are on court premises as victims and witnesses. Within the magistrates' courts, facilities are more limited and best use of those available facilities was made. Positive and negative experiences of victims and witnesses are illustrated below (Box A).

BOX A – EXAMPLES OF SERVICES TO VICTIMS AND WITNESSES

An elderly female victim provided evidence surrounding a violent attack in a public place but received little feedback. The impact on this victim of poor communication was significant, because she did not know if her attacker was still at large and was therefore frightened to leave her home.

When one interviewee agreed to be a witness to an incident at her workplace, she was made to feel comfortable when making her statement. When the first trial date was adjourned, she was heavily pregnant. Having expressed her concerns to the police and witness service about the timing of any adjourned trial, her needs were taken into account so that when she returned to court, arrangements were made for her to feed her infant (despite the limited space available at the court).

In court, one interviewee attended a pre-trial visit and was offered the opportunity to give evidence from behind screens. On the day of the court hearing she was met by a police officer and taken into court via a separate entrance. The CPS prosecutor introduced himself and a Witness Service volunteer sat with her throughout. She did not have to see her attacker at any point. She commented that *“The police were brilliant. I was surprised about the service, I thought I would have to go it alone. I think I’d have given up halfway through if I’d not had the support from all the agencies. It’s enabled me to file for divorce. It’s been so important knowing there’s somebody there for me.”*

6.17 The approach of courts to witness care is generally good. For example:

- Courts are receptive to late applications for special measures;
- Prosecution solicitors and barristers ensure that witnesses are kept informed of developments in the case; and
- Solicitors and the judiciary routinely thank witnesses and when a trial collapses they explain the reasons for it, although this practice is more common in the magistrates' court than in the Crown Court.

- 6.18 The quality of the waiting areas for witnesses inevitably varies with the layout of the courthouses, although overall they were satisfactory. Limited space will always be a problem in some courts, typified by Salford Magistrates' Court where the small witness waiting area is often used by police officers. The police waiting room at Salford Magistrates' Court has been refurbished and this should help limit the need for officer's to be present in the witness waiting area. The Crown Court at Bolton needs some refurbishment - inspectors noted ripped and stained seating within the waiting area and carpets were in poor condition in a consultation room. This court, along with other Crown and magistrates' courts, is to undergo refurbishment in due course as part of an ongoing programme of improvements by HMCS. The most common complaint in relation to accommodation for witnesses generally was lack of a safe place to smoke, resulting in witnesses being sent outside, where defendants may well also be smoking. However, this will be difficult to address given general policies of not providing smoking facilities in public buildings. The HMICA inspection noted comfortable and secure waiting areas although some access is through public waiting areas.
- 6.19 In only one court did inspectors observe dedicated facilities for defence witnesses, confirming the HMICA inspection findings of limited accommodation for defence witnesses, with ad hoc use of interview rooms in some courts. Elsewhere, Witness Service staff had to locate available rooms as and when the need arose. Steps have been taken to raise awareness that the Witness Service is available to defence witnesses. This has included letters to solicitors' offices and chambers explaining the service; barristers being invited to present to volunteers on training courses; and the display of posters within rooms used by advocates in court buildings. Despite these steps the take-up of the available services by defence witnesses remains limited. The absence of signage alerting the public to the existence of the Witness Service may be a relevant factor. Signage within courts has been considered by the Victim Support and Witness Service and courts following a previous inspection carried out by Victim Support Quality and Standards Unit in 2003. The area concluded that signage presented risks to witnesses in insecure areas. Systems have been put in place to ensure reception and direction of witnesses and these should continue to be monitored to ensure that witnesses are identified and offered appropriate support.

Summary

- 6.20 **Victim and Witness Care.** Overall, Victim Support and Witness Service staff and the agencies within Greater Manchester are committed to, and are delivering, high quality services to victims and witnesses. This finding is supported by the HMICA inspection which identified very good relationships between courts and the witness service at all levels. Some issues which would benefit from improvement have been identified and the GMCJB will wish to ensure these are addressed.

