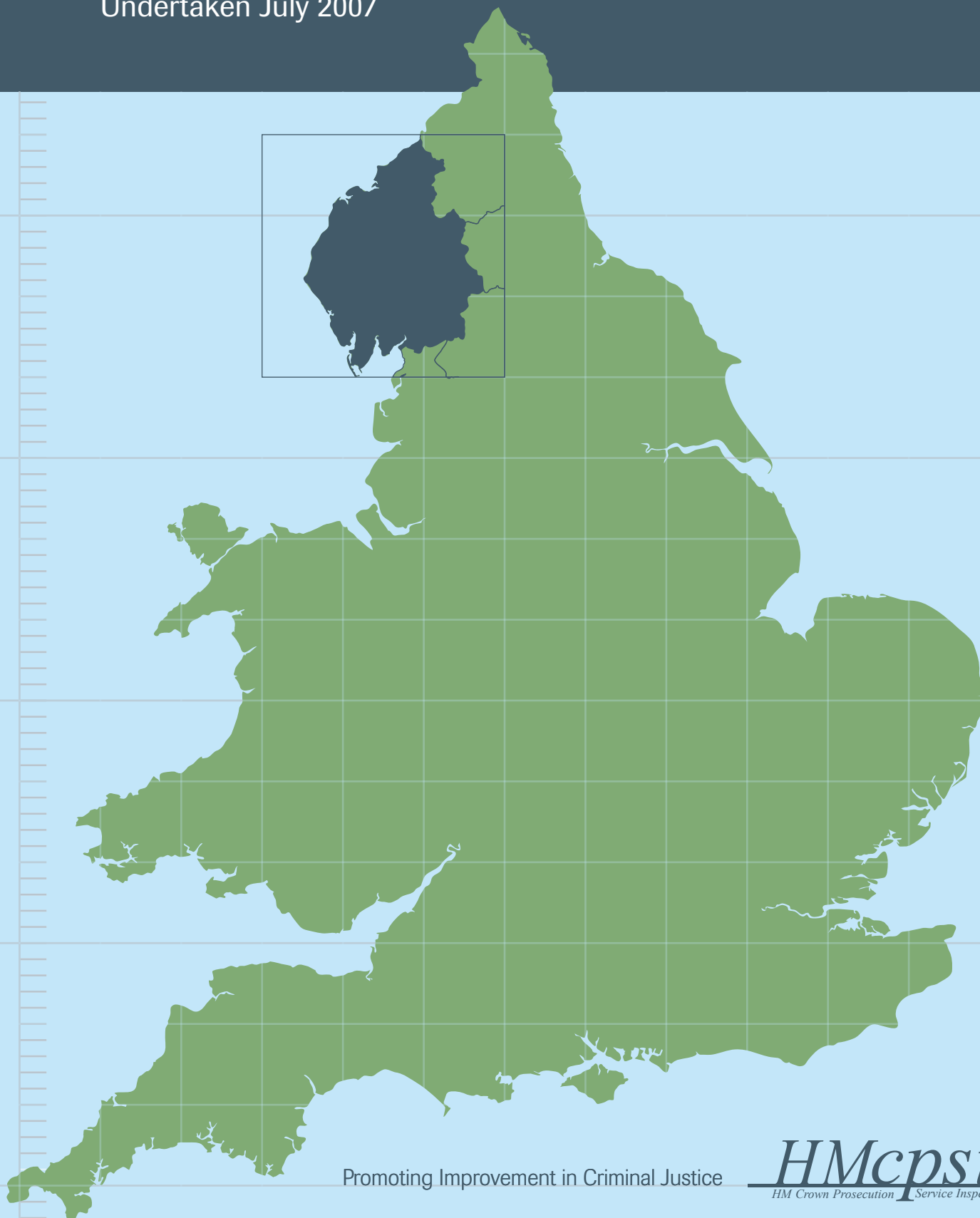


CPS Cumbria

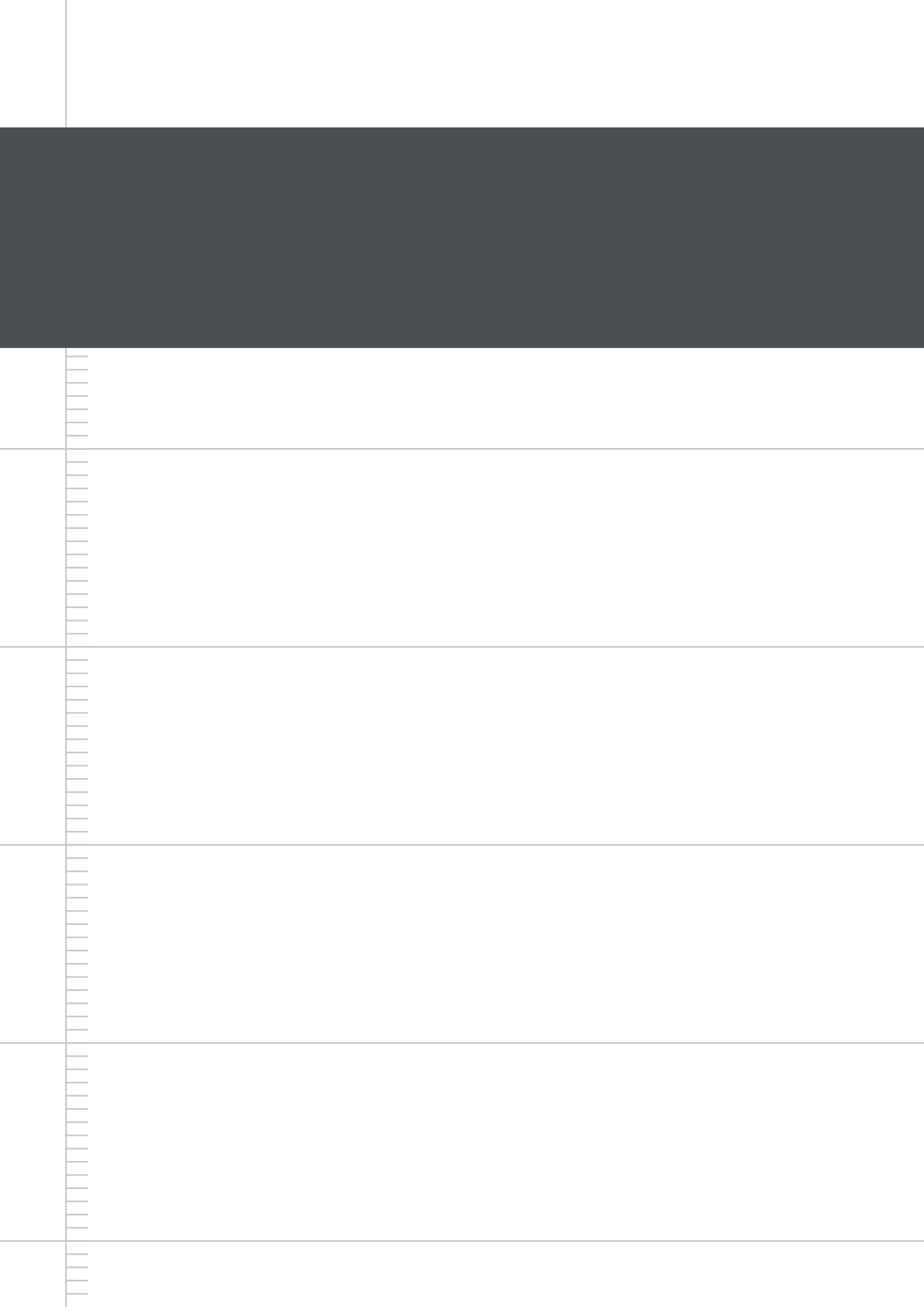
Overall Performance Assessment

Undertaken July 2007



Promoting Improvement in Criminal Justice

*HMcp*si**
HM Crown Prosecution Service Inspectorate



CPS Cumbria

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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 (HMCPPI) overall assessment of the performance of the Crown Prosecution Service (CPS) in Cumbria 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 HMCPPI based on absolute and comparative assessments of performance. These came from national data; CPS self-assessment; HMCPPI'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 Cumbria serves the area covered by the Cumbria Constabulary. It has four offices, at Carlisle, Workington, Kendal and Barrow-in-Furness. The Area Headquarters (Secretariat) is based at the Carlisle office.

Area business is divided on geographical lines. Each unit handles cases dealt with in the magistrates' courts and the Crown Court.

