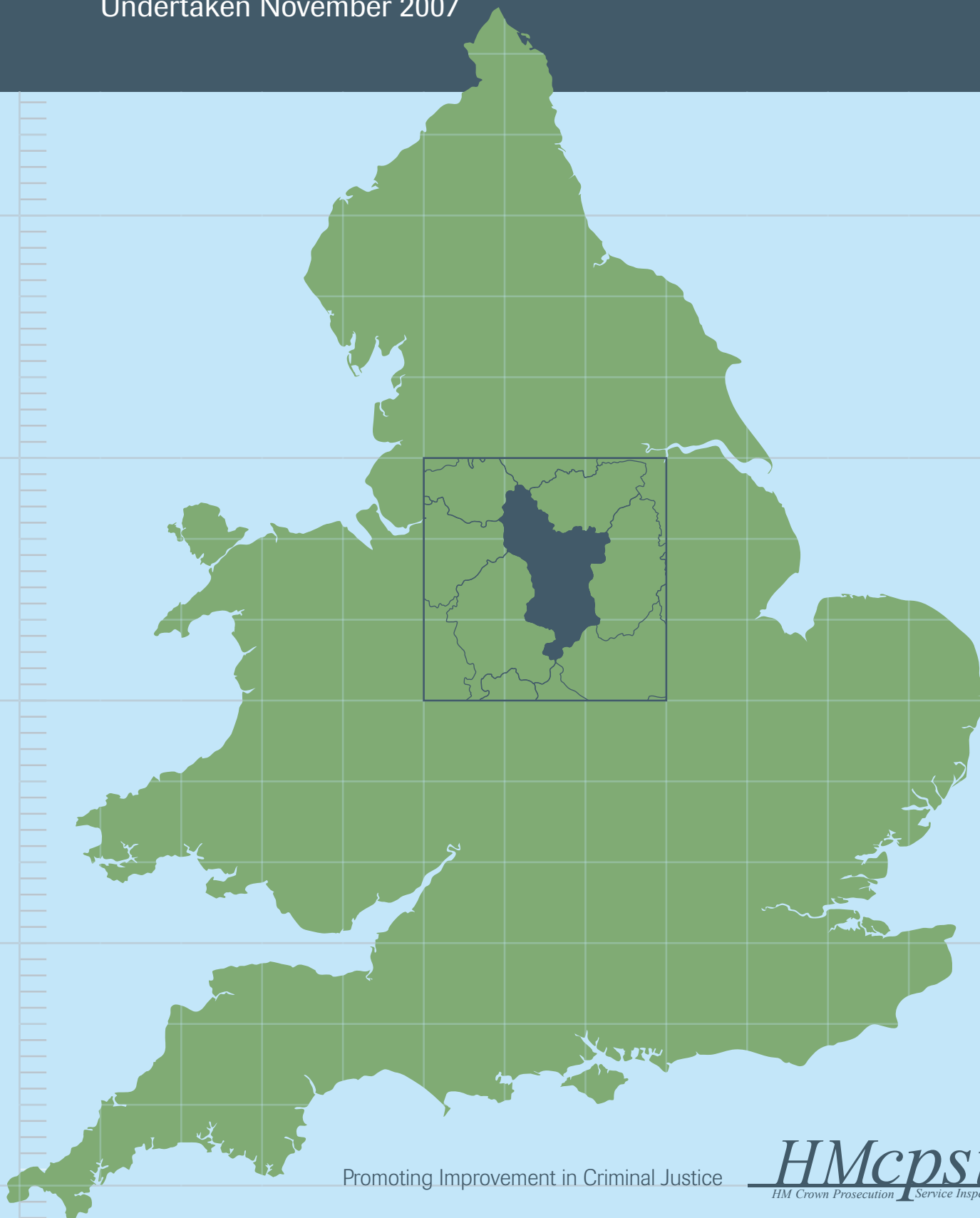


CPS Derbyshire

# Overall Performance Assessment

Undertaken November 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 Derbyshire 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 6 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 Derbyshire serves the area covered by Derbyshire Constabulary. It has two offices, at Derby and Chesterfield. The Area Headquarters (Secretariat) is based at the Derby office.

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

During the year 2006-07 the Area had an average of 102.5 full time equivalent staff in post and a budget of £4,769,015. This represents a 6.3% decrease in staff and an 15.2% increase in budget since 2004-05, the period covered by the Area's last overall performance assessment.

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

### Pre-charge work<sup>1</sup> charge<sup>2</sup>

2004-05		2006-07	
Written advice	3,837	Decisions resulting in a charge	6,270
Pre-charge advice (where available)	2,890	Decisions not resulting in a charge <sup>2</sup>	5,474

<sup>3</sup>

Magistrates' courts proceedings	2004-05	2006-07	Percentage change
(33 cases previously subject to a pre-charge decision)			
Magistrates' courts prosecutions	17,790	15,703	-11.7%
Other proceedings	66	0	-100.0%
<b>Total magistrates' courts proceedings</b>	<b>17,856</b>	<b>15,703</b>	<b>-12.1%</b>

### Crown Court proceedings

(including cases previously subject to a pre-charge decision)

Cases sent or committed to the Crown Court for determination	1,740	1,428	-17.9%
Committals for sentence <sup>3</sup>	656	493	-24.9%
Appeals from the magistrates' courts <sup>3</sup>	232	290	+25.0%
<b>Total Crown Court proceedings</b>	<b>2,628</b>	<b>2,211</b>	<b>-15.9%</b>

In 2006-07, 51.4% 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**

Since 2004-05, the Area has experienced relative stability, in that its management style and organisational structure have remained largely unchanged. However, it has recently undertaken a major review of joint systems in the "arrest to sentence" process review which at the time of this assessment was due to be delivered in full by the end of 2007. The final report, in combination with the principles set out in the optimum business model, will inform the Area's strategy on possible restructure.

Rated as Fair overall in the last round of OPAs, CPS Derbyshire was one of 13 Areas to undergo a full Area Effectiveness Inspection (AEI), which took place in April 2007. It involved the examination of 12<sup>8</sup> files, as well as interviews with senior managers, a cross section of staff, criminal justice partners and external agencies. The AEI report contained eight recommendations, 11 aspects for improvement, three elements of good practice and two strengths.

### **Summary**

The Area has performed well in terms of securing successful outcomes, with the proportion of cases ending in conviction improving overall, and ahead of national performance in both the magistrates' courts and the Crown Court. Despite a relative decline in the handling of sensitive casework since the last OPA, the proportion of sensitive and hate crime cases with successful outcomes is increasing, although still slightly behind the national average in 2006-07. There is a commitment to improving performance against the minimum requirements of the No Witness No Justice scheme (NWNJ) and the Area has performed on a par with national averages in relation to the direct communication with victims (DCV) scheme.

Performance in relation to joint targets was variable in 2006-07, but is improving in 2007-08 so that the CJS Area is ahead of target in relation to offences brought to justice and timeliness of dealing with persistent young offenders. The CJS Area is also on trajectory to secure the prescribed number of asset seizure orders by the end of the current financial year.

The main underlying improvement is in statutory charging. In 2006-07, the Area achieved five out of six charging related national targets, and performed better than the national average in four of them. However, whilst the quality of pre-charge code test decisions is adequate and appears to be improving, the Area has noted the need to improve the quality of pre-charge advice on long term case handling, as well as ancillary matters like witness care, bad character evidence, asset seizure and disclosure, in order to maintain a downward pressure on the attrition rate.

The Area has demonstrated a constructive approach to partnership working and joint problem solving in order to improve performance. This has been demonstrated in the recent negotiation of an Area-wide appointment system, with local variations, for the provision of pre-charge advice. The new appointment system should reduce the time pressure on duty prosecutors and allow them to add greater value by setting out clear case strategies at the pre-charge stage. Benefits will also include greater efficiency through reduced waiting times for police and this is bound to assist joint working.

The importance of settling (and recording) a sound case strategy at the pre-charge stage is accentuated where case preparation in the magistrates' courts is hindered by resource issues and lack of case ownership. Systems for progression of volume crime cases are sound insofar as the ineffective



trial rate has been successfully driven down, but pre-trial checks are sometimes perfunctory, and often take place in the week before trial. This leaves insufficient time to deal with witness issues and evidential weaknesses that emerge after charge. In turn, this has led to a very high rate of late discontinuance. Stronger links are being forged between case progression managers and witness care managers, to maximise post charge witness care, but more needs to be done to ensure that cases are properly reviewed before trial and that ancillary applications are made in good time. Compliance with the prosecution's obligations on disclosure of unused material is good, but again, it is often dealt with late in the magistrates' courts.

In 2006-07, more than two cases per week were discharged at the committal stage. The Area has recently taken steps to secure improvement so that in the first six months of 2007-08, fewer than one case per week was discharged. However, an increased proportion of the cases which were committed during this period were later discontinued in the Crown Court. A new joint system for the preparation of cases adjourned for committal should allow the Area to keep the discharged committal rate low, while improving the quality of pre-committal review and case building.

Case preparation is stronger in the Crown Court where there is full case ownership. As in all aspects of casework, the quality of code test decisions is adequate, but sometimes there is a lack of foresight in dealing with evidential problems in advance. This has an impact on the Crown Court discontinuance rate which has reverted to its pre-2006-07 rates in the first half of 2007-08, as well as case progression. Whilst the ineffective trial rate is well ahead of national performance, the effective trial rate is still behind national (although it is improving) because the cracked trial rate has failed to improve since the last OPA. Nonetheless, joint case progression systems are sound and the Area plays a leading role here.

