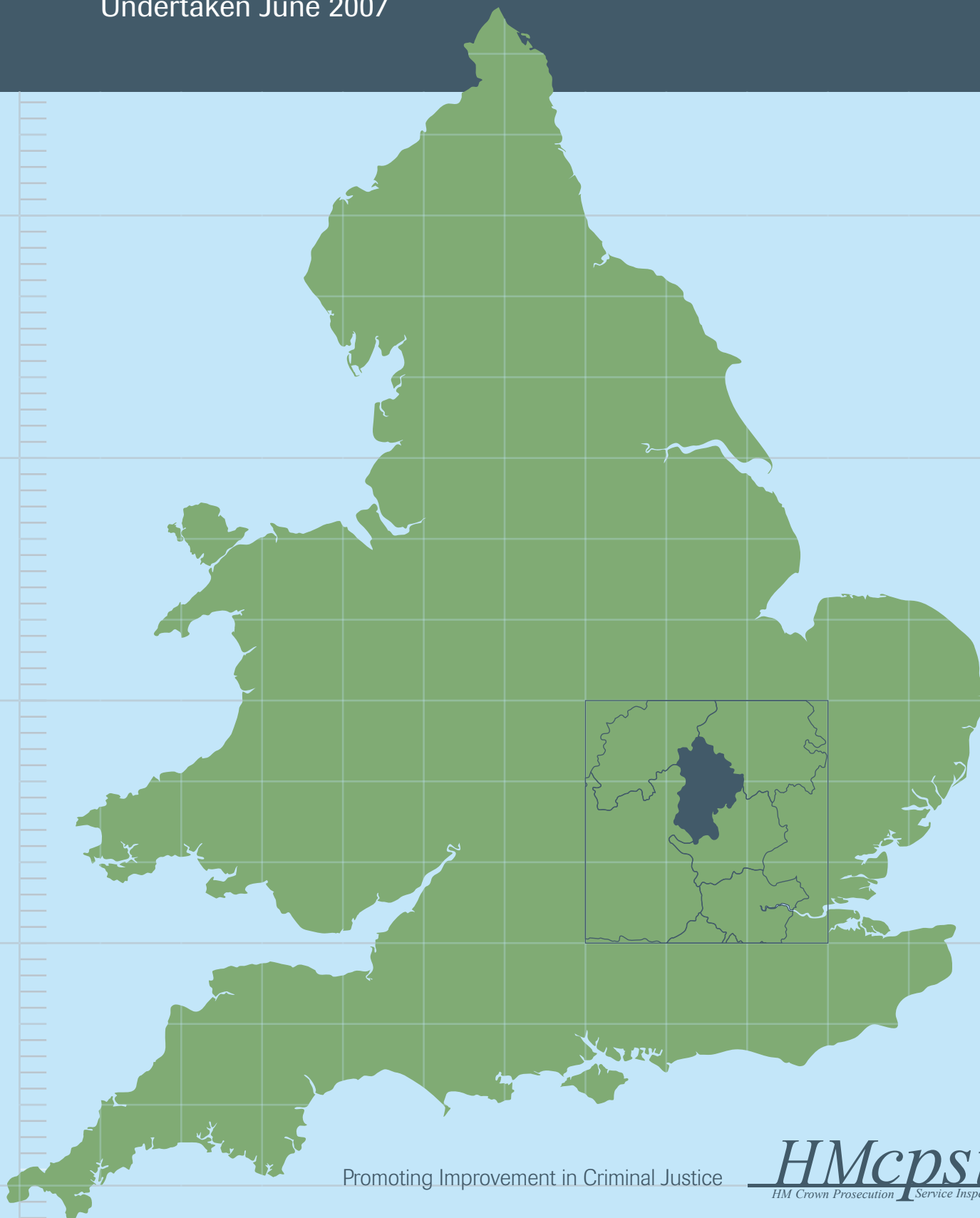


CPS Bedfordshire

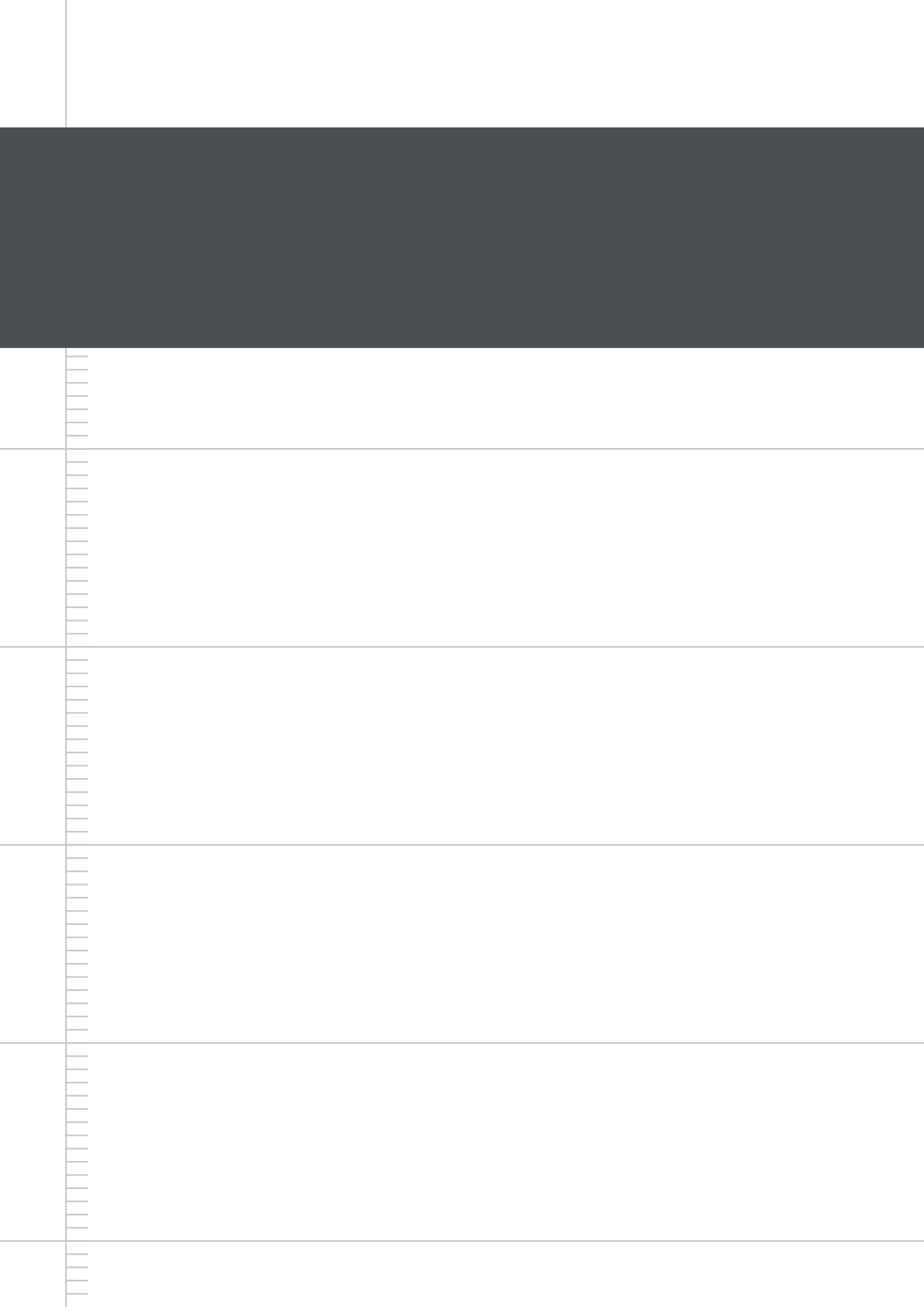
Overall Performance Assessment

Undertaken June 2007



Promoting Improvement in Criminal Justice

HMcp*si*
HM Crown Prosecution Service Inspectorate



CPS Bedfordshire

Overall Performance Assessment

Undertaken June 2007



ABBREVIATIONS

Common abbreviations used in this report are set out below.
Local abbreviations are explained in the report.

