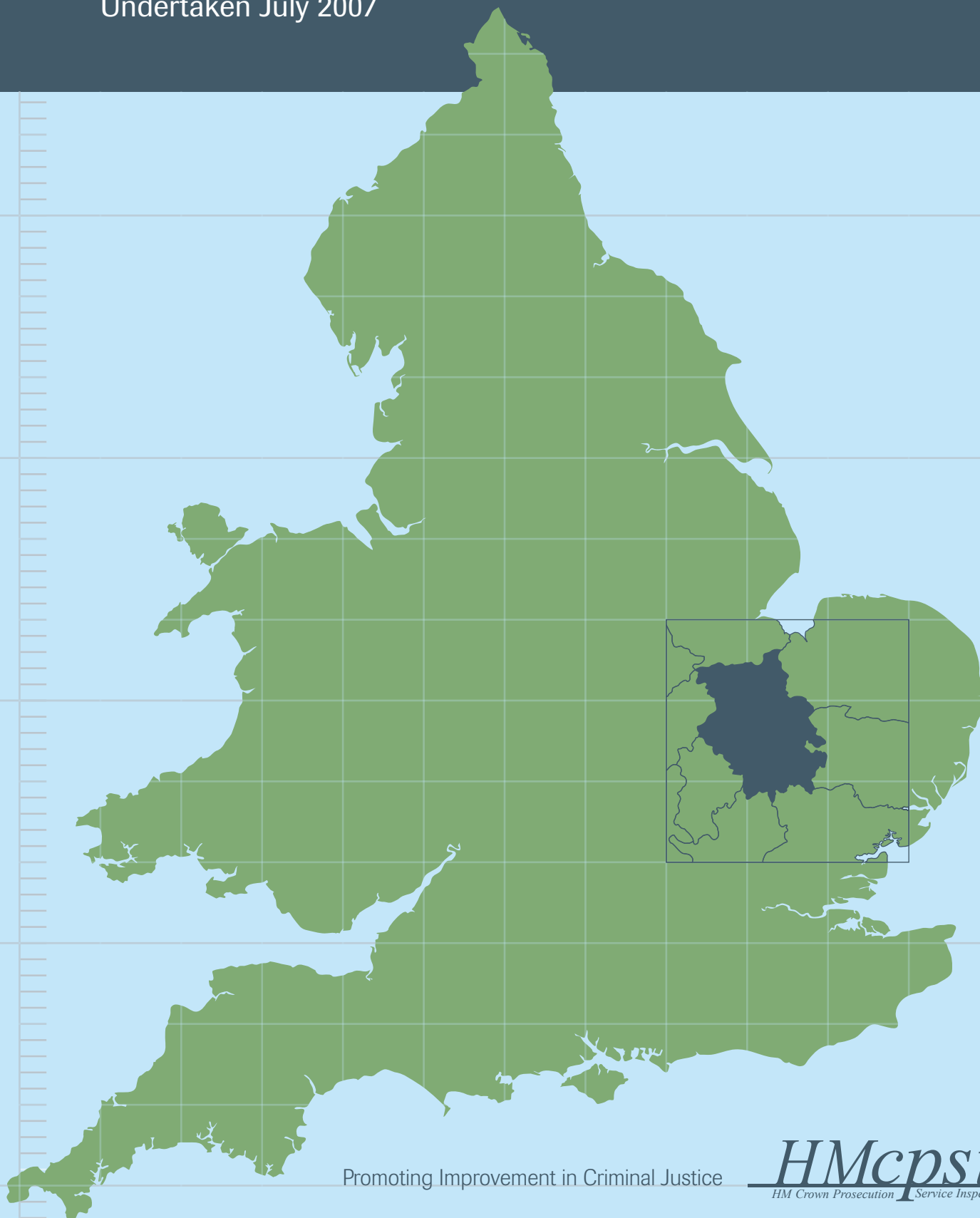


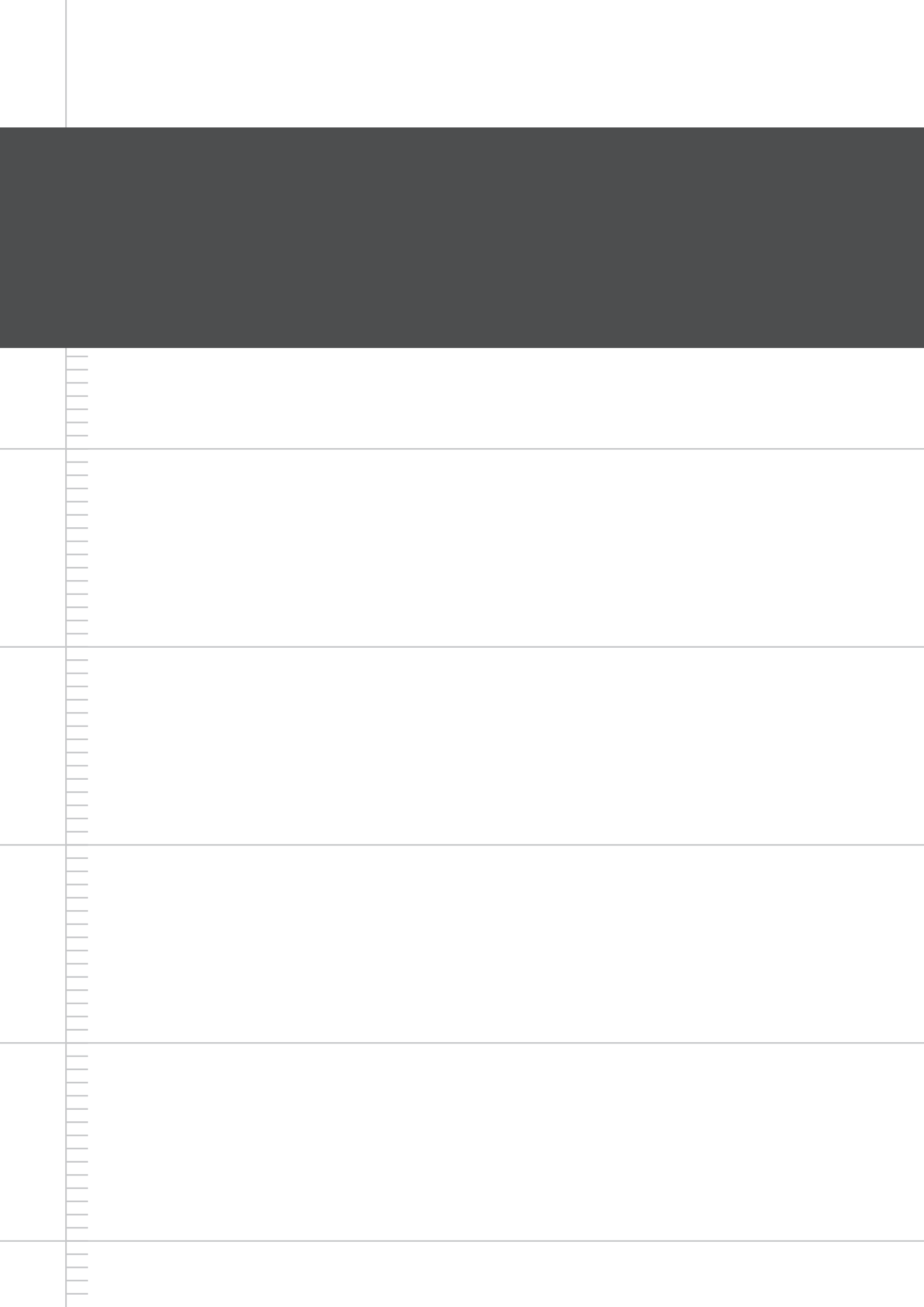
# CPS Cambridgeshire Overall Performance Assessment

Undertaken July 2007



Promoting Improvement in Criminal Justice

*HMcp*si**  
HM Crown Prosecution Service Inspectorate



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## ABBREVIATIONS

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

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

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## **A INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS**

This report is the outcome of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPsi) overall assessment of the performance of the Crown Prosecution Service (CPS) in Cambridgeshire 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 Cambridgeshire serves the area covered by the Cambridgeshire Constabulary. It has three offices, at Huntingdon (Central), Peterborough (Northern) and Cambridge (Southern). The Area Headquarters (Secretariat) is based at the Huntingdon office.