As noted in the AEI report, compliance with the casework quality assurance scheme was variable in 2006-07. Subsequent improvements have been made but the system is not yet robust. Systems for adverse outcome reporting and trending also need to be improved further. Aside from this, the Area has improved its overall performance regime since the AEI, so that performance reporting is more defined and managers are held to account. Failing systems are reviewed and updated. For example, the CTL failure in 2006-07 was followed up with a comprehensive review.

The Area is well managed and corporacy is demonstrated internally and externally. Equality and diversity are monitored and the Area is working to promote community confidence in the CJS, which was higher than national according to the British Crime Survey.

The Area has engaged in joint planning and it has played its part in the implementation of Criminal Justice: Simple, Speedy, Summary and conditional cautioning, although it is too early to say how successful this has been. Nationally driven internal change has also been delivered effectively.

### **Direction of travel**

Since the last OPA, the Area's performance has improved its rating in three aspects, and its rating has also declined in three aspects. In two aspects, performance has improved, but not enough to warrant an improved rating. The general direction of travel is one of improvement.

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

<b>OVERALL ASSESSMENT</b>		<b>GOOD</b>		
<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	Fair	<b>Good</b>	<b>Improved</b>	
Ensuring successful outcomes in the magistrates' courts	Fair	<b>Fair</b>	<b>Improved<sup>4</sup></b>	
Ensuring successful outcomes in the Crown Court	Fair	<b>Good</b>	<b>Improved</b>	
The service to victims and witnesses	Fair	<b>Fair</b>	<b>Stable</b>	
Leadership	Good	<b>Good</b>	<b>Stable</b>	
<b>Overall critical assessment level</b>		<b>Good</b>		
Progressing cases at court	Fair	<b>Fair</b>	<b>Improved<sup>4</sup></b>	
Sensitive cases and hate crime	Good	<b>Fair</b>	<b>Declined</b>	
Disclosure	Fair	<b>Good</b>	<b>Improved</b>	
Custody time limits	Fair	<b>Fair</b>	<b>Stable</b>	
Delivering change	Good	<b>Good</b>	<b>Stable</b>	
Managing resources	Fair	<b>Fair</b>	<b>Stable</b>	
Managing performance to improve	Good	<b>Fair</b>	<b>Declined</b>	
Securing community confidence	Good	<b>Fair</b>	<b>Declined</b>	
<b>OVERALL ASSESSMENT</b>	Fair	<b>GOOD</b>		

<sup>4</sup> Performance in relation to these two aspects has improved since the 2005 OPA albeit not to an extent which would warrant an improved rating.

## D DEFINING ASPECTS

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

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

- In accordance with the local service delivery agreement, which was signed off in September 2007, CPS Derbyshire provides pre-charge advice and decisions (PCD) during office hours at four charging centres, one in each police division. Lawyers from the two criminal justice units and the trials unit are rostered to provide the advice.
- The Area Effectiveness Inspection (AEI), which took place in April 2007, noted the lack of a robust appointment and allocation system. The Area has responded by successfully negotiating an appointment system which was piloted in two divisions and fully rolled out in October 2007. It has appropriate local variations and sufficient flexibility to allow most foreseeable eventualities to be dealt with, including lunchtime cover, urgent custody cases and overflow from other divisions.
- In 2006-07, 86.1% of pre-charge advice sessions were carried out face to face in the Area against 63.5% nationally. From 1 April 2007 to 31 August 2007 this proportion increased to 91.7% locally, against 71.8% nationally and only one other Area performed better during the same period. The AEI noted the sound relationship between duty prosecutors (DPs) and police officers which is due in part to this high level of personal contact.
- Police supervisors generally make sound decisions on whether to make early contact with a prosecutor during the course of an investigation. When early advice is sought, there are systems for allocation of the file and the Area attempts to provide the advice face to face where possible. Delay occurs occasionally and this is raised by police at Prosecution Team Performance Management Meetings (PTPM). However, there are no formal documented arrangements for the provision of early advice in serious and complex cases. Agreement has been reached on the basic approach to the provision of early advice, but there is no written protocol and no set definition of a serious or complex case.
- The Area has engaged in joint training of police evidential review officers (EROs) and custody sergeants to ensure that all relevant cases are referred for PCD. Performance is monitored by police managers who have received training from CPS lawyers. DCWs and lawyers are aware of the need to identify cases that have been incorrectly charged by police without referral for PCD, so that they can be reviewed against the Code for Crown Prosecutors<sup>5</sup>.

<sup>5</sup> The Code for Crown Prosecutors sets out the evidential and public interest tests which must be applied when making the decision whether to charge.

- The AEI noted that police EROs sometimes lacked robustness and referred unmeritorious cases for PCD. Whilst there is no documented system for the provision of feedback on inappropriate referrals for PCD, duty prosecutors are expected to notify the Unit Head with overall responsibility for pre-charge advice (charging lead) with examples. The charging lead then reports individual problems and trends to Unit Heads who raise them at the relevant monthly divisional PTPM meeting for joint consideration.
- A joint escalation system has been developed for dealing with cases where police wish to dispute the DPs advice and this complies with DPP's guidance on the subject. Police supervisors have a list of Unit Heads for urgent appeals, although this needs to be updated.
- The new appointment system requires that a return appointment is made at the conclusion of an inconclusive PCD session. This ensures that cases where police are unable to provide further evidence are identified quickly and that continuity of DP is achieved where further advice is required. Pre-charge action plans are monitored by completion of an agreed form which lists required actions and their completion dates.
- Bail periods and compliance with action plans are actively managed jointly by police and CPS Derbyshire managers by consideration of PTPM data at monthly meetings. The monthly volume of receipts against finalisations is scrutinised, to ensure that the "carry-over" figure is steadily reducing. The report on individual ongoing cases is reviewed monthly by police, who report back at each PTPM meeting.
- The Area performance analyst considers the police report on ongoing cases so that computer records can be cleansed of duplication and cases where no further action is taken following pre-charge advice. Data quality is also assessed. Our reality checks showed that in all 20 cases the advice was recorded electronically on form MG3<sup>6</sup>, and that the ethnicity and gender of the suspect was invariably recorded. In 2006-07, 92.8% of PCD consultations were recorded on CMS against the national target of 90.0%.
- The Area charging lead liaises with CPSD, to feedback problems with the quality of individual charging decisions and any overall trends.
- Conditional cautioning has been implemented in one Division (Alfreton) and it is due for full roll-out in February 2008. There have been 17 conditional cautions to date and three breaches.

**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**

- From a sample of 100 PCD cases, the AEI identified seven where the decision to charge the defendant was incorrect<sup>7</sup>. Our reality checks for this OPA revealed an improvement in that the sample of 20 cases (which was more heavily weighted in favour of cases which had unsuccessful outcomes), contained no incorrect decisions to charge.

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6 All pre-charge advice must be recorded on form MG3 which is stored electronically on the CPS case management system.

7 HMCPSI considers a legal decision to be incorrect if it considers that no reasonable prosecutor could properly have made it (the "Wednesbury" test).

- All duty prosecutors are properly trained to give accurate pre-charge advice. They have all completed the Proactive Prosecutor Programme training (PPP) Part I and all have started part II, which is being jointly provided within the East Midlands group of Areas. The Area keeps its computerised charging manual updated and it provides a monthly newsletter (“Charging Ahead”) containing updates on law, procedure and best practice. The charging lead monitors MG3s by frequent and regular dip sampling to identify learning points which are then fed back to DPs via the newsletter, team meetings and individually.
- The AEI recommended that the Area implement systems to ensure that threshold test charging decisions are properly reviewed against the full code test<sup>8</sup>. This has been done and desk instructions are now in place. The Area has also taken steps to improve the quality of pre-charge action plans and our reality checks show that this appears to be happening.
- Less progress has been made in relation to ancillary matters such as the quality of the MG3, where basic information is sometimes missing and evidential analysis is often limited. Opportunities to add value are sometimes missed: in particular, potential problems with victims and witnesses are not always foreseen and this impacts indirectly on the likelihood of discontinuance. The charging lead has identified these issues, along with some good practice, in her robust analysis and lessons are starting to be learnt. The Area has now highlighted to DPs the importance of considering matters such as bad character, special measures and acceptability of alternative pleas at the PCD stage and referring to them on the MG3. This will assist case preparation and allow designated caseworkers (DCWs) to deal with ancillary matters at the first hearing in accordance with Criminal Justice: Simple, Speedy, Summary (CJSSS).
- The proportion of cases where prosecutors advise no further action (NFA) was higher in 2006-07, at 35.9%, than the national average. The AEI identified a lack of robust gatekeeping by EROs as a cause and the Area has subsequently carried out further joint training to improve performance. Police managers now monitor NFA cases and report to the CPS on joint performance at PTPM meetings. The CPS performance analyst also conducts periodic analyses of the reasons for NFA. However, this has only led to a slight improvement, with the NFA monthly rate standing at 34.1% in September 2007. The Area is researching a possible correlation between DNA and fingerprint cases and the NFA rate, but it attributes performance to a number of causes which include the practice of referring all domestic violence (DV) cases for PCD, regardless of the evidential merits.