ABM	Area Business Manager	HMCPSP	Her Majesty's Crown Prosecution Service Inspectorate
ABP	Area Business Plan		
AEI	Area Effectiveness Inspection	JDA	Judge Directed Acquittal
ASBO	Anti-Social Behaviour Order	JOA	Judge Ordered Acquittal
BCU	Basic Command Unit or Borough Command Unit	JPM	Joint Performance Monitoring
BME	Black and Minority Ethnic	LCJB	Local Criminal Justice Board
CCP	Chief Crown Prosecutor	MAPPA	Multi-Agency Public Protection Arrangements
CJA	Criminal Justice Area	MG3	Form on which a record of the charging decision is made
CJS	Criminal Justice System	NCTA	No Case to Answer
CJSSS	Criminal Justice: Simple, Speedy, Summary	NRFAC	Non Ring-Fenced Administrative Costs
CJU	Criminal Justice Unit	NWNJ	No Witness No Justice
CMS	Case Management System	OBTJ	Offences Brought to Justice
CPIA	Criminal Procedure and Investigations Act	OPA	Overall Performance Assessment
CPO	Case Progression Officer	PCD	Pre-Charge Decision
CPS	Crown Prosecution Service	PCMH	Plea and Case Management Hearing
CPSD	CPS Direct	POCA	Proceeds of Crime Act
CQA	Casework Quality Assurance	PTPM	Prosecution Team Performance Management
CTL	Custody Time Limit	PYO	Persistent Young Offender
DCP	District Crown Prosecutor	SMT/G	Senior Management Team or Group
DCV	Direct Communication with Victims	TU	Trial Unit
DCW	Designated Caseworker	UBM	Unit Business Manager
DP	Duty Prosecutor	UH	Unit Head
ECU	Economic Crime Unit	VPS	Victim Personal Statement
ETMP	Effective Trial Management Programme	WCU	Witness Care Unit
HCA	Higher Court Advocate		

CONTENTS

A	Introduction to the overall performance assessment process.....	2
B	Area description and caseload.....	3
C	Summary of judgements.....	4
D	Defining aspects.....	8
1	Pre-charge decision-making: management and realising the benefits.....	8
2	Ensuring successful outcomes in the magistrates' courts.....	11
3	Ensuring successful outcomes in the Crown Court.....	15
4	Progressing cases at court.....	18
5	Sensitive cases and hate crimes.....	20
6	Disclosure.....	22
7	Custody time limits.....	24
8	The service to victims and witnesses.....	25
9	Delivering change.....	27
10	Managing resources.....	29
11	Managing performance to improve.....	31
12	Leadership.....	34
13	Securing community confidence.....	36
 Annexes		
A	Performance data.....	37
B	Criminal justice agencies and organisations who assisted with this overall performance assessment.....	40

A INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

This report is the outcome of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPsi) overall assessment of the performance of the Crown Prosecution Service (CPS) in Bedfordshire and represents a further assessment against which improvement from the previous baseline assessment in 2004-05 can be measured.

Assessments

Judgements have been made by HMCPsi based on absolute and comparative assessments of performance. These came from national data; CPS self-assessment; HMCPsi's findings; and measurement against the criteria and indicators of good performance set out in the overall performance assessment (OPA) framework, which is available to all Areas.

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

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

The table at page 7 shows the Area performance in each category, as well as the 'direction of travel' since the previous OPA.

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

Direction of travel grade

This is a reflection of the Area's change in performance between the current assessment period and the previous OPA, that is between 2004-05 and 2006-07. The potential grades are:

Improved reflects a significant improvement in the performance;

Stable denotes no significant change in performance;

Declined where there has been a significant decline in performance.

B AREA DESCRIPTION AND CASELOAD

CPS Bedfordshire serves the area covered by the Bedfordshire Police. It has three offices, at Bedford (Greyfriars Police Station) and Luton (Luton Police Station and Sceptre House). The Area Headquarters (Secretariat) is based at Sceptre House.

Area business is divided on functional lines between magistrates' courts and Crown Court work. The Bedford and Luton Criminal Justice Units (CJUs) handle cases dealt with in the magistrates' courts and the Trial Unit (TU) with those in the Crown Court.

During the year 2006-07 the Area had an average of 61.9 full-time equivalent staff in post, and a budget of £2,951,998. This represents a 14.5% increase in staff, and a 29% increase in budget since 2004-05, the period covered by the last overall performance assessment.

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

Pre-charge work¹

2004-05		2006-07	
Written advice	796	Decisions resulting in a charge	3,429
Pre-charge advice (where available)	1,018	Decisions not resulting in a charge ²	2,730

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	11,856	9,610	-18.9%
Other proceedings	150	21	-86.0%
Total magistrates' courts proceedings	12,006	9,631	-19.8%

Crown Court proceedings

(including cases previously subject to a pre-charge decision)			
Cases sent or committed to the Crown Court for determination	835	876	+4.9%
Committals for sentence ³	209	206	-1.4%
Appeals from the magistrates' courts ³	48	138	+187.5%
Total Crown Court proceedings	1,092	1,220	+11.7%

In 2006-07 55% of offences brought to justice were the result of convictions.

1 No valid comparison with 2004-05 pre-charge caseload is possible as statutory charging was only fully in place in all CPS Areas from April 2006 onwards.

2 Including decisions resulting in no further action, taken into considerations (TICs), cautions and other disposals.

3 Also included in the magistrates' courts figures, where the substantive hearing occurred.

C SUMMARY OF JUDGEMENTS

Contextual factors and background

The Area has not seen any changes to its senior management team over the last year, which has enabled it to concentrate on improving performance. Although Bedfordshire is one of the smaller CPS Areas, and its overall caseload has decreased, it has a higher-than-average number of serious offences and a large number of cases that are the subject of pre-charge advice.

The Area was last inspected in 2006, with the report published in February 2007. We found nine strengths, made six recommendations and identified a further 23 aspects for improvement, and the Area has drawn up an action plan to address the issues.

Summary

The Area has made significant progress in realising the benefits of statutory charging since the OPA and the full implementation of the scheme in January 2006. It is committed to providing a high level of face-to-face consultations, and has taken steps to ensure improved decision-making by prosecutors and increased compliance on the part of the police with advice given and action plans.

The quality of decision-making is generally good. The successful outcomes rate has improved, particularly in the magistrates' courts, although for 2006-07 it was still below the national average. The management of cases in the Crown Court is good and outcomes have improved, but the rate of acquittals has increased. The Area has worked hard to increase its effective trial rate in the magistrates' courts and the Crown Court and performance in 2006-07 was better than the national average. Sensitive cases and hate crimes are dealt with appropriately, and there are good monitoring systems for identifying and analysing outcomes. The rate of unsuccessful outcomes for hate crimes has improved, but remains higher than the national average.

Steps have been taken to develop a community engagement strategy, and the Area has developed links with a wide range of community groups. There has been a significant improvement in public confidence in the ability of the local criminal justice agencies in bringing offenders to justice. The Area needs to ensure that plans to involve all members of staff are taken forward, and that this engagement is used to improve performance: in particular, to increase successful outcomes for sensitive cases and hate crime.

Cases generally progress at each court appearance in the magistrates' courts, although the number of adjournments per case is slightly higher than the national average. There is good case progression in the Crown Court, although the quality of some instructions to counsel was inadequate. Performance against the timeliness target of 71 days from arrest to sentence for persistent young offenders has averaged 70 days during 2006, but fluctuates, and was 76 days for the three months January-March 2007. Further steps need to be taken with the other criminal justice agencies to improve timeliness and meet the national target.

Performance in relation to the duties of disclosure still requires substantial improvement, but the Area has worked hard with the police to address issues relating to the quality of the schedules provided by the police. The recording of actions has improved, and procedures to ensure separate filing of disclosure information have been tightened up.

Custody time limit (CTL) procedures are effectively applied to reduce the risk of failures, with none having been reported since at least April 2003, until one failure occurred in June 2007 as a result of a combination of errors. Administrative staff and managers respectively check and cross-check the accuracy of calculations and endorsements, but some administrators still need to be provided with training to use the casework management system effectively for this purpose. Formal agreements are also required with the Courts Service to ensure that there is a consistent position taken in respect of CTL assessments.

CPS Bedfordshire and its partners have effective systems in place to manage performance in relation to the No Witness No Justice initiative, although the data produced is being monitored to ensure that it accurately reflects performance. The level of ineffective trials due to witness issues is better than the national average and victim and witness surveys undertaken by the Courts Service show strongly positive perceptions held by those in contact with the criminal justice system (CJS). The timeliness of Direct Communication with Victims letters is good. The Area needs to develop effective systems to ensure that all cases, including those where a substantial alteration to the charge is made by the CPS, are identified and letters sent.

There are effective processes for business planning and review of annual objectives at Area and unit level following recent improvements to the latter, and the development of staff skills is clearly linked to the implementation of initiatives. Risk management processes are now becoming embedded and should develop to enable managers identify medium and longer term risks. Project management on national initiatives is largely managed by police partners, with participation by CPS managers, and there is a need to clearly identify benefits and monitor delivery accordingly with internal change processes.

Financial management is centralised with value for money considerations playing a key role in decision-making. This has led to enhanced use of designated caseworkers and Higher Court Advocates, although the reduction in agent usage in the magistrates' courts is comparatively modest. Non ring-fenced administrative costs are routinely monitored as are prosecution costs, although further controls of the latter were introduced as a result of an issue identified during 2006-07. Sickness absence is low and has remained stable.

Performance management structures are now effectively embedded and have led to a significant improvement in performance, although from a low base. The introduction of the Invest programme should provide an opportunity for smarter, tailored objective setting for individual staff. Joint work with CJS partners is largely effective with ready access and sharing of performance information, and Prosecution Team Performance Management reports are now being routinely used in joint prosecution team meetings. Compliance with the casework quality assurance system has improved but remained below national average.

Leadership in the Area is sound. There are meetings at unit level that ensure managers remain accountable for performance, and staff meetings are regular, but senior managers need to make progress in creating routine engagement opportunities with staff. The Area aims to mainstream equality and diversity in planning and delivery, but must ensure that sufficient focus given to CPS priorities on this agenda.

Direction of travel

Since the last OPA performance has improved in six aspects, remained stable in six, and declined in one. Ensuring successful outcomes in the Crown Court is assessed as 'Fair' and stable. This aspect reflects a change to the framework: the management of cases remains good and outcomes - which were poor - have improved, but remained below the national average in 2006-07. With the introduction of a framework for performance management, the Area has the capacity to continue its rise in the rate of successful outcomes to be above national averages in 2007-08, and no longer be subject to the limiters of our assessment of its performance for both magistrates' courts and Crown Court casework.