Area business has recently restructured into vertically integrated (or combined) units that handle casework from 'cradle to grave'. The units are sited in the three geographical locations mentioned and are co-terminous with police Basic Command Units.

During the year 2006-07 the Area had an average of 64.7 full-time equivalent staff in post, and a budget of £3,080,960. This represents a 10% increase in staff and a 14% increase in budget since 2004-05, the period covered by the previous overall performance assessment.

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

### Pre-charge work<sup>1</sup>

2004-05		2006-07	
Written advice	1,322	Decisions resulting in a charge	3,949
Pre-charge advice (where available)	3,405	Decisions not resulting in a charge <sup>2</sup>	3,057

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	9,552	11,598	+21.4%
Other proceedings	5	5	Nil
<b>Total magistrates' courts proceedings</b>	<b>9,557</b>	<b>11,603</b>	<b>+21.4%</b>

### Crown Court proceedings

(including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Cases sent or committed to the Crown Court for determination	903	1,020	+13.0%
Committals for sentence <sup>3</sup>	295	272	-7.8%
Appeals from the magistrates' courts <sup>3</sup>	114	111	-2.6%
<b>Total Crown Court proceedings</b>	<b>1,312</b>	<b>1,403</b>	<b>+7.0%</b>

In 2006-07, 49.1% 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**

CPS Cambridgeshire has a stable, experienced senior management team and has recently restructured to three combined units which are now co-terminous with police Basic Command Units. Whilst the number of cases referred for pre-charge decision (PCD) fell gradually during 2006-07 its proportion of national PCD caseload grew from 0.7% to 1.1%.

### **Summary**

Having migrated to full statutory charging in April 2006 the Area has worked jointly with police to put the necessary practical arrangements in place, except that there is no appointment system at present. The level of face-to-face advice is appropriate and the quality of investigative advice and decisions is adequate although there is limited consideration of ancillary matters. The benefits of charging are beginning to be realised in the magistrates' courts in terms of discontinuance, guilty pleas and attrition which are all ahead of national performance. However performance in relation to all three indicators is behind target and national averages in the Crown Court.

The proportion of successful outcomes in the magistrates' courts has improved since the last OPA and is ahead of national performance, mainly due to a substantial reduction in the proportion of magistrates' courts discontinuances. Unsuccessful outcomes are generally analysed so that lessons can be learned jointly with the police. Case management system task lists are not analysed at present although the Area is planning to use this function when the system is upgraded to reflect business process in the new combined units. Joint case progression systems are in need of review following restructure although the Area is performing well in relation to cracked and ineffective trial rates. The vacated trial rate is particularly impressive.

The proportion of successful outcomes in the Crown Court has declined since the last OPA although it appears to be recovering from a dip in 2005-06. The guilty plea rate has improved markedly but this is tempered by the decline in the judge ordered acquittal rate over the same period. The number of Proceeds of Crime Act orders has increased above target although their value is lagging behind. Cambridgeshire is performing well in relation to cracked and ineffective trials and joint case progression is generally effective.

Cases tend to progress at each hearing and the Area performs relatively well on timeliness although most contested cases are subject to pre-trial reviews and this is resource intensive. The CPS is working with the Crown Court to allow trial dates to be set at the preliminary hearing in indictable only matters and, with limited exceptions, plea and case management hearings are effective. The Area is careful to ensure that counsel and agents of appropriate skill and experience are briefed in difficult cases, but there is no formal monitoring of performance in court. The number of wasted costs orders has reduced but is still unduly high at four.

The proportion of sensitive and hate crime cases that result in an unsuccessful outcome has been driven down. Performance is tracked at Area Management Team (AMT) level on a quarterly basis. Specialists have been appointed in most fields except racially/religiously aggravated crime and a dedicated rape co-ordinator has recently come into post. Sensitive and hate crime cases are conducted by lawyers, caseworkers and advocates of appropriate experience. Child protection issues are taken seriously and there is a good track record in dealing with high profile child abuse cases. Training is proportionate and timely.



The duties of disclosure are complied with and occasional failures are analysed with causes identified. There is a high profile champion who undertakes joint training and mentoring with the police. The Area liaises with the judiciary in relation to local protocols. The quality of disclosure decisions and compliance with procedure is formally monitored by casework quality assurance (CQA) analysis.

There is a comprehensive custody time limit (CTL) policy that incorporates national policy and some elements of good practice. The champion has an ongoing training programme for staff. However our 'reality check' of files revealed that the CTL policy was not always adhered to. The perception of the CPS in the Crown Court also needs to be addressed.

Whilst it is clear the Area is committed to improving the service to victims and witnesses, overall its performance has declined and that concerning the Direct Communication with Victims scheme is significantly below national average. The ineffective trial rate in the magistrates' courts attributable to the absence of prosecution witnesses is one of the best nationally but the cracked trial rate in the Crown Court due to witness issues is one of the worst. The No Witness No Justice project needs to be formally reviewed so that there is a better understanding of whether the minimum standards required are being met.

The Area Business Plan (ABP) is aligned with the main initiatives and CPS national priorities and a Risk Register is in place. Senior managers demonstrate good awareness of the inter-dependencies between various projects and try to evolve a synergy and value for money in their delivery. However the Area would benefit from a more formalised approach to ensure plans and the means to deliver them are up to date and that risks are systematically assessed. There has been a successful restructure into combined units and the benefits of better management and communication are beginning to take affect. Training is linked to the ABP and reflected in individual objectives.

The non ring-fenced administration budget is generally very well managed. Staff deployment is closely monitored and the Area demonstrates strong commitment to its advocacy strategy. The utilisation of designated caseworkers needs to be improved. The Higher Court Advocate strategy for 2007-08 is very comprehensive but careful monitoring and review will need to be implemented if targets are to be achieved. Average sickness absence is excellent.

It is clear there is a growing performance culture among senior managers. Performance is considered at regularly scheduled AMT meetings but there are no separate meetings and no dedicated performance manager. There is clear commitment to criminal justice system (CJS) initiatives and other inter-agency working where joint performance is analysed and information shared. Compliance with CQA has improved although advocacy standards are not systematically monitored.

Although review of the ABP, risk management and performance data are not sophisticated or systematic the Chief Crown Prosecutor (CCP) and senior managers demonstrate an excellent level of awareness of Area and CJS issues. The Area Management Team is mature, stable and has a corporate approach to managing business. The Staff Survey reveals a mix of good and bad communication issues between senior managers and staff that the Area are aware of and are addressing. Despite this it is evident that the CCP and his staff provide clear leadership and direction.

The Area has been unable to engage with the community in a proactive way. Its focus has been to improve operational and performance issues. Some worthwhile activity has been conducted on an ad hoc basis rather than by a co-ordinated approach. This passive approach means that the Area is unable to identify, target or measure effective community engagement and therefore is less able to demonstrate service improvements through consultation. The confidence of the community in bringing offenders to justice in 2004-05 was 47%. More recently it has decreased to 44.3% (year to December 2006) but is above the national average.

**Direction of travel**

Since the last OPA one aspect has improved, two have declined and all others have remained stable. The Area has the capacity to improve if it can: build upon the strengths its restructure is proving to have; become consistent and robust in respect of casework quality assurance; build capacity into securing community confidence; overhaul the direction of Area and partnership plans by addressing the No Witness No Justice minimum requirements; and ensure custody time limits comply with its own comprehensive policy.

In the light of our findings, Cambridgeshire's overall performance is **GOOD**.