During the year 2006-07 the Area had an average of 65.1 full time equivalent staff in post, and a budget of £3,202,646. This represents a 1.2% increase in staff, and an 18.8% increase in budget since 2004-05, the period covered by the Area's 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	956	Decisions resulting in a charge	3676
Pre-charge advice (where available)	5900	Decisions not resulting in a charge ²	2826

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	12,197	12,937	+6%
Other proceedings	31	9	-71%
Total magistrates' courts proceedings	12,228	12,946	+5.9%

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	894	785	-12.2%
Committals for sentence ³	244	177	-27.5%
Appeals from the magistrates' courts ³	104	155	+49%
Total Crown Court proceedings	1242	1117	-10.1%

In 2006-07 65.6% of offences brought to justice (OBTJ) 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 OPA in 2005 rated Area performance as Poor. A new CCP, appointed in November 2005 introduced a number of improvements to processes and structures which were reported upon in the Area effectiveness inspection (AEI) of September 2006. A better approach to financial management led to improved value for money and the Area strengthened its profile within the local criminal justice system. Although action has been taken to address concerns in the Staff Survey 2006, recently announced proposals for internal restructuring present new challenges for senior managers.

Summary

The Area's casework is generally good, although there has been a decline in Crown Court outcomes. Improved arrangements for charging have been put in place to allow more consultations whilst retaining the facility for urgent consultations in custody cases. Improved police gatekeeper arrangements help to ensure that inappropriate cases are not referred, although some cases still show no evidence of police supervision. Prosecutors are more proactive in dealing with ancillary issues early and arrangements for providing advice in specialist and sensitive cases have improved. The Area is realising some of the benefits of charging though this is more apparent in magistrates' courts cases.

Magistrates' courts casework is better than the national performance in most respects. Overall successful outcomes have improved and the Area met its OBTJ target. Late guilty pleas account for nearly half of the Area's cracked trials. The simple, speedy, summary justice initiative (CJSSS), introduced in the west of the county in May 2006, brought about significant improvements in case progression. The Area continues to meet comfortably the target of 71 days for arrest to disposal for persistent young offenders (PYO). There remain some issues with the standard of agents in the magistrates' court which are being addressed with the co-operation of CPS Greater Manchester in training. The Area is seeking to increase its in-house court coverage.

Crown Court case preparation remains good and instructions to counsel are of a high standard. However, the proportion of successful outcomes in the Crown Court has declined since the last OPA. Again, late guilty pleas are the principal cause of cracked trials, accounting for over 60%. The Area achieved its target for confiscation of assets both in terms of numbers and value.

Sensitive cases are now reviewed or supervised by an appropriate specialist. Efforts have been made to rationalise the approach to specialist lawyers and new terms of reference have clarified responsibilities. The proportion of unsuccessful outcomes in domestic violence cases has improved and the specialist domestic violence court which opened in Carlisle in April 2007 should bring further improvement in this respect.

The Area has maintained a high level of performance in respect of disclosure of unused material. There have been no custody time limit (CTL) failures in the last two years.

The Area generally ensures timely and effective consideration and progression of victim and witness needs. Good use is made of a comprehensive Performance Management Information Summary to inform decision making at multi-agency boards. However, some primary and secondary measures under the No Witness No Justice (NWNJ) scheme are not being met. The Area is still experiencing difficulties in funding the Witness Care Unit (WCU).

The Area has a clear sense of what it wants to achieve and how to achieve it. There is evidence of good joint planning in multi-agency projects under the supervision of the Cumbria Criminal Justice Board (CCJB). Conditional Cautioning and Pre-Trial Interviews with Witnesses (PTIW) have been implemented, the latter being particularly successful. Training is tailored to business needs, and includes some management and change management training to coincide with Area restructuring. Developmental training is limited due to pressure on the Area to keep within its budget.

Improved financial management is now in place. Budget, recruitment and staff planning are set agenda items in senior management team (SMT) meetings and the Area makes satisfactory use of its designated caseworkers (DCWs) and higher court advocates (HCAs). DCW usage for 2006-07 was below the Area target but they are now deployed county wide and an additional DCW has been taken on. The target for counsel fees savings through HCA usage was exceeded, Sickness levels remain problematic: the average of 15.4 days sick absence in 2006-07, was almost twice the national level and more than twice the Area target of seven days.

The Area has recently improved arrangements to ensure managers are fully accountable for performance. It has developed a comprehensive performance pack which makes some comparisons with performance of other Areas. The integrity of data is quality assured and good use is now made of the performance appraisal system. Managers are actively involved in multi-agency performance review at a local level. The CCJB and its Planning and Performance Group direct performance improvement at a strategic level. The Area has sustained robust operation of the Casework Quality Assurance (CQA) system.

Staff morale has improved but the recently announced plans for restructuring to two sites based in Carlisle and Barrow in Furness, which will bring economies of scale, have unsettled some members of staff. Whilst the level of corporacy in the Area has also improved, the challenges of restructuring will test this in the near future. There has been a positive response to the poor staff survey results with the establishment of the People's Group. Internal communications, in particular, are now more structured. The Area is developing its approach to equality and diversity.

Senior Managers are committed to engaging with the local community. The Chief Crown Prosecutor (CCP) is a member of a number of groups focusing on the vulnerable and those likely to be excluded. The Area Business Plan (ABP) 2007-08 contains objectives to deliver confidence and partnership working. All aspects of engagement are now captured in a community and media engagement log or staff engagement log which attempts to measure success. However, public confidence in the Criminal Justice System (CJS) in bringing offenders to justice is showing a decline, although the confidence levels in Cumbria remain higher than those nationally.

Direction of travel

The overall trend is one of continuing improvement particularly in respect of magistrates' courts casework and the Area approach to managing resources and performance. Senior managers understand the need to address staff satisfaction levels but a long overdue restructuring of the Area will inevitably lead to some staff attrition. Nevertheless, despite these issues, the Area, with full staff co-operation, has implemented a number of high profile initiatives, including CJSSS and PTIW which have contributed to the overall improvement in performance. We are satisfied that the structures now in place mean that the Area has the capacity to improve further.

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	Fair	Improved	
Ensuring successful outcomes in the magistrates' courts	Fair	Good	Improved	
Ensuring successful outcomes in the Crown Court	Fair	Fair	Declined	
The service to victims and witnesses	Fair	Fair	Stable	
Leadership	Fair	Good	Improved	
Overall critical assessment level	Fair			
Progressing cases at court	Fair	Fair	Stable	
Sensitive cases and hate crime	Fair	Good	Improved	
Disclosure	Good	Good	Stable	
Custody time limits	Fair	Good	Improved	
Delivering change	Fair	Good	Improved	
Managing resources	Poor	Fair	Improved	
Managing performance to improve	Poor	Good	Improved	
Securing community confidence	Fair	Fair	Stable	
OVERALL ASSESSMENT	POOR	FAIR		

D DEFINING ASPECTS

1	PRE-CHARGE DECISION-MAKING: MANAGEMENT AND REALISING THE BENEFITS	OPA 2005	OPA 2007	Direction of travel
		POOR	FAIR	Improved

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

- Following reassessment after the introduction of statutory charging, coverage by prosecutors at four charging centres – Carlisle, Kendal, Barrow-in-Furness and Workington – was reduced from full time to part time. An appointments system was introduced which allowed time for urgent consultations in custody cases. These arrangements, which were initially run as a pilot, were unpopular with the police who saw their access to duty prosecutors being more restricted.
- Arrangements were revised again in October 2006 after consultation with, and the agreement of, the police. Part time coverage was retained but the number of available appointments at each session was substantially increased, allowing police officers greater access to duty prosecutors and ensuring that early advice is given in all appropriate cases. A format was introduced to focus the issues for consultation, which involves administrative staff obtaining details of the case and the nature of the advice sought. If the case is sensitive arrangements are made for the police to see a specialist lawyer. Advice is also provided by telephone in appropriate cases. During 2006-07, almost 70% of advice to police was delivered face-to-face.
- The police recently improved their gatekeeper arrangements to ensure that only appropriate cases were referred for decision. Prosecutors refer back any cases, which do not meet the criteria and monitor police performance in this respect.
- There is a police and CPS joint charging protocol, which deals with the procedure where the duty prosecutor's decision is not accepted by the police. Such cases are few and generally resolved without recourse to formal dispute procedures.
- In cases where the prosecutor requests further evidence, a date is fixed for resubmission of the case with the result of the enquiries and the defendant is bailed to an appropriate date after this time. The CPS runs a monthly report on the case management system (CMS) which identifies cases where there has been no follow up and action is taken. In addition, such cases are also monitored by the police who have recently tightened their bail management procedures to ensure that enquiries are followed up.
- The majority (98%) of pre-charge decisions (PCDs) are completed on CMS now that problems over access to IT at the more remote sites have been resolved. Dip sampling by District Crown Prosecutors (DCPs) of MG3s, the forms used to record the advice provided, has revealed some variations in the detail in respect of the analysis of the evidence and reasons for decision. This is being addressed through discussion in team meetings to improve performance.

- There are direct liaison arrangements between the Area and CPS Direct (CPSD) through DCPs and the CPSD managing lawyer. CPSD decisions are monitored by DCPs. There is a procedure for resolving conflicts, which has needed to be used only rarely.
- Conditional cautioning was introduced in the Barrow-in-Furness/Kendal borough command unit (BCU) in April 2007. There are plans to roll-out to the rest of the county by the end of 2007. The project is managed by the Cumbria Criminal Justice Board (CCJB) through the Conditional Cautioning Executive Group. The CCP is the CPS representative. There are two Area conditional cautioning champions who have delivered joint training in a series of workshops. At the time of this assessment, seven cases had so far resulted in the issue of conditional cautions.