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

OVERALL ASSESSMENT	FAIR
---------------------------	-------------

Critical Aspects	Assessment Level		
	OPA 2005	OPA 2007	Direction of travel
Pre-charge decision-making	Poor	Good	Improved
Ensuring successful outcomes in the magistrates' courts	Fair	Fair	Improved⁴
Ensuring successful outcomes in the Crown Court	Good	Fair	Stable⁵
The service to victims and witnesses	Good	Fair	Declined
Leadership	Fair	Fair	Improved⁴
Overall Critical Assessment Level		Fair	
Progressing cases at court	Good	Good	Stable
Sensitive cases and hate crime	Fair	Fair	Stable
Disclosure	Fair	Fair	Stable
Custody time limits	Fair	Fair	Stable
Delivering change	Fair	Fair	Improved⁴
Managing resources	Good	Good	Stable
Managing performance to improve	Fair	Good	Improved
Securing community confidence	Poor	Fair	Improved
OVERALL ASSESSMENT	Poor	FAIR	

4 Although the assessment for this aspect remains unchanged there has been significant improvement within the range of performance covered by the band.

5 The management of cases in the Crown Court remains good, but the consideration of outcomes in this OPA has reduced the assessment to 'Fair'.

D DEFINING ASPECTS

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

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

- The arrangements for providing pre-charge advice have improved significantly since the last OPA, following the implementation of statutory charging in January 2006. There is a good commitment to providing face-to-face cover, with two charging centres in operation between 9am and 5pm. The third operates between 1pm and 5pm, with telephone cover being provided in the morning. After consideration of a business case from the police, the Area has agreed to re-introduce a second session at Luton charging centre for two afternoons a week, to deal with a rise in pre-charge cases following the implementation of conditional cautioning.
- There are good arrangements for providing advice and assistance in exceptionally sensitive and serious cases, including the provision of contact details for out-of-hours assistance.
- The Area has taken steps to implement systems to provide greater continuity of lawyer for second appointments and from advice to finalisation, as recommended in the Area effectiveness inspection (AEI) report. Duty prosecutors are now given specific stations and days of the week and Unit Heads endeavour to allocate cases to provide consistency. This is proving easier to manage in the TU and 'reality checks' also showed some signs of continuity of prosecutor in the CJUs.
- There are still some instances of relevant cases not being appropriately referred to prosecutors by police. These are monitored by Unit Heads and reported to police supervisors, and it remains on the Criminal Justice Programme Board's agenda. Figures are collated monthly and shared with the police on the charging irregularities form which the Area has developed since the AEI.
- The number of inappropriate requests for advice from the police has reduced since statutory charging was introduced, with requests being made through a 'gatekeeper', although the Area continues to check the position by dip sampling cases where the advice was to take no further action.
- Although they are few in number, any police disagreements with the advice provided are escalated to line managers, with the Unit Heads handling any referrals.
- The Area manages the interface with CPS Direct (CPSD) well, with the Area Business Manager (ABM) acting as the focal point for police or CPS concerns about CPSD decisions. He keeps an electronic record and, if appropriate, passes them to the CPSD regional contact.

- There continues to be a problem with police non-compliance with initial pre-charge advice, with suspects being charged or cautioned, or decisions made not to charge, without the case being referred back to the CPS. The progress of action plans is kept under review and all instances of non-compliance are monitored. There is a system for escalating these to police Divisional Superintendents. A list of outstanding actions is regularly printed out from the case management system (CMS) and sent to the police. In addition, the charging irregularities form is used to monitor numbers and to enable discussion at joint meetings with the police.
- The Area recorded 99.78% of its pre-charge decision (PCD) consultations on CMS in March 2007, the highest nationally. Reality checks showed that MG3 forms are being created in all consultations and that ethnicity and gender recording is good. This is a strong performance, demonstrating significant progress since the previous OPA when poor recording meant that the Area was unable to demonstrate the benefits of the charging scheme.
- Conditional cautioning is only operating in part of the Area, having started in January 2007. It is anticipated that the rest of CPS Bedfordshire will start operating in September 2007. Numbers have been low, although this is not unusual at the start of the scheme. The Area has not assessed its effectiveness, but is monitoring numbers and taking steps to ensure that prosecutors refer back to the police any charged cases where a conditional caution should have been considered. Conditional cautions are included in the Unit Heads' review of PCD cases.

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

- The Area ensures that lawyers are aware of local and national policy by circulating national policy bulletins and Area notices. All lawyers have been on the CPS Proactive Prosecutor Programme and the Area is in the process of rolling out the follow-up course.
- In our file sample, the MG3 set out clearly the prosecutor's decision-making in all ten cases examined. There was a good action plan where appropriate and all relevant issues were considered. To date, there has been limited consideration of restraint and confiscation of assets, in view of the limited police resources devoted to financial investigation. Now that the police have increased the number of financial investigators available, instructions and training have been given that prosecutors must consider restraint and confiscation when making charging decisions.
- Unit Heads monitor all unsuccessful pre-charge decision cases and share the results with the police and prosecutors. In addition, there is ad hoc monitoring when managers see cases as they are preparing to appear in court and when cases are referred to them when, for example, the reviewing prosecutor is not in the office.
- The Unit Heads undertake a monthly analysis of two cases per prosecutor where the advice was not to prosecute or to administer a conditional caution. Historically, the rate of advice not to prosecute has been high and, although much reduced at 33.04% in the year 2006-07, it remained higher than the national average of 31.87%.

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

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	15.6%	16.35%	11.0%	13.1%	11.0%	10.4%
Guilty plea rate	52.0%	69.2%	74.3%	67.0%	68.0%	66.5%	66.9%	65.7%
Attrition rate	31.0%	22.0%	20.7%	23.2%	23.0%	22.2%	22.1%	22.1%

- Having strengthened focus on the charging scheme since the last OPA, when it had had limited positive impact on casework outcomes, the Area has seen most of the benefits of pre-charge decision-making being realised (see Annex A). It achieved four out of six national targets (and achieved its local target in five).
- In the magistrates' courts the guilty plea and attrition rates are excellent, both being better than the national average. The discontinuance rate is poor, at 16.35%. It was variable from month to month, although it reduced each month between January-April 2007, with April showing a good rate at 9.05%.
- The picture is better in the Crown Court, with the discontinuance and attrition rates being good (better than the national average). Although the discontinuance rate rose at the beginning of 2006-07, it was at or below the national target for the last six months of the year and was below 8.62% in the last three quarters of the year. The guilty plea rate was fair, although at 65.74% performance was better than Bedfordshire's own target of 58.7%.
- Overall, the number of pre-charge decision cases that resulted in conviction in 2006-07 was 77.02% compared with a national average of 77.95%.
- Unit Heads analyse pre-charge decision unsuccessful outcomes and share the information with their staff. Since the AEI, when the analysis did not always address the cause of the failure, a new form has been devised in a way which ensures that potential weaknesses are considered. Prosecution Team Performance Management (PTPM) reports show that Bedfordshire has the lowest use of the 'not applicable' coding (used for PCD cases where the originating police unit is not known), which enables them to see performance on a unit basis. The data and reports are shared and discussed with the police at joint performance monitoring and PTPM meetings. This has resulted in some improvement in performance, such as an increase in the provision of closed circuit television (CCTV) videos at first date of hearing and in the success rates. The data is also included in the Local Criminal Justice Board (LCJB) monthly performance pack and discussed at Performance Delivery Group meetings.
- The operation of the charging scheme is discussed regularly with the police at the Criminal Justice Programme Board and the data is analysed. Specific problems are identified and action taken where appropriate. For example, instructions were provided to prosecutors to consider witness issues when making pre-charge decisions as a result of analysis showing a high number of unsuccessful cases where witnesses failed to continue to support a prosecution.

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

2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	11%
No case to answer	0.2%	0.4%
Dismissed after trial	1.9%	2.4%
Discharged committals	0.2%	0.1%
Warrants	2.6%	2.3%
Overall conviction rate	84.3%	83.8%

- The quality of review and decision-making in the magistrates' courts is generally good. The overall successful outcomes rate in the magistrates' courts for 2006-07 was 83.8% compared to the slightly higher national average of 84.3%. This is a considerable improvement on performance in 2004-05, which was well below the national average, and a rise in the rate of 9.1% over the two years compared with the national average rise of 3.5%.
- There has been an improvement in the no case to answer (NCTA) rate from 0.6% in 2005-06 to 0.4% in 2006-07, although this is still above the national average of 0.2%. There were a high number of NCTAs in July 2006 in one of the CJUs, some of which were incorrectly categorised. Instructions were issued to staff to ensure correct categorisation and there is now improved recording of finalisations.
- The discharged committals rate for 2006-07 (0.1%) was much lower than it was in the two preceding years, and lower than the national average of 0.2%. There were 14 defendants discharged because committals were not ready to proceed, which is significant in an Area of this size. The reports prepared on all discharged committals show that most relate to police failures to provide evidence and, as at the AEI, there needs to be more joint action between the CPS and the police to improve timeliness of submission of committal papers.
- The discontinuance rate in the magistrates' courts has dropped steadily over the last two years and, from being significantly above the national average, is now similar to national performance. Decisions to discontinue cases are carefully controlled, with all proposals to drop those that have been the subject of pre-charge decision-making requiring Unit Head consent and junior prosecutors needing approval in every case.