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

## D DEFINING ASPECTS

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

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

- The Area migrated from shadow to statutory charging in April 2006. Whilst the number of cases referred for pre-charge decision fell gradually in absolute terms during 2006-07, its share of the national PCD caseload grew from 0.7% to 1.1%.
- Face-to-face charging advice is provided between 9am-5pm at three centres; one for each police BCU and CPS unit. There are well thought out joint protocols for early and specialist advice which are observed by police gate-keepers and senior investigating officers in serious and complex cases.
- About 46% of consultations were face-to-face in 2006-07. The Area monitors the level closely and considers adjustments where appropriate. There is no formal appointment system but the Area is aware of the need to develop one jointly with police. The benefits would include greater continuity of duty prosecutor and savings in police resources caused by reduced waiting times. Duty prosecutors would also be able to plan advice sessions better and add value accordingly.
- Cases are sifted for pre-charge advice by Detective Sergeant 'gate-keepers' who receive ongoing joint training. This level of experience and expertise ensures that pre-charge consultation takes place in almost all relevant cases. Lawyers and designated caseworkers (DCWs) are instructed to inform Unit Heads when defendants are charged without appropriate referral to the duty prosecutor.
- The level of inappropriate requests for advice is also kept to a minimum by robust gate-keeping. The Area monitors its effectiveness closely by tracking the ratio of charged cases to those which end in no further action (NFA). When the advice is to NFA, the PCD advice forms (MG3s) are passed to Unit Heads for analysis and trends discussed with crime managers. In 2006-07 56% of PCD cases resulted in charge while 28% resulted NFA, against 31.9% nationally.
- There is a fully compliant dispute resolution protocol and our reality checks showed that it is used and properly applied when appropriate.
- Police compliance with MG3 action plans (before charge) is monitored by jointly trained police case-file co-ordinators to ensure that cases are promptly investigated and either brought back for further advice, or ended in NFA without undue delay. Area Prosecution Team Performance Management (PTPM) data is considered at bi-monthly performance meetings to track the level of ongoing cases and police crime managers investigate the monthly list to ensure that CPS files are not left open unnecessarily.

- Duty prosecutors have received additional training in case management system (CMS) usage and finalisation to ensure that cases are accurately counted. MG3s are generated on CMS and they consistently record ethnicity and gender accurately. The Area has improved the integrity of its data further by reducing the proportion of cases that are marked off as “admin finalised” or “undefined” (when no outcome has been notified by police following the initial pre-charge advice) to satisfactory levels.
- Police crime managers monitor CPS Direct (CPSD) usage and report issues to the CPS charging lead, who works with the Area liaison manager. The dispute resolution protocol includes procedures for appealing CPSD decisions.
- Conditional cautioning has been in place since April 2007 at all charging sites. Appropriate joint training has been given to police and CPS staff and advocates are conscious of the need to refer cases charged by police back for conditional caution when appropriate.

**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**

- Duty prosecutors are drawn from all three units and the Area ensures that they have all completed the CPS’s Proactive Prosecutor Programme training. Most of them have substantial experience although there is no formal minimum requirement. Hard copy reference materials are available in each charging station including the Area Charging Manual. There is no electronic database aside from the CPS intranet.
- Unit Heads informally dip sample MG3s including those cases where the advice is to take no further action or to conditionally caution. They assess the quality of the charging advice and provide written feedback when necessary although this is not always systematic or fully documented. Charging decisions are also assessed as part of the CQA scheme and Unit Heads provide frequent informal mentoring and guidance as appropriate.
- Reality checks show that the quality of charging decisions and action plans is generally timely and sound and that good investigative advice is often given. The Area works with the police to ensure that the quality of early advice and charging decisions is high in serious and complex cases by involving experienced and senior lawyers at the earliest opportunity. The appointment of dedicated rape and Proceeds of Crime Act (POCA) co-ordinators should improve this still further.
- However in relation to volume crime duty prosecutors tend not to show detailed consideration of possible defences. Also ancillary issues such as special measures, disclosure and alternative pleas are rarely referred to in the MG3.

### 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%	14.8%	13.0%	11.0%	13.1%	17.5%	15.0%
Guilty plea rate	52.0%	69.2%	66.4%	74.0%	68.0%	66.5%	51.6%	63.8%
Attrition rate	31.0%	22.0%	23.8%	18.94%	23.0%	22.2%	27.7%	23.8%
						<b>National performance 2006-07</b>		<b>Area performance 2006-07</b>
Charged pre-charge decision cases resulting in a conviction						78.0%		80.3%

- The benefits of statutory charging are beginning to be realised in that the proportion of PCD cases that ended in conviction rose to 80.3% in 2006-07 against the national average of 78%.
- In the magistrates' courts the attrition rate was 18.9% and the guilty plea rate 74% which were both better than national target and national performance. However the discontinuance rate stood at 13% for the year, which was behind target but better than national performance.
- In the Crown Court the rates of discontinuance, guilty pleas and attrition had all improved since 2005-06 but all remained worse than national target and national performance. In 2006-07 the discontinuance rate was 14.9%, guilty plea rate 63.8% and the attrition rate 23.8%.
- The Chief Crown Prosecutor monitors PCD performance indicators at the strategic level and identifies trends for consideration by AMT; conclusions are then used to inform strategy.
- In 2006-07 the NFA rate stood at 28% against 31.9% nationally. It is tracked closely by AMT and Unit Heads meet crime managers to discuss it from time-to-time. Sanction detection rates are considered at Local Criminal Justice Board level.
- There has been little joint consideration of PTPM data at the operational level because divisional figures have not been included in the report until very recently. However Unit Heads hold bi-monthly performance meetings with police crime managers to discuss the operation of the statutory charging scheme locally. There is clear evidence that action is taken as a result and the Area's PCD arrangements are maturing quickly.

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

## 2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	7.9%
No case to answer	0.2%	0.3%
Dismissed after trial	1.9%	1.9%
Discharged committals	0.2%	0.1%
Warrants	2.6%	2.2%
Overall conviction rate	84.3%	87.6%

- The proportion of successful outcomes in 2006-07 was 87.6% against 84.3% nationally which falls into the 'Excellent' range of overall performance. It also represents a 2.1% improvement on the successful outcome rate noted in the last OPA.
- From 2004-05 the proportion of unsuccessful outcomes in the magistrates' courts improved faster than national performance so that in 2006-07 it stood at 12.4% against 15.7% nationally.
- This was largely achieved by keeping the number of discontinuances steady while the magistrates' courts caseload grew by 21%. There is no requirement for discontinuances to be formally authorised but Unit Heads are generally aware of such cases in advance given the small size of the units. Our reality checks show that decisions to discontinue are generally sound.
- The proportion of cases which end in no case to answer (NCTA) and dismissal after trial have both deteriorated slightly since the last OPA. The discharged committal rate has also deteriorated although this represents only 15 cases in 2006-07. The 2006-07 unsuccessful outcome rates are set out in the table above which shows that only the NCTA rate was worse than national performance.
- All unsuccessful outcomes, except dismissals after full trial, are subject to outcome analysis by Unit Heads with written feedback given to lawyers where appropriate. Lists of cases are sometimes compiled for consideration at strategic level by AMT. There is occasional joint analysis of adverse outcomes at the bi-monthly performance meetings but performance is only improving in relation to discontinuances.

- Joint targets such as Offences Brought to Justice (OBTJ) and persistent young offender (PYO) timeliness are considered at AMT, as well as at inter-agency meetings. Having achieved only 95% of its OBTJ target in 2004-05 the criminal justice area has improved its performance and in 2006-07 exceeded its target. Forty nine percent of OBTJ were convictions and the CPS contributes by keeping discontinuances to a minimum.
- The Area has consistently met the PYO target of 71 days from arrest to conclusion for the last five years and performance stood at 69 days for 2006-07.
- The relatively small size of the units allows lessons to be fed back informally by Unit Heads and formally via team meetings. Local training on specific issues also takes place when necessary.

