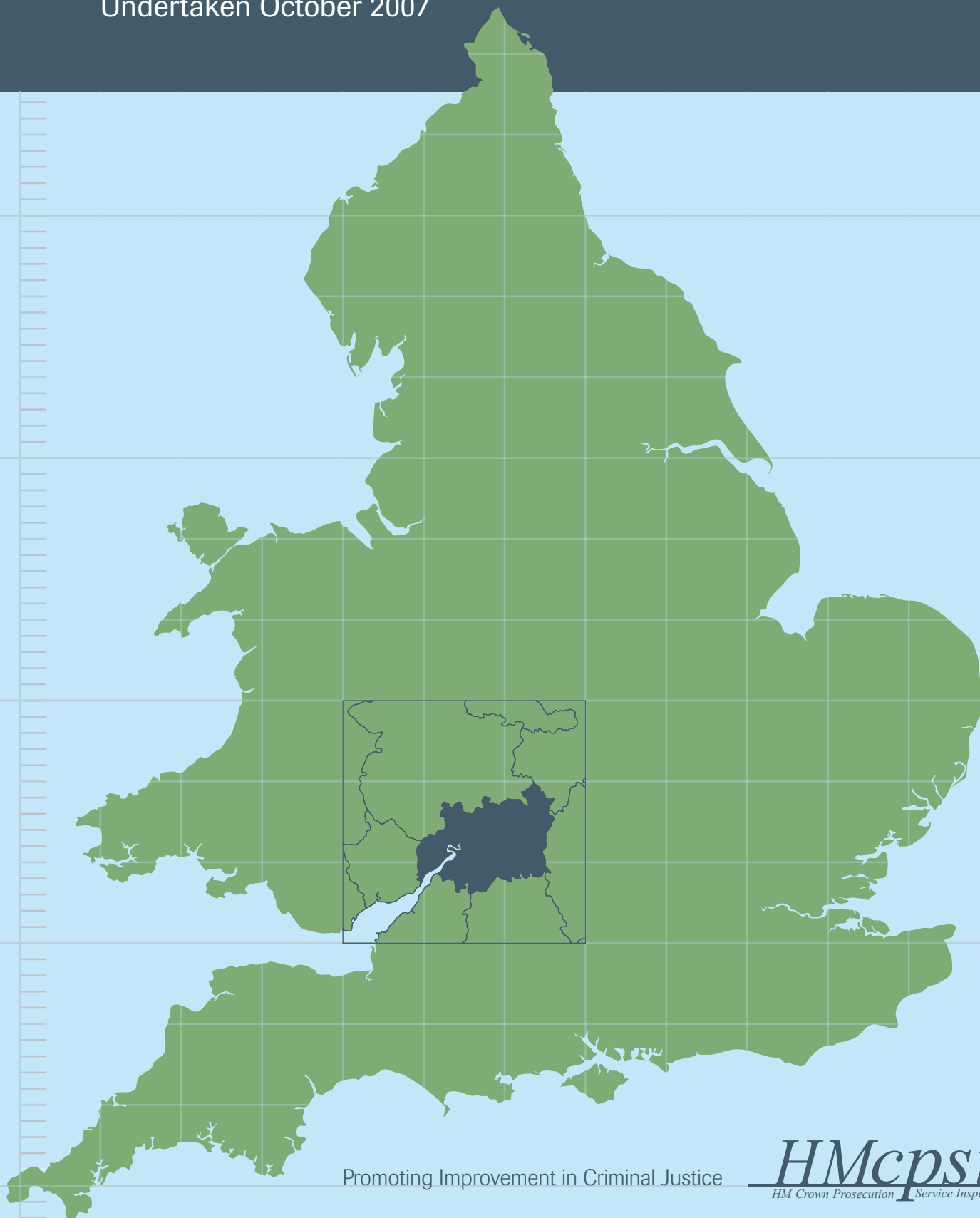


CPS Gloucestershire Overall Performance Assessment

Undertaken October 2007



Promoting Improvement in Criminal Justice

*HMcp*si**
HM Crown Prosecution Service Inspectorate



CPS Gloucestershire Overall Performance Assessment

Undertaken October 2007



Promoting Improvement in Criminal Justice

HMcp*si*
HM Crown Prosecution Service Inspectorate

ABBREVIATIONS

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

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

CONTENTS

A	Introduction to the overall performance assessment process	2
B	Area description and caseload	3
C	Summary of judgements	4
D	Defining aspects	8
1	Pre-charge decision-making: management and realising the benefits.....	8
2	Ensuring successful outcomes in the magistrates' courts.....	12
3	Ensuring successful outcomes in the Crown Court	15
4	Progressing cases at court.....	18
5	Sensitive cases and hate crimes	20
6	Disclosure	22
7	Custody time limits	25
8	The service to victims and witnesses	27
9	Delivering change	30
10	Managing resources	33
11	Managing performance to improve.....	36
12	Leadership.....	39
13	Securing community confidence	42
 Annexes		
A	Performance data	44
B	Criminal justice agencies and organisations who assisted with this overall performance assessment	47

A INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

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

Assessments

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

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

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

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

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

Direction of travel grade

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

Improved reflects a significant improvement in the performance;

Stable denotes no significant change in performance;

Declined where there has been a significant decline in performance.

B AREA DESCRIPTION AND CASELOAD

CPS Gloucestershire serves the area covered by Gloucestershire Constabulary. It has one office, at Gloucester. The Area Headquarters (Secretariat) is based at the Gloucester office.

Area business is divided on functional lines between magistrates' courts cases, handled by the Criminal Justice Unit (CJU) and Crown Court work, dealt with by the Trials Unit (TU).

During the year 2006-07 the Area had an average of 48.5 full time equivalent staff in post, and a budget of £2,205,609. This represents a 3.7% decrease in staff, and a 10% increase in budget since 2004-05, the period covered by the Area's last overall performance assessment.