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<sup>8</sup> The Director’s guidance on charging allows suspects to be charged if there is a *reasonable suspicion* that they committed the offence, as long as certain specific conditions apply. This is known as the “threshold test”. However, such a decision must be reviewed as soon as practicably to check that there is a *realistic prospect of conviction*, and this is known as the “full code test”.

**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%	19.6%	15.1%	11.0%	13.1%	15.1%	9.6%
Guilty plea rate	52.0%	69.2%	63.2%	69.1%	68.0%	66.5%	73.5%	76.5%
Attrition rate	31.0%	22.0%	28.4%	22.5%	23.0%	22.2%	21.5%	16.1%

- In 2006-07, the Area's PCD conviction rate was 78.6% against 78.0% nationally. All key performance indicators improved from the last OPA in 2005 and all but one were ahead of national target. The first six months of 2007-08 shows a relatively stable picture except in relation to Crown Court discontinuance rate which has deteriorated from 9.6% in 2006-07 to 13.2% in the first quarter and 15.6% in the second.
- The Area produces a good quality monthly performance pack which was commended as a strength in the AEI report. It contains monthly data and commentary on all essential performance indicators. Bespoke reports are also prepared on specific aspects of PCD performance such as NFA and discontinuance. These are considered at monthly PTPM meetings which are held in each of the four divisions. The meetings are well attended at an appropriate level.
- Joint analysis of the charging scheme is ongoing and effective. The charging lead has excellent lines of communication with police counterparts and PTPM meetings drive analysis and improvement. Problems are resolved where possible and lessons are disseminated to police and CPS staff.

<b>2 ENSURING SUCCESSFUL OUTCOMES IN THE MAGISTRATES' COURTS</b>	OPA 2005	OPA 2007	Direction of travel
	Fair	<b>Fair</b>	<b>Improved</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%	9.7%
No case to answer	0.2%	0.3%
Dismissed after trial	1.9%	2.5%
Discharged committals	0.2%	0.7%
Warrants	2.6%	1.4%
Overall conviction rate	84.3%	85.3%

- The proportion of magistrates' courts cases that ended in conviction remained relatively stable between 2004-05 and 2006-07 and then improved by 2.1%, in the first two quarters of 2007-08 when the rate stood at 87.4%. The main causes of this improvement were falls in the discontinuance rate to 8.4% and the discharged committal rate to 0.3%. It was also accompanied by an equivalent fall in the pre-charge decision (PCD) attrition rate over the same period.
- The proportion of discharge committals increased from 0.4% of caseload in 2004-05, to 0.7% in 2006-07, against 0.2% nationally. This represented 8.0% of all Derbyshire cases committed or sent to the Crown Court for trial in 2006-07, against 2.5% nationally. The Area has worked hard recently to improve the proportion of discharged committals<sup>9</sup>. In the first six months of 2007-08, the figure has reduced significantly to 0.3% of caseload, (which represents 3.2% of committals and sent cases) following improved supervision of the internal committal preparation system since April 2007. This has ensured that cases are not allowed to drift once the full file is received.
- However, the Area recognises that this has also had the effect of increasing pressure to commit cases that are not as strong as they could be, which has been partially responsible for the recent increase in the Crown Court discontinuance rate. The existence of this link between the discharged committal rate and the Crown Court discontinuance rate is confirmed by performance indicators which show that the proportion of defendants who had their cases discontinued having been committed, rather than sent, for trial<sup>10</sup>, increased from 63.2% in 2006-07 to 74.5% in the first half of 2007-08.

<sup>9</sup> Cases that are discharged because the prosecution is not ready to commit them to the Crown Court and the court refuses an adjournment, or no application is made in anticipation of refusal

<sup>10</sup> Cases that are sent for trial are not subject to examination by the magistrates.

- A new joint system of file preparation and communication has been implemented from October 2007, with revised file quality and timeliness targets. The new arrangements are intended to ensure that full files are complete and timely and that they are properly reviewed in time for committal. In turn, the rate of discharged committals and Crown Court discontinuances should reduce. The reinstatement system has also been reviewed recently and cases are no longer re-registered on CMS before the reinstatement decision is taken.
- Decisions to discontinue cases are authorised by Unit Heads where practicable and the steady improvement in the discontinuance rate from 12.3% in 2005-06 to 8.4% in the first two quarters of 2007-08 implies that the system is effective in the magistrates' courts. Our reality check of 10 discontinued cases showed that the decision to discontinue was correct in all of them. However, in one there was judicial criticism of the decision to discontinue proceedings against a co-defendant in a racially aggravated affray matter which was committed to the Crown Court for trial. Overall, this reflects the findings in the AEI; some improvement is still necessary.
- All magistrates' courts discontinuances are quality assured at the end of each month by the relevant Unit Head, and the charging lead reviews all PCD discontinuances. These, along with no case to answer (NCTAs), are subject to adverse outcome reports which are completed by the relevant Unit Head. Reports were robust, but there is no set format and this hampers analysis and trending. Unit performance is considered at the quarterly performance reviews and some adverse outcome reports are shared with the police at the monthly PTPM meetings. Separate joint monthly meetings are also held with the police to consider discharged committals. Recently, the CCP has requested lists of discontinuances and discharged committals for analysis.
- Only 94.5% of the 2006-07 CJS Area target was achieved in relation to offences brought to justice (OBTJ) in 2006-07. This was due in part to a fall in sanction detections and the target has been amended accordingly for 2007-08. The proportion of OBTJ represented by convictions, at 51.2% is around the national average in 2006-07.
- The CJS Area averaged 73 days for persistent young offenders (PYO) between arrest and final disposal in 2006, against the national target of 71 days. This was mainly due to a small number of long running Crown Court cases which have now ended. As a result, there has been a significant improvement in 2007, with 55 days being achieved in the second quarter of the calendar year.
- The Area produces a monthly resource and performance pack which contains headline performance figures. This is kept on the public drive and distributed to staff at team meetings. Team meetings are the main forum for dissemination of information and good practice now that the Area has lost its communications officer who produced the monthly newsletter.



## 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%	41.1%
Cracked trial rate	37.3%	37.0%
Ineffective trial rate	18.9%	21.9%
Vacated trial rate	22.5%	20.1%

- The AEI noted insufficient monitoring of the quality of police files. There are still no formal arrangements for checking police files against the manual of guidance (MOG). However, a recent survey by the Area concluded that the full file was deficient in 76.0% of committal cases and that in 11.0% of cases the missing items were those that should automatically have been provided. From October 2007, a new system has been implemented to improve file quality in cases adjourned for committal and the police will have responsibility for MOG compliance under the local CJSSS arrangements.
- There is limited case ownership in the two criminal justice units (CJU) which conduct magistrates' courts trials. However, volume crime, which amounts to approximately 80.0% of the work, is processed through systems involving duty lawyers and caseworkers. It is intended that cases are reviewed four weeks prior to trial. In reality, many cases are reviewed in the week before trial, or not at all. These timeliness problems are confirmed by the fact that in 2006-07, 84.4% of discontinuances took place on or after the third hearing, compared to 59.2% nationally. This has improved recently to 77.7% against 61.8% in the two quarters to September 2007, but in November 2007, pre-trial reviews were still taking place one week before trial in the south CJU. This gives very little time for evidential flaws to be rectified, initial disclosure to be served, or for an early discontinuance decision to be made.
- This time pressure goes some way to explaining why reviews are not always recorded on CMS, and why those that are recorded are often little more than an import from the MG3 with a comment attached. Although four out of five trial files in the reality check contained sufficient detail and had reviews that correctly passed the full code test, there was no mention in the review of the hearsay, bad character evidence, and special measures applications that needed to be made. In one, a critical hearsay application was made out of time. Only one review contained a reference to disclosure issues. None of the ten discontinuance files contained a review explaining in detail the reason for discontinuance. Therefore, case preparation is largely dependant on the quality of pre-charge advice and the case strategy set out on the MG3.
- Interagency case-progression is driven by HM Courts Service (HMCS) which hosts weekly local case progression meetings. These are attended by dedicated CPS case progression officers who are proactive in requesting full files and missing material from the police. The Area is currently planning to improve communication between the CPOs and Witness Care Units (WCUs) in order to identify post-charge witness issues as quickly as possible.

- Potential ineffective trials are identified on the joint case progression tracker spreadsheet at the case progression meetings and they are vacated as necessary. This has driven the ineffective trial rate down to 21.9% against 18.9% nationally in 2006-07, at the expense of the vacated trial rate which has increased to 20.1% against 22.5% nationally. The cracked trial rate has remained stable, and the effective trial rate has improved from 35.1% in 2004-05 to 41.9% in 2006-07. The proportion of vacated and ineffective trials which are due to the prosecution has remained largely stable, although the Area has not been able to validate data provided by HMCS.
- Cracked and ineffective data headlines are considered at weekly joint case progression meetings and forward job plans contain the objective of reducing the ineffective trial rate. The Area case progression analyst does some work on the cracked and ineffective trial rate and there is some analysis at unit level, although little trending is done. Cracked and ineffective trials due to the prosecution are rarely considered at team meetings or in newsletters.
- The timeliness of youth court case preparation is behind national performance, with 85.0% of guilty pleas and 79.0% of trials coming within timeliness guidelines, against national averages of 89.0% and 90.0% respectively. All youth cases are allocated to the specialist youth team in the south CJU, but there is no equivalent at present in the north CJU.
- In 2006-07, 75.2% of reviews were conducted on CMS. In the same period, only 35.5% of hearings were recorded within five days although this has improved to 50.5% in August 2007. In 2006-07, only 31.0% of cases were finalised within one day this has improved to 53.7% in August 2007 against the 60.0% national target.
- CJSSS was implemented in Chesterfield Magistrates' Court in August 2007 and it was rolled out in the other court centres in October 2007. No data is available yet to assess the effectiveness of the system, but no cause for concern has arisen to date.