**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%	43.8%
Cracked trial rate	37.3%	36.8%
Ineffective trial rate	18.9%	18.9%
Vacated trial rate	22.5%	6.0%

- The Area considers the overall quality of police files to be good although timeliness can be problematic. Unit Heads work directly with police managers to monitor quality and discuss issues such as committals and preliminary hearings (in indictable only cases) at bi-monthly performance meetings.
- Unit Heads maintain an informal working knowledge of the quality and timeliness of review, endorsement and preparation on all files. CQA analysis is also conducted although units do not approach the task with a consistent level of robustness. Reality checks show files to be properly reviewed and endorsed with evidence of effective communication with police case-file co-ordinators.
- CPS Cambridgeshire does not have any dedicated case progression officers in the magistrates' courts. This causes difficulties because issues are raised with police case-file co-ordinators which are dependent on responses from the CPS. Concerns have emerged at criminal justice performance meetings in the North Central District particularly in the context of trial readiness certificates. The trial readiness forms are of limited use and the Area still relies on pre-trial reviews and trial readiness hearings in most contested cases. However in 2006-07 the Area still performed well in relation to the ineffective trial rate (18.9% against 19.4% nationally) and the number of adjournments required per case (1.54 against 1.71).



- Criminal Justice: Simple, Speedy, Summary (CJSSS) is due to be rolled-out in Cambridgeshire from August 2007 and joint agency planning is well under way. The Area has identified likely rubbing points and is planning accordingly.
- Appropriate priority is given to youth cases. In 2006-07 97% of youth trials were within the timeliness target against 87% nationally. In 84% of relevant cases guilty pleas were entered within the timeliness target against 87% nationally. Each unit uses a tracker to monitor the progress of PYO cases and performance is reported to AMT and the relevant joint performance meetings. The Area has shown that it can adapt to changing circumstances by negotiating the transfer of cases between courts when backlogs build up.
- Cracked and ineffective trial rates are considered on an exception reporting basis by AMT and inter-agency meetings. Unit Heads look at case outcome forms provided by the court. In 2006-07 the cracked trial rate was 36.8% against 37.3% nationally. The ineffective trial rate was 18.9% against 19.4% nationally. Although they had both declined slightly since the last OPA in 2004-05, the Area considers its performance to be good when the very low rate of vacated trials (6% against 22.5%) is also taken into account.
- Case progression issues are discussed at team meetings. Staff are updated by Unit Heads in relation to joint and internal issues such as PYO performance, the changing role of police case-file co-ordinators and how to complete the court's certificate of readiness.
- Reality checks show a high level of escalated tasks on CMS but the Area is looking to address this issue when the system is upgraded to match case progression processes. However the checks show that CMS is always used to carry out core activity such as disclosure. The Area is ahead of target in relation to recording magistrates' courts reviews and hearing outcomes although it is behind target in relation to the recording of finalisation. There is some concern over the high proportion of unsuccessful cases that are finalised as "essential legal element missing". We understand that training has now been re-prioritised to deal with the issue.

<b>3 ENSURING SUCCESSFUL OUTCOMES IN THE CROWN COURT</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Good</b>	<b>Stable</b>

**3A Successful outcomes are increasing**

<b>Case outcomes in the Crown Court</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Judge ordered acquittals	13.1%	13.5%
Judge directed acquittals	1.4%	1.8%
Acquittals after trial	6.5%	5.0%
Warrants	1.3%	1.2%
Overall conviction rate	77.7%	78.5%

- Performance in relation to successful outcomes is good with a 78.5% overall conviction rate recorded in 2006-07. This is marginally less satisfactory than the previous OPA (81.2%) but an improvement on the dip which occurred in 2005-06 (74.3%).
- The table above shows that Cambridgeshire is performing slightly worse than the national averages in relation to judge directed acquittals (JDAs) and judge ordered acquittals (JOAs). However performance is better than that nationally in relation to jury acquittals.
- The JOA rate increased substantially from 9.9% at the time of the last OPA to 13.5% in 2006-07. The Area attributes this to witness issues, teething problems with gate-keeping and the fact that some duty prosecutors had insufficient Crown Court experience before the restructure into combined units. There is not a system for authorising discontinuance in the Crown Court. However all JOAs and JDAs are analysed in writing so that the Unit Heads and CCP can be notified of the causes. Reality checks show that decisions to discontinue are sound. Where the discontinuance was foreseeable steps were taken to avoid the outcome.
- The adverse outcome reports are further examined at the joint bi-monthly meetings between Unit Heads and crime managers and at meetings with the Crown Court managers and the judiciary. This has resulted in changes such as the introduction of trial readiness hearings at Peterborough Crown Court.
- The Area obtained 47 confiscation orders against a target of 32 in 2006-07, an improvement on the 24 achieved in 2004-05. However the value of the orders was only £862,000 against a target of £1.62 million, whilst £2.67 million was achieved at the time of the last OPA.

- The enforcement and collection of POCA orders is a responsibility of HM Courts Service who have regionalised the work in Kent. CPS Kent act as liaison on behalf of CPS Cambridgeshire except where the Official Receiver is appointed. There are no such cases at present.
- The new combined units are relatively small and close-knit which allows the dissemination of performance data and learning points quickly and informally by Unit Heads. However formal team meetings are held frequently so that staff are kept updated.

### **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%	55.7%
Cracked trial rate	39.5%	31.6%
Ineffective trial rate	12.4%	12.7%

- All Crown Court cases were conducted in the central Trials Unit until the restructure to combined units (Northern, Southern, Central) in the spring of 2007. Uniform systems based on Trials Unit processes are currently being developed for Crown Court case progression in the three units.
- Our reality checks show that in general Crown Court files are promptly and properly reviewed in accordance with the Code for Crown Prosecutors and relevant policy. Also files are generally well endorsed to show continuing review, timely follow-up and effective communication with other agencies.
- Inter-agency case progression systems are effective. They include multi-agency 'T-party' meetings to discuss individual cases as well as formal systems to check trial readiness in advance of the trial date. This has helped keep the ineffective trial rate down and ensure that the number of hearings per case remains the same as national performance at 2.7 per case. The CPS has worked closely with the Crown Court centres in Peterborough and Cambridge to develop new joint case progression systems and make them work. It also addresses joint case progression issues with the police at operational and strategic level.
- CJSSS is not yet in place in the Crown Court.
- The T-parties also provide the forum for the CPS PYO tracker to be considered case-by-case and cross-checked against court data. Issues and trends are reported to the Area's AMT and Cambridgeshire Criminal Justice Board (CCJB) performance sub group for resolution. There is no formal tracking system for non-PYO youth cases.
- The cracked trials rate improved from 34% in 2004-05 to 31.6% in 2006-07 against 39.5% nationally. The ineffective trial rate also improved from 13.1% in 2004-05 to 12.7% in 2006-07 against 12.8% nationally. Whilst 3.1% of trials were ineffective in 2006-07 due to prosecution witness issues, 2.4% were ineffective for other reasons associated with the prosecution.

- Cracked and ineffective trial forms are endorsed by the Judge and passed to Unit Heads for consideration. Overall performance and individual cases are considered in detail at the Crown Court joint performance meetings which are attended by Unit Heads. The CCJB prepares a high quality data pack which addresses cracked and ineffective rates and is considered by the performance sub group as well as the Board itself. However there is little evidence of consideration at internal CPS meetings. We note at Aspect 11A the wide range of performance data available at AMT. Managers told us that it is considered on an exception basis i.e. if the data suggests a possible problem needs AMT attention. The Area is also aware that witness issues are the greatest cause of ineffective trials attributable to the prosecution.
- Important issues relating to case progression are passed to staff at unit team meetings or by e-mail.
- In 2006-07 86.1% of Crown Court reviews were conducted on CMS against a target of 80%. CMS was used well in the conduct of core activities in all files seen in the reality checks.