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

Pre-charge work¹

2004-05		2006-07	
Written advice	675	Decisions resulting in a charge	3,104
Pre-charge advice (where available)	3,579	Decisions not resulting in a charge ²	2,229

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	8,475	8,060	-4.9%
Other proceedings	36	7	-80.6%
Total magistrates' courts proceedings	8,511	8,067	-5.2%

Crown Court proceedings

(including cases previously subject to a pre-charge decision)			
Cases sent or committed to the Crown Court for determination	656	621	-5.3%
Committals for sentence ³	53	64	+20.8%
Appeals from the magistrates' courts ³	272	196	-27.9%
Total Crown Court proceedings	981	881	-10.2%

In 2006-07, 34.8% 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

Gloucestershire is a relatively small CPS Area, and comprises a mix of both urban and rural communities. Whilst the county as a whole is relatively affluent, the urban centres of Gloucester and Cheltenham, as well as the smaller towns, experience continuing problems with crime. The Area has one office, in Gloucester, and business is handled by two units: the Criminal Justice Unit (CJU) handles magistrates' courts work, while the Trials Unit (TU) handles Crown Court work.

The Area has been through a period of uncertainty since the last OPA, and there have been significant changes in the Senior Management Team (SMT). In January 2006, a new Chief Crown Prosecutor (CCP) and Area Business Manager (ABM) were appointed on a temporary basis. Then in mid 2006, a new TU Head (from outside the Area) was appointed on a temporary basis to replace the position vacated by the new CCP. The TU Head left the Area at the end of April 2007 and another temporary appointment was made in May. More recently, the CCP and ABM were confirmed as permanent.

The Area was inspected in February 2007, with the report being published in May. We identified two strengths within the Area's performance, made seven recommendations and identified a further 18 aspects for improvement, and the Area has drawn up an action plan to take steps to address the recommendations and aspects for improvement.

Gloucester, and some other parts of the county, suffered severe flooding in July 2007, which restricted some work in CPS Gloucestershire and the courts.

Summary

The Area has made some progress since the last OPA. Successful outcomes have improved in both the magistrates' courts and the Crown Court and outcomes for hate crime cases were excellent in 2006-07. Area managers have worked effectively with partners and there has been some success in implementing nationally driven change. Statutory charging has been effectively implemented and the Area has made good progress since assuming responsibility for charging decisions in more serious and contested cases in October 2005. There is a good commitment to providing face-to-face advice to police, with the more experienced lawyers being deployed as Duty Prosecutors (DPs). A specialist domestic violence court, after some initial problems, is working well. However, some joint projects have been less successful. The No Witness No Justice (NWNJ) initiative to improve the care and support of victims and witnesses has not fulfilled its early promise, and although some progress has been made significant challenges still remain in relation to the Witness Care Unit (WCU). The temporary nature of three of the four senior management posts had affected long term planning at the time of the Area Effectiveness Inspection (AEI), but the recent confirmation of the CCP and ABM posts has given the SMT a greater sense of confidence and optimism, and enabled the CCP to restate his vision and plans for the Area.

The quality of decision-making in the magistrates' courts and Crown Court is generally good, and successful outcomes (the conviction rate) are improving. The Gloucestershire Criminal Justice Board has exceeded its joint target for offences brought to justice (OBTJ), although the proportion of convictions within the OBTJ was the lowest in the country (34.8% compared to the national average of 48.8%) when compared with other positive disposals such as Cautions and Penalty Notices for Disorder. There was an accompanying high level of offences taken into consideration (TICs): 22% compared to

the national average of 8.5%. Area managers need to work with the police to ensure that the balance of charges to offences taken into consideration (which is the highest in the country) is appropriate. Sensitive cases and hate crimes are handled well, with designated champions and specialists being allocated responsibility for them. The unit heads include analysis of sensitive cases in their monthly performance reports, but more formal guidance needs to be provided to champions as to what is expected by way of monitoring case outcomes and performance management.

Weaknesses in case progression have meant that matters are not always ready for court, and cases generally take longer to progress through the courts than the national average, although Area managers have taken steps since the AEI to tighten up case progression. The waiting time for trials in the magistrates' courts has been considerable but was reduced by determined efforts on the part of senior CPS and court staff. At the time of the AEI, the average time to trial had been reduced from 27 weeks to 11, although this was at the expense of a high number of vacated and ineffective trials (fewer trials were effective than the national average in 2006-07). Despite the impact of trials being vacated as a result of the flooding, work has continued with the aim of reducing the backlog of trials to eight weeks. There were more effective trials than the national average in the Crown Court, and there are signs of an improving trend in 2007-08. The Area's performance in dealing swiftly with persistent young offenders was fair in the 12 months to December 2006 being 68 days overall from arrest to sentence against the Government's target of 71 days, but it had improved significantly, with the rolling three months to July 2007 being 55 days overall. (The period has since increased because of delays in case finalisation caused by the flooding.)

The benefits of the statutory charging scheme are starting to be realised with excellent guilty plea and attrition rates in the magistrates' courts, although there are some weaknesses at the pre-charge stage, which leads to discontinuances in both the magistrates' courts and the Crown Court. The relatively high level of pre-charge decisions to take no further action requires more effective monitoring.

The Area's performance in relation to its duties of disclosure of unused material to the defence has declined since the OPA, although there has been some improvement since the AEI. Managers have not yet introduced the disclosure record sheet to record decisions, but have initiated a training programme for prosecutors and caseworkers, and have plans for joint advanced disclosure training for TU lawyers and the police.

The Area's custody time limit (CTL) system is not comprehensive, although it has been updated since the last OPA. There was one CTL failure in 2006-07 and one in 2007-08 to the time of the inspection.

The Area's compliance with the Direct Communication with Victims scheme (DCV) (under which the CPS writes to victims explaining why a charge has been dropped or substantially altered) has improved, although letters are not always sent promptly. Witness issues are a contributing factor in ineffective trials in both the magistrates' courts and the Crown Court, and to cracked trials in the magistrates' courts. Area managers are addressing this through encouraging greater focus on victim and witness needs at the pre-charge stage and through the strengthening of the case progression system in the magistrates' courts.

Area managers have started to address the weaknesses in performance reporting and the management system found at the time of the AEI. All staff have now been set personal objectives which support Area objectives and priorities, and the unit heads' monthly reports demonstrate a more robust approach, with the Casework Quality Assurance (CQA) scheme now being used more effectively to try

and drive up performance. The monthly reports are shared with the police and discussed at joint meetings, although there remains scope for continued and further joint work in addressing the key challenges facing the Area.