- Unit Heads analyse all unsuccessful PCD cases through their monthly monitoring reports, which are copied to the Chief Crown Prosecutor (CCP) and all staff. Unsuccessful outcomes are discussed at Senior Management Team meetings, as well as the individual senior management meetings on each unit. The reports are also shared with the police at joint performance management meetings. Lessons learnt are taken forward and performance has improved as a result. Examples include the reduction in the number of police witnesses not attending trials and the provision of unused material schedules in road traffic cases listed for trial.
- The Bedfordshire criminal justice area met its target for offences brought to justice (OBTJ) in 2006-07, with 13,212 offences against a target of 13,045. The target is a shared one with criminal justice partners, with the CPS contribution coming through managing cases to keep unsuccessful outcomes low. The proportion of convictions at 55% was above the national average, and the numbers of unsuccessful outcomes have dropped.
- Performance against the timeliness target of 71 days from arrest to sentence for persistent young offenders (PYOs) has declined since both the last OPA and the AEI, with the rolling three months to March 2007 being 78 days overall. The criminal justice agencies are questioning the validity of this figure but, even if it were to be adjusted to take account of their concerns, performance would not be good because of some long running cases in the magistrates' courts as well as the Crown Court. At the time of the AEI, Bedfordshire CPS, together with the other agencies, had taken effective steps to address PYO performance. Additionally, the PYO Champion was checking cases weekly and keeping a handwritten log of results. This work continues but more joint action is required to drive up performance. In view of concerns about the validity of the data, the champion is also calculating the figures himself in advance of publication.
- In addition to the unsuccessful PCD cases monitoring, Unit Heads also examine one file per lawyer per month as part of casework quality assurance (CQA) checks. General learning points are discussed at team meetings and appropriate feedback is given to individuals in appraisal meetings. The Area also circulates national bulletins and issues its own notices in order to disseminate other information.

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

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	49.4%
Cracked trial rate	37.3%	30.0%
Ineffective trial rate	18.9%	20.6%
Vacated trial rate	22.5%	32.1%

- The Area uses PCD action plans to try and achieve better quality police files, and provides feedback to the police about file quality and timeliness on the TQ1 form. File quality issues are a standing item on the joint performance management agenda and issues arising from the charging irregularities form are discussed.
- The Area has taken steps to develop a system whereby there is continuity of lawyer from the PCD stage through to finalisation, and is also aiming for increased court coverage by designated caseworkers (DCWs). Although these steps have yet to become embedded and show improvement, reality checks revealed that there has been an improvement in the handling of correspondence and timeliness of summary trial file reviews in Luton CJU. The necessity for good file endorsements has been reinforced at a training session for agents.
- The review of non-PCD cases is timely. Cases are generally ready to proceed at the first date of hearing. This has been confirmed by two surveys at Luton Magistrates' Court which were undertaken in preparation for the Criminal Justice: Simple, Speedy, Summary (CJSSS) initiative, both of which showed that the majority of adjournments at first appearance were for the defence to obtain legal aid.
- The system for case progression has been tightened up since the AEI, and weekly case review process meetings with court and CPS case progression officers and a representative from the Witness Care Unit (WCU) have just been introduced in the magistrates' courts. Continuing review of cases is now more timely, but there remains a problem with trial dates being set a long way ahead. The delay had been reduced at the time of the AEI, but a shortage of court legal advisers and a reduction in trial courts in the latter part of the year has resulted in a return to a delay of almost 30 weeks in Luton Magistrates' Court.
- In anticipation of the roll-out of CJSSS in Bedfordshire in September 2007, the agencies have been given funding to run extra courts for a period of four and a half months to reduce the backlog of trials, and the first extra court sat at the beginning of June. The CCP is the Senior Responsible Officer for the initiative, which has a project board, together with a local implementation team which meets fortnightly.
- The Area ensures that youth cases are progressed swiftly, by allocating cases to specialists and CPS lawyers only for trial in youth courts. The PYO monitoring system has been extended to include all youth cases and individual cases are monitored at monthly meetings with the police and the courts.
- There has been a significant improvement in the effective trial rate, with performance better in 2006-07 than the national average: 49.38% compared to 43.84%. This has been accompanied by a reduction in the proportion of ineffective trials since the time of the last OPA when it was the highest in the country. The rate in 2006-07 was 20.61% compared with the national average of 18.87%. One third of these were for prosecution reasons, slightly over a third for court reasons, and slightly less than a third for defence. The proportion of cracked trials has also improved, with a rate of 30.01% compared with 37.29%.
- There was a high proportion of vacated trials in 2006-07, at 32.06% compared to the national average of 22.46%. However, the proportion vacated at the request of the prosecution has reduced significantly since 2005-06, whereas those due to anticipated lack of court time has increased from 3.8% to 13.2%.

- The Area analyses cracked and ineffective trials and raises issues with the magistrates' courts, as well as discussing them at joint meetings with the police and LCJB. The main reason for cases not proceeding has been prosecution witnesses failing to attend court and this has been tackled by providing feedback to supervisors in relation to police witnesses and instructing prosecutors to consider witness issues at PCD. Some ineffective trials are due to the prosecution not being ready and instructions were to be given that, where it is clear that a trial is not going to be ready, lawyers should apply to vacate the hearing.
- Use of CMS has improved substantially since the last OPA. In March 2007, Bedfordshire was ranked first out of the 42 CPS Areas for their combined performance, meeting all of their targets. Other measures included finalisation of cases within one day, although only 45.1% of outcomes were recorded within one day. There was a full file review in 90% of magistrates' courts cases, although reality checks showed that two entries only contained characters to meet the word count and were not, in reality, reviews of the case.

3 ENSURING SUCCESSFUL OUTCOMES IN THE CROWN COURTS	OPA 2005	OPA 2007	Direction of travel
	Good	Fair	Stable

3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals	13.1%	11.8%
Judge directed acquittals	1.4%	1.0%
Acquittals after trial	6.5%	9.5%
Warrants	1.3%	2.1%
Overall conviction rate	77.7%	75.7%

- The quality of review and decision-making in the Crown Court is generally good. The overall successful outcomes rate in the Crown Court for 2006-07 was 75.7% compared to the national average of 77.7%. Performance is improving: in 2004-05 the rate was 70.4% compared to 75.8%, and in 2005-06 it was 72.1% against 77.2%.
- The level of both judge ordered acquittals (JOAs) and judge directed acquittals (JDAs) is better than the national performance, and has improved since 2004-05. However, the rate of acquittals after trial is higher than the national average and performance has declined from 8.5% in 2004-05 to 9.5% in 2006-07, although there was an improvement in the last quarter of 2006-07.
- The majority of JOAs are due to unwilling witnesses and the Area is tackling this by heightening lawyers' awareness of the need to consider witness issues at the pre-charge stage.
- As in the magistrates' courts, decisions to discontinue cases that have been the subject of pre-charge decision-making have to be authorised by the Unit Head.
- The TU Head compiles reports in every unsuccessful case and circulates them to the CCP and other Units Heads. These are discussed at the unit management meeting and at joint performance monitoring meetings with the police.
- In 2006-07 the Proceeds of Crime Act (POCA) target of 22 confiscation orders was exceeded, with 33 being obtained. Systems are in place after charge to ensure that appropriate cases are flagged, with reconciliation checks being made against the monthly list provided by the police. The Area has just completed its training on the new MG form which places a shared duty on the police and the CPS to identify POCA cases.

- A strategic POCA Champion has been appointed, as well as three additional champions and there are regular meetings with the police Economic Crime Unit (ECU). Only £321,709 in confiscation orders was obtained during 2006-07, which is significantly lower than the value target of £600,000. The enforcement champion was nominated in November 2006 and will be allocated time to review outstanding orders, but his work is in its early stages. He has attended an enforcement workshop, is liaising with the ECU and proposing to draft a local enforcement protocol.
- The Unit Head's analysis of unsuccessful cases is circulated to the prosecutors in the unit and any lessons to be learnt, as well as Area performance against targets, are discussed at team meetings. Issues relating to the performance of individuals arising from the monthly analysis and from the CQA checks are discussed at one-to-one meetings where appropriate.

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

Trial Rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	55.9%
Cracked trial rate	39.5%	31.4%
Ineffective trial rate	12.4%	12.7%

- Crown Court cases are allocated to a team of lawyer, caseworker and administrator at an early stage. Lawyers undertake a preliminary review before receipt of the full file and the police are notified of any issues that need addressing. Reality checks show that there is now more reviewing lawyer involvement after committal than there was at the time of the AEI.
- There is an effective case progression team who ensure that cases are ready at the plea and case management hearing (PCMH). The policy of having a member of the team covering all PCMHs ensures that there is a full record of all court directions and that appropriate action is taken speedily. There is close liaison with the WCU and the court case progression officer in the four weeks before trial or the case reaching the warned list.
- An agreement has recently been reached to reduce the time to the PCMH in sent cases where the defendant is in custody, in anticipation of the CJSSS initiative.
- There are a limited number of youth cases in the Crown Court but it has recently been agreed that all youths will be made a priority and not just PYOs. The systems for monitoring PYOs have been tightened up, with staff awareness being raised at team meetings and in the issuing of desktop instructions, and PYO cases being discussed at monthly case progression action group meetings.
- The effective trial rate in the Crown Court for 2006-07 at 55.9% was better than the national average of 48.2%. The overall ineffective trial rate was 12.7%, which is similar to the national average of 12.4%, whereas the cracked trial rate was 31.4% which was better than the national average of 39.5%. The proportion of ineffective and cracked trials that were due to the prosecution was significantly lower than the national average.