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

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

- Reality checks show that cases are generally ready to proceed at the first hearing in the magistrates' courts. The Area performs better than the national average in relation to the prompt service of documentation on the defence and the timeliness of adult guilty pleas and trials.
- Most matters proceed without delay in the Crown Court. In Peterborough trial dates are now set at the preliminary hearing in many indictable only cases, although by contrast dates to avoid are not always available at plea and case management hearings (PCMHS). The proportion of committed cases that are completed within 16 weeks has declined to 60% from around the national standard of 78% at the beginning of 2006-07, although Cambridgeshire is ahead of national performance in custody cases.
- The co-location of combined units allows files to be with the in-house advocate by lunchtime the day before the hearing. The Area relies on the quality of its MG3s to provide adequate instructions to designated caseworkers and agents in the magistrates' courts. Rotas are prepared carefully to maximise the time available for preparation although the Area concedes that back-to-back sessions are occasionally unavoidable.
- In 2006-07 70.2% of briefs to counsel met timeliness guidelines against 78.7% nationally. This is because the Area conducts a large proportion of PCMHS in-house and sometimes sends briefs to chambers after the trial date has been fixed. Whilst the quality of briefs to counsel is sufficient reality checks show that there is little value added by short case outlines and instructions. The quality of briefs to counsel is checked during the CQA process and informs part of the annual performance appraisal review.
- The restructure to three combined units allows Higher Court Advocates to develop familiarity with Crown Court cases from the pre-charge stage. There is no formal system for selecting counsel and the task falls mainly to caseworkers. However time is taken to ensure that advocates of appropriate experience and expertise are briefed in good time and that returned briefs are placed with the same care, although late returns to counsel do still occur sometimes on the day of hearing.
- Advocates are expected to be at court by 9am which gives enough time to provide documentation and liaise with the court and other parties. The annual performance appraisal includes reference to punctuality at court but there is no formal system for ensuring that this happens. Complaints from the court or other parties are extremely rare.
- Advocates are expected to be proactive in court and to assist in case progression although there is no formal policy on this. There is no systematic monitoring programme but Unit Heads assess the quality of in-house advocates and agents on an ad hoc basis. The Area also relies on feedback from criminal justice system (CJS) partners.

- There are agreements with the courts for the listing of domestic violence cases at the specialist domestic violence court in Peterborough. Discussions are also taking place with HM Courts Service on the nature and type of case that will be listed at the new Huntingdon Crown Court. The co-location of the combined units allows police to provide additional documentation to advocates (and the court) at short notice although there is no formal agreement on this.
- The Area does not measure systematically the number of adjournments taken from first hearing to final disposal although performance is satisfactory. In the magistrates' courts the average number of adjournments in 2006-07 was low at 1.54 per case against 1.71 nationally. The average Crown Court case required 2.7 adjournments which was about the same as national performance.
- The number of wasted costs orders has reduced from nine in 2005-06 to four in 2006-07. At least two of these were caused by the late consideration or provision of unused material.

<b>5 SENSITIVE CASES AND HATE CRIMES</b>	OPA 2005	OPA 2007	Direction of travel
	Fair	<b>Good</b>	<b>Improved</b>

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

- Unit Heads oversee the allocation of sensitive cases with a light touch. The combined units are relatively small and this allows Unit Heads to keep track of caseloads and ensure that sensitive cases are properly reviewed and endorsed.
- Whilst homicide, adult rape and serious fraud cases are taken out of the pre-charge decision system and allocated to specialists, a high proportion of the Area's generalist lawyers have substantial experience which enables them to handle specialist cases at the pre-charge stage and afterwards, with appropriate support and guidance.
- There are back-up systems to ensure that sensitive cases are flagged on CMS from the pre-charge advice stage. However reality checks generally show that these are not always successful.
- Specialists have been appointed in most types of sensitive and hate crime. They are well known to staff and provide mentoring and guidance where appropriate. The rape co-ordinator has a detailed remit which has been circulated to all relevant staff. She has now given up general casework to concentrate on adult rape casework, training and quality assurance. The Chief Crown Prosecutor holds regular meetings with specialists to consider performance and good practice.
- All in-house lawyers are trained in domestic violence casework and are therefore accredited to appear before the specialist domestic violence court which sits at Peterborough Magistrates' Court. Most of them are also trained in anti-social behaviour order (ASBO) law and procedure. Unit Heads provide a second opinion on all fatal road traffic cases and maintain close contact with lawyers conducting other sensitive casework. The CCP is also kept abreast of important developments in such cases and is the ultimate referral point within the Area for decisions on fatal road traffic, as well as other, sensitive casework.
- There is no formal or systematic approach to local quality assurance of sensitive cases, except insofar as they are subject to normal dip sampling, casework quality assurance and adverse outcome analysis. However the Area Management Team notes performance in relation to sensitive and hate crime cases on a quarterly basis. It also tracks demographic shifts so that it can address specific issues as they arise.
- The proportion of unsuccessful outcomes in sensitive cases improved from 37.9% in 2005-06 to 32.3% in 2006-07. This compared well to the national target of 34% and national performance of 32.8%. Performance also improved in relation to all specific types of hate crime over the same period. The proportion of unsuccessful outcomes in domestic violence cases reduced from 39.2% to 34.5% against 34.8% nationally. In relation to racially and religiously aggravated crime the proportion of unsuccessful outcomes reduced from 31.9% to 23.2% against 23% nationally. There were no recorded homophobic crimes in 2006-07.

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

- Cases where the charge is altered, or a basis of plea is accepted, which reduces or removes the hate element of the offence are picked up as part of the Area's monthly list of adverse outcomes. However this is dependent upon the quality of court endorsement and finalisation data entry, which is not always accurate.
- The Area has taken action to implement CPS policy and adopt recommendations from HMCPSI's thematic reports. In addition it has sought to adopt good practice in advance of central guidance. It showed initiative in doing the ground work to set up a scrutiny panel for racially and religiously aggravated offences before the last OPA and is ready to implement this as soon as central authorisation is received.
- Child protection issues are taken seriously although not specifically incorporated into Area plans. Lawyers have been trained in the appropriate use of special measures to improve the experience of child witnesses and victims. The Area has indicated it will accept periodic invitations to meetings of the local Child Protection Board when these are extended. It has developed a high level of joint expertise in child abuse cases and uses its experience of prosecuting high profile sensitive cases to help improve national strategy for media engagement.



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

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

- The Area generally complies with its duties of disclosure. In most cases processes are correctly followed so that schedules of unused material are properly endorsed and there is timely disclosure of appropriate items.
- Our own reality check of ten recent files showed that initial disclosure was generally handled properly with the exception of one indictable only case where the initial disclosure bundle was served very late. Continuing disclosure was handled correctly in all five of the Crown Court cases reviewed. In only one of the five magistrates' courts cases did the prosecution fail to comply with the duty of continuing disclosure, in that there was no response to the defence case statement. This was the only magistrates' courts case in which a defence case statement was served. It appeared that disclosure was kept under review properly in the other four.
- In 2006-07 only 0.7% of trials in the magistrates' courts were ineffective due to the prosecution's failure to provide disclosure against 1.9% nationally. Whilst this indicates a high level of general compliance and timeliness there have been limited occasions when review decisions and the service of documentation have been untimely. At least two wasted costs orders have been made in relation to disclosure issues, although in one of these the reviewing lawyer had properly relied upon a statement by police which proved to be incorrect later. Also a failure to provide timely initial disclosure in the Crown Court attracted judicial comment in one recent case.
- In each of the cases referred to above the Area has taken clear steps to identify and deal with the underlying issues. Learning points have been disseminated at team meetings and Unit Heads are alert to the need for lawyers' caseloads to be monitored. All files are dip sampled for disclosure compliance in the monthly CQA checks and comments are fed back to individual lawyers.
- The Area is working with the judiciary to improve the handling of unused material in the Crown Court. In particular a CPS lawyer is drafting a local protocol for third party material.
- Reality checks show files to be compliant with the CPS/Association of Chief Police Officers (ACPO) Disclosure Manual insofar as unused material and disclosure correspondence is kept on a separate folder on the file. However whilst disclosure record sheets are kept and properly completed on Crown Court files they are not evident on magistrates' courts files.
- The volume of sensitive material retained is small but kept securely. Most sensitive material is kept by the police which is convenient given that the units are now co-located. There are no apparent issues in relation to the conduct of public interest immunity applications.