- 6.21 **Witness Care Units (WCUs)** are rapidly being rolled out across Greater Manchester and a total of ten will soon be operating. The roll-out of witness care units is managed under the auspices of the Victim and Witness Delivery Group, with a link back to the GMCJB. The senior responsible officer is the Chief Crown Prosecutor on behalf of the CPS and the ACC (Criminal Justice and Diversity) on behalf of the police. Both agencies have nominated members of staff to be the principal contact point for the National Project Board. These individuals also undertake project management type roles in the ongoing development of WCUs. At the time of inspection, six of the ten planned WCUs had commenced service and dedicated staff are working hard to make a success of the new arrangements.
- 6.22 Performance is measured against a national framework overseen by the National Project board, with trends analysed locally. Each WCU is subjected to a three-month and a six-month review by the National Project Board using a baseline for evaluation set in January 2005, when 68% of witnesses turned up to give evidence in court.
- 6.23 Some 55 members of staff are employed in the WCUs across Greater Manchester, with central funding provided on a standard basis, topped up by local financial support. The GMCJB has expressed concern that the 'one size fits all' approach is inappropriate given significant variances in workload between CJ areas. In addition, some of the current funding is time-limited, which may present funding pressures in the future. It is acknowledged that the NWNJ national minimum standards for witness care are testing, if GMCJB wishes to make a case for enhanced staffing levels it needs to provide evidence on relative workload, outputs and outcomes. It does have some control over how the existing staff complement is deployed, acknowledging that contractual terms and conditions within agencies are a limiting factor, and similar performance information should inform this deployment between units.
- 6.24 There is some indication that staffing levels and workload are not aligned, in that one unit (consisting of CPS Manager, CPS witness care officer and three police witness care officers) reported a high average caseload, with problems when staff take leave. Workloads within WCUs will vary and these should be closely monitored and balanced against staffing levels.
- 6.25 All WCUs are joint agency, CPS and police, and at two WCUs are based at existing police and CPS co-located criminal justice units. Co-location has been beneficial in promoting good working relationships, as shown at Tameside. Less beneficial have been problems arising from the lack of effective information technology (IT), hindering the ability of WCUs to keep witnesses informed of case progress. In addition, in some locations problem exist over password accesses to each agency's system; an information-sharing protocol, while a positive attempt to address these concerns, was cited as having had little actual impact on agency willingness to allow access to information on their systems. In the future, the CPS Witness Management System should help overcome these concerns.

- 6.26 There is regular liaison between WCUs and the Witness Service in the magistrates' courts, with the latter feeding back action taken following referrals. Although in a few places it was felt that witnesses were now receiving a better service, Witness Service staff at a number of sites expressed concern that rates of referral, particularly in sensitive cases, had decreased as a result of the advent of the WCU. Some saw this as simply a result of excessive workloads while others felt there was a more serious lack of commitment to the concept of witness care at higher levels within local agency management. An Area Referral Protocol was being developed and was signed off shortly after this inspection. The impact of the protocol on these concerns should be kept under review by GMCJB.
- 6.27 WCU managers meet monthly and a No Witness, No Justice project team comprising police, CPS and VS is established. The project to roll out WCUs has followed the national template and national standards, but would benefit from more robust project management. The opportunities to generalise good practice within WCUs, particularly following the successful launch of Tameside WCU, were not widely apparent, albeit the referral protocol has been identified from work at Tameside. As well as the absence of common referral systems to the Witness Service (hopefully now addressed by the Area Referral Protocol) it was noticeable that different WCUs had varying arrangements with the police. One concerned whether or not dedicated police units, such as family liaison officers, retained responsibility for their witnesses, handed over to a WCU, or a combination of the two.
- 6.28 It was unclear what reporting mechanisms exist from the project board to the GMCJB, or indeed how the GMCJB received *detailed* information on the rollout of the units. There is evidence that the matter is raised at both delivery group and the GMCJB, with some information shared, although this is on occasions simply a verbal update. The reporting structure from the local implementation teams to the project board was unclear. The project board seems to have no brief to ensure consistency of approach - for example, each WCU has developed its own system for passing information to the Witness Service. There is no automatic reporting from the WCUs direct to the local criminal justice groups, although in one case a concerned victim support manager had asked that this be an agenda item. It is understood that WCU managers do report to local prosecution teams who are in turn responsible for raising matters with LCJG's. These processes and reporting lines could usefully be clarified.
- 6.29 To ensure that the introduction and effectiveness of witness care units is of the highest standard and complements the level of service given to witnesses, improvements involving IT, consistency of involvement with victim support/ witness service and staffing levels are amongst the challenges and risks to be addressed. Consistency of approach in addressing these and other points as they arise would be difficult to maintain within current project management structures, hence the following recommendation.