The Area has overspent its administrative costs budget over a number of years. Since the last OPA, improvements have been made in systems and processes used to account for and manage resources, and action has been taken to secure economies and better value for money. Nevertheless there were budget overspends in both 2005-06 and 2006-07. The position in 2007-08 looks more promising, and at the time of the inspection the Area was projecting an underspend. Senior managers have undertaken some reorganisation to improve the deployment of staff since the AEI. Sickness absence levels were high, which contributed to the high usage of agents, although showing signs of improvement in the first half of 2007-08. Designated Caseworker (DCW) usage has improved, although it still fell short of the national average in 2006-7, with recent performance close to the Area's target of 20% coverage for 2007-8. The deployment of Higher Courts Advocates (HCAs) has improved since the last OPA, and the Area exceeded its savings target by a wide margin, although the level of savings per session was poor.

Senior managers have shown a clear commitment to community engagement, and there has been a good level of engagement with a wide range of community groups, including those at the greatest risk of exclusion and discrimination. Confidence in the criminal justice system in bringing offenders to justice has fallen since the last OPA and in December 2006 was below the national average: 38.3% compared with 42.3%, although a recent Gloucestershire Criminal Justice Board led survey showed a better picture with local confidence being higher than in England and Wales as a whole.

Direction of travel

The Area has made some progress since the last OPA, when it was assessed as 'Fair'. Its performance has improved in four aspects (although three of these remain within the existing assessment band), remained stable in four, and declined in five (one of these remains within the existing assessment band). This has been achieved against the background of significant changes and uncertainty in the Senior Management Team, and now the CCP and ABM positions have been confirmed the Area is in a position to continue its gradually improving trend.

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

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

Critical aspects	Assessment level		
	OPA 2005	OPA 2007	Direction of travel
Pre-charge decision-making	Fair	Fair	Improved⁴
Ensuring successful outcomes in the magistrates' courts	Good	Fair	Declined
Ensuring successful outcomes in the Crown Court	Good	Good	Stable
The service to victims and witnesses	Good	Fair	Declined
Leadership	Fair	Fair	Improved⁴
Overall critical assessment level		Fair	
Progressing cases at court	Good	Fair	Declined
Sensitive cases and hate crime	Fair	Good	Improved
Disclosure	Good	Fair	Declined
Custody time limits	Fair	Fair	Declined⁵
Delivering change	Fair	Fair	Stable
Managing resources	Poor	Poor	Improved⁴
Managing performance to improve	Fair	Fair	Stable
Securing community confidence	Good	Good	Stable
OVERALL ASSESSMENT	Fair	FAIR	

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

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

D DEFINING ASPECTS

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

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

- Since the Area assumed responsibility for charging decisions in October 2005, progress has been made overall. The Area provides cover at three charging centres between 9am and 5pm: every day at one centre, three days a week at the second and two days a week at the third. On the days when either charging centre is closed, requests for advice are faxed to the other centre and dealt with by telephone and email. A Duty Prosecutor (DP) is also available in the CPS office if advice is unavailable elsewhere. The level of cover is kept under review and discussed at Prosecution Team Performance (PTPM) meetings. There is a good commitment to providing face-to-face advice to police: 79.4% of consultations in 2006-07 were face-to-face compared with the national average of 63.5%.
- There are satisfactory arrangements for the provision of pre-charge decisions (PCD) in complex or serious cases, and for those that require the lawyer to watch complainants' video interviews, with the police submitting an evidential file to the office for allocation to specific prosecutors. This does not prevent the police from requesting advice at an early stage in serious cases. The Area has just introduced a monthly surgery for providing advice in rape cases, both for PCD and in on-going cases (more urgent cases are advised upon at the regular charging centres).
- Many files are submitted for a charging decision at a stage when it is too late for the CPS to have a meaningful input into the building of the case, although the Area encourages early involvement of the reviewing lawyer. This practice has been adopted in major cases, when senior managers have provided advice in the evening and at weekends. The rape surgery is also a move towards involving prosecutors in rape cases at an early stage.
- Police gatekeepers check the quality of file submissions, and try to ensure that requests for advice are made in accordance with the Director's Guidance. There is a high rate of no further action (NFA) cases (37.6% compared with the national average of 31.9%) and Area managers consider that some inappropriate requests for advice are being made. The rate is discussed at the PTPM meetings, but the unit heads' (UH) need to monitor the appropriateness of file submission as part of their monitoring of NFA cases and provide feedback to the police.
- Procedures for handling disagreements between the police and DPs are in place but rarely need to be invoked. Differences of opinion have been swiftly resolved on the few occasions that they have occurred.

- Managers have not been monitoring police compliance with pre-charge advice effectively. A reality check showed that there are a significant number of PCD cases outstanding on the case management system (CMS). Since our last inspection, Area managers have started to take steps to monitor compliance and are checking all cases that have been outstanding since April 2007, using a system devised by another Area and seen to be good practice. Progress on current cases need to be consistently monitored.
- The Area recorded 76.9% of its pre-charge decisions on CMS against a target of 90%. This is a much improved performance since the last OPA, and there has been a significant increase since April 2006 when only 37.1% of decisions were recorded. The Area has not been using CMS to monitor the progress of cases.
- The TU UH (as Area lead for charging) is the contact point for issues relating to CPS Direct (CPSD) decisions. CPSD data is considered at PTPM meetings and consideration has been given to inviting the CPSD liaison officer to attend. Both the police and the CPS are satisfied with the service provided and the quality of advice given.
- Conditional cautioning was introduced in one police division (Stroud) at the end of June 2007, following training of all prosecutors and Designated Caseworkers (DCWs) and police officers at Stroud Division. The extension to the rest of the Area has been postponed until early 2008, in order to ensure that the training for the police takes account of recent changes to the procedure. No cautions were administered in the first month of the scheme, but there were six and five in the following two months. Prosecutors are aware of the need to raise with the police any charged cases where a conditional caution should have been considered, and also the need to ensure that only cases emanating out of Stroud Division are included in the scheme at this stage.