- Analysis of all ineffective trials is undertaken by the case progression team and the results are shared at case progression meetings. The cracked trial forms are copied to the CCP and TU Head and are discussed at the TU management meetings.
- Issues arising from the case progression meetings and the cracked and ineffective trial rates are highlighted to staff and discussed at team meetings. Lessons to be learnt are disseminated, such as the need to be alert at PCD to witness issues that might lead to trials not proceeding.
- Use of CMS has improved substantially since the last OPA. In March 2007, Bedfordshire was ranked first out of the 42 CPS Areas for their combined performance, meeting all of their targets. There was a full file review in 100% of Crown Court cases in the last quarter of 2006-07. Reality checks showed that there has been considerable improvement in the standard of full file reviews on CMS since the AEI. The Area has also created its own templates on the system.

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

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

- Cases are generally ready to proceed at the first date of hearing in the magistrates' courts. Advance information and Probation Service pre-sentence packages are prepared in advance and are at court ready for service at least an hour before the court starts. Cases are updated with any actions promptly after the hearing, and both magistrates' courts now hold fortnightly inter-agency case review process meetings for cases listed for trial. Cases are generally ready for the case management hearing, and for trial, as is evidenced by the falling rate of ineffective trials. Reality checks showed that witness warning is being undertaken swiftly and that full files are being reviewed promptly.
- The allocation of cases in the Crown Court, to teams consisting of a lawyer, caseworker and administrator, assist in correspondence handling and case management. Clear desk instructions set out actions required and timescales, which ensures that cases progress promptly. A member of the case progression team attends all PCMHs, which ensures that accurate notes are made of directions and appropriate action is taken quickly.
- Training has recently been provided to agents in order to ensure that they understand file systems, CMS and forms, so that they can follow the instructions contained in files. Reality checks showed that there has been some improvement in case analysis and information on acceptable pleas in instructions to counsel, but that some are still inadequate. The timeliness of delivery of briefs is good, with 85.24% being delivered in time compared with the national average of 78.73%.
- Cases are allocated to lawyers, Higher Court Advocates (HCAs) and counsel according to their experience. In the magistrates' courts, efforts are made to provide continuity of lawyer in remand courts and with a drive to ensure that lawyers prosecute their own trials. Papers are passed to advocates for preparation once the court list is finalised at noon the day before, and complex/lengthy cases are distributed earlier if possible. In the Crown Court, the majority of PCMHs are covered in-house and instructions are prepared and delivered in good time before the hearing.
- There is an established programme of monitoring in-house advocates and agents. Although there is no formal monitoring of counsel, caseworkers report back with any concerns and appropriate action is taken when necessary.
- Prosecutors are generally present in court in sufficient time for discussion with other parties, although there has been some concern about the timeliness of agents arriving at Bedford Magistrates' Court.
- The CPS has regular meetings with courts staff to discuss listing policies and practices. Magistrates' courts lists are fixed at noon the day before, after which trials are not transferred between courts. If other work has to be transferred the new advocate is given time to read the papers. Changes have been agreed in order to enable better deployment of DCWs in the

magistrates' courts. The delays in the Crown Court and the practice of transferring cases from Hertfordshire have meant that some Bedfordshire cases are transferred to Cambridge Crown Court. It has now been agreed that all transferred cases will be fixtures, and there will be no overnight listing.

- The number of adjournments per case is slightly higher than the national average in the magistrates' courts. The national average for timely initial guilty pleas was just exceeded in December 2006, with 86% taking place within 59 days compared with 85% nationally, and a 12% improvement over performance in June 2006. However, the overall timeliness in the magistrates' courts in December 2006 (for adults and youths) was lower than the national average.
- In the Crown Court the number of adjournments per case is slightly better than the national average. However, the average time for completion of indictable cases, which involve more serious allegations, is higher than that nationally. The delays in listing trials in the courts is a contributing factor.
- There were no wasted costs orders in the Crown Court and one in the magistrates' courts in 2006-07, which is the same as performance in 2005-06 and an improvement from that at the last OPA.

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

5A The Area identifies and manages sensitive cases (including hate crime⁶) effectively

- The Area deals appropriately with sensitive cases and hate crimes, applying the principles of the Code for Crown Prosecutors. In the main, CPS policy is complied with.
- Domestic violence cases are being handled well. Specialist domestic violence courts are operating in both magistrates' courts, there is good communication with the newly appointed independent advocate at Luton. The champion liaises well with local community groups.
- Sensitive cases are subject to PCD and monitored by Unit Heads in the course of their unsuccessful PCD case analysis, CQA checks and dip sampling of cases where no further action was advised. The PCD duty prosecutors are senior lawyers and have experience of CPS policies.
- The Area has reviewed and updated its list of champions for categories of sensitive cases and hate crime. There is some dissemination of material, training and mentoring, and working with other criminal justice agencies by champions, although this has been variable depending on the individual. Although the role and duties of champions has now been defined this has yet to be adopted in forward job plans.
- Child abuse and rape cases are handled by specialists. Fatal road traffic collisions are advised upon by one of the CJU Heads and referred to the CCP for approval. Appropriate training is given and the Anti-Social Behaviour Order and Domestic Violence Champions have both provided relevant training to staff.
- The CPS provides the police with advice and assistance in exceptionally sensitive and serious cases at all times, and has given them contact details for out-of-hours assistance. It gives early advice in relation to major policing incidents and provides a senior lawyer to give charging advice in addition to the duty prosecutor rota. As far as possible, Area prosecutors attend the first day of sensitive trials, as well as significant hearings, and there are effective systems in place to ensure that the CCP and press liaison officer are aware of all media sensitive cases.
- The Area has taken steps to ensure that sensitive cases are flagged on CMS, including meeting with CPS Headquarters to discuss compliance with flagging of hate crimes. The rape co-ordinator has checked all rape cases to ensure that they are flagged, and an excel spreadsheet has been devised to enable future manual monitoring. Our reality checks confirmed that sensitive cases are flagged up on CMS.

⁶ For the avoidance of doubt all references in this aspect to sensitive cases includes all those involving hate crime (disability hate crime, domestic violence, homophobic, racist and religious crime) child abuse/child witnesses, rape, fatal road traffic offences and anti-social behaviour orders (ASBOs).

- Staff are made aware of CPS policies and changes through Area notices and circulation of national policies. HMCPSI thematic reviews are taken into account. For example, an action plan to implement the recommendations of the report on the investigation and prosecution of rape cases has been created and all the necessary actions required to date have been completed.
- A review of unsuccessful sensitive cases is undertaken as part of the monitoring of unsuccessful PCD cases. Hate crime cases where there has been a reduction or change of charge are not analysed, although the Area policy that Unit Head approval is required for such action means that there is day-to-day management of individual decisions. Less experienced lawyers cannot discontinue a sensitive or hate crime case without the agreement of the Unit Head or other senior lawyer.
- The combined magistrates' courts and Crown Court hate crimes unsuccessful outcomes for 2006-07 was 39.4%, which was worse than the national average of 32.8%, only one Area having a poorer rate. However, Bedfordshire achieved its target of reducing the unsuccessful outcomes rate. Performance is significantly improved on the rates in 2004-05 and 2006-07 and the rate of reduction is much better than the national one. The unit business plans for 2007-08 include an objective to reduce hate crime unsuccessful outcomes to 28% by March 2008 and it is anticipated that monthly reviews will be undertaken.
- There are effective systems for collecting and analysing performance information, although to date it has not been the role of the champions to monitor the data. The domestic violence co-ordinator has, however, monitored the results of the domestic violence court.
- Lawyers identify child witnesses and the need for special measures as part of the PCD process. The Area endeavours to ensure that children are safeguarded by working with the WCUs and the Witness Service. The TU Head is a member of the Local Safeguarding Children Board, and it is anticipated that actions will be incorporated into Area plans.

6 DISCLOSURE	OPA 2005	OPA 2007	Direction of travel
	Fair	Fair	Stable

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

- Performance in the last OPA and the AEI was rated 'Fair' and our current file examination did not reveal any significant change in the quality of decision-making. Reality checks showed that initial disclosure was properly dealt with in only 50% of cases, and continuing disclosure in 80%, but the standard of compliance and endorsement in those cases was much improved. This table illustrates the performance trends.

	Area performance in inspection February 2004	Overall findings for all CPS Areas 2002 – 04 programme	Area performance in last inspection September 2006	Overall findings for CPS Areas 2006 – 07 programme	Area performance in this assessment*
Initial (or primary) disclosure dealt with properly in magistrates' courts cases	36.8%	71.6%	57.5%	64.1%	40% (2 out of 5 cases)
Continuing (or secondary) disclosure dealt with properly in magistrates' courts cases	No assessment	No assessment	50% (8 out of 16 cases)	56.3%	–
Initial (or primary) disclosure dealt with properly in Crown Court cases	75%	79.9%	57.7%	76.4%	60% (3 out of 5 cases)
Continuing (or secondary) disclosure dealt with properly in Crown Court cases	70%	59.4%	73%	71.1%	80% (4 out of 5 cases)
Disclosure of sensitive material dealt with properly in magistrates' courts cases	66.7% (2 out of 3 cases)	60%	47.1% (8 out of 17 cases)	63.1%	–
Disclosure of sensitive material dealt with properly in Crown Court cases	50% (3 out of 6 cases)	77.8%	47.4% (21 out of 43 cases)	67.9%	–

* Based on a small file sample.