WE RECOMMEND

To enhance and complement the successful introduction of Witness Care Units, the GMCJB should review project management arrangements, set consistent standards of service to witnesses, monitor performance between units and review staffing and training provisions.

The individual rights of defendants are respected

Treatment of defendants

- 6.30 Inspectors found that defendants were treated well and identified no unfair or discriminatory practices. For example, observations undertaken in court showed appropriate acknowledgement of steps taken to deal with language difficulties.
- 6.31 One of the largest police custody suites in Greater Manchester has the capacity to hold 53 persons, with an accommodation mix for male, female and juveniles. There is, however, no vulnerable person cell. Facilities were observed to be bright, spacious and clean. The suite was air-conditioned and staff were non-discriminatory, knowledgeable and committed to the smooth running of the facilities. Inspectors did observe some design faults which could pose risk issues, and these will be addressed via the appropriate Inspectorate.
- 6.32 Greater Manchester Police contracts with local GPs to provide a call out service for forensic medical examinations (FME) in custody. Although a common means of providing these vital services, reliance upon GPs can at times be problematic – for example, delays can occur as doctors must finish their surgery before attending the custody suite. Delays can increase risk to detainees and generate stress for custody officers. Delays are also experienced by GSL, the contracted prisoner escort service, when they arrive to collect prisoners who may be awaiting an FME's visit. A number of forces have made different contractual arrangements (eg, with private sector providers) and/or employ custody nurses, to ease this pressure. Greater Manchester Police is alert to these issues and has piloted custody nurses at one site, Bury, with a view to more widespread use.

Aspects for Improvement

Greater Manchester Police should continue to address delays that occur in the provision of medical services within custody suites.

- 6.33 A lack of interview facilities was identified in the custody accommodation at Manchester City Magistrates' Court, which has only four interview rooms for 70 cells. The lack of capacity often means that solicitors cannot consult with clients in a timely fashion and hence case progression is slowed down. It is not uncommon for defence solicitors to be seen approaching the dock to consult with clients in the courtroom about pleas to be entered, which is clearly not a desirable practice. The issue of accommodation at the Manchester City Magistrates' Court has been raised by the Local Criminal Justice Group with the GMCJB and is subject to review. (HMCS has taken steps to respond to these concerns and a further three interview rooms were made available from December 2005.)
- 6.34 GSL, the prisoner escort company has a clear and effective complaints process. Two staff had been dismissed in recent months following inappropriate treatment of prisoners.

Prisoner transfer

- 6.35 Police officers indicated that defendants on Crown Court warrants sometimes have to wait over the weekend in police custody before being produced in the Court on Monday, despite it being possible for them to be processed into prison custody through the magistrates' court on Saturdays. Inspectors understand that this has been identified by the area and is being addressed by HMCS and the judiciary. This is essential, as police cells should not be used for detention of persons overnight in such circumstances and the GMCJB should ensure the production of detained persons in court occurs at the earliest opportunity.
- 6.36 Court managers report some problems with the arrival of prisoners, which are proving hard to manage. Enquiries indicated that prisoners left Forest Bank prison promptly, and the prison had never incurred penalties for lack of readiness. The prisoner escort manager reported that problems were caused by poor vehicular access and parking facilities at new police custody suites and at some courts, resulting in queues of escort vans and some prisoners waiting thirty minutes to get into the building. This should be monitored by court and police managers.

Aspects for Improvement

Delays in the arrival of prisoners at some police and court sites should be monitored and steps taken to address any identified problems.

- 6.37 At court user meetings, the prison escort service stresses its aim of getting prisoners out of court cell accommodation as quickly as possible to return them to prison, and performance in this respect is good. Under new arrangements, GSL returned 70% of prisoners to prison before 16.00 hours - reducing the time they spent in court cells. Prisoner escort staff try to leave the court building to return the prisoners at the first available moment following production of a warrant. This is positive, but sometimes results in escort staff sometimes leaving the court before prisoners had spoken to their solicitors or probation staff. This should be resolved so that reasonable access to professional court users is provided.