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

- The standard of decision-making is generally good, with advice complying with the Code, and the choice of charge reflecting the seriousness of the offence, in most cases. All lawyers have attended the proactive prosecutor programme training and the follow up course. Duty Prosecutors are experienced, and are selected in the main from the TU. Any lawyer rotated into the TU is given a period of shadowing and refresher training, before undertaking a charging session. Whilst CPS policy is not always referred to specifically by the DP, advice generally complies with policy.
- DPs are generally proactive in advising on steps necessary to remedy evidential weaknesses, although action plans vary in quality. Failure to identify and remedy evidential weaknesses results in some requests for information being sent to the police at a much later stage, thereby contributing to delay in the service of the prosecution case.
- At the time of the AEI the approach to monitoring of PCD was not systematic and the opportunity to learn lessons was not always being taken. Unit Heads have now formalised and strengthened their approach to monitoring and monitor the quality of PCD through a monthly analysis of adverse and discontinued cases. The reports draw out themes and identify any action

required and learning points. In addition, the TU business plan requires the TU head to observe DPs during consultations, and to provide written feedback to the CCP.

- The monitoring of NFA cases has now been placed on a more formal footing, and UHs carry out monthly checks of one NFA case per lawyer. They rely on the information recorded on CMS and do not see the evidence upon which the decision was made. In view of the high rate of NFAs, there should be an analysis of a sample of cases with the evidence upon which the decision was based.
- All advices to administer a conditional caution are monitored by the CJU head and a central log of all cases is kept on the Area's shared drive.

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%	17.4%	15.0%	11.0%	13.1%	14.9%	12.3%
Guilty plea rate	52.0%	69.2%	69.1%	72.4%	68.0%	66.5%	65.8%	72.5%
Attrition rate	31.0%	22.0%	23.5%	20.6%	23.0%	22.2%	26.0%	19.3%

- The Area is starting to see the benefits of PCD being realised. It achieved four out of six national targets.
- In the magistrates' courts, the Area's guilty plea and attrition rates are excellent compared to the national average. The discontinuance rate is poor at 15%, although better than national average of 15.7%. Area figures from April to August 2007 show an improvement in the discontinuance rate, with the average being 13.8%, although the monthly figures are variable.
- The guilty plea and attrition rates in the Crown Court are good and better than the national averages. The discontinuance rate is fair, but at 12.3% is better than the national average of 13.1%.
- Overall, the number of PCD cases that resulted in conviction in 2006-07 was higher than the national average at 79.6% compared with 78%.
- The UHs circulate their reports on adverse and discontinued cases to lawyers, and reports are also shared with the police and discussed at the PTPM meetings. As a separate exercise, the TU head has analysed all PCD cases that were discontinued in June and July 2007, as a result of which the need for consideration of witness issues at the PCD stage formed part of a recent county training day.

- The PTPM process, having initially started well, had stalled by the time of our inspection in February, due in part to inadequacies in the CPS data and the lack of an Area Performance Officer. PTPM meetings are now taking place every two months and the Area is providing data, supported by a narrative, but further work on the performance reports is still required.
- The operation of the charging scheme is considered at the PTPM meetings, and changes such as the extension of the time for consultations and the introduction of the rape surgery are discussed and subsequently disseminated to staff.

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

2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	11.2%
No case to answer	0.2%	0.1%
Dismissed after trial	1.9%	2.1%
Discharged committals	0.2%	0.1%
Warrants	2.6%	2.7%
Overall conviction rate	84.3%	83.6%

- The quality of decision-making in the magistrates' courts is generally good, although the recording of decisions is weak. The Area's overall successful outcomes rate was 83.6% compared to the higher national average of 84.3%. This is an improvement on its performance in 2005-06 when its rate was 80.4%.
- There has been a significant improvement in the rate of cases in which magistrates find there is no case to answer at the end of the prosecution case from 0.6% in 2004-05 and 0.2% in 2005-06. The rate in 2006-07 was 0.1% compared with the higher national average of 0.2%.
- There has been an improvement since 2004-05 in the rate of committals discharged because they were not ready to proceed from 0.3% to 0.1%, which is below the national average of 0.2%. There were seven cases (involving 11 defendants in total) in 2006-07 where the defendants were discharged. There needs to be a more robust system of ensuring the timely submission by the police of committal papers, and the TU head needs to ensure that records are kept of all discharged committals and what action is taken about reinstatement.
- The Area's discontinuance rate has dropped over the last two years and, from being very high, is now only slightly above the national average. Lawyers discuss proposed discontinuances with the CJU Head, unless they are making the decision at court.
- Since the AEI, Area managers have improved their system for monitoring unsuccessful outcomes. The UH now analyses all adverse and discontinued cases and the monthly reports show a more robust approach in identifying potential improvement actions. These reports are shared with the police and considered at prosecution team performance management meetings. The analysis of discontinued cases has highlighted a trend of bindovers being agreed on the day

of trial and the UH intends to deliver some training to ensure that this does not occur unless there is a compelling reason for it.

- The new monthly performance reports are circulated to staff and discussed with individuals and/or at team meetings.
- The Gloucestershire Criminal Justice Board met its target for offences brought to justice (OBTJ) in 2006-07, bringing 15,448 offences to justice against a target of 12,885. The target is a shared one with criminal justice partners, with the CPS contribution coming through managing cases to keep unsuccessful outcomes low. The proportion of convictions within the OBTJ was the lowest in the country (34.8% compared to the national average of 48.8%). There was an accompanying high level of offences taken into consideration (TICs): 22% compared to the national average of 8.5%. Whilst recognising that there is currently a national drive to increase the number of TICs, Area managers need to work with the police to satisfy themselves that the balance of charges to TICs is appropriate and that it enables the court to sentence offenders appropriately.
- The Area's performance against the timeliness target of 71 days from arrest to sentence for persistent young offenders (PYOs) had declined since the last OPA and in 2006 it was 68 days overall. It had improved significantly, with the rolling three months to July 2007 being 55 days overall. (The period has since increased because of delays in case finalisation caused by the flooding.) The PYO co-ordinator reports on performance to the CCP and CJU head, with problem cases being reported on individually.