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

- Prosecutors are trained in the operation of statutory charging, the Director of Public Prosecution's guidance and CPS policies. At the time of the AEI, file examination showed that 95.8% of pre-charge decisions complied with the evidential test in the Code for Crown prosecutors. Decisions in 96.5% of cases complied with the public interest test. Prosecutors were proactive in identifying and remedying evidential defects in 76.9% of cases. Reality checks of six files during this assessment found that all decisions complied with both Code tests and prosecutors were proactive in seeking further evidence in all 4 relevant cases.
- The AEI found that duty prosecutors (DPs) considered alternative disposals and ancillary issues at PCD in 71.4% of cases. This was identified as an aspect for improvement. All lawyers are now trained in the proactive prosecutor programme and one lawyer is a national trainer. Reality checks showed that DPs are now more ready to consider ancillary issues at PCD stage. New desktop instructions dealing with confiscation of assets are now available to all DPs in charging sites to ensure that this aspect is also considered where appropriate.
- DCPs monitor the quality of pre-charge advice through the national CQA scheme, supplemented by dip sampling of MG3s. Issues of performance are taken up with individual prosecutors and more general lessons are disseminated through team meetings.
- The high level of cases referred to the Area which result in no further action (NFA) was causing concerns mid 2006-07. This was one of the factors which led senior managers to tighten their processes for monitoring cases which were referred for further evidence. As a result, the overall rate of NFAs for the year 2006-07 was lower than the national average, 30.2% against 31.9%. Dip sampling specifically includes such cases which are also discussed in PTPM meetings with the police. A recent review of NFA cases found that nearly 25% showed no evidence of police supervision. Just over 50% had been signed off by a supervisor but with no added value by way of comment on the case. This is being addressed through changes to the police gatekeeping arrangements.

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%	15.3%	12.1%	11.0%	13.1%	10.0%	12.7%
Guilty plea rate	52.0%	69.2%	73.5%	76.9%	68.0%	66.5%	68.4%	64.1%
Attrition rate	31.0%	22.0%	19.6%	16.5%	23.0%	22.2%	22.9%	23.4%

- The Area is realising two of the six expected benefits of charging. In magistrates' courts cases, performance has improved against all key measures since 2005-06. The Area's discontinuance, guilty plea and attrition rates were all better than the national average, although discontinuance levels remain higher than the national target.
- In Crown Court cases however, performance has declined over the same period and the Area failed to meet both national targets and national performance levels in respect of both the proportion of guilty pleas it achieved and the attrition rate. The rate of discontinuance, although slightly better than national performance, also remains outside the national target.
- Charging is managed jointly with the police at quarterly strategic meetings attended by the Chief Inspector (Criminal Justice) and Criminal Justice Unit (CJU) inspectors for the police and the CCP and charging champions for the CPS. All aspects of charging data are considered with the police at divisional level in PTPM meetings. There is a focus currently on reducing the rate of NFA cases. Data is also considered with CJS partners in the Area Development Group. Within the Area, charging performance is discussed in SMT meetings and in team meetings.

2 ENSURING SUCCESSFUL OUTCOMES IN THE MAGISTRATES' COURTS	OPA 2005	OPA 2007	Direction of travel
	FAIR	GOOD	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%	8.8%
No case to answer	0.2%	0.2%
Dismissed after trial	1.9%	1.4%
Discharged committals	0.2%	0.0%
Warrants	2.6%	0.7%
Overall conviction rate	84.3%	88.9%

- The above table shows that the Area is performing better than the national averages in all respects except cases dismissed at the end of the prosecution case which are the same as the national average.
- The overall conviction rate has risen from 85.8% at the time of the last OPA (year ending March 2005) but cases dismissed after trial have increased from 1.2%. File examination during the AEI showed that 93.7% of cases proceeding to summary trial complied with the Code evidential test. There were no cases dismissed at the end of the prosecution evidence which were foreseeable and could have been prevented by appropriate action.
- The discharged committal rate has improved from 0.2% at the time of the AEI (year ending June 2006). Although the rate is low – there were six cases in 2006-07 – the AEI highlighted that this was due in part to the reluctance of magistrates to discharge cases, because they are aware that the prosecution may reinstate them once the case is complete.
- The discontinuance rate has steadily improved from 11.2% at the time of the last OPA and 10.8% at the end of June 2006. The Area contributed to a recent thematic review of discontinued cases, conducted by HMCPSI, which showed that, in the main, only appropriate cases were being discontinued. The decision to discontinue accorded with the Code in 37 out of 39 cases. The police were consulted in every case where this was appropriate. Prosecutors were also taking action, where possible, to obtain further evidence or information which might prevent the eventual outcome. All cases which it is proposed to discontinue are reviewed by District Crown Prosecutors (DCPs) before the final decision is made.

- Cases which result in an adverse outcome are the subject of a report to the reviewing lawyer and DCP. The AEI recommended that there should be a more structured system of learning lessons from casework. Lessons from cases are discussed with individuals, if this is necessary, and more general lessons are taken forward to SMT and team meetings and appropriate action is taken. Although this is essentially the same system as that which existed at the time of the AEI, the adverse case reports and minutes of SMT and team meetings now show a more formal approach, with more detailed analysis and discussion, and actions clearly identified.
- The target for OBJ is a shared one set by reference to the criminal justice agencies. The ability of the CPS to influence it is limited because the target includes offences dealt with by non-prosecution disposals. The CPS contribution comes through managing cases to keep discontinuance low, good decision making and case management. The Cumbria criminal justice area (CJA) met its OBJ target by a comfortable margin, 65.6% of OBJ were the result of convictions.
- The Area has met the target of 71 days from arrest to disposal for PYOs. Performance has, however, been variable and at one point was 69 days. The overall figure for the calendar year ending December 2006, however, was 54 days. It is not clear why these variations have occurred and the Area is looking closely at the position, having adopted a stretch target for PYOs of 65 days. Youth cases are prosecuted by lawyers who are trained in youth issues. The Area's youth specialists oversee review and management of youth cases. There are regular in-house specialists' meetings to discuss current legal and procedural issues. The Cumbria Criminal Justice Board (CCJB) has recently reconvened the Youth Issues Group which met in June 2007.

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%	45.9%
Cracked trial rate	37.3%	37.3%
Ineffective trial rate	18.9%	16.8%
Vacated trial rate	22.5%	30.1%

- The timely preparation of police files has impacted on Area performance and is constantly being addressed through PTPM. The introduction of CJSSS at Workington and Whitehaven courts in May 2006 saw a vast improvement in performance and significant improvements in case handling and case progression. The rate of guilty pleas at first hearing increased by 8% at Whitehaven and 19% at Workington. The number of adjournments at first hearing reduced dramatically by 78% and 87% respectively. The scheme was introduced to Carlisle Magistrates' Court in April 2007. There has been no evaluation yet but early indications are positive.
- Timeliness of review is monitored through the CQA scheme. The AEI showed that the timeliness of case preparation was satisfactory.

- Pre-trial reviews (PTRs) in individual cases have now been replaced in the West and North of the county by case progression meetings. These involve the CPS, police and court case progression officers (CPOs) who meet every fortnight and discuss all trials for the coming two weeks and ineffective trials which occurred in the previous month. They provide a useful forum to identify trials which are not likely to go ahead and ensure that trials are effective.
- The table above shows that the Area effective trial rate is 45.9%, better than the national average and an improvement on performance in the first half of the year . The cracked trials rate at 37.3% also represents an improvement on the first half yearly figure of 38.5%. Although the ineffective trial rate is better than the national, the Area missed its target of 16.5%. Around 17% of all trials result in a late guilty plea from the defendant and late guilty pleas are the cause of almost half of the cracked trials in the Area. Problems with prosecution witnesses account for only 2.4%.
- Cracked and ineffective trials are analysed and discussed with other adverse cases at SMT and team meetings and action taken if necessary.
- The Area acknowledges that it still experiences some problems with CMS usage but managers have worked hard to increase the usage by all staff. As a result, the recording of actions and reviews is becoming more embedded. In 2006-07, magistrates' courts reviews were recorded on CMS in 74.7% of cases, a significant improvement of the figure of 53.6% for March 2006. Hearing outcomes are entered on CMS within one day in 62.4% of cases (up from 55%) and finalisations in 68.5% (up from 62%).