- There is a high profile Disclosure Champion who conducts joint training with police. All lawyers have been trained on the disclosure provisions of the Criminal Justice Act 2003 and the revised Disclosure Manual. However the Area has decided to draw up an action plan to deal with disclosure concerns raised in the national disclosure survey. This includes refresher training for lawyers on the Disclosure Manual as well as initial training for police gate-keepers and case-file co-ordinators. Further there will be thematic analysis of the CQA results in relation to disclosure compliance.

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

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

- The Area has a comprehensive written protocol concerning custody time limits (CTLs) which fully complements national guidance. It includes protocols with the courts and lays out expectations and responsibilities clearly. The policy has been updated to take account of the new Area structure.
- A CTL Champion has been appointed who has made progress on the three aspects for improvement identified in the last OPA. A dual system (manual diary and CMS) is now in place for entering CTL review and expiry dates. Support staff are instructed to make this double check and record the fact. There is also an ongoing training programme in place.
- Unit Heads dip sample five current custody cases each month to ensure quality assurance although our reality check suggests that they are not as effective as they might be. Additional ad hoc checks are made by managers when they conduct courts or undertake CQA checks. There has not been a CTL failure since the 2004-05 period. There was one case drawn to our attention where the CPS seemed to have resolved some unsatisfactory handling of a custody time limit situation by making no application to the court to extend and by writing to the prison to release the alleged offender, even though there appeared to be no real basis for the Crown to change its position (see below).
- Although a protocol with the Crown Court exists our reality check reveals that the perception is one where CPS attitude to CTLs is 'casual'. The Area need to address this perception and perhaps refresh its protocol with the courts.
- Our small file sample of CTL cases exposed that in six out of seven various anomalies in the files existed and that while the written protocol was clear it was not being followed in a majority of cases. Non-compliance with the protocol included no evidence of double checking; the file not marked that the defendant's case had been discontinued; and uncertainty concerning the identification of charges where CTL limits applied. All dates had been correctly calculated. One file also revealed that an application to extend custody time limits did not contain any detail to show that the prosecution acted with all due diligence and expedition.
- The particular case referred to above was not technically a CTL failure. However our scrutiny of the file showed a serious failure to address a situation where the Crown Court had fixed a case involving serious offences (manufacture of drugs) for trial outside the custody time limit period. There does not appear to have been a full enquiry (as required by the relevant legal authorities). A contemporaneous note on the file suggests that the fixture was for the convenience of counsel. No steps were taken by the CPS either to press for a fixture within the limit or to extend it. Following two letters from the Court (the first of which was received seven days before the expiry and the second on the day itself), the reviewing lawyer attempted to fax the Court late on the day of expiry saying that "Given the listing of the trial, there is no good and sufficient cause to extend [the CTL]." The defendant became entitled to bail. Whilst there would have been a robust legal test for the Crown Court to overcome to secure an extension of the time limit, the material on the file suggests that the problem was simply not gripped.

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

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

- The Direct Communication with Victims (DCV) scheme which requires a letter to be sent to a victim when a charge is discontinued or substantially altered, is not fully embedded throughout and monitoring systems, if effective, are not always being acted upon. The number of DCV letters sent within five days is 63% (year end March 2007) as against 73% nationally. Despite the proxy target being successively reduced from 59 letters to 41 the Area are only meeting 48% of this target compared to a national average of 76%. Timeliness has recently started to be addressed by utilising the tracker system on CMS. The list is checked daily and a reminder sent to lawyers to ensure letters are sent out in a timely manner. This has resulted in better timelines recently but the Area will need to ensure a robust system is in place if it is to improve and sustain performance.
- All lawyers have been trained concerning their obligations under the Victim's Code. Lawyers identify and assess victim and witness needs at the pre-charge decision stage and are alert to the need for special measures. These are entered on CMS. After the PCD stage the Witness Care Units (WCUs) maintain a regular dialogue with witnesses regarding court appearances and bring further needs assessments to the lawyer concerned. Special measures applications are generally well drafted and timely. Most applications are made at pre-trial review or at the trial readiness hearing if there is a late change in circumstances requiring an application.
- The Conditional Cautioning scheme has been operational for only a short time. Even so there is written guidance on the cautioning process and victims are consulted as a matter of course. In particular an 'apology letter' from the perpetrator to the victim has been developed and adopted by other Areas.
- Files meeting the quality standard for victims and witnesses under the CQA process were assessed by managers at 92% (fourth quarter of 2006-07) which is above the national average of 90%. While this process focussed on the quality of the letters the Area is not meeting the volume required to be sent, as noted above.
- Our reality check on CMS of discontinued PCD cases revealed that of nine examined, none of them recorded on CMS that a DCV letter had been sent.
- There are effective systems in place to ensure that witnesses are warned in a timely and appropriate fashion. The close proximity of the witness liaison officers and CPS staff ensures that witness warning problems are identified and brought to the attention of the lawyer promptly. Cracked and ineffective trials are reviewed with police and at meetings with the Crown Court. Secondary measures however have not been reviewed or analysed for a year.
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- The ineffective trial rate in the magistrates' courts attributable to the absence of prosecution witnesses is one of the best nationally at 2.1% compared with 3.2%. In the Crown Court the ineffective trial rate due to witness issues is better than the national average at 1.8% compared to 2.3%. The cracked trial rate in the magistrates' courts due to witness issues is better than the national average but in the Crown Court is one of the worst nationally. Witness waiting times at court are also better than the national average.
- All prosecutors have been supplied with a copy of the Prosecutors' Pledge. Advocacy monitoring to evaluate whether lawyers' treatment of victims and witnesses are consistent with the Pledge and the Victim's Code is not systematic. Senior Court Clerks highlight concerns with prosecutor or agent performance through the existing meetings structure and/or communication directly to Unit Heads or the CCP. The Area has also consulted with the Witness Service concerning lawyer treatment of witnesses in court. Feedback we received from victim and witness services indicated that the overall care of victims and witnesses in court is generally considerate and good to very good. Complaints from victims and witnesses concerning their treatment at court by the prosecution are rare.

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

- The multi-agency No Witness No Justice project resulted in Cambridgeshire implementing an Area Action Plan following a sign over review by the national NWNJ team in August 2006. At that stage the Area had partially met a number of the 14 minimum requirements but none had been met in full and did not consider itself ready to be 'signed off'. The Area reviewed its action plan in December 2006 which identified a number of difficulties that it is trying to overcome.
- There is at present a hiatus with the project which is unsatisfactory and needs to be resolved. The Area is seeking to address some of these issues by prioritising vulnerable and intimidated victims and witnesses.
- One of its major concerns is the current and future position of Witness Care Units. Cambridgeshire Constabulary has been obliged to make a substantial budget cut which is likely to continue to have an adverse affect on the staffing of the units. The consequences are that WCUs are only able to prioritise the most important functions and those such as Witness Management System/ CMS compliance have suffered as a result.

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

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

- The Area Business Plan (ABP) for 2006-07 has three principal drivers, Public Service Agreements; Cambridgeshire Criminal Justice Board (CCJB) delivery plans; and the CPS Vision and Strategy. The plan details a number of objectives and has identified 'owners' accountable for delivery with milestones for their implementation. A Risk Register accompanies the plan.
- The Area recognises that communicating its sense of purpose and the Director of Public Prosecutions' vision needs improving, although it scores above the national average in the 2006 Staff Survey concerning staff awareness of individual objectives. There is evidence of reviewing the ABP and Risk Register at Area Management Team meetings although review tends to be on an exception basis rather than systematic. While the AMT have a good understanding of how it is performing against objectives a formal approach to reviewing objectives and the Risk Register would assist other staff on how well their unit or the Area is doing. The AMT demonstrate an awareness of the inter-dependencies between various projects and try to evolve a synergy and value for money in their delivery.
- The ABP is not devolved into unit plans although with its current restructure the Area may need to re-assess its delivery framework. Performance Development Plan objectives for individuals are aligned to business objectives.
- Joint planning with partners is successfully embedded and includes all major initiatives such as No Witness No Justice, Conditional Cautioning and Criminal Justice: Simple, Speedy, Summary as well as locally agreed change projects. All CCJB sub groups are represented by a senior CPS member. In addition the Area engages in a range of other inter-agency groups.