- There has been a significant improvement in the recording of disclosure actions and the disclosure record sheet had been completed in all ten cases examined. Area systems now ensure that the disclosure schedules and material are kept in a folder at the back of file jackets and our examination of files confirmed compliance. There are appropriate facilities for the storage of sensitive material and the relevant schedules and documentation are separated from the non-sensitive material.
- Two Disclosure Champions have been appointed: one for the TU and the other for the CJUs. One has delivered basic training on disclosure to caseworkers and prosecutors, while the other will be undertaking further training, primarily to TU lawyers. In addition, an Area notice has been circulated outlining the main requirements to improve performance.
- The Unit Heads consider prosecutors' compliance with guidance on disclosure in the course of their CQA monitoring and when considering and preparing reports on unsuccessful cases. Their monitoring is thorough and robust; they circulate reports to prosecutors for discussion at unit meetings and raise any issues with individuals.
- The Area has taken action to assist in the improvement of the submission and handling of unused material by the police and in the quality of schedules received. Concerns have been discussed with the police in writing and at a number of joint meetings, and the charging irregularities form has been adapted to provide data and feedback on inadequate or missing documentation. Prosecutors are now raising deficiencies in individual cases with the police and our file examination showed signs of an attempt to assist disclosure officers by providing general advice as well. Police officers have attended some of the training sessions on disclosure and the CJU Champion will be assisting in the preparation of disclosure courses for police officers.
- The Crown Court protocol on the handling of unused material has been discussed with the judiciary and appears to be working effectively. There is a draft protocol for Luton Magistrates' Court and the responsible Unit Head has been active in addressing issues with the Justices' Clerk.
- The last inspection report contained a recommendation about the quality of disclosure and Unit Heads' monitoring of performance and steps have been taken to address this. Those implemented so far have improved performance in some respects but the quality of decision-making still needs to be enhanced.

7 CUSTODY TIME LIMITS	OPA 2005	OPA 2007	Direction of travel
	Fair	Fair	Stable

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

- The Area custody time limit (CTL) manual was updated in November 2005 and contains clear instructions covering the roles of prosecutors and administrators at court and in the office. There are also separate instructions for monitoring by managers, which include the responsibility of Unit Heads for spot checks to ensure that CTL endorsements are clear and accurate. The management checks have only been recently introduced and are still being embedded.
- Differences in unit CTL management procedures noted during the 2006 AEI have been resolved. There have also been some upgrades to CMS. This, as well as findings made during that inspection, has led the Area to plan for appropriate staff training on CMS management of CTLs. The planned training has, however, been deferred from November and December 2006 to August 2007 following a decision by managers to accommodate other training priorities, although the general CMS update training was delivered.
- Systems for management of CTLs are sound and ensure accuracy. Our reality checks on CMS show that the system is used effectively for the management of those outstanding. Examination of 14 files undertaken during the AEI showed accurate expiry dates recorded on green stickers on the cover of all files; all CTLs were monitored correctly.
- There had been no reported CTL failures in the Area between 2003-04 and 2006-07. However, one occurred in June 2007 as a result of a combination of errors.
- Each unit allocates staff to co-ordinate CTL administration on a rotational basis. A senior crown prosecutor acts as champion.
- There is structured liaison with the Crown Court on CTL management, but as yet none with the magistrates' courts.

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

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

- Clear instructions are issued to staff on the need to send prompt Direct Communication with Victims (DCV) letters in all appropriate cases and the Area reports improving performance against the proxy DCV measure. In the main DCWs, rather than lawyers, are responsible for writing and sending letters.
- The Area undertook an assessment of its compliance with the Victims' Code of Practice in January 2007 and identified compliance with the DCV initiative as an issue. CPS data shows that in the first two quarters of 2006-07 there was only 44% and 48% compliance with the proxy target of 83 DCV letters; the national average in the three months to August 2006 was 72%. Our analysis shows the average number of DCV letters sent reduced from 36 in the first two quarters of 2006-07 to 19 during the last quarter. Managers maintain that reported figures in the period between December 2006-May 2007 understate performance following the introduction of monitoring on CMS in December 2006. The proxy target has reduced several times since April 2006 and stood at 37 in the first quarter of 2007-08. Our own checks at the time of the AEI revealed 63.6% compliance and a reality check for this assessment showed letters were sent in two out of five cases.
- The timeliness of DCV letters is good and improving; 98% were sent within five days in the last quarter of 2006-07, comparing favourably with the national average of 73%. Area checks to ensure that DCV letters were sent in appropriate cases are reliant on CMS reports identifying discontinued cases: effective procedures are required to ensure that letters are sent when the CPS substantially alters charge(s).
- Charging advice is mainly face-to-face and enables prosecutors and investigating officers to discuss issues about victims at that stage. Victims' views are routinely sought where appropriate in relation to discontinuance or downgrading of charges.
- Victim Personal Statements (VPSs) were not seen on most of the relevant files examined during the AEI and this has been raised with the police by Area managers. Instructions have been issued to charging prosecutors not to authorise charges without evidence that the need for special measures had been considered, and police officers received training to enable them to complete necessary forms incorporating VPSs. Progress was monitored through performance reports considered by the LCJB victims and witnesses sub-group, and performance had improved in the final quarter of 2006-07 to better than the national average. Within the LCJB the CCP is the Senior Responsible Officer for victims and witnesses.

- Reality checks indicate that witness warnings are generally timely. Processes for prompt completion of witness warning lists have been reviewed by Area managers. The level of ineffective trials attributable to witness issues in the Crown Court and magistrates' courts was better than the national average in the year to March 2007.
- Prosecutors and agents have all been issued with copies of the Prosecutors' Pledge. The Area monitors adherence to the pledge and the courteous treatment of witnesses in court through advocacy monitoring in the magistrates' courts and exception reporting in the Crown Court and investigates any complaints received. Victim and witness satisfaction surveys undertaken monthly in the magistrates' courts by the Courts Service showed strongly positive, above average, perception of service received from relevant CJS services.

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

- There are three WCUs, one attached to each of the three business units. At the time of the project sign-off in June 2006, three of the 14 minimum requirements were being met. The LCJB victims and witnesses sub-group has overall responsibility for victims and witnesses and a specific No Witness No Justice sub-group had responsibility for overseeing the implementation of the action plan to improve WCU delivery.
- The sub-group reviews performance against the action plan as well as all measures on compliance with NWNJ obligations (such as ineffective and cracked trials due to witness issues and witness waiting times) on a monthly basis. An NWNJ protocol setting out partner obligations was signed by all parties in March 2007 and the performance measures show a general trend of improvement in the six months to April 2007. In the light of the improved position the NWNJ sub-group was stood down in June 2007.
- There is limited analysis of performance trends by CPS managers and partners due to perceived validation issues with the data reported from the witness management system. As such, performance was not being published to staff at the time of this OPA.

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

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

- Area business plans for 2006-07 and 2007-08 clearly set out priorities and business objectives, which are tracked, reviewed and updated with progress and issues at quarterly intervals. Each objective and desired outcome has named individuals with responsibility for delivery. The quality and content of 2006-07 unit business plans was variable, but improvements in form and content are evident in the 2007-08 plans. Business plans at both levels are supported by other key documents such as risk registers (for Area and unit plans) and other bespoke plans that require particular attention, such as those for learning and development and improvement developed to capture action against previous HMCPSP recommendations and aspects for improvement.
- Business plans take account of national CPS and criminal justice targets and priorities and the CJSSS initiative which is being planned and managed through the LCJB with CPS participation. The business risk register highlights risks to Area business that would also impact on the successful delivery of CJSSS and identifies necessary counter-measures. However, the 2006-07 unit business plan for Luton CJU did not cover the roll-out of conditional cautioning on the unit.
- LCJB planning is devolved to sub-groups, membership of which included CPS managers. LCJB feedback is also a standing item on the Senior Management Team meeting agenda.
- In 2006-07, staff objectives were generally designed to fit with those of the Area and unit. There was limited evidence of individual tailoring to explicitly include personal objectives such as those linked to performance against additional roles, for example a theme champion or an HCA, or for undertaking community engagement. Staff objectives for 2007-08 are expected to address these shortcomings but were still in development during this exercise.

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

- CPS managers are proactive partners in the delivery of joint projects with LCJB partners. Our AEI report identified the need for the Area to develop staff to manage projects effectively. As yet, this aspect for improvement has not been implemented due to resourcing issues that it is hoped would be addressed by restructuring exercises during 2007-08.
- The CJSSS and conditional cautioning initiatives are being planned and executed by the LCJB and the CCP is the Senior Responsible Officer for both, chairing the two project boards. The CJU Heads sit on the CJSSS project board and local implementation team. Conditional cautioning was rolled-out in the Luton CJU in January 2007 and planning included the development of procedures, staff training, monitoring the number of conditional cautions issued and compliance with them. It did not address how the Area would capture and report on cases where a conditional caution would have been appropriate but was not used. The business plan identified the need for relevant staff training, and the learning and development plan showed that this was duly undertaken prior to roll-out.