3 ENSURING SUCCESSFUL OUTCOMES IN THE CROWN COURT	OPA 2005	OPA 2007	Direction of travel
	FAIR	FAIR	Declined

3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals	13.1%	12.1%
Judge directed acquittals	1.4%	2.7%
Acquittals after trial	6.5%	7.5%
Warrants	1.3%	1.3%
Overall conviction rate	77.7%	76.4%

- Area successful outcomes in the Crown Court for 2006-07 were 76.4% against a national performance of 77.7%. This represents a worsening of the position at the end of June 2006 when the successful outcome rate was 79.4% and has to be seen against a reduction in Crown Court caseload of 10.1% since 2004-05.
- The Area rate for judge ordered acquittals (JOAs) is 12.1%, which is better than the national average of 13.1% but is worse than the level of performance at the end of June 2006 when it stood at 8.7%. Judge directed acquittals (JDAs) are almost twice (worse than) the national average at 2.7% against 1.4% and up from 2.5% at the end of June. Similarly, the jury acquittal rate is 7.5% when the national average is 6.5%, although this represents an improvement on the position at the end of June 2006.
- Proposals to discontinue cases, as with magistrates' courts cases are referred to District Crown Prosecutors (DCPs) for a decision where this is practicable.
- The AEI found that the decision to proceed to committal or service of the prosecution case complied with the evidential criteria of the Code in 95% of cases which is slightly worse than the average performance of the 11 Areas inspected in the last cycle which was 96.4%.
- As with magistrates' courts cases, those which result in an adverse outcome are the subject of a report to the reviewing lawyer and DCP. The AEI recommendation that there should be a more structured system of learning lessons from casework applied equally to Crown Court cases. Lessons from cases are discussed with individuals, if this is necessary, and more general lessons are taken forward to SMT and team meetings and appropriate action is taken. Adverse case reports and minutes of SMT and team meetings now show a more formal approach than at the time of the AEI, with more detailed analysis, discussion and actions clearly identified.

- If there are any issues which require discussion with criminal justice partners, this will take place informally or formally in one of the many joint meetings which include PTPM, Local Development Groups and case progression meetings, as is appropriate to the issues. The level of representation at meetings generally ensures that they are effective in taking action to improve.
- The Area has met its target for confiscation orders in 2006-07 both in terms of numbers and amount. There were 35 orders against a target of 24 representing a value of £234,736 against a target of £184,616. The Area is now taking part in a pilot which is mainstreaming the Proceeds of Crime (POCA). A protocol has been signed with the police and a POCA sub-group has been formed within the Cumbria Criminal Justice Board (CCJB). The Area has also set up its own POCA unit to deal with the more complex cases and provide advice and support in others. Desktop instructions which are detailed but user-friendly have been issued to inform lawyers and caseworkers when cases should be referred to the enforcement unit. The Area has also established contact with HM Courts Service regional enforcement unit in Bolton and is about to sign a service level agreement dealing with confiscation and enforcement issues.

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%	39.7%
Cracked trial rate	39.5%	48.3%
Ineffective trial rate	12.4%	11.9%

- Crown Court cases are generally reviewed in a timely manner. The AEI found that 94.1% of cases were subject of timely review before committal or service of the prosecution case. Cases examined in a reality check as part of this assessment confirmed that this remains the position. This aspect is monitored by the Area under the CQA scheme.
- Case progression meetings have taken place in the Crown Court for some time now and were regarded as a strength in the AEI. They follow the same format as the magistrates' court meetings, are held fortnightly and look at trials listing in the next fortnight. A format has been worked out to ensure the meetings remain focussed. They attempt to ensure either that trials will go ahead or seek to identify those which might not proceed because of, for example witness problems or the likely acceptance of pleas. They are supplemented by quarterly meetings between the CCP and the listing officer to discuss issues of practical concern.
- The AEI concluded that CPS prosecutors were proactive in ensuring that cases progressed promptly at all stages.
- There are very few youth cases in the Crown Court and those that exist are properly case managed by the CPS and the Crown Court. The Area ensures that they are dealt with or managed by youth specialists. This has been instrumental in ensuring that the Area achieves its overall PYO target.

- The rate of ineffective trials at the end of 2006-07 was within the Area target of 14% and better than the national average. It is also an improvement on the rate at the end of June 2006 which was 16.7%. Performance however, is worse than the national averages in respect of both effective trials and cracked trials. Performance has worsened in respect of effective trials over the year; it stood at 44.8% in June 2006. The position is the same with cracked trials which were 38.5%. The biggest reason for cracked trials is late guilty pleas from the defendant which account for 29.4% of all trials in the Crown Court (and over 60% of all cracked trials). Cracked and ineffective trials are analysed by the Area in the same way as other adverse outcomes. Senior managers are concerned at the apparent decline in Crown Court performance and are continually trying to improve. They have not been able to identify any particular trends on which they might focus.
- As with magistrates' courts cases, CMS usage is improving, although the Area failed to achieve its 90% target in respect of Crown Court reviews with a performance rate of 78.8%. However, in 2007-08 to date the target has been achieved.

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

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

- The CJSSS initiative was piloted in Workington and Whitehaven magistrates' courts from May 2006. The police improved the timely provision of case papers to CPS Cumbria, the court and the defence. This led to considerable improvement in the effectiveness of first hearings by increasing the number of pleas and reducing the number of adjournments. The scheme extended to include Carlisle Magistrates' court from March 2007.
- Case progression meetings are held for all magistrates' courts and Crown Court trials to ensure that trials are effective and any issues likely to affect progress are identified early. The Area measures the number of adjournments in cases both in the magistrates' courts and in the Crown Court. In the magistrates' courts, and Crown Court the Area has less adjournments than nationally. The number of adjournments in committal cases, however, is higher.
- The standard of agents in the magistrates' court has been the subject of criticism from other court users. The training of agents proved difficult in the past because the majority were newly qualified counsel from chambers in Manchester. The Area has now made arrangements with CPS Greater Manchester to train agents since they are also used in Manchester courts.
- The standard of instructions to counsel is very good. File examination during the AEI highlighted these as a strength and showed that 93.9% of cases contained a satisfactory case summary and analysis of the evidence. Instructions on plea were given in 75.8% of appropriate cases. Reality checks indicated that this performance has been maintained.
- The majority of in-house prosecutors including DCWs and HCAs are experienced and have received appropriate training. Files are available to them at least a day before court so they have sufficient time to prepare their cases for presentation. In some instances, however, agents in the magistrates' courts do not see their files until they arrive at court.
- The AEI found that not all prosecutors attended the magistrates' courts in sufficient time to discuss cases with legal advisers and defence lawyers, although this could be said of other court users as well. The Area has made efforts to reinforce the importance of punctual attendance by prosecutors. This has been assisted by the extension to Carlisle Magistrates' Court to the CJSSS initiative, which requires prosecutors to be at court 45 minutes before court business begins.
- Arrangements for monitoring advocates in the magistrates' courts and in the Crown Court have become more formalised since the AEI but are not yet fully embedded.
- Prosecutors are generally robust in opposing unnecessary adjournments. They are supported in this by the attitude of the judges and magistrates who are keen to ensure that hearings result in

some case progress. This is especially so in respect of the CJSSS initiative. There have been, however, some instances of prosecutors requesting adjournments to discuss cases with the reviewing lawyer, or to consider CPSD advice before proceeding.

- There is a listing agreement with the magistrates' courts which is currently being updated to take account of increased powers for DCWs and the CJSSS initiative.
- There has been one wasted costs order in the magistrates' court in respect of a hearing at which the prosecution was not ready to proceed.

5 SENSITIVE CASES AND HATE CRIMES	OPA 2005	OPA 2007	Direction of travel
	FAIR	GOOD	Improved

5A The Area identifies and manages sensitive cases (including hate crime⁴) effectively

- The Area has appointed specialist and champions in all types of sensitive casework. Specialists deal with some sensitive cases and also provide advice to other prosecutors. At the time of the AEI, there were no special arrangements within charging centres for dealing with specialist cases; this was the subject of a recommendation. Now when officers telephone to arrange an appointment for advice, they are asked if the case is a specialist or sensitive one and, if so, arrangements are made to see a specialist lawyer.
- The AEI also found that some lawyers had been assigned more than one specialism, due in part to the number of small offices in the Area, and recommended that the Area should review its approach with a view to rationalising the system. This process has begun. The number of specialists has already been reduced, their roles have been reviewed and new terms of reference for their specialism have been drafted to define their responsibilities. The process of rationalisation will be assisted by a reduction in the number of Area offices to two, planned within the next two years.
- All specialists have received the appropriate training in their specialism. In addition, all prosecutors have received recent training in relation to Anti-social Behaviour Orders (ASBOs), POCA and domestic violence. Training in special measures (which assist vulnerable or intimidated witnesses in presenting their evidence in court) is scheduled to take place in 2007-08.
- Unsuccessful outcomes in domestic violence cases dropped from 32% in 2005-06 to 30.7% in 2006-07. During that period, individual quarterly rates improved from 36.4% at the end of June 2006 to 24.6% at the end of March 2007. A Specialist Domestic Violence Court (SDVC) opened in Carlisle in April 2007. All defendants charged with offences of domestic violence in Carlisle are remanded to the court to be dealt with. Any cases adjourned go back to the SDVC. Cases are prosecuted by specially trained lawyers, before magistrates who have also received training in handling domestic violence cases. Individual domestic violence advisors who work for a local charity are on hand in court to assist and advise victims. Although too soon for any formal assessment, early indications are that the project is yielding benefits.
- The Area dealt with one case recently which attracted national media attention. The CCP gave interviews to national television and national radio stations. Media training is being organised and delivered to appropriate staff.
- The Area acknowledged at the time of the AEI that not all cases with an identifiable victim were being flagged on CMS and was taking action to remedy this by reminders in team meetings to all staff of their responsibilities. Our reality check confirmed that levels of compliance have improved.