Defendants with special needs

- 6.38 No protocols or special arrangements for vulnerable prisoners were identified and escort and court staff work together to manage cases where there is a possibility of aggressive or violent behaviour. Too often, it is seen as the responsibility of defence advocates to bring to the Court's attention any issues that might impact on the defendant's ability to participate adequately in the court proceedings (eg, a need for medication, mental health issues or learning difficulties). No evidence was found of protocols or processes in place to manage issues associated with victims and witness who may be in custody – these would be advantageous given that special arrangements may be required that are best considered well in advance.
- 6.39 Prison video links are available within courts and prisons in the Greater Manchester area as outlined below.

Courts:

- Manchester Crown Court (Crown Square)
- Bolton Crown Court
- Manchester City Magistrates' Court
- Tameside Magistrates' Court
- Wigan Magistrates' Court

Prisons:

- HMP Manchester – two video link courts, four conference booths. Manchester also has a Category A video link and two additional conference booths.
- HMP Forest Bank has one video link to court and two conference booths.
- HMP Styal has one video link court and two conference booths.

- 6.40 Courts in Manchester actively use video links with prisons but opportunities exist for wider use – there appears to be a predisposition with some solicitors and barristers that clients should appear personally in court. While three additional interview rooms were provided in Manchester City Magistrates’ Court in December 2005, the increased use of video conference booths is essential. Within courts, the use of links is seen as highly effective and there is support for the increased use of such technology. The Crown Court has the capability to link with a number of prisons at the same time, from varying locations, while other prisoners attend in court in person.
- 6.41 The benefits for all parties - in terms of cost, efficiency and the welfare of detained persons - in using video link technology are recognised within Greater Manchester and scope exists for increased usage. A new central booking system was being investigated following a recommendation by HMICA and HMI Prisons in a recent joint thematic review. One defence solicitor's office has sponsored the use of the link from its office, which is a commendable positive step that should be widely promoted, but this had not been identified as a potential good practice model at GMCJB.

Aspects for Improvement

The GMCJB should review the use of video links with prisons and identify steps that can be taken to improve capacity and usage.

**PERFORMANCE INFORMATION –
GREATER MANCHESTER CRIMINAL JUSTICE BOARD**

GREATER MANCHESTER PSA TARGETS AND PERFORMANCE				
Offences Brought to Justice				
Target 2004/05	March 2002	October 2005	% Change	
29.4% (Increase over March 2002 baseline)	55,597	71,475	+28.5%	
Rate of Ineffective Trials				
	Baseline July-Sept 2002	Qtr ending June 2005	Qtr ending Sept 2005	Target 2005/06
Magistrates' Court	27.9%	18.3%	19.1%	18%
Crown Court	25.8% (Baseline June-Aug 2002)	13.4%	13.6%	15%
Effective in bringing criminals to justice (public confidence)				
Baseline year ending March 2003	Rolling year ending June 2005	Rolling year ending Sept 2005	Target 2005/06	
35%	39%	40%	41%	
Fine Enforcement				
E&W Average July-Sept 2005	GMCJB April-June 2005		GMCJB July-Sept 2005	
80%	72%		76%	
Persistent Young Offenders				
National Target	E&W Average July-Sept 2005	GMCJB April-June 2005	GMCJB July-Sept 2005	
71 Days	63 Days	63 Days	63 Days	

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GLOSSARY

ACPO	Association of Chief Police Officers
CEO	Court Enforcement Officer
CJS	Criminal Justice System
CPE	Community Penalty Enforcement
CPS	Crown Prosecution Service
ETMP	Effective Trial Management Programme
FTA	Fail to Appear
GMCJB	Greater Manchester Criminal Justice Board
HMCS	Her Majesty's Court Service
KPIs	Key Performance Indicator
NWNJ	No Witness, No Justice
OBTJ	Offences Brought to Justice
OCJR	Office for Criminal Justice Reform
PNC	Police National Computer
PPO	Prolific and Priority Offender
PSAs	Public Service Agreements
PYO	Persistent Young Offender
REC	Race Equality Council
VS	Victim Support
YOT	Youth Offending Team
WCU	Witness Care Units
WS	Witness Service



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