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%	40.2%
Cracked trial rate	37.3%	32.9%
Ineffective trial rate	18.9%	27.0%
Vacated trial rate	22.5%	28.6%

- The submission by the police of full files is monitored by completion of a joint performance management form, which highlights cases which are late and/or incomplete. This has not been working effectively and an electronic form is being devised jointly with the police.
- The quality of endorsements was inadequate at the time of the AEI, and prosecutors now have an objective in their forward job plans to ensure files are properly endorsed.
- At the time of the AEI, cases were being prepared for trial by two trial review lawyers, with mixed success. Too many cases were being discontinued late, or were not ready for the pre-trial review, and correspondence from the defence and the police was not being dealt with properly. The Area

is also now trying to allocate cases to the trial lawyer once the full file has been received, thereby increasing case ownership. Reality checks showed that correspondence from defence solicitors and the police is being handled in an appropriate and timely way. The system for case progression has been tightened up, and a dedicated case progression officer (CPO) has been appointed. She liaises regularly with the magistrates' courts CPOs. Formal case progression meetings will take place with the introduction of the Criminal Justice: Simple, Speedy, Summary (CJSSS) initiative.

- The Area has been part of a pilot for the Director's Guidance Quick Process files, and is now working well with the courts and the police to deliver CJSSS, which is due to be implemented across the county in October 2007. Work has continued since the AEI to reduce the backlog of trials, with the target of reducing this to eight weeks from listing for trial to the trial itself still on track (despite of problems associated with the severe flooding in Gloucester in July 2007). The Area has participated at training days and provided input with the courts at the county training day held in September.
- Youth cases are allocated to youth specialists, who are responsible for reviewing and progressing them and for prosecuting them in the youth courts. The Area's rate of youth cases with timely initial guilty pleas in March 2007 was 95% compared to 88% nationally.
- The overall effective trial rate in 2006-07 was 40.2% compared with 43.8% nationally. The cracked trial rate is improving and was better than the national performance. However, the ineffective trial rate worsened and was poor, having increased to 27% in 2006-07 compared with the national average of 18.9%. The proportion attributable to the prosecution was slightly lower than the national average (34.1% compared to 35.5%), but the rate for prosecution witness absence is worse than nationally (6.6% compared to 4.5%).
- The vacated trial rate is higher than the national average, but the very high rate found at the time of the AEI (much of which was as a result of an initiative to reduce trial backlogs) has reduced since December 2006. The prosecution discontinuing the case prior to the trial date caused 35.8% of vacated trials.
- At the time of the AEI there was little analysis of trends or performance issues relating to cracked, vacated and ineffective trials, or dissemination of lessons to be learned. The CJU head now includes cracked and ineffective trials in his monthly analysis of cases, which is shared with the police. His analysis has highlighted issues in relation to road traffic cases, which were taken forward jointly with the police and the courts and in relation to consideration at the PCD stage of the willingness of witnesses to attend court, and any special measures required (which was to be taken forward with police and Duty Prosecutors).
- The monthly performance reports are circulated to staff and lessons to be learned are discussed with individuals and/or at team meetings.
- The Area has started to make better use of the case management system (CMS) to record full file reviews. As at April 2006, only 4.4% of magistrates' courts cases had a review recorded on CMS, but this had risen to 91.4% by March 2007. The Area is not recording other key events promptly: performance for recording finalisations and hearing outcomes promptly for 2006-07 was 26.1% and 44.3% respectively. Reality checks show that use is not being made of the task functions on CMS: there are a significant number of outstanding and escalated tasks for magistrates' courts cases.

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

3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals	13.1%	12.5%
Judge directed acquittals	1.4%	1.0%
Acquittals after trial	6.5%	4.8%
Warrants	1.3%	0.8%
Overall conviction rate	77.7%	80.8%

- The quality of decision-making in the Crown Court is reasonable, although the recording of reviews and decisions is poor. The Area's overall successful outcomes rate has increased since the last OPA and in 2006-07 was higher than the national average. In the first quarter of 2007-08 the rate improved to 86.6% (compared to the national average of 78.7%), the fourth best performance nationally.
- The rate of judge ordered acquittals and acquittals after trial has remained fairly stable, but the rate of judge directed acquittals has improved from 2.3% in 2004-05 to 1% in 2006-07.
- Unlike in the magistrates' courts, there is no formal system which requires proposed discontinuances of cases to be discussed with the UH, but in practice lawyers discuss them with either the UH or the CCP. A second opinion from the rape coordinator or a specialist is required before a case involving allegations of sexual abuse is discontinued.
- The Area has improved its system for monitoring unsuccessful outcomes. The UH now analyses all adverse and discontinued cases and the monthly reports show a more robust approach in identifying potential improvement actions. The reports are shared with the police and considered at prosecution team performance management meetings. The analysis has highlighted issues such as the need to draft indictments more carefully and the difficulties caused if there is no endorsement about what happened at trial, as well as the need for potential witness problems to be considered at the pre-charge stage.
- The Area secured 39 confiscation orders under the Proceeds of Crime Act (POCA) in 2006-07, more than its target of 33. It did not, however, achieve its value target of £851,855, obtaining only £157,017 in confiscation orders in 2006-07. The Area has already achieved both its number and value targets in 2007-08.

- A lawyer in the CJU has taken the role of Area POCA champion, and liaises with the police and the court in relation to enforcement of orders and was due to attend an economic training day. The champion monitors all outstanding confiscation orders and has been allocated time in the office to deal with enforcement work.
- As in the magistrates' courts, the new monthly performance reports are circulated to staff and discussed with individuals and/or at team meetings.

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%	53.0%
Cracked trial rate	39.5%	31.5%
Ineffective trial rate	12.4%	15.5%

- The recording of reviews and other critical decisions was poor at the time of the AEI, and prosecutors now have an objective in their forward job plans to ensure files are properly endorsed. Cases are not reviewed in a timely way before committal or the service of the prosecution case (only 48.1% were timely in the AEI file sample), nor is correspondence from the defence always dealt with appropriately.
- The TU business manager acts as the CPS case progression officer (CPO), line managing caseworkers who have responsibility for progressing their own cases. He attends weekly case progression meetings with the Crown Court CPO, and representatives from the Witness Care Unit and the defence, when cases listed for trial in the following two weeks are discussed and any problems identified. The meetings have become more formal and there has been an accompanying improvement in the ineffective trial rate (see below).
- One prosecutor in the TU is responsible for dealing with all youth cases in the Crown Court and for monitoring their progress, including that of persistent young offenders.
- The effective and cracked trial rates in 2006-07 were better than the national average. The overall ineffective trials rate, however, was 15.5%, which is higher than the national average of 12.4%, although the proportion attributable to prosecution handling was lower than the national average (26.9% compared to 37.9%). The ineffective trial rate reduced significantly during the third and fourth quarter of 2006-07, and continues to improve. Area figures show that in the first five months of 2007-08 the rate fell to 5.5%, with no trials being ineffective in July and August.
- At the time of the AEI, there was little analysis of trends or performance issues relating to cracked and ineffective trials, or dissemination of lessons to be learned. This now forms part of the TU head's monthly analysis of cases, which is shared with the police. The analysis has highlighted the number of cases where the defendant has entered a late plea of guilty, as a

result of which a letter dealing with pleas has been drafted to send to the defence after the plea and case management hearing, and an email has been sent to lawyers reminding them to include acceptability of pleas in the instructions to counsel.