⁴ 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).

- The Area considers and discusses all HMCPST thematic reviews to ensure that its own systems and procedures comply with recommendations. The Area recently hosted a multi-agency conference to discuss the recommendations of HMCPST's thematic review *Without Consent: a report on the joint review of the investigation and prosecution of rape offences*. This was attended by a number of agencies which included the CPS national rape co-ordinator, forensic experts, police and victim support agencies. The event produced a number of discussion points for action and improvements to procedures.
- Any race hate charge which is to be dropped or amended to remove the hate element is referred to a District Crown Prosecutor (DCP) before final decision. This allows a consistent approach in such instances. Cases are monitored under the Racial Incident Monitoring Scheme.
- There are no special arrangements for monitoring sensitive cases, other than national monitoring requirements. However, adverse outcomes in sensitive cases are monitored to the same extent as all other cases. Lessons learned are discussed in SMT and in team meetings, as well as with criminal justice partners where necessary.
- The Area rate of unsuccessful outcomes in hate crimes is 28.6% and better than its target of 34%. The national rate is 32.8%.
- The ABP for 2006-07 and 2007-08 refer to the Area's commitment to compliance with the principles of the Children's Charter. However, the plans do not incorporate any specific actions other than a reference in the 2007-08 plan to consideration of third party disclosure decisions in the light of the specific needs of victims in child abuse cases. The Area has, nevertheless, strengthened its links with the local Safeguarding Children Board and the CCP has an input into strategies and policies. An Area child abuse specialist and youth specialist act as Area co-ordinators in these specialisms and attend multi-agency group meetings to discuss child welfare issues. The Cumbria Criminal Justice Board (CCJB) has recently adopted a policy on dealing with allegations of child abuse against persons who work with children.

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

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

- The Area has maintained the high level of performance in respect of disclosure which was recognised in the previous Area inspection in 2004, the subsequent OPA in 2005 and the AEI in 2006. The AEI reported that initial disclosure was dealt with correctly in 89.4% of cases. This compares very favourably with the combined rate for the 11 Areas inspected in the cycle which was 65.2%. Secondary or continuing disclosure was dealt with properly in 86.8% of cases compared with the combined rate of 56.9%, and sensitive material was handled correctly in 84.8% of relevant cases compared with the 11 Area average of 62.1%.
- As part of this assessment reality checks were carried out of six Crown Court files to ascertain, amongst other things, whether the high level of performance in respect of disclosure had been maintained. We found that initial disclosure had been dealt with correctly in five cases. In the sixth case, although the prosecutor's decision on disclosure was clear from the disclosure letter sent to the defence, the schedule of non-sensitive material had not been endorsed with his instructions, although it was signed. There was an inconsistent approach to endorsement of the prosecutor's decision in the other five cases; one prosecutor attached adhesive labels to the schedule indicating his decision where there was no relevant material to disclose.
- Continuing disclosure had been dealt with correctly in each of the six cases and sensitive material was properly handled in each of two relevant cases.
- The MG3s on the files examined showed that DPs were considering disclosure issues when making decisions on charging. District Crown Prosecutors (DCPs) monitor this through the dip-sampling of MG3s.
- Performance in respect of disclosure is monitored through CQA. In addition, quarterly file reviews carried out by the Area Serious Casework Lawyer look particularly at disclosure. Any issues are reported on and discussed first in SMT and then in team meetings. Individual performance issues are taken up with the prosecutor concerned.
- Disclosure schedules are kept in separate folders within the file jacket. The AEI reported that sensitive material schedules, which were stored in the same folder, sometimes got mixed with other documents making them difficult to locate. The reality check showed that sensitive material schedules are still stored within the disclosure folder, although they were separately filed.
- All prosecutors and caseworkers are aware of the Crown Court protocol on the handling of unused material and scrutinise defence requests for access to material very closely. File examination during the AEI and the reality check showed that prosecutors take a proactive approach with the defence to the service of defence statements. Early discussions on the protocol were held with the Crown Court which indicated a positive attitude.

- The Area has four disclosure specialists, two of whom are specialists in advanced disclosure in complex cases. One of the specialists is the disclosure champion for the Area. The number of specialists is likely to be reduced when office restructuring is completed. At the time of the AEI, training on the Disclosure Manual and disclosure provisions of the Criminal Justice Act 2003 had been completed. A series of joint training courses with the police dealing with disclosure in complex cases has also recently been completed.
- The Area has continued to take steps to improve its performance in respect of disclosure. The recent joint agency event held to discuss rape prosecutions highlighted some issues about third party material and offered suggestions for action. In addition, the recent CPS national disclosure survey has led to the Area arranging further training on police surveillance and advanced disclosure at a Covert Law Enforcement course in June 2007.

7 CUSTODY TIME LIMITS	OPA 2005	OPA 2007	Direction of travel
	FAIR	GOOD	Improved

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

- The Area has a comprehensive written CTL system, implemented in 2006, which covers all aspects of the latest national guidance. The Area has made improvements to its CTL system by examining procedures in another CPS Area and adopting elements of good practice. There is also a manual diary system in place and some use is made of other systems to provide additional assurance. The CTL caseworker is responsible for checking the CTL diary and the computer daily to ensure that actions are promptly carried out.
- There is a CTL champion who has a specific objective to ensure there are no CTL failures. Additionally, in response to the AEI the Area ensured that all senior managers are now involved in the CTL process. District Administration Managers (DAMs) have specific responsibility for ensuring that weekly printouts from CMS are used to check for CTL expiry dates and that any imminent cases are raised with the District Crown Prosecutors (DCPs), who are instructed to deal with these matters expediently. The printouts are endorsed with any action taken.
- Since the AEI, all CTL cases requiring an application for extension are now subject to discussion between the lawyer and caseworker. The lawyer will draft the application for any complex cases, whilst the simple case applications are allocated to the caseworker to draft as agreed with the lawyer. This is contrary to the Area's own written instructions, which indicate that the lawyer will draft in all cases. Decisions whether to apply to extend a CTL require the application of legal judgment. The current procedure appears to ensure that this occurs but the written instructions should be clarified in this respect.
- The Area had no CTL failures in 2005-06 or 2006-07 and has no failures to date in this financial year. A quarterly audit of the system is undertaken together with a dip sample of files to capture any failures and identify any areas for improvement. An audit has already helped the Area identify that further work is required on lawyer endorsements. Identified trends are presented to the SMT as lessons learned and the DCPs are then given responsibility to ensure relevant action is taken. The information is also shared with the DAMs in their monthly meeting with their supervisor.
- Reality checks showed that in one case an endorsement was missing to explain why one of two defendants had been remanded in custody, after initially being granted bail. In another case, following the grant of bail to the defendant, a misunderstanding about the original expiry date led to a miscalculation of the time still left to run.
- There is no system in place to work with the courts to ensure CTLs are correctly calculated and monitored. File examination indicated that in 33% of the cases examined there was no endorsement to indicate that the court had any involvement in the CTL calculations. A draft protocol has been produced and is waiting agreement and signature from the courts.

8 THE SERVICE TO VICTIMS AND WITNESSES	OPA 2005	OPA 2007	Direction of travel
	FAIR	FAIR	Stable

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

- The Area monitors compliance with the Direct Communication with Victims (DCV) initiative which requires a letter to be sent when the charge is dropped or substantially altered. In 2006-07, the Area achieved 77% of its proxy target for the number of letters it should be sending. This represents a considerable improvement on the performance of 48.4% in 2005-06. In the same period (2006-07), 83% of letters sent to victims were sent within five days. This was better than the national performance of 73% for the same period.
- Files examined during the AEI showed that the victim was not notified in accordance with DCV in 21.8% of relevant cases. The flagging of victims and witness cases on CMS, to ensure that they are identified was not routinely done at the time of the AEI, but the position is now improving.
- The quality of DCV letters remains generally satisfactory, although some do not explain the reasons for the decision fully, and others lack empathy with the victim.
- Prosecutors generally consider the needs of victims and witnesses in pre-charge and other cases and there are indications that they are more proactive in this respect at the PCD stage. However, the AEI found that applications for special measures were not always made on time and the WCU sometimes had to alert lawyers to cases in which special measures applications should have been considered. This still remains the position to some extent, although the Area met the target for the numbers of special measures applications in the last quarter of 2006-07.
- There are some communication difficulties between the WCU and CPS Units. This has caused some delays in submitting witness statements, or the witness statement being submitted incomplete, thus delaying needs assessments being undertaken. There is no consistent practice in place to ensure that the WCU is systematically aware of issues affecting case progression. Many of the inconsistencies are due to the WCU being geographically separate from the four CPS Units, and the use of different IT systems. Some units are using the police NSPIS system for updates and others are not.
- The Area is endeavouring to embed practices to establish at an early stage whether a witness's evidence can be agreed in written format. Case progression meetings include an identification of witness issues which then enables the WCU to take appropriate action in individual cases. The WCU is committed to providing information to relevant parties, although this is not always timely, often due to the Unit's reliance on others to provide timely information in the first instance. The WCU has been given access to both CPS and police systems to help speed up the access to appropriate information.