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

### 3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals	13.1%	9.5%
Judge directed acquittals	1.4%	1.0%
Acquittals after trial	6.5%	4.8%
Warrants	1.3%	1.1%
Overall conviction rate	77.7%	83.5%

- The proportion of cases that end in conviction has increased from 80.9% in 2004-05 to 83.5% in 2006-07. Despite a slight downturn to 81.4% during the first six months of 2007-08, performance remains better than the national average and within the Excellent range of performance.
- This recent slight performance decline is due to an equivalent rise in the proportion of judge ordered acquittals (JOA) over the same period. The JOA rate, which reduced to 9.5% in 2006-07, has increased to 13.8% for the first two quarters of 2007-08, placing it slightly higher than the national average for the same period. This is partially due to the committal of some cases that were not as strong as they could have been, as a result of increased pressure to reduce the proportion of discharged committals in the first six months of 2006-07. Whilst some of these cases would previously have been discharged at the committal stage, a robust view has been taken, perhaps on the expectation of further evidence becoming available and they have been committed, but subsequently discontinued in the Crown Court when the lack of a “realistic prospect of conviction” has been identified<sup>11</sup>.
- There is reference in chapter two of this report to the shortcomings in the quality and timeliness of committal preparation. This can have a detrimental effect on both victims and witnesses, defendants and on the effective use of personnel and other resources. The implementation of new joint systems now put in place by the Area to improve the quality and timeliness of joint committal preparation should ensure that all cases which pass the pre-committal review are strong enough to provide a realistic prospect of conviction (as well as a case to answer) and this will remove the need for subsequent discontinuance, except where there is a change in circumstances.

<sup>11</sup> In order to commit a case to the Crown Court, magistrate(s) must be satisfied that there is a “case to answer” which is defined as “evidence on which a reasonable jury could properly convict”. This is a low standard of proof. By contrast, according to the Code for Crown Prosecutors, a case must be discontinued unless there is a “realistic prospect of conviction”, which is a higher standard of proof. This explains why a case which is properly committed can be subsequently discontinued.

- By comparison, the rates of judge directed acquittals and jury acquittals have remained relatively stable and both were better than the national averages in 2006-07.
- The decision to discontinue Crown Court cases was found to be correct in 18 out of 20 cases (90%) in the Area Effectiveness Inspection (AEI) and this is consistent with the Area's assessment of the quality of its decision making under its casework quality assurance (CQA) system. There is no formal requirement for the trials unit (TU) head to authorise discontinuance, but adverse outcome reports are prepared on each case so that the decision to discontinue can be quality assured retrospectively in each case. Adverse outcome reports in the TU have the charging decision attached so that it can also be assessed in the light of the outcome. Feedback is provided to the relevant Unit Head if the charging advice was given by a criminal justice unit lawyer.
- The AEI recommended that the adverse outcome reporting system be strengthened and there has been some recent revision. All unsuccessful outcomes are technically subject to adverse outcome reporting, but there is no single form used for the purpose. Counsel is instructed to provide written feedback and reports are then initially completed by the TU business manager by reference to the file. These are passed to the Unit Head for consideration of legal decision making quality, who then feeds them back to the principal conducting lawyer so that lessons can be learnt. Adverse outcome report narrative tends to be robust in identifying the root cause(s) of the outcome, but does not easily identify CPS or police fault. This hampers the recent attempt to improve effective joint analysis, although all adverse outcome reports are now copied to police managers for consideration. Further work needs to be done on the adverse outcome reporting system.
- In 2006-07, the Area secured 96 asset seizure orders against a target of 83. The total value was £687,000 compared to the target of £1.36m. In the first quarter of 2007-08, the Area was well ahead of its value target trajectory and close to its order target trajectory. Some joint training has taken place to improve the number of potential confiscation orders which are identified at the pre-charge stage. Continuing internal training is written into the Area business plan and monthly performance reports are considered by the Senior Management Team.
- Area performance against targets is noted in the monthly performance report which is circulated at team meetings. Learning points are regularly circulated by e-mail and adverse outcome reports are fed back to the principal lawyers.

**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%	43.4%
Cracked trial rate	39.5%	46.8%
Ineffective trial rate	12.4%	9.8%

- There is full case ownership and cases are allocated by the business manager to ensure an even spread of work and a degree of continuity. There are sufficient numbers of experienced lawyers and caseworkers and there is a practice manual which assists sound case preparation. However, the AEI found that the code evidential test was correctly applied in only 92.3% cases, reviews were timely in only 48.2% of cases and that action was taken to prevent a foreseeable adverse outcome in only 45.5% of cases. These levels of performance were below the average for other CPS Areas inspected during 2006-07. Reality checks for this assessment revealed likely improvement in that timely reviews were conducted on all five cases. However, whilst the code test decisions were all correct, there was a lack of proactivity in dealing with potential flaws in some cases.
- The reviews were all recorded on CMS, which is consistent with the Area's performance of 92.1% compliance in 2006-07: only three Areas performed better. In all five reality check cases, CMS was used as a case preparation tool. The general quality of manuscript file endorsement is also sufficient, but in one case there was no hard copy of a review on file, which could cause duplication of work and delay in court. We also saw an adverse outcome report for a domestic violence case which stated that there was no hard copy of the charging decision or review on the file.
- The case progression officer is an experienced caseworker who is well respected by partner agencies. She attends weekly case progression hearings which are hosted by HM Courts Service and following weekly liaison with the Unit Head and Unit Business Manager, she is able to provide accurate information on the status of all cases so that they can be mentioned (and vacated) as necessary. Lines of communication with police file builders are improving so that additional documentation can be supplied when necessary.
- Youth cases are actively tracked at joint case progression meetings and timeliness performance is improving.
- The proportion of ineffective trials improved significantly from 20.1% in 2004-05, to 9.8% in 2006-07, which was ahead of national performance. However, the effective trial rate, despite some improvement, was still well behind the national figure in 2006-07 because of a slight worsening, over the same period, in the rate of cracked trials
- The AEI identified that the Area took action to avoid a foreseeable cracked or ineffective trial in only 60% of cases, which implies that the overall improvement in performance is largely due to more effective joint case progression. There is some analysis of cracked and ineffective trials by the Trials Unit Head, which is fed to partner agencies by the case progression officer at the case progression meetings. However, a more systematic internal approach was recommended in the AEI report, in order to drive up the effective trial rate.
- The Area quarterly performance table does not include effective trial rates and these have a low profile generally. Some information about case progression is given at informal weekly team meetings but these are not minuted.

<b>4</b>	<b>PROGRESSING CASES AT COURT</b>	OPA 2005	OPA 2007	Direction of travel
		Fair	<b>Fair</b>	<b>Improved</b>

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

- The AEI identified a reluctance to drive cases forward at every opportunity in the magistrates' courts and this was reflected in the Area's relatively low level of compliance with national timeliness targets in 2006. Action has been taken recently to address this. The south criminal justice unit (CJU) head has attended the "early administrative hearing" (EAH) court in Derby to assess the effectiveness of prosecution advocates and joint conclusions have been agreed with the court in writing. In the north CJU, EAH files have been reviewed for the same purpose. This monitoring has allowed the CJU heads to enforce pre-existing written instructions that advocates should oppose unmeritorious applications to adjourn by the defence and encourage effective case progression. Overall this has led to an improvement. Reality checks showed an increase in the number of EAH hearings where a plea is entered and a reduction in the number of contested matters that are adjourned for pre-trial review in the first instance.
- However, CJU lawyers feel increased pressure to prepare cases for court because of other demands on their time, and a perceived lack of resources. The Area expects to supply instructions to agents at least three days in advance of trials, but the delays in magistrates' courts case preparation make this impossible in many cases.
- In the Crown Court, instructions to counsel and higher courts advocates (HCAs) are generally provided promptly, and their quality is sufficient. However, late changes in the list sometimes cause problems. The Chief Crown Prosecutor (CCP) and TU Head meet the resident judge monthly. Listing issues are discussed, as is the quality of advocacy, so that issues can be identified and fed back to counsel and HCAs.
- Court observations during the AEI showed that the eight in-house advocates and five agents seen were all competent. HCAs are developed according to a clear written strategy and six out of eleven have now conducted jury trials. Counsel is instructed according to grade and serious cases are allocated by the Trials Unit Head. Aside from the monitoring of EAH courts, there is overall no system for the monitoring of advocacy.
- There are no written protocols with HM Courts Service in Derbyshire and the transfer of cases between court rooms, as well as between court centres is the subject of ongoing dialogue. The Area is also liaising with its colleagues in the new East Midlands group and CPS Greater Manchester, to improve the efficiency with which it can provide cover for cases which are transferred, sometimes at short notice. There are no specific arrangements with police for the provision of urgent material to court and each case is dealt with according to its circumstances.
- There has been one wasted costs order in the magistrates' courts in 2006-07. There were none in the Crown Court during this period and there have been none in either court since April 2007.