- The monthly performance reports are circulated to staff and lessons to be learned are discussed with individuals and/or at team meetings.
- The Area is making better use of CMS to record key events. As at April 2006 7.0% of Crown Court cases had a review recorded on CMS, but this had risen to 93.8% by March 2007. Reality checks show that use is not being made of the task functions on CMS: there are a significant number of outstanding and escalated tasks for Crown Court cases.

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

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

- At the time of the AEI, weaknesses in case progression in the magistrates' courts meant that cases were not always ready for court. As most pre-charge decisions are made by TU lawyers, there is limited case ownership until after a case has been adjourned for trial and the full file has been received. Reality checks showed some late preparation for pre-trial reviews (PTR) leading to a second PTR or a vacated trial. A dedicated Case Progression Officer (CPO) has been appointed in the CJU and a Trial Support Unit created. Area managers are closely monitoring the progress of the system, although it was too soon to assess its efficiency.
- In the Crown Court the Area endeavours to ensure that cases progress by drafting the indictment and preparing a timetable before the preliminary hearing. Our reality checks showed that Crown Court cases were generally ready for plea and case management hearings (PCMH) but court orders were not always complied with on time.
- The standard of instructions to counsel has been an issue: 88.9% contained an adequate case summary, but acceptability of pleas was addressed in only 23.7%. The TU business plan for 2007-08 emphasises the requirements for the contents of instructions, this has been reinforced in forward job plans and reality checks show a much improved performance. Following the TU head's identification of the high number of cases with late guilty pleas, lawyers have been reminded to include acceptability of pleas in their instructions to counsel. An in-house advocate is always present at the Crown Court and is able to provide counsel with additional instructions if necessary. Instructions were delivered to counsel within time scales in 76.7% of cases in 2006-07 compared to the national average of 78.7%.
- The Area invites newly employed agents to spend time with staff in the office to familiarise themselves with files and endorsements. Agents in the magistrates' courts are provided with an instructions pack, which has recently been amended and updated. The pack includes useful general instructions, although agents are rarely given specific instructions in relation to individual cases. Our reality checks showed that in the one case where the advocate would have benefited from specific instructions, these were not provided. There is a dedicated phone line in the CJU's administration section to enable agents to contact the reviewing lawyer for further instructions (if they are not at court). Awareness of this within and outside the CPS appears low, although Area managers consider that the phone is used regularly.
- There have been concerns about the advocates' preparedness, in particular that of agents. The courts are now providing trial lists at least a week in advance and papers are then being sent to agents. Other papers are sent to agents 24 hours in advance of the hearing. In-house prosecutors are now being allocated two days per week in the office to prepare for trials and for court.

- The CJSSS agreement requires advocates to be at court by 9am, in order to provide time for appropriate liaison with court staff, defence solicitors and others involved in their cases and is reinforced in the agents' instructions pack. Advocates' attendance at court is timely and this is monitored by advocacy checks carried out by the Unit Head (UH).
- All prosecutors have attended CJSSS training, which has emphasised the importance of case progression. The CJU UH undertakes a monthly check of five files per lawyer and considers the way cases progress as part of this check. The agents' instructions pack makes reference to CJSSS and includes agreed timescales for adjournments, as well as making it clear that the court will press for as much progress as possible.
- The Area has been working with local court managers to ensure effective use of CPS resources, and there have been improvements in listing for DCWs. The CCP and CJU head have recently agreed the 2008 court sessions with the magistrates' courts and there are now regular meetings between the UH and the deputy clerk to the justices to discuss listing practices and difficulties.
- The Area has worked well with the magistrates' courts to reduce the period of time from fixing the trial date to the trial itself from 27 weeks to ten weeks.
- The number of adjournments in the magistrates' courts is higher than the national average. The Area's rate of timely initial guilty pleas for adults in March 2007 was below the national average, with 76.0% taking place within 59 days compared with 85.0% nationally, but it was better for youths than the national average: 95.0% compared with 88.0%. The rate of timely adult trials was slightly less satisfactory than the national average: 65.0% took place within 143 days compared with 66.0% nationally. Overall timeliness in the magistrates' courts in March 2007 was lower than the national average for adults, where the rate was 73.0% compared with 81.0% nationally, but it was better for youths, where the rate was 94% compared with 88.0%.
- In the Crown Court, the number of adjournments per case is lower than the national average. However the average time for completion of indictable cases, which involve more serious allegations, is higher than the national average.
- There were no wasted costs orders in either the magistrates' courts or the Crown Court in 2006-07.