- The Area has also piloted the Pre-trial Interviews with witnesses initiative (PTIW), which seeks to assess the impact of a witness's evidence before making a decision whether to progress a case through the court system. In selected cases, as part of the review process, victims may be interviewed in controlled conditions by a CPS lawyer. The process enables the prosecutor to make a first hand assessment of the impact of a witness's evidence and may, in some instances, result in the case not being proceeded with. The pilot has now finished but the Area remains committed to the initiative and is looking to implement it across the county.
- At the time of the AEI, the Area had a target to provide the WCU with a list of witnesses within 24 hours of any pre-trial review. This target has not been met due to staffing difficulties.
- There is no specific monitoring in place to ensure that prosecutors comply with the Prosecutor's Pledge in respect of engaging with victims and witnesses when at court. The Area relies on the Crown Court survey, WAVES survey and feedback from the Witness Service to inform it of prosecutors approach in dealing with victims and witnesses. The AEI found, however, that there were few concerns in this respect and that prosecutors were generally proactive in engaging with witnesses.

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

- There is one WCU in the Area, based in Kendal, which is made up of both CPS and police staff. The Unit is not yet fully complying with the requirements of the Victims' Code and the minimum requirements of the No Witness No Justice initiative (NWNJ). The Area has not met some of the primary and secondary measures of NWNJ. This appears in part to be due to the delays in receiving relevant information referred to earlier, both in-house and from other agencies, to enable the WCU to progress the necessary support mechanisms
- The Witness Care Manager provides a comprehensive Performance Management Information Summary to inform the Cumbria Criminal Justice Board (CCJB), SMT and the Victim and Witness Executive Board. The summary gives details of progress against trial effectiveness, NWNJ minimum requirements and primary and secondary measures. It also provides some analysis of the issues and suggests areas for improvement.
- The Area uses information from the Witness Management System (WMS) to assess its performance against the minimum requirements of the NWNJ scheme and to check its compliance against the Victim's Code. As a result, it was identified that the take up of Victim Personal Statements had been disappointing. This prompted the Area with the police to trial a new system during January and February 2007 to see if the take up rate could be raised. The new system, however, has not delivered the benefits the Area had hoped for. The WCU still has significant difficulties in receiving confirmation that a VPS statement has been taken and cannot confirm that its recorded information is accurate.
- The number of cracked trials in the magistrates' court due to witness issues and cracked trials due to guilty pleas in the Crown Court for 2006-07 are both worse than the baseline. The trend for the number of ineffective trials due to witness issues in the magistrates' court is also of concern. The annual rolling figure of 3.8% against the baseline of 4.2% appears good, but the rolling quarter to March 2007 is worse than the baseline at 4.7%.

- Joint analysis of the operation of NWNJ is undertaken by the CCJB Executive Board and where issues cannot be resolved at this level, they are then referred to the CCJB. Additional funding of £128,000 was provided by CPS HQ to allow for the continued employment of CPS staff in the unit although this still left a shortfall. Due to the joint commitment of CPS and the police to victim and witness care, the police have provided additional funding this financial year to enable the unit to retain the appropriate staff. The Area has undertaken a Suitability Review of the WCU to help identify options should the funding for the Unit not be forthcoming in future financial years.
- Other joint issues under discussion have included the full introduction of the police NSPIS system, which would remove some duplication from the process. At present, this remains on hold until the introduction of a new computer system within HM Courts Service. Communication of joint discussions is made either directly through the District Crown Prosecutors (DCPs) and Witness Care Manager or through the team meetings and the various newsletters.

9 DELIVERING CHANGE	OPA 2005	OPA 2007	Direction of travel
	FAIR	GOOD	Improved

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

- The Area has a clear sense of what it wants to achieve and how to achieve it. The ABP 2006-07 and 2007-08 were developed and agreed with a cross-section of staff at away-days and were publicised via the weekly newsletter. The plans are accompanied by a Delivery Plan detailing the CPS key priorities and targets. There are relevant key milestones in the plans which link to individual projects, training and performance. Strategic leads have been allocated objectives with relevant timescales for implementation.
- The review of the Area's position against the ABP was an aspect requiring improvement in the AEI. As a result the Area has developed a new review process for 2007-08 which covers both the ABP and the associated risk log which will be reviewed on a quarterly basis and updated accordingly.
- Objectives from the ABP feed into the team and individual objectives of all staff performance appraisals; these will now be monitored at the performance appraisal reviews which will also take place on a quarterly basis. Progress on objectives will be fed to the secretariat as part of the monitoring process.
- The majority of projects having multi-agency involvement are directed by the Cumbria Criminal Justice Board (CCJB). Some good joint planning with CJS partners is evident in respect of projects, performance and funding. All CPS managers have a lead role in either a CCJB sub-group or other inter-agency group. These include the CCJB Planning and Performance Group, the Criminal Case Management Group, Area Development Groups and PTPM Groups. Senior Managers have also led on some cross-agency projects, for example, Specialist Domestic Violence Court (SDVC) and Pre-trial Interviews with Witnesses (PTIW).
- Following the early success of Simple, Speedy, Summary Justice (CJSSS) in Workington, the Area has introduced CJSSS into Carlisle and is looking to introduce the scheme into the south of the county as soon as possible. Talks are being held with partner agencies to agree timescales for implementation.

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

- The Area has announced its plans to restructure to two offices based in Carlisle and Barrow-in-Furness. A project manager on loan from the CPS Lancashire will provide the necessary day to day project management. A business case has been submitted to, and agreed in principal by, CPS HQ which has allowed for a commitment to the costs of acquiring new buildings to facilitate the restructure. Strategic approval cannot be given until the final costings have been done. The plan in the south of the county is to move the work from Kendal in the next 12 months, to Barrow-in-Furness and Carlisle. Work currently undertaken in Workington is expected to move to Carlisle within the next 18 months. The WCU will remain at the police station in Kendal. Although

the project is only in its infancy, the SMT is utilising the Whitley Council to keep staff informed. Discussion occurs in team meetings and a number of newsletters have already been published to keep staff updated on progress.

- Conditional cautioning and PTIW have also been implemented in parts of the county. It is too early to assess the impact of conditional cautioning but the PTIW project has been successful in determining issues of witness credibility at an early stage in proceedings.
- A change management structure is in place. All projects are included in the ABP and risk log and most have an action plan with clear actions and appropriate ownership identified, although timescales are not always set out. Any training needs are also identified and raised with the Area Business Manager (ABM), so that they are captured on the ABP and passed to the Secretariat for inclusion in the Learning and Development Plan.
- Where appropriate projects are managed by the CCJB Project Manager, who has the necessary skills and training. Occasionally projects are lead by Senior Managers with the knowledge and skills appropriate to the project. No senior managers, other than the ABM, have had project management training, although there are plans for managers to undertake change management training, to coincide with the Area restructure.
- There is evidence that some change is reviewed and improvements made; examples include developments in case progression and the charging appointments systems. This however, needs to be systematic to ensure the Area learns lessons from all its projects and initiatives.

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

- Training to meet the Area's business needs is reflected in the comprehensive Learning and Development Plans for 2006-07 and 2007-08. The 2007-08 plan is a living document which is maintained by the Secretariat and is regularly updated as a result of input from various sources. The plan includes relevant induction and diversity training.
- Personal development training for staff has not been identified within the plan. The ability to provide any outside training is limited by the pressure on the Area to keep within its budget. However, management training, which was identified as an aspect for improvement in the AEI, and which many managers had expressed an interest in undertaking, is currently being delivered.
- Equality of access to training is achieved by monitoring attendance on courses and ensuring that courses are held at different times and venues so that all staff have the opportunity to attend. Some training days are planned to coincide with magistrates' courts training days.
- Effectiveness of training is monitored initially by the use of evaluation forms, which is followed up through direct monitoring, such as, dip sampling of MG3s to look for improvements, or through the allocation to staff of specific objectives to use their new skills.