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

#### **5A The Area identifies and manages sensitive cases (including hate crime<sup>12</sup>) effectively**

- In the criminal justice units (CJUs), sensitive cases are allocated to experienced lawyers and specialists where possible. The Area recently conducted a skills gap analysis in relation to the specialist knowledge of charging lawyers and some training needs have been identified. However, reality checks confirmed that where possible sensitive charging decisions are referred to specialists.
- The Area has a comprehensive list of specialists. Following adverse comment in the AEI and consultation with Area specialists, a new expectations document has been prepared which sets out the generic role of a specialist or champion. This came into force in November 2007. The expectations include the duty to conduct adverse outcome analysis and to report on this to the Senior Management Team. Further, all specialists will now be allocated time to fulfil their roles. However, to date there are no documented expectations for each specific aspect of specialism, although Unit Heads are now expected to discuss and agree these with unit specialists.
- In each CJU there is a specialist team which conducts all the domestic violence (DV) cases and the specialist DV court in Derby. The south CJU has a trained hate crime specialist. In the trials unit (TU), all sensitive cases are allocated to the lawyer who conducted the pre-charge advice if possible, or to an experienced lawyer if not. Rape cases are allocated to the rape coordinator at present, but all TU lawyers are regarded in principle as being capable of conducting sensitive cases.
- The rape coordinator has worked with counterparts from other Areas to implement relevant policy and recommendations arising from HMCPSI's joint thematic review of the handling of rape allegations "Without Consent"<sup>13</sup>, and specialists disseminate policy updates in relation to other aspects of sensitive casework. The Area has also voluntarily taken on initiatives such as the witness intermediary scheme.
- The AEI file sample showed that 11% (6 out of 54) sensitive cases had an incorrect charging and/or review decision. The lack of a pre-charge appointment system and post charge allocation system combined with informal allocation of cases between lawyers, allowed a lack of continuity and this undermined casework quality. Trials unit (TU) lawyers and some CJU lawyers have been able to gather the experience necessary to conduct sensitive cases with a degree of confidence, and there has been some training in aspects such as the Sexual Offences Act 2003, racially and religiously aggravated crime, and domestic violence. However, not all of this is reflected in the Area training records, and the Area has identified some training gaps.

<sup>12</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).

<sup>13</sup> HMIC/HMCPSI Inspection Thematic Report on the joint review of the investigation and prosecution of rape offences, published 31 January 2007.

- The Area has shown itself able to handle cases which attain a high media profile locally. Charging lawyers are aware of the need to notify senior managers of cases which are potentially newsworthy so that they can be tracked and monitored.
- The AEI file sample revealed that DV, fatal road traffic and homicides were generally properly flagged on file and CMS. However, child abuse and hate crime cases were identified less consistently. The Area has worked hard to improve flagging on rape cases and this has improved following adverse comment in the AEI. Unit Business Managers conduct monthly dip checks to confirm compliance with flagging policy and the implementation of the information technology interface between the police and CPS Derbyshire has helped. Our reality checks for this OPA showed a general improvement since the AEI in that nine out of ten sensitive cases were flagged as such on CMS.
- The Unit Heads quality assure all cases with an adverse outcome that are correctly finalised on CMS by a monthly dip check. The AEI noted that sensitive casework outcomes are noted in the monthly unit performance reports and that Unit Heads are required to report to the Senior Management Team on all flagged hate crime adverse outcomes. However, there is little trending or detailed outcome analysis beyond what is required centrally. It is intended that some of this work will be done by specialists according to the list of expectations referred to above. Also, the Area has advanced plans for the implementation of a race hate crime scrutiny panel.
- Successful outcomes improved overall and in relation to all individual types of sensitive casework, from 2005-06 to 2006-07. This was mainly driven by a reduction in the rate of unsuccessful outcomes in domestic violence cases from 44.4% to 34.3% against 34.8% nationally. The proportion of unsuccessful outcomes overall in hate crime cases was 32.9%, the same as the national average.
- The Area has yet to create links with its local safeguarding children board. However, it has recently agreed with police an improved protocol for video interviewing child witnesses so that video evidence can be led in chief more effectively. This will reduce the impact on child witnesses of giving evidence. There is reference to child protection issues in the Area and unit business plans for 2007-08, but this is general in nature.



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

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

- The Area Effectiveness Inspection (AEI) identified a general improvement in disclosure performance since the last OPA, although initial disclosure in the magistrates' courts and continuing disclosure generally, were still found to be problematic. Our reality checks for this OPA (which included five magistrates' trial files and five Crown Court trial files) indicated significant further improvement. In particular, all files demonstrated compliance with initial disclosure duties, although initial disclosure in the magistrates' courts often happens late, sometimes in the week before trial. Continuing disclosure was dealt with correctly in all five Crown Court files (it was not a relevant issue in the magistrates' courts cases).
- The Area has worked with the judiciary to help ensure that the Crown Court protocol on the handling of unused material is always applied. Prosecution counsel are required to provide a written report to explain any instances of blanket disclosure, and higher courts advocates (HCAs) are vigilant to ensure that the protocol is always applied. The Area has taken recent steps to agree a further local protocol covering sensitive local authority material, but this work has yet to be completed.
- Reality checks revealed that files are generally well kept and that disclosure material is held separately in colour coded (labelled) wallets on the main file. Decision making is sound and one file showed that items of unused material had been called for by the reviewing lawyer so that a fully informed decision could be made. In nine out of ten cases the schedules of unused material were properly endorsed according to the abbreviations prescribed by the disclosure manual.
- Reality checks identified two main problems with the handling of unused material. First, the disclosure record sheet was absent or insufficient in four of the five magistrates' courts files, (although it was correctly completed in all five Crown Court files). Secondly, in two cases the schedules of sensitive unused material were not kept up to date, although this is sometimes unavoidable if material is received on the eve of trial. Otherwise, sensitive material is kept securely and joint systems are monitored by the Trials Unit Head. A public interest immunity log is kept.
- There is an Area champion for disclosure, but not all units have specialists. The champion's role has yet to be documented in detail although this process is underway. The CCP conducts a monthly dip check of files and has raised aspects of disclosure performance, such as disclosure record sheet usage, at team meetings.
- All lawyers have been trained in basic disclosure and all have now received the Advanced and Specialist Disclosure Course, which was jointly delivered to prosecutors and police.

<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 written custody time limit (CTL) system which was updated in 2006 and complies with national guidance. There is a manual diary system in place and use is also made of the case management system (CMS) to provide additional assurance. Each unit's compliance with the system has recently been subject to a review by the Area CTL champion.
- In reply to the Area Effectiveness Inspection (AEI), the Area CTL champion is now responsible for the review of CTL practices across all units, rather than just the Trials Unit as before. This is to ensure adherence to the Area's written CTL system, to make recommendations for improvement and to provide assurance to the CCP, who has senior responsibility in the Area for CTLs. The CTL champion has also provided some basic familiarisation training for administrators on CTLs and more specific training for staff with monitoring responsibilities.
- The Area works with the courts to ensure CTLs are correctly calculated and monitored; protocols are in place for both the magistrates' courts and Crown Court. The Area had no CTL failures in 2005-06, but one in 2006-07 which was reported in the AEI report. To date there have been no further CTL failures.
- The reality check of CTL files indicated generally satisfactory practice. Review and expiry dates were correct in the majority of cases and there was evidence of these have being double checked. Diary entries were clear and showed evidence of checks and relevant updating of entries. In addition, there was some evidence of the use of CMS task lists to monitor the effectiveness of the system.
- Area practice for the more complex multi-defendant cases was inconsistent and could be improved. In one case individual review and expiry dates were marked on the file for all but two of the defendants. The two defendants shared the same correct CTL review and expiry date marker on the file, despite their first appearances having been a day apart. This has the potential to cause confusion in calculating the total number of days in custody should either defendant be released on bail.
- In a second case review and expiry dates for each of the defendants were not marked on the files, the custody status was not clear and, where it appeared that the defendants may have been released on bail, the days in custody were not consistently totalled up. In addition, the CTL expiry dates had been calculated from an application at court for a warrant of further detention, rather than the first appearance following charge. A chronology required for the extension of CTLs for one of the defendants was also not completed, which was the subject of judicial observation.