- Benefits were generally well identified in project initiation documents where led by police staff and similarly in more recent CPS-led projects such as the implementation of a domestic violence court in Luton. Also, in more recent CPS-led projects such as the implementation of CJSSS, key success indicators and benchmarks have been established that clearly demonstrate that the value sought is on track to being achieved.
- In addition to business planning processes, the Area has introduced six-monthly reviews that focus on strategies for meeting medium to long term CPS and criminal justice objectives.
- Risk management appears generally well embedded in business planning. There is a need for further work to identify medium to long term strategic risks resulting from resource and structural planning undertaken by criminal justice partners such as the police.

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

- There are detailed learning and development plans to cover all aspects of training identified for lawyers, caseworkers and administrators, and individual staff circumstances are balanced against business needs in making training arrangements. The learning and development plans are regularly updated to capture progress and individual items are graded on the basis of the risk to the Area. Learning and development is discussed routinely at Senior Management Team meetings, and additional items are identified and included as business needs develop.
- Joint plans with LCJB partners for the development of an induction package for all CJS staff encountered a number of problems with delivery and funding logistics, and have been put on hold.
- The Area induction processes include training in equality and diversity, using the e-learning module for new staff. Otherwise, equality and diversity awareness is included in other training exercises covering aspects such as hate crimes.
- Evidence from minutes of Area and unit management meetings show that management checks on casework and the CQA scheme are used for the identification of training needs and, indirectly, the evaluation of training delivered.

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

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

- In 2006-07 CPS Bedfordshire came in under budget on its non ring-fenced administrative costs (NRFAC) budget, spending 98.8% of allocated funds, a good performance. In 2005-06 performance was fair, with an overspend amounting to 1.54% of the allocated NRFAC budget.
- Improvements in HCA usage in the Crown Court and, more modestly, in-house coverage in the magistrates' courts, have resulted from the focus on improving resource deployment and achieving value for money. Agent deployment, as with all other budgetary functions and controls, is centrally managed by the Secretariat, although finances are discussed at management team meetings with unit managers present. Managers generally ensure that case finalisations are timely and accurate. A stock take of meetings held in the Area has been undertaken, to ensure that time spent in them offers commensurate value. The move to co-location with the police in both Bedford and Luton was intended to achieve value for money, although existing arrangements in Luton have impeded the effectiveness of joint working.
- Prosecution costs were 4% under budget in 2005-06 and 10.2% over budget in 2006-07. The latter outturn was attributable to an Area error in recording a high cost case and it has introduced additional controls to prevent a recurrence. The timeliness of graduated fee scheme payments made within four months of the last hearing date stood well above national average in all but one quarter during 2006-07, although against the one month timeliness measure it was less good, and on a deteriorating trend during 2006-07. National Finance Business Centre reports show a significant improvement in the accuracy of financial returns.
- Additional funding (£110,000) was received from the CPS in the last quarter of 2006-07 to deal with caseload pressures and was used primarily to support complex casework in the Crown Court and planned community engagement events.

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

- The 2006-07 business risk register highlighted effective staffing at lawyer grades as a risk. Counter-measures included ensuring effective deployment of HCAs and DCWs in order to make efficiency savings. Annual preference exercises are undertaken to ensure that the right mix of lawyers are allocated to units and to provide career development opportunities. The composition of individual caseload allocations is monitored to ensure a fair distribution of work and to maximise the deployment of DCWs in appropriate case categories.
- Since April 2007 the Area has introduced formal team targets for court and charging centre deployment and lawyers and DCWs are now expected to spend 3.5 days in them. The basis for these expectations is supported by financial analysis as well as Area targets. In 2006-07 a target was set to achieve in-house coverage in 70% of all magistrates' courts sessions, with an outturn of 64.8% achieved. Although this was an improvement on the previous year's performance (61.2%), it fell significantly short of the national average of 80.4%.

- In 2006-07 Bedfordshire did not achieve its 14% target for DCW coverage, due to the loss of staff and potential recruits to other CPS Areas. It ended the year on 11.9%, but exceeded the target in the last quarter having both negotiated an increase in the number of DCW courts available and successfully recruited new staff.
- In 2007-08 an additional DCW has been employed, making a total of five. The target for DCW coverage in 2007-08 is 17%, but with court deployment expectations of 3.5 days per DCW per week, the Area should expect to exceed this target significantly if DCWs are effectively deployed, given the number in post and the number of courts available. 26.61% DCW coverage was achieved in May 2007.
- Significant progress has been made in improving the amount of work being undertaken by HCAs. In 2005-06, the Area achieved only 68.7% of its target of £41,082. In 2006-07 £143,187 in savings was achieved against a target of £67,667. Whilst there is no formal local strategy for HCA development, procedures for deployment and allocation of cases, as well as Area preference exercises that identified staff potential and balanced business needs, indicate a purposeful approach to ensuring that the national advocacy strategy objectives are being largely met. There are eight fully qualified HCAs, including the CCP and two Unit Heads. They are routinely rostered to undertake PCMHs. One HCA has undertaken 15 jury trials, ten appeals against conviction, two Newton hearings and one contested confiscation hearing during 2006-07. Another, having been moved from a CJU to the TU, is developing her expertise and has undertaken one jury trial and two Newton hearings.
- The management team routinely monitors staff absence data and breakdowns at meetings. The Area lost 5.8 days in sickness absence per employee in the 12 months to December 2006, which is within the national target of seven days.
- Unit managers take account of business needs in considering and supporting staff requests for flexible leave and alternative working arrangements such as compressed hours.

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

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

- The Secretariat maintains comprehensive performance information packs for the TU and the CJUs which are referred to at both Area and unit management meetings. The performance packs are updated in line with data finalisation and publication dates of the various CPS management information sources, but do not always include individual unit performance against key aspects. Comparative national performance is also included in instances where this was readily made available by CPS Headquarters.
- Minutes of management meetings include clear action points to address under-performance. These are allocated to individuals and monitored effectively in subsequent meetings, the status of each task being continuously documented until complete. Examples include dip sampling of cases to identify compliance with Area and service standards and escalation of concerns to senior police partners as necessary.
- Minutes of staff meetings held on units also include clear references to summary performance information and the Area has developed a summary performance report that is emailed to all members of staff, placed on team notice boards and updated monthly. The Area was thus able to ensure staff awareness of improvement in key aspects of performance over the past two years, in aspects such as charging benefits realisation, successful outcomes in both magistrates' courts and the Crown Court, and hate crime outcomes.
- Earlier problems relating to the multiple registration of cases on CMS have been resolved and managers routinely use its reports to monitor outstanding work and manage workflow. There have been exercises to identify and resolve issues relating to the accuracy of data on staff sickness absence, timeliness of management of PYOs, and the volume of letters dispatched under the DCV initiative. The effectiveness of systems for collating and recording information have been beneficial to the resolution of these issues. Unit managers also undertake monthly checks on the validity of CMS finalisations based on reports received from CPS Headquarters.
- Overall, performance in some key aspects has improved at a faster rate than the national average, albeit from a previously low base. Unit managers have taken charge of the implementation of initiatives to improve local performance by, for example, the introduction of domestic violence courts, increased use of HCAs in the Crown Court, embedding effective use of CMS by prosecutors and administrators, and reviewing processes to ensure continuous improvements in trial effectiveness and victim and witness care. Area managers need to develop benchmarks for performance, and highlight success factors, in a manner that clearly demonstrates that improvements achieved are as a consequence of action taken. Where possible, more needs to be done to ensure that individual performance objectives reflect the extent of their responsibilities in Area business plans, as well as other improvement and project plans.

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

- There is an Area Criminal Justice Programme Board (CJPB) whose membership includes senior police personnel, the CCP and ABM. The LCJB performance officer reports to the Board meeting every three months, and the CJPB provides strategic direction for joint prosecution improvement around key themes of charging, file quality, victim and witness care and performance management.
- The CCP, ABM and Unit Heads are members of various LCJB sub-groups. Minutes of LCJB and sub-group meetings, as well as the LCJB business plan, clearly show that CPS managers are active participants in a range of activities. The CCP is the Senior Responsible Officer heading the project board for the implementation of the Criminal Justice: Simple, Speedy, Summary initiative, and also for conditional cautioning.
- Monthly LCJB reports include CPS performance information, such as the charging benefits data that is used for discussions at Board and sub-group meetings. There is an Area log that details all relevant performance reports produced, their use, frequency and distribution. The LCJB performance officer is included amongst recipients of monthly reports such as the PTPM reports. Requests for information from partner agencies are escalated to senior managers when prompt action is required.
- PTPM reports are used to discuss prosecution team performance at Area-wide PTPM and unit-based joint performance monitoring (JPM) meetings. Following a recent post-implementation review of the use of PTPM reports in Bedfordshire by CPS Headquarters, Area managers are aware that they could benefit from better performance analysis and trending. Otherwise, there is effective use of performance information, such as that used to support discussions with local police partners over the level of prosecutor deployment required in Luton. File quality and timeliness strategies are monitored and reported on at JPM meetings, with a focus on identifying and resolving the 'top five' quality issues at any one time. These priority issues change as improvements are delivered.