10 MANAGING RESOURCES	OPA 2005	OPA 2007	Direction of travel
	POOR	FAIR	Improved

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

- Since 1999, the Area has consistently overspent its non ring-fenced administrative costs (NRFAC). The Area has more recently worked hard to improve its management of the budget and there is now a trend of improvement. In 2006-07 the Area overspent by 0.7%, a significant improvement on the 2005-06 overspend of 2.8%.
- In response to the AEI, the Area has made a number of refinements to its monitoring systems. A budget proforma (adopted from another Area) is completed on a monthly basis and is used to inform the SMT of the budget status. There is a set agenda item at the monthly SMT meeting to discuss budgets and the recruitment strategy. So far, the Area has already made use of this better information, together with its monies from HCA deployment, to make changes to its staffing profile. It has replaced three senior lawyers with four new lawyers and taken on an additional DCW.
- The Area is actively seeking to ensure it achieves value for money. It keeps a tight control of travel and subsistence costs, has sought to make better use of couriers and makes good use of arrangements with CPS Lancashire to cover the Crown Courts at Preston and Lancaster, thus reducing travel costs. Additionally, reductions have been made to the Saturday call out rotas. The Area recognises that it can achieve better value for money by pooling its resources and is looking to achieve better economies of scale when it restructures.
- Prosecution costs for 2006-07 were significantly under spent at 81% against the national average of 100.9%. The Area returned £200,000 to HQ in December 2006. Some mis-coding of expenditure and lack of robust systems for monitoring committed expenditure did not allow the Area to anticipate the potential underspend at an earlier stage. New systems have now been put in place to ensure better forecasting, recording of committed expenditure and improved monitoring of the prosecution costs budget.
- Performance in respect of payment of fees, under the graduated fees scheme (GFS) is poor, with only 31% of fees being paid within one month and 78% within 4 months. A dedicated fees clerk was recruited by the Area in February 2007 to deal with all graduated fees in response to the continuing poor performance. The Area still has to deal with its backlog of fees and it is too early to see any improvements in its performance. This has been a long standing problem in the Area which needs to be resolved.
- The Area has received £128,000 from the centre to pay for staffing in the WCU. This still left a short fall in funding for the Unit and the police have provided an additional £36,000. The WCU funding is a continual cause of concern for the Area and is discussed on a regular basis at the Cumbria Criminal Justice Board (CCJB) meeting.

- Start-up funding was given to the CCJB in 2006-07 for the introduction of CJSSS and was used for equipment to aid the new process. Further CJSSS funding has been forthcoming for 2007-08 which is to be used to fund the CCJB Project Manager to implement the scheme in other parts of the county.

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

- Regular planning of staff structures is a set agenda item for discussion at SMT. The budget proforma is considered and workloads in the Area units form part of the material for consideration. A full review of staff profiling takes place on a quarterly basis and trends are also considered by the SMT. Planning and review is now systematic in the Area and some change in staff roles and structures has already been undertaken.
- The Area is operating at 80.4% in-house coverage of magistrates' courts, which is the same as the national average. Lawyers are rostered to undertake up to six half days in the magistrates' courts and one day charging duty per week. The remaining time is spent on case review and preparation. The Area is recruiting an additional four lawyers with a view to increasing its court coverage and reducing agent coverage (19.6% for 2006-07).
- DCW usage in the Area for 2006-07 was 16% against a national average of 14.7% but fell some way short of its own ambitious target of 21%. By the end of 2006-07 the Area had three DCWs. The expected court coverage for each DCW is six sessions per week, equating to 252 sessions per year. During 2006-07 the Area covered 669 sessions which equates to 88.5 % court usage of DCW time. The Area is now deploying DCWs on a county basis rather than within individual units which appears to be improving performance.
- The Area currently has one dedicated HCA who is fully deployed in that role and five others who are used as regularly as commitments will allow. The Area HCA strategy includes setting up a dedicated HCA Unit, to which two more HCAs will be assigned on a dedicated basis.
- The dedicated HCA and two others have each been set objectives to conduct trials in the Crown Court. In the year 2006-07, they prosecuted 40 trials as lead advocate and acted as junior counsel in one other. Additionally, HCAs deal with Plea and Case Management Hearings (PCMHS) and preliminary hearings. The ad hoc HCAs cover PCMHS and sentencing appeals. All HCAs undertake some ad hoc charging cover. The target for 2006-07 for HCA gross counsel fees savings was exceeded, saving £79,236 (151% of the target), although the savings per session were lower than the national average at £308 against £339. The savings have been used to fund recruitment of additional lawyers.
- There was an average of 15.4 days sick absence per person in 2006-07, which was almost twice the national average of 8.5 days and more than twice the Area target of seven days. The Area has a number of long term sick staff who are accounting for around 11.5 days of the total sickness. The Area has approached CPS HQ to provide some coaching to Senior Managers in dealing with sickness issues, but needs to ensure that all managers are consistently applying sickness management processes. "Back to work" interviews are held and some basic trending and analysis is undertaken to try to identify reasons for absence. The need to improve the management of sick absence was identified during the AEI, and the Area needs to identify innovative methods to try to prevent a developing sickness culture.

- Although business needs are the priority, the Area has agreed some flexible and term-time only working and has a number of part-time staff.

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

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

- At the time of the AEI, the Area had recognised the importance of developing a strong performance management regime and has since put in place a number of arrangements to ensure managers are held fully accountable for performance. It is a set agenda item for the SMT meeting. Additionally, there are quarterly performance review meetings (QPRs), between the CCP, ABM and Area Performance Manager and each District Crown Prosecutor (DCP), to discuss performance in detail. Aspects requiring improvement are identified and specific actions allocated. These are then recorded in an Action Plan and updated at each meeting. Further improvement on the Action Plan, however, is required to ensure appropriate timescales are set for the work to be undertaken and to ensure prompt compliance.
- A comprehensive performance pack has been developed which contains information on Area and unit level performance and, in a number of aspects, make comparison with other CPS Areas. The Area makes some use of national data, but accepts this is something which can be further developed. Some trending takes place but, again, this would benefit from further improvement, particularly on pre-charge benefits data. The performance pack makes some use of the traffic light monitoring system and measures itself against the OPA inspection standards.
- Managers are held accountable for the performance of their unit through the QPR meeting. Managers ensure quality assurance of data and make good use of PTPM information to check finalisation recordings and compare and monitor workloads. CMS task lists and ongoing case reports are used to good effect. Managers also undertake dip sampling of files, including no further action (NFA) and CTL files to quality assure standards and feed back performance in terms of aspects for improvement and good performance, both at team meetings and individually through performance appraisal.
- The Area has a CMS Local Implementation Team (LIT) which reviews and monitors CMS operation and usage and has implemented some changes in recording information. These have made noticeable improvements in CMS usage.
- Good use is now being made of the appraisal system as part of the performance regime in response to shortcomings identified in the AEI, although it is too early to say whether this has brought about either team or individual improvements.
- The Area is showing significant improvements in some aspects, for example compliance with the DCV scheme, which has shown an upward trend across 2006-07. The Area has also adopted some innovative approaches such as setting objectives for individuals to demonstrate use of skills acquired from training.

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

- There is good evidence of managers being actively involved in multi-agency meetings at which performance is reviewed and actions identified and allocated, including PTPM meetings with the police, multi-agency Development Groups and the Executive Victim and Witness Board in particular. Analysis of PTPM data and the volume of cases resulting in no further action at the PCD stage were used effectively to improve gatekeeping arrangements in part of the county.
- The Cumbria Criminal Justice Board (CCJB) Planning and Performance Group, is responsible for directing performance improvement at a strategic level. The Criminal Case Management Group directs actions in terms of thematic work as well as project work to improve processes on a joint basis. Joint strategies are developed and the board allocate a lead from the most appropriate agency. Examples include CJSSS, for which the CCP was the senior responsible officer, the PTIW initiative which was led by CPS Cumbria and Conditional Cautioning where the police took the lead. Both schemes have achieved the identified benefits and are to be introduced on a phased county wide basis. Good use is made of the CCJB Performance Manager and Project Manager who work closely with the CPS Performance Manager and are allocated responsibilities from the CCJB and its sub groups. Both roles have a responsibility to monitor and deliver performance and report on progress to the CCJB and appropriate sub-groups.
- The CCP has established good liaison with the magistrates' courts in respect of discussion on mutually beneficial listing arrangements and discussion with the resident judge on appropriate issues.

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

- The Area has sustained its operation of CQA and DCPs undertake systematic dip sampling of files, including cases resulting in NFA, CTL files and PCD cases to monitor individual lawyer performance. Results of CQA analysis are discussed at the SMT meetings. Any themes or trends identified are then shared across the county through unit and team meetings. Consideration is also given to training needs which are then fed into the Learning and Development Plan. Individual feedback, where required, is provided through the CQA forms and quarterly appraisal reviews. Both refer to good performance and identify areas for improvement.
- There is no system in place to monitor advocacy performance in courts on a formal basis. Resources to monitor CPS lawyers and agents are limited, and the Area relies on caseworker notes and feedback from other agencies on advocacy performance. HCA performance is currently being monitored by the lead HCA as one of his specific objectives.