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

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

- Area managers have reminded staff about the importance of flagging sensitive cases on CMS correctly, and the UHs' checks on finalisations showed that they were largely accurate. Our reality checks confirmed that cases are generally being appropriately flagged so as to ensure that they are readily identifiable as requiring careful handling.
- The Area has appointed champions and specialists for handling sensitive cases and hate crimes, and decision-making is sound. The CJU head is responsible for handling most fatal road traffic cases, and he has provided guidance to assist the police. The Area has recently introduced a special charging surgery for providing advice in rape cases, at which the rape coordinator, or another rape specialist, acts as Duty Prosecutor.
- The specialist domestic violence court (SDVC) has overcome initial difficulties and is working well, assisted significantly by the regular attendance of an experienced prosecutor and an officer from the police domestic violence unit. The rates of successful outcomes in domestic violence cases have improved and are much better than the national average.
- All prosecutors have attended the proactive prosecutor training, which includes training on handling hate crime cases. They have also undertaken module one of the CPS domestic violence training and were due to complete the follow up module in November 2007.
- At the time of the AEI, there was limited dissemination by champions and specialists of relevant case information, or of training, guidance and mentoring of colleagues, although some information had been circulated on anti-social behaviour orders. Champions have now disseminated some information, including an update on rape offences, and undertaken some training, such as on domestic violence offences. There are plans to provide training on the CPS's policy on crime involving the disabled and an update on hate crime cases.
- There has been some evaluation of the role of champions in the CJU and action taken to improve the focus of youth specialists. However, formal guidance has not yet been given to champions as to what is expected by way of monitoring case outcomes and performance management.
- The Area handles cases of local concern and high profile well, with suitably experienced lawyers responsible for dealing with them. The CCP and UHs are responsible for cases of particular sensitivity of local or national concern, and press notices are issued when appropriate.

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

- Whilst CPS policies and the findings of HMCPSI thematic reviews were generally being implemented, these were not driving Area practice at the time of the AEI. The Area is now implementing the recommendations of the HMCPSI report on the investigation and prosecution of rape cases. It has completed an action plan, the coordinator has summarised the findings at a TU team meeting and a checklist of essential actions has been drafted.
- Proposals to reduce or change the charge in a hate crime case, or to agree a basis of plea which reduces or removes the “hate” element from the offence, must be agreed by the relevant UH. Hate crimes with an unsuccessful outcome are considered in the UHs’ monthly performance reports and discussed, when necessary with the police at prosecution team performance management (PTPM) meetings and with staff in team meetings. There are also plans for the CJU head, together with an independent assessor, to undertake a critical analysis of hate crime unsuccessful outcomes.
- The Area combined magistrates’ courts and Crown Court hate crime unsuccessful outcomes rate has improved, and the rate for 2006-07 was excellent: 27.5% compared to the national average of 32.8%. This improving trend is continuing and the rate for the first quarter of 2007-08 was 22.9% compared to the national average of 30.5%. The UHs include sensitive cases in their monthly performance reports, and the reports are circulated to staff and the police, and discussed at PTPM meetings. Additional work is being undertaken by champions. For example, the domestic violence coordinator has undertaken a snapshot survey of domestic violence cases, and is currently considering the cases being handled through the SDVC. The rape coordinator has been keeping a log of all rape cases since April 2007, which is shared with the police and discussed at regular joint meetings.
- The Area has appointed a child abuse champion. There is an open invitation to attend the local multiagency protection panel, and the CCP is notified of any matters of concern. The Area has contact with the Group Director of the Children and Young People’s Services through the Gloucestershire CJB and the Partnership Group (of which she is chair). The Area has not yet engaged with the Local Safeguarding Children Board.

6 DISCLOSURE	OPA 2005	OPA 2007	Direction of travel
	Good	Fair	Declined

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

- The Area's performance on disclosure at the time of the last OPA was generally good, but it had declined by the time of the AEI, mainly due to lack of proper endorsements on schedules and in relation to recording of decisions. The handling of third party material was good.
- Our reality checks showed that there has been some improvement since the AEI. Initial disclosure was handled properly in four out of five files in both the magistrates' courts and the Crown Court. Continuing disclosure was handled properly in one out of the three relevant Crown Court files. Sensitive material was dealt with properly in one of two cases examined. This table illustrates the performance trends:

	Area performance in inspection February 2004	Overall findings for all CPS Areas 2002 – 04 programme	Area performance in last inspection September 2006	Overall findings for CPS Areas 2006 – 07 programme	Area performance in this assessment*
Initial (or primary) disclosure dealt with properly in magistrates' courts cases	73.3%	71.6%	No assessment	50.0%	80.0% (4 out of 5 cases)
Continuing (or secondary) disclosure dealt with properly in magistrates' courts cases	No assessment	No assessment	No assessment	-	No assessment
Initial (or primary) disclosure dealt with properly in Crown Court cases	94.7%	79.9%	No assessment	66.0%	80.0% (4 out of 5 cases)
Continuing (or secondary) disclosure dealt with properly in Crown Court cases	50.0%	59.4%	No assessment	20.0% (inc MC)	33.3% (1 out of 3 cases)
Disclosure of sensitive material dealt with properly in magistrates' courts cases	No assessment	60.0%	No assessment	-	No assessment
Disclosure of sensitive material dealt with properly in Crown Court cases	100%	77.8%	No assessment	45.5%	50.0% (1 out of 2 cases)

* Based on a small file sample

- In a significant proportion of the files the police had completed old unused material schedules which predate the Criminal Justice Act 2003 (CJA). Prosecutors are not sending the schedules back to the police with a request that new up-to-date ones be resubmitted, nor are managers raising this effectively with the police.
- The Area still does not use a disclosure record sheet to record disclosure actions and decisions, but relies instead on endorsements being made on the file jacket. These were rarely comprehensive. This makes it difficult to ascertain the rationale for disclosure decisions or to determine when disclosure was made. Area managers have decided to introduce the use of the disclosure record sheet once the first part of its disclosure training programme has been completed.
- Although there were instances where the proper procedures were not followed, there were none in the AEI or OPA file sample where a disclosure failing led to the termination of the case, or where undermining material was not disclosed to the defence when it should have been. The percentage of trials that were ineffective in the magistrates' courts in 2006-07 due to disclosure issues was better than the national average (1.8% compared with 1.9%).
- The Area has circulated the Crown Court protocol on the handling of unused material to all lawyers, and it considers that it is working effectively. It has recently been agreed at a Crown Court user group meeting that the Area will send the court electronic confirmation when it provides the defence with initial disclosure, so that an accurate record of the date of service can be kept and the case can be listed for mention if the defence do not serve a defence statement within the required period. In anticipation of CJSSS being introduced, the Area has circulated the national magistrates' courts disclosure protocol to staff and instructed them to work to its principles.
- CPS Gloucestershire endeavours to ensure that prosecutors handle disclosure properly by including an objective in relation to disclosure in their forward job plans. The unit heads monitor the handling of unused material through the CQA. At the time of the AEI, the unit heads' CQA assessments indicated that there was a 100% compliance with disclosure, which conflicted with our findings from the file sample. The robustness of assessments has improved, with the first quarter of 2007-08 showing a more realistic figure of 89.7%. More recent CQA forms show an even more robust approach. Feedback is given to individuals where appropriate, and performance is discussed at team meetings.
- Area systems ensure that all sensitive material schedules and material are stored securely. The system also ensures that it is clear to the reviewing lawyer whether or not there is any unused material stored separately from the file.
- There have been a number of changes of disclosure champion since 2005, caused because of the changes of TU head, which has reduced the effectiveness of the role. The current acting TU head has now been nominated as the champion, and she will deliver advanced training on disclosure once she herself has completed the training. In the meantime, two lawyers (who have completed the advanced training) have acted as champions on technically difficult matters.