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

- Due to limited resources the Area has no dedicated Business Development Unit or project manager to develop initiatives and delivery mechanisms to ensure implementation success. It relies on individual managers to be accountable for success and progress is monitored through AMT and inter-agency meetings. The capacity to manage change initiatives demanding substantial oversight is therefore limited.
- The Area has successfully implemented a change in its internal structure moving away from functional units to three distinct geographical units that handle casework from cradle to grave. There is evidence that such a move has increased accountabilities, communication and unity of purpose throughout the Area. However there has not been any realisation benefits or gap analysis as a result of the change.

- Projects such as statutory charging and NWNJ have been signed off by the respective CPS Headquarters post-implementation team. Conditional Cautioning went live in March 2007 and there is an implementation meeting with partners to ensure its successful delivery. There is a comprehensive Advocacy Strategy that aims to deliver challenging outcomes for the 2007-08 period. The inter-agency CJSSS plans are less developed and NWNJ requires immediate review.
- The Risk Register forms an integral aspect of the ABP and is compiled by AMT members taking into account experience of staff, resources available and barriers to successful implementation. These risks are graded. There is no evidence of formal reviews taking place, additional risks being added or grading of risks being altered.

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

- The Area Training Officer and Area Training Group hold ad hoc meetings to link ABP requirements to the delivery need. Equality and diversity issues are considered through this meeting to ensure access to training and consistency of approach.
- A training analysis report is produced with a clear link to individual ABP objectives and identifies who has or will attend particular training. There appears to be little or no analysis concerning the effectiveness of such training.

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

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

- Following an 'Excellent' rating for its 0.13% under-spend of non ring-fenced administration budget in 2005-06, the under-spend increased to 1.52% in 2006-07. The Area has advanced several reasons, mainly beyond its control, why it was not closer to budget in 2006-07. These include additional funding towards the end of the year that could not fully have been anticipated or utilised.
- There are no devolved budgets to managers however the AMT demonstrate collective accountability towards achieving value for money primarily through the more effective use and deployment of staff and efforts to control general administrative expenses.
- The non ring-fenced administration budget is generally very well managed. It is profiled and expenditure, both actual and committed, properly accounted for. Day-to-day control is retained by the Area Secretariat with AMT and Area Business Manager (ABM) oversight on a needs basis. Financial updates are provided by the ABM to the bi-weekly AMT meetings.
- On the face of it prosecution costs have not been managed as effectively as they might be with the largest overspend nationally at 118% (2006-07). However performance in respect of timeliness of the Graduated Fee Scheme (GFS) payments is the best nationally. Prosecution costs are monitored by the ABM with Unit Heads, the senior caseworker and fees clerk. The mid-year review resulted in a request to CPS Headquarters for £194,000 in High Cost and Very High Cost Cases that the Area had identified and an allowance of £150,000 was granted. There was a single case which was not identified at the mid-year review as likely to attract such a large spend that culminated in a total overspend of budget by £269,000. The Area attributes this to a lack of clarity in guidance relating to the operation of the GFS scheme. The new structure should allow the AMT to consider a greater focus on prosecution costs performance in the finance reports provided by the ABM.
- Cambridgeshire has received various funding from Headquarters Resources and Performance Branch but this has been ring-fenced for specific expenditure and no additional funding has been received.

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

- A major restructuring was completed between January-April 2007 and there is evidence that this structure has provided better and clearer management lines with more appropriate spans of control. Within this structure staff numbers and workloads are kept under continual review by the ABM with oversight from the AMT.
- There are clear expectations set for lawyers and designated caseworkers (DCWs) and rotas are monitored by the ABM. The Area has made significant efforts to improve the level of in-house coverage of magistrates' courts sessions which has resulted in agent use of 16.7% compared to 19.6% nationally.



- The Area has not achieved its target of 15% for DCW sessions - of a total of 4,581 sessions it should have achieved 687 by DCWs. During the last OPA the Area was performing better than the national average but is now below it at 12.3% compared to 14.7% nationally. There has been an increase of 39% in sessions covered in the first quarter of 2007-08 compared to an average of 2006-07 sessions. Improved availability of DCWs for deployment following flexible working arrangements to accommodate their self development and sickness has assisted this turn around in recent performance.
- A mixed list arrangement with the courts often results in the attendance of a lawyer and DCW at court. Only Peterborough Magistrates' Court has DCW lists separate from other work. Following analysis of DCW and court sitting patterns the Area has identified the requirement and funding within its baseline allocation to enable another DCW (total of five) to be recruited, trained and deployed. The increased DCW capacity should enable the Area to comfortably hit its unchanged target of 15% for 2007-08. Robust capacity analysis and regular monitoring and review of DCW usage in order to demonstrate value for money should continue.
- The Higher Court Advocate (HCA) target for 2006-07 was exceeded with counsel fee savings totalling £94,654 against a target of £92,625. However only three CPS Areas performed worse against their target. There is a challenging target for 2007-08 to increase the fees saving to £176,200. A comprehensive analysis underpins the new HCA strategy which elicits the most effective methods of usage. There are currently 9.3 full-time equivalent HCAs with another 1.4 selected and awaiting training. An HCA is also being recruited direct from the independent Bar. Even so to achieve its target the effectiveness of HCA usage needs to increase by 50%. The strategy developed by the Area should therefore be matched by comprehensive monitoring and continual risk analysis.
- The average sickness absence for 2005-06 is 5.5 days which is significantly better than the national average of 8.5 days and better than the previous OPA of 8.3. There is clear evidence of flexible working arrangements being considered and adopted subject to business need.

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

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

- Performance is considered at regularly scheduled Area Management Team meetings. There are no separate performance meetings and the Area does not have a dedicated performance manager. However the Secretariat collates a wide range of data for AMT members in advance of their meeting. Managers are expected to analyse the data and bring poor performance to attention. The CCP then decides what further analysis or action is necessary. The AMT also receive other data from inter-agency sources that is similarly discussed.
- A quarterly Resources and Performance Report is produced that compares performance with other CPS Areas. Although the system for managing information and performance is unsophisticated it is clear that managers evaluate their performance and look to improve over a wide range of performance indicators. Disparities in performance between units are highlighted and are indicative of the comparative analysis undertaken.
- Subsequent to the Area identifying poor data management in its systems in early 2006 managers have provided a strong focus on improving data accuracy by dip sampling, raising staff awareness and circulating relevant guidance. This is an ongoing programme. In January 2007 CPS Headquarters Performance and Delivery Unit examined the data quality of 111 files; errors were found in only six.
- Responsibilities for operational effectiveness, quality assurance and continuous performance are less well defined and the Area relies on an assumption of collective responsibility. The lack of consistency in casework quality assurance and in aspects of pre-charge decision monitoring are examples of this. There is still room to improve the range and analysis of data and the sharing of it with staff to create a performance-orientated culture at all levels. Although the Area has limited resources it should reconsider the cost benefit of a dedicated performance manager.
- Performance appraisals are linked to individual objectives outlined in the Business Plan.

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

- There is considerable evidence of the criminal justice system partners working together to try and improve performance. The CCP relinquished the chair of the Cambridgeshire Criminal Justice Board on a rotation basis to the Chief Constable and is now the chair of the performance sub group. Other CPS managers and staff actively participate in the work of the Board and other inter-agency groups. Each of the new combined units have their own joint performance meetings with police where data such as Prosecution Team Performance Management and persistent young offenders is examined.

- There is a two-way data and information sharing process between partner agencies. The Area routinely produces information for the Board. Other information is provided on an ad hoc basis to other inter-agency groups such as the Domestic Violence Steering Group and PYO tracker data is shared with other appropriate partner agencies.
- Inter-agency working has led to jointly owned strategies aimed at driving up performance and bringing more efficient working between CJS partners. The restructure has provided an opportunity to undertake a full process mapping exercise. The outcome of this exercise has resulted in clearer lines of responsibility and work flows. The CJSSS initiative is also driving a review of case management and progression efficiency.