12 LEADERSHIP	OPA 2005	OPA 2007	Direction of travel
	FAIR	GOOD	Improved

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

- The AEI commented that the new SMT had developed a clear sense of direction which reflected the overall vision and strategy for the CPS. The Area is committed to the local vision for CPS Cumbria which is set out in the introduction to the ABP together with its priorities for the coming year. The ABP was developed in February 2007, after consultation with a cross section of staff from all levels. The plan has been commended by CPS Headquarters.
- In addition, the 'People's Plan', which was developed in response to the 2006 Staff Survey, is being considered by the Area People's Group. The Group has been reinvigorated recently and there are now set dates for meetings to ensure continuity.
- The overall roles and responsibilities of senior managers are now clearly defined in revised job descriptions. The AEI reported that there was scope to set out more clearly individual responsibility for some development projects. The ABP makes this much clearer.
- At the time of the AEI, the Area had suffered a period of uncertainty over the impact of the proposed police force restructuring. Although the latter plans were abandoned, there were still uncertainties over CPS reorganisation nationally and the need to address problems resulting from the existing Area structure. Proposals for local reorganisation have been announced and although some staff are unhappy about the effects on them individually, there is a general acceptance that the proposals are necessary.
- The new management team has developed the level of corporacy within the Area in a number of ways. Efforts have been made to break down the north/south divide within the Area and have met with some degree of success. Meetings at Area and team level have also been instrumental in widening the corporate approach.
- The staff survey found that a smaller proportion of staff in Cumbria thought that team meetings were regular and effective than nationally. Senior managers have taken steps to improve the frequency and regularity of team meetings, although the current Area structure does not always facilitate maximum attendance. Nevertheless minutes of Area and team meetings show discussion of a wide range of issues, focussing on those of current importance. Although minutes of different meetings are in various formats, they are all structured in a logical way, professionally presented and give sufficient detail of issues.
- Although there are four offices spread some distance apart, senior managers make regular visits to each office. The CCP and the ABM, together with the Area performance officer go to each office for quarterly performance reviews with the District Crown Prosecutors (DCPs). At the same time, they will attend a team meeting as observers and answer any issues of concern to staff. Other duties and responsibilities also ensure that visits to other offices are made on a regular basis.

- Senior managers continue to take an open and constructive approach with criminal justice partners. At the time of the AEI, it was felt that some were more proactive than others in this respect. It is still the case that responsibilities fall more on senior managers but this is more often dictated by the nature of the liaison and the need to make binding decisions than any reluctance on the part of others. Senior managers represent the Area on all relevant CCJB forums and have been proactive in leading in various recent initiatives such as the CJSSS, the specialist domestic violence court and the NWNJ initiative.
- Senior managers are ready to learn from both successes and failures and have established a mechanism for doing so. Casework lessons are discussed in SMT and team meetings and with DCPs at their quarterly reviews. The People's Group, which is now more active, allows all staff to have an input into Area business.

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

- At the time of the AEI, there were still a number of issues affecting staff morale which were highlighted in the 2006 Staff Survey and the Area's recent Investors in People assessment (IiP). Satisfaction levels in respect of Communication and Dignity at Work were lower than the national average in both aspects. Only 4% of respondents to the staff survey (compared with 26% nationally) felt that the Area had an effective system of recognising good staff performance, compared with 26% for the Area in 2004. At the same time, 10% of respondents felt that the Area valued its staff, against 26% nationally which was also down from 30% in 2004.
- The Area responded constructively to the poor survey results and IiP assessment, which reflected the same issues, by holding a workshop at which a selection of staff discussed the key issues and developed a people's plan to address them. These are now being taken forward by the People's Group which, after a slow start, is making progress by identifying concerns and bringing them to SMT for discussion.
- There is no mechanism for measuring any improvement, although managers strongly believe that staff are generally more satisfied that their concerns are listened to. Managers recognise that they still face challenges in respect of Area restructuring but are addressing these in consultation with staff.
- The AEI noted that a staff reward and recognition scheme was being developed although progress was slow. The scheme has not yet been formally implemented, although it is nearing readiness. Attempts to reward or recognise good performance in the past have caused resentment in others so managers are keen to ensure that the scheme is appropriate and acceptable to staff.
- Senior managers have taken action to address inappropriate behaviour. There have been some informal complaints about managers' treatment of staff and of inappropriate behaviour towards managers. These incidents prompted a quick response from managers by reinforcing the Dignity at Work policy.
- There was concern in the 2005 OPA that equality and diversity issues were not fully integrated within the ABP. Although diversity is now included as a core value, actions and targets did not always add up to the objectives at the time of the AEI. Since then some aspects have been

addressed by reinforcing Dignity at Work and a greater emphasis on championing victims' rights exemplified by the establishment of the Specialist Domestic Violence Court at Carlisle and plans to roll the project out county wide.

- At the time of the AEI, the Area's workforce did not represent the make-up of the local community. Small numbers of staff and a low turnover restricted opportunities to address this significantly. The Area Workforce Plan has been developed to address this and has been further refined. Some recent staff turnover may also help to address the issue.
- The ABM has lead responsibility for equality issues, although the CCP is equally active in this field.

13 SECURING COMMUNITY CONFIDENCE	OPA 2005	OPA 2007	Direction of travel
	FAIR	FAIR	Stable

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

- Senior Managers in Cumbria are committed to engaging with, and securing the confidence of the local community as a whole. The CCP is a member of the Race and Diversity Partnership and is the strategic lead for the Specialist Domestic Violence Court (SDVC). The Area has also undertaken significant work on a Hate Crime Action Plan. The CCP has been proactive in securing membership of the county Safer Stronger Communities Partnership. District Crown Prosecutors (DCPs) attend the local Crime and Disorder Reduction Partnership meetings on an informal basis.
- The Area maintains up-to date information on the demographics of Cumbria and community activity in the past has mainly focused on the more easily accessible groups. More recently, however, the Area has been able to take advantage of local groups and forums already accessed by the County Council. Some contact has been made with the travelling community and, although identifying a lead contact for the growing Polish community is proving more problematic, there was some representation at a recent 'Celebrating Diversity' event. The Area is still exploring links into other excluded groups.
- Strategies for community engagement are in place and the ABP 2007-08 contains some objectives for partnership working and delivering community confidence. All staff have an objective, either as an individual or as part of a team, to raise awareness or become directly involved in community engagement. It is yet too early to confirm that engagement is sufficiently embedded to be core business of all staff.
- All aspects of engagement are now captured in a community and media engagement log or staff engagement log, both of which are updated and monitored on a regular basis by the Area Secretariat. The log attempts to identify the degree of success of the engagement, but there is room for improvement in this respect. CPS Cumbria should initially identify what it requires to be achieved from engagement activities so that it can then measure success against aspirations.
- High profile cases in Cumbria are few. The CCP, however, promotes the work of CPS and appropriate multi-agency work through the local media. In particular joint partnership work and projects on such initiatives as the SDVC have been the subject of media coverage.
- Public confidence in the ability of the CJS in bringing offenders to justice in Cumbria is showing a decline, although levels remain higher than the national (44.3% against 42.3%).

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%	15.3%	12.1%	11.0%	13.1%	10.0%	12.7%
Guilty plea rate	52.0%	69.2%	73.5%	76.9%	68.0%	66.5%	68.4%	64.1%
Attrition rate	31.0%	22.0%	19.6%	16.5%	23.0%	22.2%	22.9%	23.4%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	82.4%

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%	88.9%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	45.9%
Cracked trial rate	37.3%	37.3%
Ineffective trial rate	18.9%	16.8%
Vacated trial rate	22.5%	30.1%

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

National target	National performance 2006	Area performance 2006
71 days	72 days	54 days

Offences Brought to Justice

	CJS area target 2006-07	CJS area performance 2006-07
Number of offences brought to justice	11,285	13,017

Percentage make up of Offences Brought to Justice	National 2006-07 ⁵	Criminal justice area 2006-07
Offences taken into consideration (TICs)	8.5%	4.6%
Penalty notices for disorder (PNDs)	10.3%	6.7%
Formal warnings	5.8%	1.9%
Cautions	26.5%	21.1%
Convictions	48.8%	65.6%

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%	76.4%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	39.7%
Cracked trial rate	39.5%	48.3%
Ineffective trial rate	12.4%	11.9%

5 Final figures awaited.

Proceeds of Crime Act orders	Area target 2006-07	Area performance 2006-07
Value	£184,616	£234,736
Number	24	35

Aspect 10: Managing resources

	2005-06	2006-07
Non ring-fenced administration costs budget outturn	102.8%	101.0%

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%	16.0%
HCA savings against Area target	100%	138.4%	151%
Sickness absence (per employee per year)	7.5 days	8.5 days	15.4 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
48%	51%	43.1%

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



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