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

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

- CPS Derbyshire's compliance with obligations under the Victims' Code and the Direct Communication with Victims scheme (DCV) is monitored at an Area and Criminal Justice Board (CJB) level, where self assessments against code requirements are undertaken by the relevant agencies.
- The Area monitors timeliness of letters falling within the DCV scheme and Victims' Code and processes are in place to ensure ready identification of the need for letters resulting from formal discontinuance within the office. The Area, to some extent, uses adverse outcome checks for verification that all relevant letters have been sent; however, this will not identify letters where charges have been substantially amended whether at court or in the office. During the Area Effectiveness Inspection (AEI), in 58.3% of relevant cases either the victim was not notified at all in accordance with DCV, or an appropriate meeting was not offered. The Area has tightened its procedures for identification of DCV cases.
- Performance against the Area's proxy target for letters sent to victims has been variable. The monthly target at the beginning of 2006-07 was 108, and this was revised and reduced by CPS Headquarters on three occasions during the year to 66 letters. As a result performance against the target has improved from 53.9% in April 2006 to 102.0% in March 2007. However, the experience of HMCPSI is that such proxy targets are not always realistic and much of the apparent increase in performance may be attributable to the changes in target. It is difficult to be confident as to the actual level of achievement.
- In 2006-07, 73.0% of DCV letters were sent within five days, on a par with the national average; performance had declined from the previous year at 77.0%. Timeliness is included in performance reports at an Area and unit level. The quality of letters is satisfactory and for one of the units, quality has been assured by the Unit Head completing all letters, although this is no longer regarded as necessary.
- Duty prosecutors are encouraged to consider witness needs including special measures as part of pre-charge decision making; this has been reinforced by guidance. Compliance is monitored by dip sampling of charging decisions by the North Criminal Justice Unit (CJU) Head and by the casework quality assurance (CQA) scheme. The police have also undertaken some dip sampling of the quality of witness statement needs assessments. The AEI found that charging decisions did not always include victim and witness needs and reality checks indicate that the quality can still be variable. Special measures applications and results are included on the file checklist form. Witness Care Units (WCUs) also feed into Area case progression meetings highlighting any potential witness issues including the need for special measures. A recent audit of charging lawyers skills identified the potential for further special measures training.

- The WCUs are the point of contact for victims and witnesses to be kept informed of progress. The units are reliant on timely provision of information to meet victim and witness obligations. The Area has recently introduced the police case management system (NSPIS) interface with the CPS case management system (CMS), so that files are now registered and provided by the police; teething problems for instance the addition of witness details are being resolved. Area updating of cases on CMS is also improving.
- WCUs have responsibility for witness warnings. In the past there has been delay in the receipt of the list of witnesses required to attend trial (LWAC) from the CPS units which has impacted upon the ability of WCUs to provide timely full needs assessments. The process for LWACS has been changed to electronic sending of the forms and the timeliness of and quality of LWACs is to be monitored.
- There is no specific monitoring of prosecutors at court to ensure that they comply with the prosecutors' pledge in engaging with witnesses. Area managers rely on feedback from other agencies on the general treatment of witnesses at court by CPS staff. The Waves Survey data for 2006-07 indicated that 91.0% of victims and 87.0% of witnesses were satisfied with the consideration they were shown before giving evidence.

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

- The Area has three WCUs structured along unit lines: North CJU, South CJU and Trials Unit. In September 2006, the national No Witness No Justice (NWNJ) scheme was signed over to Derbyshire Criminal Justice Board (CJB). Since then the prosecution team and Derbyshire CJB have continued to monitor progress towards meeting the minimum requirements of the scheme. WCUs are currently unable to meet a number of these requirements and shortcomings in the standard of service are recognised, for instance in relation to the provision of information, the timeliness of communication and the provision of needs assessments.
- A Witness Care Improvement plan has been instigated. This has prioritised key elements where changes can be made and found acceptable solutions. Separate systems for not guilty and guilty cases are also currently being considered, but are dependent on completion of roll out of CJSSS. WCU obligations under the Victims' Code are monitored and collated with information from each of the agencies into an overall report. Whilst considerable work has been undertaken the service to victims and witnesses is not consistent across the Area.
- The Area is currently developing a comprehensive performance report to monitor WCU performance, including primary and secondary measures. In the past there has been variable usage of the Witness Management System (WMS) which has impacted upon the reliability of performance information. The previous WCU performance reports did not include monthly information on the NWNJ measures and the Area was reliant on retrospective information from CPS Headquarters. Former WCU reports covered a wide range of measures relating to the units, for instance progress against the minimum standards, but also sickness levels and training undertaken.
- During 2006-07, in the magistrates' courts, the number of ineffective trials due to witness issues improved from the baseline of 5.7% to 4.2% (national average 3.2%) and in the Crown Court from the baseline of 4.0% to 1.5%.

- Cracked trial rates due to witness issues were mixed. Although in Crown Court performance against the baseline improved in 2006-07, this was not so in the magistrates' courts. Witness attendance rates, which stand at around 83.0% in 2007 are also below the baseline. Performance is, however, reasonably consistent with national averages.
- The Area has recognised the impact of witness issues on its effective trial rates and adverse outcomes, particularly domestic violence cases. There is evidence of consideration of the use of witness summons in appropriate cases, and there has been some analysis at an Area and Derbyshire CJB level to drive improvements.
- The WCU holds regular unit meetings; this was monitored as part of the joint WCU performance reports. Meetings are also held between police and CPS managers to drive performance improvements, but these are not formally recorded. At Derbyshire CJB level there is a Victim and Witness Subgroup, which is responsible for the Victims' Code, Witness Charter, NWNJ and intermediaries.

<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 has a clear sense of what needs to be achieved. The Area's priorities in 2006-07 and for the current year were aligned to the national CPS and Public Service Agreement objectives and targets and are relevant to nationally-led initiatives. There were clear responsibilities for the delivery of actions within the Area business plan (ABP), with some milestones and outcomes, although the latter were mostly quantitative. The ABP lacked detail in parts and was supported by underlying unit plans and the Area risk strategy.
- For 2007-08, the Area has continued with its bottom up approach to business planning, with unit plans being drafted which then feed into the overall ABP. This process is reflected by the review system; unit plans are formally reviewed on a quarterly basis as part of unit assessments with the CCP and Area Business Manager (ABM). This information is then used to update the ABP. Progress against the business plan is also considered at the monthly Senior Management Team (SMT) meetings and there is monthly update reporting to the SMT on the various change work streams in progress.
- The Area underlying unit plans were mostly reflective of the ABP and contained some unit specific targets; plans had timed milestones and clear accountabilities. However, the overall quality and consistency of the plans could be improved to ensure that they all fully underpin the ABP. Objectives from the unit plans link into staff personal development reviews and support the delivery of the overall ABP, but there could be greater cohesion between the relevant unit objectives, job role and personal objectives.
- Joint planning with CJS partners is satisfactory both at the prosecution team level with the police, and at Criminal Justice Board (CJB) level. Within the CJB structure senior staff across the agencies are accountable for delivery, with underpinning project and working groups, and a performance group, which monitors progress. Recently the Area has worked well with police to introduce the interface between the police case management system (NSPIS) and the CPS case management system (CMS) and the Simulation Project ('arrest to sentence' process review) will be completed in 2008.

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

- Nationally-driven change within the Area has been effectively implemented, reviewed and improvements made, for example the introduction of an appointment system to increase the effectiveness of the delivery of statutory charging, and the implementation of a Witness Care Plan to improve the delivery of No Witness No Justice. Performance meetings with the police support the delivery of statutory charging as business as usual and meetings concerning Witness Care are held to drive necessary improvements. Conditional cautioning and CJSSS are currently

being rolled out across the Area in a phased approach, there are no perceived threats to delivery on time. The Area is in the preliminary stages of planning a major organisational restructure; this was delayed pending findings from a review conducted by the Optimum Business Model Team (to identify the best structure for the individual CPS Areas) and the Simulation project, an 'arrest to sentence' process review.

- All change projects are assigned to managers with appropriate skills and local implementation teams are in place for the majority of projects. The Area's change management programme continues to be overseen by the ABM, who consults with project managers and provides advice where necessary. There is regular reporting to SMT on the progress of the various initiatives. Any inter-dependencies or overlaps in the projects are taken to the CJB performance management group attended by the ABM. There is evidence of some management of project interdependencies, with links between the projects, and training and processes.
- For 2007-08, Area wide risks have been identified and a risk register is in place; this is considered on a continuing basis and is updated every quarter.

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

- The Area does not have a Learning and Development (L&D) plan, the main emphasis of training being on key mandatory courses and Area priorities. The proactive prosecutor programme, Advanced and Sensitive Disclosure training, Bad Character and Proceeds of Crime Act (POCA) training, have all been delivered. Other training has also taken place, for example administrative staff have been trained to complete general roles within the teams. There has also been an audit for Witness Care Officers. A training needs analysis was undertaken for lawyers in relation to their charging responsibilities in April 2007. Although there has been some delay in progressing the identified training. However, records relating to lawyer training dating back to 2001 indicate that there has been limited training on sensitive cases. The Area has a comprehensive induction pack.
- Individual staff training needs are identified through the performance appraisal process and Units then feed these into the Group Area Learning and Development committee. The absence of an L&D plan means that it is possible all training needs are not captured and consequently equality of access to training across the Area cannot easily be demonstrated. Area training records are maintained in each unit and a system is in place for feedback on courses and induction training. However, the Area needs to ensure that there is a systematic process in place to assure itself that training records are being completed, all staff are accessing courses and that formal evaluation of training is taking place.