**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 CQA system improved in the latter part of 2006-07 to 90% from a low at the beginning of the year of 44%. Analysis of the files examined proved on the whole to be reliable and accurate and above the national average. Feedback is given to staff but is not formalised at AMT although Unit Heads discuss any developing trends with each other. CQA standards are not consistent between units.
- There is no formalised system of monitoring designed to evaluate advocate's performance in relation to case progression. The Area relies on case file monitoring and outcomes to quality assure advocacy in case progression. However this alone will not detail how well the advocate performed in court or the relationship established with witnesses and other CJS agencies. Monitoring is formalised as part of the annual appraisal process and staff grade C1 to C2 progression activity.

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

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

- The Area Business Plan (ABP) sets out the objectives for the year incorporating the Director of Public Prosecutions' vision and values. A copy is given to all staff members. Although team meetings were held to watch and discuss a video of the Director's vision of a world class prosecuting service the 2006 Staff Survey revealed that only 58% of staff were aware of it compared to 80% nationally and that only 19% had an opportunity to discuss it compared to 59%. The Area needs to ensure that important messages are conveyed effectively and understood.
- It is clear that managers understand their responsibilities for implementing management decisions. Although review of the ABP, risk management and performance data are not sophisticated or systematic the CCP and senior managers demonstrate an excellent level of awareness of Area and CJS issues. The management team is mature, stable and has a corporate approach to managing business. The Investor in People (IIP) post-recognition report (June 2006) recognised as a strength that both the CCP and ABM provide clear leadership and direction.
- Managers hold a regular dialogue with staff through team meetings although these are not scheduled due to operational commitments. The Staff Survey revealed that only 29% of staff believed they had regular team meetings compared to 59% nationally and that only 39% believed that these meeting were effective against 55%. Since the survey the Area has restructured and there is evidence to suggest that communication, teamwork and leadership has improved as a result. The CCP and AMT periodically informally meet with staff at remote units and more formally at training events.
- Senior managers have considerable responsibility for leading or participating in a wide variety of criminal justice initiatives and other inter-agency groups. There is a comprehensive meeting structure between these groups. Relationships with most partners are positive and constructive at both the strategic and operational level. The engagement of senior managers to outward-looking proactive engagement in respect of inter-agency or community initiatives is limited and lacks impetus in the absence of a dedicated individual to co-ordinate and market such activity.

### **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, although the Area does not have a formal reward or recognition policy, the IIP report gave examples of managers including the CCP identifying and acknowledging good performance by staff. Good performance is also recognised in the annual appraisal process. The restructure has allowed Unit Heads to be more available to staff making it easier to give appropriate praise. The Staff Survey revealed that only 16% of staff believed there was effective recognition but this was better than the national average of just 14%.

- The survey highlighted that the Area scores consistently above average with regard to working relationships. The proportion of staff who considered they were treated with fairness and respect was 69% compared to 63% nationally; the ability to speak up scored 58% compared to 35%; and that the Area is working towards equality and diversity and the CPS is an inclusive employer scored 76% against 66%. No complaints have been made by staff about their treatment by managers.
- Although the Area endeavours to ensure in respect of equality and diversity that its plans and strategies are explicitly integrated there is no systematic proofing. The Area did not follow up an aspect for improvement from the last OPA that suggested it establish a local advisory group to undertake 'equality proofing'. The composition of staff broadly reflects that of the local community.
- There are systems in place to ensure that the CPS Dignity at Work policy is applied. Examples of where senior managers have challenged and taken action over inappropriate behaviour were evidenced. There have been no complaints concerning discrimination or prejudice in the workplace.

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

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

- Senior managers understand the need to secure community confidence but a proactive approach is limited by available resources. The Area has decided not to apply resources to a dedicated post or communications officer to take this agenda forward. The CCP sees the role of the CPS in this aspect as providing the best performance possible to the front line of prosecution. As a consequence involvement of senior managers is mainly reactive.
- The Area Business Plan 2006-07 reflects four objectives to inspire community confidence. These are to develop an Area Community Engagement Strategy, embed anti-social behaviour systems, implement a Diversity Delivery Plan and develop a Scrutiny Panel for race and hate crimes. The engagement strategy has since been combined with the Area Race Equality Scheme 2005-08 and supported by an action plan.
- The ability of the Area to have community engagement as core business of staff is limited. However it has engaged in raising awareness of the CPS's role at universities, schools and interest group meetings; provision of training to voluntary organisations including domestic violence forums and Victim Support; attendance at community meetings and participation in the Community Safety Strategic Partnership.
- The Area maintains information on demographics and keeps a community engagement directory containing national and local organisations. However the passive approach taken means that this information is not used in a proactive way.
- The Area's ability to identify and engage with groups at the greatest risk of exclusion and discrimination is limited but it responds positively when such opportunities arise. The CCP has engaged in a live radio broadcast concerning issues involving the travelling community and two black and minority ethnic consultation events that were independently facilitated.
- There is no performance measure or data collecting facility to capture whether engagement has been successful or whether confidence in the work of the CPS has improved. The Area must recognise that as it develops the role of prosecutor it needs to become more publicly accountable and develop community engagement activity to ensure that its efforts evolve from information giving to a position where consultation and participation lead to changes in service delivery. This is particularly important to community confidence because it promotes a two-way process.
- Confidence in the criminal justice system in bringing offenders to justice in 2004-05 was 47%. More recently it has decreased to 44.3% (year to December 2006) but is above the national average.
- While a good relationship exists with local media the Area could be more proactive in its approach to promoting CPS work and successful outcomes. It has yet to develop an overarching media strategy with the police.

## 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%	14.8%	13.0%	11.0%	13.1%	17.5%	15.0%
Guilty plea rate	52.0%	69.2%	66.4%	74.0%	68.0%	66.5%	51.6%	63.8%
Attrition rate	31.0%	22.0%	23.8%	18.94%	23.0%	22.2%	27.7%	23.8%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	80.3%

### 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%	87.6%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	43.8%
Cracked trial rate	37.3%	36.8%
Ineffective trial rate	18.9%	18.9%
Vacated trial rate	22.5%	6.0%

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

National target	National performance 2006	Area performance 2006
71 days	72 days	69 days

*Offences Brought to Justice*

	CJS area target 2006-07	CJS area performance 2006-07
Number of offences brought to justice	15,460	17,627

Percentage make up of Offences Brought to Justice	National 2006-07 <sup>5</sup>	Criminal justice area 2006-07
Offences taken into consideration (TICs)	8.5%	11.6%
Penalty notices for disorder (PNDs)	10.3%	7.1%
Formal warnings	5.8%	5.4%
Cautions	26.5%	26.7%
Convictions	48.8%	49.1%

**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%	78.5%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	55.7%
Cracked trial rate	39.5%	31.6%
Ineffective trial rate	12.4%	12.7%

5 Final figures awaited.



<b>Proceeds of Crime Act orders</b>	<b>Area target 2006-07</b>	<b>Area performance 2006-07</b>
Value	£1,620,000	£862,000
Number	32	47

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

	<b>2005-06</b>	<b>2006-07</b>
Non ring-fenced administration costs budget outturn	99.87%	98.48%

<b>Staff deployment</b>	<b>National target 2006-07</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
DCW deployment (as % of magistrates' courts sessions)	17.2%	14.7%	12.3%
HCA savings against Area target	100%	138.4%	102.2%
Sickness absence (per employee per year)	7.5 days	8.5 days	5.5 days

### **Aspect 13: Securing community confidence**

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

<b>CJS area baseline 2002-03</b>	<b>2004-05 (last OPA)</b>	<b>Performance in 2006-07</b>
39%	47%	44.3%

## **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.

### **HM Courts Service**

Peterborough Combined Court  
Cambridgeshire magistrates' courts

### **Victim Support**

Victim Support Cambridgeshire

### **Community Groups**

Peterborough Youth Offending Team

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