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

- Compliance with the casework quality assurance system has improved since the last OPA. In 2006-07 the Area set a target to improve compliance to 70% which, although well short of the national requirement of 100%, reflected the low base from which it was aiming to improve. Compliance for 2006-07 was 75%, which still fell short of the national average of 83.4%. The Area has set a target of 97% for 2007-08. The unit performance packs include a log of prosecutors that enables unit managers to ensure that appropriate numbers of CQA forms are completed within each period. As local compliance targets were met during most of 2006-07, there was limited reference to actions taken to improve performance to the 100% target noted in discussions at Area and unit management meetings.
- CQA assessments on disclosure have, however, been drawn upon as a tool for monitoring improvement on this aspect following previous adverse inspection findings.

- Whilst quarterly performance against the four assessments is included in the relevant performance packs, the Area could improve the effectiveness of CQA by ensuring that each of the four is used in managing performance on charging, reducing unsuccessful outcomes, disclosure and victim and witness issues rather than as a stand alone item under CQA compliance. Comparative unit performance should also be considered. The quarterly collective analysis and feedback of issues identified in CJU assessments is a good development, although it could be improved through supporting its conclusions with the relevant data.
- A prosecutor assessment log to record checks on advocacy standards is maintained which includes agents' assessments and, for CPS prosecutors, a schedule for future reviews. Detailed assessments are held on individual CPS prosecutor files and summaries recorded in the log. It is not used to collect information from informal feedback from criminal justice partners and could be improved to do so with few modifications. At least three agents have been identified as being of inadequate quality and instructions have been issued to prevent their future engagement.

12 LEADERSHIP	OPA 2005	OPA 2007	Direction of travel
	Fair	Fair	Improved

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

- The Area has published its vision statement in the introduction to the Business Plan for 2007-08. It adopts the overarching vision and values of the Service.
- The Area and unit performance management framework ensures that managers are accountable for delivery of Area objectives. This is demonstrated in management meetings with the CCP and ABM being scheduled monthly for each unit.
- The 2006 staff survey showed that Bedfordshire's staff were more satisfied than average with the regularity (84% compared to 59% nationally) and effectiveness (68% against 55%) of meetings. Those held at unit level cascade corporate messages to staff, although actual dialogue appears limited. In order to improve engagement, the Area has introduced 'surgeries' with the CCP giving access to all staff on a one-to-one basis, although at the time of the OPA, only one had taken place with very limited take-up. With regular team meetings taking place on all units, senior managers could ensure that meeting schedules are publicised in advance to enable occasional attendance by the CCP and ABM.
- Senior managers are active participants at LCJB level and performance information is shared with criminal justice partners. CPS managers actively promote Service priorities in dialogue with partner agencies, as demonstrated in the extension of afternoon charging cover at Luton Police Station.
- The Area is quick to develop and implement actions identified from reviews and inspection, as demonstrated in the Area effectiveness inspection improvement plan.

12B Senior managers act as role models for the ethics, values and aims of the Area and the CPS and demonstrate a commitment to equality and diversity policies

- Process reviews have been successfully undertaken by administrative staff and, as with improving Area or unit performance, were acknowledged in meetings and formal staff communications. In some instances staff have received a personal letter of thanks from the CCP.
- The ABM is the Area champion on equality and diversity issues and has responsibility for planning and delivery against CPS equalities strategies.
- In response to the CPS national Race Equality Scheme, Bedfordshire produced a booklet for the local community which sets out how it is seeking to meet its obligations. This is supported by an equality and diversity action plan which detailed the activities the Area aims to undertake to advance this plan. There has been some progress in initiating activities geared towards community engagement, although the integration of explicit equality and diversity actions relating to the workforce is less evident.

- The accuracy of Area workforce representation information is affected by low declaration rates in comparison to national figures. Progress against the workforce representation development plan does not feature in Senior Management Team minutes or in Area business plan reviews.
- Results from the 2006 staff survey show that 66% of Area staff felt they were treated with fairness by the CPS, compared to 63% nationally. Managers have dealt with incidents of improper behaviour as appropriate.

13 SECURING COMMUNITY CONFIDENCE	OPA 2005	OPA 2007	Direction of travel
	Poor	Fair	Improved

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

- The CPS has become more proactive in its work to engage with, and secure the confidence of, the local community. As well as working with the LCJB in its community engagement strategy, steps have been taken to develop the Area's own strategy. Actions to improve community confidence, with specific objectives, are set out in the business plans for 2006-07 and 2007-08, and are carried through to the unit business plans and the equality and diversity improvement plan. Some aspects of the latter still need to be progressed.
- The CCP undertakes a significant amount of engagement and, to a lesser extent, the Unit Heads. Champions have developed links with community groups, with the Domestic Violence Champion being particularly active in attending appropriate meetings. There is limited involvement by a wider range of staff, although a personal objective in respect of community engagement in 2007-08 is to be included in all forward job plans.
- The Area keeps up-to-date information on demographics and, having made progress in establishing contact with community groups, now has a wide range of local and national contacts in its directory. It is yet to engage with some of the newer communities in the area.
- The Area has circulated the LCJB guide for staff on the local minority ethnic communities. It held a Muslim community event in November 2006, which was followed by events at both local magistrates' courts (with LCJB involvement), and is planning an event for lesbian, gay, bisexual and transgendered groups in the autumn. Plans to develop a Hate Crime Panel, which were well advanced at the time of the AEI, have been postponed to link in with national plans and guidance.
- There has been a clear and significant improvement in public confidence in the ability of the criminal justice agencies in Bedfordshire in bringing offenders to justice. The most recent figure, as measured by the British Crime Survey, is 44% which is 1.7% above the national average. The Area has compiled a baseline of community confidence in its work from its recent stakeholder survey of criminal justice partners and community groups and agencies, and plans to undertake a further assessment next year.
- The benefits of consultation with the community are starting to be seen, such as the links with Crime and Disorder Reduction Partnerships ensuring that the Area was aware in advance of changes that affected case handling. Although forms should be completed after each event, not all staff are consistent in doing so, and this information has yet to be used for an overall assessment of activity and identification of improvement.
- Although relationships with the media are to some extent reactive, there are positive relationships with the local press and active steps were taken to ensure the first Muslim community event was covered. The Area has taken part in local radio programmes and the CCP has participated in a television documentary concerning a murder case. Effective arrangements have been made with the police to ensure that there is a CPS presence if any charging decision is to be announced in the media.

ANNEX A: PERFORMANCE DATA

Aspect 1: Pre-charge decision-making

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance 2005-06 2006-07		National target March 2007	National performance 2006-07	Area performance 2005-06 2006-07	
Discontinuance rate	11.0%	15.7%	15.6%	16.4%	11.0%	13.1%	11.0%	10.4%
Guilty plea rate	52.0%	69.2%	74.3%	67.0%	68.0%	66.5%	66.9%	65.7%
Attrition rate	31.0%	22.0%	20.7%	23.2%	23.0%	22.2%	22.1%	22.1%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	77.0%

Aspect 2: Ensuring successful outcomes in the magistrates' courts

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed magistrates' courts cases	84.3%	83.8%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	49.4%
Cracked trial rate	37.3%	30.0%
Ineffective trial rate	18.9%	20.6%
Vacated trial rate	22.5%	32.1%

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

National target	National performance 2006	Area performance 2006
71 days	72 days	70 days

Offences Brought to Justice

	CJS area target 2006-07	CJS area performance 2006-07
Number of offences brought to justice	13,045	13,312

Percentage make up of Offences Brought to Justice

	National 2006-07 ⁷	Criminal justice area 2006-07
Offences taken into consideration (TICs)	8.5%	4.3%
Penalty notices for disorder (PNDs)	10.3%	9.0%
Formal warnings	5.8%	3.7%
Cautions	26.5%	27.9%
Convictions	48.8%	55.0%

Aspect 3: Ensuring successful outcomes in the Crown Court

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed Crown Court cases	77.7%	75.7%

Trial rates

	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	55.9%
Cracked trial rate	39.5%	31.4%
Ineffective trial rate	12.4%	12.7%

⁷ Final figures awaited.

Proceeds of Crime Act orders	Area target 2006-07	Area performance 2006-07
Value	£600,000	£321,709
Number	33	22

Aspect 10: Managing resources

	2005-06	2006-07
Non ring-fenced administration costs budget outturn	101.5%	98.8%

Staff deployment	National target 2006-07	National performance 2006-07	Area performance 2006-07
DCW deployment (as % of magistrates' courts sessions)	17.2%	14.7%	11.9%
HCA savings against Area target	100%	138.4%	211.6%
Sickness absence (per employee per year)	7.5 days	8.5 days	5.8 days

Aspect 13: Securing community confidence

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

CJS area baseline 2002-03	2004-05 (last OPA)	Performance in 2006-07
36%	43%	44%

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

We relied upon our consultations with representatives and organisations during the Area effectiveness inspection.

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

For information or for more copies of this booklet, please contact our Publications Team on 020 7210 1197, or go to our website: www.hmcpai.gov.uk

HM Crown Prosecution Service Inspectorate

London Office:

26 - 28 Old Queen Street

London SW1H 9HP

Tel. 020 7210 1197

Fax. 020 7210 1195

York Office:

United House, Piccadilly

York, North Yorkshire, YO1 9PQ

Tel. 01904 54 5490

Fax. 01904 54 5492

Website:

www.hmcp.si.gov.uk

© Crown copyright 2007