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

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

- For the last two financial years, Area performance in relation to its non ring-fenced administrative costs budget (NRFAC) has been good; in 2005-06, 98.7% of the NRFAC budget was spent and in 2006-07, there was a slight over spend of 0.3%.
- Financial controls in the Area are satisfactory. Budget monitoring arrangements are in place, with accurate knowledge of committed expenditure. There is monthly reporting on Area spend against forecast and the projected outturn, supported by written analysis of the budgetary position. Discussions on budget and staffing matters occur at the monthly Area SMT meetings and the Business Development Group (BDG) meetings. There is devolution of the agent and overtime budget to the units, with monitoring being the responsibility of the Unit Business Managers. For any proposed spend in excess of the budgeted amounts, a business case is submitted to the ABM.
- The Area has continued to adopt value for money principles in its day to day business, in both its general administrative expenses and allocation of staff resources. Improvements in the use of HCAs have been made and spend on agents is reducing. The introduction of the interface between the police IT system (NSPIS) and CPS CMS has also led to resource savings.
- Prosecution costs were 11.9% over budget in 2005-06 but the outturn improved to a 3.6% under spend in 2006-07. Prosecution costs are monitored as part of the monthly reporting arrangements and tightened controls for the payment of graduated fees were being introduced at the time of the AEI, to enable more effective monitoring and an improved knowledge of expenditure. A stricter approach to fees requests from counsel was imposed from the first quarter of 2007-08 and as a consequence it is recognised that a number of old fees from the previous financial year will impact upon the prosecution spend for the current year and initially on the timeliness of payments under the graduated fees scheme (GFS). An application for increased funds was granted by CPS Headquarters at the mid year review point. The timeliness of payments during the latter two quarters of 2006-07, and for the first quarter of 2007-08 remained mostly worse than national averages. Performance in the second quarter has improved.
- Additional funding in 2006-07 was received for the NWNJ initiative in order to resource the three WCUs on a cooperative basis, and the Area gained further funds to supplement its NRFAC budget through deployment of HCAs. For the current financial year the Area has received funding for initiatives including community engagement, victims advocacy and some further funding for NWNJ, although the latter has been supplemented by the Area to meet staff and administrative costs.

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

- Since the last OPA, the Area's Northern Criminal Justice unit (CJU) has co-located with police at Chesterfield and a small team of HCAs has been introduced within the Trials Unit. Small clusters



of lawyers and Designated Caseworkers (DCWs) have also been introduced in the CJUs with DCWs taking increased responsibility for the out of court case preparation to enable more effective case progression and so lessen the impact of the limited case ownership and lawyers' charging and court commitments. However, there is still evidence of delay in case preparation, and the link to staffing strategy is discussed in detail in the AEI. Staffing numbers across the units and teams are based on the CPS National Costing model and relevant local issues and are reviewed on a regular basis; this includes frequent consideration at a variety of management team meetings.

- The Area, in a strategic planning day at the end of 2006-07, recognised that the current overall structure of the Area is no longer fit to deliver effectively current and future business and this was also identified during the AEI. Whilst there has been some delay in planning the new structure, pending direction from the Optimum Business Model Team and also the findings of the joint CJB Simulation project ('arrest to sentence' process review), a working group has been set up and preliminary findings are to be reported .
- Clear expectations for lawyer deployment in the CJUs have been set at eight half-day sessions per full time lawyer each week at court or in charging centres and for Crown Court team lawyers, six to eight half day sessions. Agent usage, at 38.9%, was significantly higher than the national average of 19.6%, although it has reduced considerably during 2007-08, consistent with the Area advocacy strategy and in house usage target detailed in the Area's business plans. The Area had hoped to recruit up to three additional lawyers to support the strategy but, as a result of factors outside Area control, has only been successful in recruiting one.
- In 2006-07, DCWs covered 14.3% of magistrates' court sessions against a target of 19.0% (national average 14.7%). The AEI recognised that the failure to achieve the target resulted from maternity leave and long term sickness absence, but that the remaining DCWs had been effective and undertaken a high number of sessions. For the first two quarters of 2007-08, DCWs coverage has improved to an average of 19.0% of magistrates' court sessions, following the recruitment of a further DCW.
- Considerable progress has been made in employing HCAs. There are 11 HCAs in the Area, with three who solely cover HCA and some pre-charge decision (PCD) work. The deployment of each HCA progresses from committals for sentence, through to plea and case management hearings (PCMH) and eventually to trial work. In 2006-07, savings of £72,481 were achieved significantly above target. A total of eight trials were covered by HCAs as sole advocate and one trial featured an HCA appearing as a junior. This has increased significantly during the first two quarters of 2007-08, with 25 trials being covered by HCAs as sole advocate and 12 appearing as a junior.
- At an average of 11.9 days per person for the year to the end of March 2007, Area sickness absence is significantly higher than the national rate (8.5 days), but has improved from the previous figure of 13.9 days. The Area has a higher than national rate of sickness due to long term absence but this is beginning to reduce. The high sickness levels are discussed in detail in the AEI (para 12.16). Systems are in place to ensure management of sickness absence and all managers having received training. The Area is supportive of flexible working and has a number of staff working reduced and compressed hours. There is a sensible approach to balancing the needs of the individuals with those of the organisation, for example one request was assisted by the transfer to another unit.

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

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

- There is regular consideration of performance at Senior Management Team (SMT) meetings and Business Development Group (BDG) meetings and at some of the unit level team meetings throughout the Area. The Area's monthly performance reports are produced in an easily understandable format and along with other performance information are disseminated to managers to cascade to staff during team meetings; some performance information is also displayed on notice boards. All relevant performance information is not accessible to all staff. There is scope to improve accessibility so that staff have a greater understanding of current Area performance.
- The AEI commented that the Area should adopt a more structured and strategic performance framework and, in response revised monthly performance reports have been recently introduced. These reports contain relevant and pertinent information at Area and unit level. They are aligned to the main CPS performance indicators and consequently now include matters such as sickness. It is intended that the reports will be developed to include priority local performance issues such as discharged committals. A dashboard 'traffic light' approach has been adopted for all the performance indicators, including monthly performance against target.
- The Area performance officer (APO) produces an analysis of monthly performance across the indicators to identify any trends and poor or improving performance together with monthly unit reports showing Area and unit case outcomes and 'problem profile' reports, for example reviewing discontinuances in the magistrates' courts and unsuccessful domestic violence cases. There is benchmarking against other Areas.
- Data entry at unit level is assured monthly, in line with recommendations from the Management Information Branch at CPS Headquarters and overseen by the APO. The Area has now introduced dip sampling of files to ensure accurate recording of monitoring codes and witnesses' and defendants' gender and ethnicity.
- Performance outcomes in the Area have improved in some aspects since the last OPA. Casework outcomes in the magistrates' courts and Crown Court have improved, and are better than national averages for all but the magistrates' court discharged committals and dismissed after trial rates. Key performance indicators for statutory charging have also improved as have ineffective trial rates at both the magistrates' courts and Crown Court. However, some aspects performance still needs to be addressed, including the timeliness of case preparation.
- Managers are expected to take corrective action where performance needs improving and this is evident from the reduction in discharged committal and sickness rates and improved adherence to disclosure procedures. As part of the revised monthly performance reports, Unit Heads produce an account for all the targets which have been missed, the reasons for the performance and work being undertaken to address it. In addition, Area reviews are undertaken: custody time

limit processes were reviewed following a CTL failure in February 2007 and a review of cases transferred in and out of Derby Crown Court has also been undertaken. There has also been some strengthening of systems, for example to improve timeliness in payment of graduated fees. The AEI report found that managers undertake more than their allocated share of casework; this consequently reduces their time to manage effectively.

- Unit Heads are held accountable for the performance of their teams. Each unit has a quarterly performance review with the CCP and ABM, which is based around key performance measures and unit business plans. Actions raised at the meetings are progressed by the individual units. In addition, as part of the review the CCP assesses a fairly comprehensive file sample and gives feedback. Consideration should be given to amalgamating the qualitative assessments in an Area wide level report, to identify any lessons and disseminate trends.
- There are a number of examples where the individual objectives of staff in the appraisal process are supportive of unit and Area objectives. Examples include CMS usage and the timeliness of case preparation. However, the relationship between the team objectives, particular roles and personal objectives could be strengthened.

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

- Area managers work with criminal justice partners and in particular the police, to improve performance. All senior managers and other Area staff participate in the work of the Criminal Justice Board (CJB) and other Interagency groups. The CJB consists of an overarching board; a Performance Management Group (PMG), that oversees performance against the boards targets; a number of project teams including for instance Criminal Justice: Simple, Speedy, Summary (CJSSS), Conditional Cautioning; and working parties such as Proceeds of Crime, Community Issues and Domestic Violence. Monthly Prosecution Team Performance Management groups (PTPM) and other performance related groups also feed into the overall board. The CJB, during the CCP's leadership, was subject to restructuring to improve its effectiveness.
- The PMG considers various performance measures at monthly meetings and reports to the CJB, including a dashboard of the main CJB indicators such as offences brought to justice (OBTJ), ineffective trials and public confidence and underlying supporting measures and performance against the implementation of national interagency projects such as CJSSS and conditional cautioning.
- The Area provides accurate and timely information to criminal justice partners. Comprehensive performance information is made available by CPS Derbyshire for PTPM meetings and information on adverse outcomes is also provided. Performance information is received from partners, although, there has been some delay in the performance information for CJSSS.
- Interagency working has led to jointly owned strategies, with actions being progressed as part of the CJB delivery plan, Interagency meetings and through project plans. At a joint level there is evidence of improvement strategies such as CJSSS and the Simulation project being implemented to drive performance and increase efficiency of working practices between the criminal justice agencies. These matters are at an early stage and subsequently potential recommendations or benefits identified have yet to be realised. Comprehensive work is undertaken with Police to create a prosecution team ethos.

**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**

- Overall return rates for CQA were good throughout 2006-07. Return rates are monitored as part of the monthly performance reports; the Area target is 97.0%. In addition, the monthly reports completed by the units include identification of issues, for instance the failure to complete disclosure record sheets was recognised. The Area's CQA assessment rates are reasonably consistent with the average national performance figures. The reliability and consistency of each unit's CQA assessments are evaluated by the CCP as part of the sample of files reviewed for unit quarterly reviews. CQA is also supported by the monitoring of MG3s and feedback on adverse outcomes.
- However, operation of the CQA scheme is hampered by the absence of case ownership in the criminal justice units which makes assessing the performance for individuals across the range of CQA criteria more difficult. Also, the AEI file sample showed levels of performance which were at variance with Area scores, in particular those relating to systems and proactive management of cases. This indicates that, the application of the scheme by managers could be more robust. Whilst some improvement in the application of the scheme has been made since the AEI, the Area will need to develop and sustain this to ensure a continuing, accurate, reflection of its casework quality. In turn, the overall rating for "managing performance to improve" could be expected to improve.
- Area monitoring of all advocates is not systematic and there is limited monitoring of in-house advocates. The Area had intended that all in-house advocates would be observed at court at least once a year but more pressing priorities meant that this was not possible. Some instances of informal monitoring has taken place; prosecutor's proactivity in ensuring cases progress at court was recently examined. There is monitoring of counsel by caseworkers at Crown Court and regular meetings between the Trials Unit Head and the Resident Judge, who will feedback on for instance Higher Court Advocate (HCA) performance. The CCP similarly meets with the Resident Judge.

<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 has adopted the Director's vision and values, which are supported through the Area business plan (ABP) and unit plans to which staff have contributed. The staff survey showed that Area staff awareness of the document "building a world class prosecuting authority", at 80.0% was consistent with the national average.
- Outcomes from Senior Management Team (SMT) meetings and Business Development Group (BDG) meetings are cascaded to staff through team meetings. This is the main forum for dissemination of information; the Area no longer has a Communications Officer and does not produce an Area news bulletin. This makes it more important that key messages and relevant performance information are disseminated in a consistent and meaningful way. Performance in the staff survey in 2006 was better than national averages for regularity of meetings (78.0% against a national figure of 61.0%) and effectiveness of meetings (64.0% against a national figure of 56.0%).
- There is an acceptance amongst managers of a common responsibility for delivering national strategies. Initiatives are discussed at SMT, senior managers are assigned ownership of objectives and there is devolution of part of the budget to the units which fosters better understanding by managers of their responsibilities within the Area. Quarterly performance reviews held by the CCP and ABM with the unit managers assist this, as does the monthly accounting by the Unit Heads for unit performance. Corporacy is further assured by the CCP attending, on a regular basis, team meetings throughout the Area. The Area formerly had a statement of expectations for managers. However, whilst still in existence it is no longer promoted; the Area considers this has been superseded by the skills and valued behaviours which now form part of the CPS appraisal process.
- Senior managers make themselves available at key points in the business calendar. Both the CCP and ABM attend the units on a frequent basis and regular Whitley Council meetings are held. As part of the staff survey action plan the CCP and ABM were to introduce a staff open forum on a quarterly basis. However, there was minimal engagement by staff and the initiative has fallen by the wayside. The Area should consider how to take this forward.
- Senior managers generally have constructive relationships with criminal justice partners and in the main there is management of stakeholder expectations. The CCP was formerly the Criminal Justice Board (CJB) chair and has responsibility for the conditional cautioning project group. The Area is represented on the CJB performance group and sub groups and is committed to delivery of joint initiatives. The prosecution team relationship is generally positive and is becoming more effective.
- Senior managers are willing to learn by reviewing success and failure, initiatives are reviewed and performance is monitored, although the emphasis is largely on unsatisfactory performance. The Area has also taken forward matters identified as part of the Area Effectiveness Inspection.

**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**

- Instances of good performance have been recognised in team meetings and emails to individual members of staff. The Area has also participated in the national pilot of the special bonus scheme. On a quarterly basis, staff are nominated then selected by a panel to be recognised for good work, with recognition taking the form of commendation letters or small financial awards. Staff are also nominated for local and national Justice Board Awards and for the CPS Staff Awards. However, the staff survey in 2006 indicated that 87.0% of staff did not think there was an effective system in place to recognise good performance and this was confirmed by interviews with staff during the AEI.
- All new staff and those needing a refresher undertake the Equality and Diversity E-Learning module and CPS booklets, such as those covering dignity at work and appropriate use of the e-mail and IT system, are provided as part of Area induction packs. The Area has also ensured staff are aware of the CPS single equality scheme. The Area has tackled incidents of minor abuse of the email system. In 2006-07 there were no complaints by staff on treatment by their managers.
- In the 2006 Staff survey, more staff in Derbyshire considered they were treated with fairness and respect than the national average. Equality and diversity are to some degree integrated into the Area Business plan. There are objectives relating to noncasework issues, including workforce representation and to casework-related matters such as hate crime and engagement with the community. The ABM leads on equality issues and has responsibility for a number of human resource related issues. Whitley Council meetings are held regularly.
- The workforce is not yet fully representative of the local population, although the Area has a strategy to improve representation. Targets are in place across the different grades of staff to improve representation of people with disabilities and those from black and minority ethnic (BME) groups and to balance the distribution of men and women.

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

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

- There is a commitment among senior managers to securing community confidence. Community engagement is written into the Area business plan, with responsibilities properly allocated. The Area is also committed to the Derbyshire Criminal Justice Board's (CJB) community engagement plan and contributes fully to jointly organised community events.
- Community engagement is part of core business, and staff are appraised against compliance with it. Senior managers spend substantial time at community events designed to encourage confidence, including involvement in the "Inside Justice" week in 2007. Lawyers and other staff are required to complete a set number of engagements every year. Among these, the Area regards its involvement in the development of a citizenship model, and its engagement with local schools as the most significant, although there is also engagement with other groups including those concerned with the victims of domestic violence, the elderly and the Lesbian, Gay, Bisexual and Transgender (LGBT) community.
- The CCP represents the Derbyshire's CJB on the community safety partnership and has driven the development of a single race hate scrutiny panel which is due to be empanelled in February 2008 and which has been assisted by recent engagement with the Derby Racial Equality Council (DREC).
- The Area has a summary of local demographics and a comprehensive list of local external agencies and community groups. Having established a dialogue with DREC, the Area is now in a position to engage directly with black and minority ethnic groups.
- The Area community engagement log confirms frequent activity by staff at all levels and it also attempts to identify the benefits attached to individual events. However, some important engagement events are not logged and evaluation currently lacks sophistication. Whilst there has been a recent improvement in successful outcomes in domestic violence cases which can in part be linked to the work done with local victims' groups, the Area is aware of the need to identify more clearly those groups most at risk of exclusion and discrimination. It will then begin to realise the potential and real benefits which community engagement can bring to the delivery of its core business.
- The latest figures (December 2006) show that 43.0% of the local population are confident in the effectiveness of criminal justice agencies in bringing offenders to justice, against 42.3% nationally. This is an improvement since the last OPA when the Area figure was 40.9%.
- The Area has recently lost its communications manager and is unable to appoint another one for the time being, for reasons outside its control. Therefore, it has temporarily lost the capability to court the media proactively, but it is still able to field enquiries and provide interviews when appropriate. Prior to this, the Area was able to demonstrate effective media engagement in relation to specific cases and more general issues.

## ANNEXES

### 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		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	19.2%	15.1%	11.0%	13.1%	15.0%	9.6%
Guilty plea rate	52.0%	69.2%	63.2%	69.1%	68.0%	66.5%	73.5%	76.5%
Attrition rate	31.0%	22.0%	28.4%	22.5%	23.0%	22.2%	21.5%	16.1%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	78.6%

#### 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%	85.3%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	41.1%
Cracked trial rate	37.3%	37.0%
Ineffective trial rate	18.9%	22.0%
Vacated trial rate	22.5%	20.1%



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

<b>National target</b>	<b>National performance 2006</b>	<b>Area performance 2006</b>
71 days	72 days	73 days

*Offences Brought to Justice*

	<b>CJS area target 2006-07</b>	<b>CJS area performance 2006-07</b>
Number of offences brought to justice	22,708	21,468

<b>Percentage make up of Offences Brought to Justice</b>	<b>National 2006-07</b>	<b>Criminal justice area 2006-07</b>
Offences taken into consideration (TICs)	8.5%	12.3%
Penalty notices for disorder (PNDs)	10.3%	8.4%
Formal warnings	5.8%	2.4%
Cautions	26.5%	25.4%
Convictions	48.8%	51.4%

**Aspect 3: Ensuring successful outcomes in the Crown Court**

	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Successful outcomes (convictions) as a percentage of completed Crown Court cases	77.7%	83.5%

<b>Trial rates</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Effective trial rate	48.2%	43.4%
Cracked trial rate	39.5%	46.8%
Ineffective trial rate	12.4%	9.8%

<b>Proceeds of Crime Act orders</b>	<b>Area target 2006-07</b>	<b>Area performance 2006-07</b>
Value	83	96
Number	£1,361,708	£636,818

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

	<b>2005-06</b>	<b>2006-07</b>
Non ring-fenced administration costs budget outturn	98.7%	100.3%

<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%	14.3%
HCA savings against Area target	100%	138.4%	121.1%
Sickness absence (per employee per year)	7.5 days	8.5 days	13.9 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>
42.0%	40.9%	43.0%

## **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 which was conducted in April 2007.



**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](http://www.hmcpai.gov.uk)**

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