- All prosecutors and caseworkers have received training on the disclosure provisions of the CJA and the CPS/ACPO (Association of Chief Police Officers) disclosure manual. Since the AEI, all prosecutors and caseworkers have been provided with access to the prosecution college e-learning course on disclosure, which should be completed by the end of October. Once this course has been completed, the Area plans to deliver further disclosure training face-to-face, following which there will be joint advanced training on disclosure for TU lawyers and the police.
- The Area has been planning to undertake joint disclosure training with the police but has yet to do so, partly because they have been waiting for the release of a police training package and partly due to the changes of champion. Contact has been made with the police disclosure lead and joint advanced training will take place once internal training has been completed.

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

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

- The Area has written custody time limit (CTL) systems for its CJU and TU, which have been updated since our last OPA. These comply with national guidance, but are insufficiently comprehensive. For instance, they do not detail all aspects nor set out the specific roles of all staff involved in CTLs. In a recent CTL failure report, one reason for the failure was stated as being due to the caseworker not double checking the expiry date, but this responsibility is not set out in the system. The Area needs to develop a detailed CTL system from which key elements are extracted to provide desktop guidance for all the relevant staff involved.
- In our reality check of six files, each file was easily identifiable and dates had been correctly calculated and displayed. Review dates were also calculated correctly and in five of the six files were displayed on the file jacket. CTL endorsements were generally clear and the remand status recorded at each hearing. Extensions were properly applied for, but in two of the three magistrates' courts files where extensions had been agreed, these were recorded in the file but the new dates were not repeated on the file jacket. In the CJU, a card index system is used as a manual back up system, whilst in the TU a diary is used. Whilst both appear to work effectively there would be some sense within a small Area in using a similar system in both units. This would be helpful for example when staff transfer across units or help out to cover staff absences.
- The Area had one CTL failure in 2006-07, the result of the prosecutor and the magistrates' court not considering the impact of an adjournment on a CTL case and one more recently in 2007-08 due to an inexperienced member of staff wrongly calculating a CTL expiry date which was not double checked. In both cases a report was compiled and the failure properly notified to CPS Headquarters. Remedial action was taken including a review of procedures in both units and following the recent Crown Court failure, an audit of all live CTL cases. There has been discussion of learning points arising from the failures with staff and further staff training is scheduled. The Area has also recently appointed a new CTL champion.
- A review of the revised systems against good practice guidance was recently undertaken. Whilst this provides a potentially useful check and some good practice was confirmed where there was an expectation that this was met, but in practice this may not be the case. For instance, our reality check indicates that the expectation that expiry dates are mentioned by the prosecutor at each subsequent hearing is not necessarily the case in practice. There were also instances where good practice was confirmed when this was the expectation, but this was not explicitly set out in the system. For instance it is not specified in the system that lawyers assure themselves that the expiry date is correct by checking it before court, or that UHs receive a weekly CTL print as set out in the audit. When a more detailed system is written, it should explicitly incorporate the relevant good practice. CTL guidance is incorporated within the updated instructions pack for agents in the magistrates' courts.

- There is a verbal agreement with the courts whereby expiry dates are calculated and agreed in court and the expiry date reconfirmed at subsequent hearings. Whilst managers told us that compliance is being checked in the magistrates' courts through monitoring of CTL endorsements, our reality check of three recently completed magistrates' courts cases provided no indication of CTL dates being agreed and reconfirmed in the courtroom. Area Management Team (AMT) needs to consider developing a formal protocol with the courts to clarify responsibilities and provide a firmer basis for enforcement.
- The Area Business Plan includes an action for UHs to undertake ad hoc checks to ensure that CTL guidance is adhered to. In one unit, the UH is regularly involved in checking the system and more recently, in monitoring the standard of CTL endorsements, but there is limited on going senior management involvement in the other unit.
- CTL reports from the CMS detailing forthcoming CTL expiries are printed off and reviewed weekly by unit business managers in both the CJU and TU to ensure relevant action is taken. CMS task lists are also used to monitor imminent CTL tasks.

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

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

- The CPS informs victims of the reasons for decisions to drop or substantially alter a charge under the Direct Communications with Victims (DCV) scheme. Performance is measured against an estimated number of letters which an Area ought to complete each month: the 'proxy' target. The Area proxy target for 2006-7 was 58; the previous year it had been 42. The Area has performed better in terms of volume than timeliness. During 2005-06, it sent out 76% of DCV letters. This was an improvement over 2005-06, which was measured at 72.6%. For both years, performance was better than the national average which was 51.1% for 2005-06 and 70.0% for 2006-07. The quality of the DCV letters has substantially improved since the last OPA.
- The timeliness with which DCV letters were sent during 2006-07 had declined since the last OPA and was below the national average; the Area sent 56% of DCV letters within the required five days, compared to 73% nationally. A new regime was put in place at the beginning of 2007-08 which improved timeliness for the first quarter to 74.6%. Our reality check indicated that problems over timeliness still persisted and that there was no system in place to ensure that letters, once given to the lawyers, were returned within the time limit. The Area has acknowledged a lack of robustness in respect of DCV provision and invited a performance adviser to undertake a full assessment.
- Cases with identifiable victims are generally flagged electronically on CMS and have a stamp on the paper file. Any subsequent DCV requirement is indicated by a pro-forma attached to the front of the file by the case progression officer (CPO) when returned to the lawyer.
- There are no major concerns over the general quality of applications for special measures to assist witnesses to give evidence. Timeliness is often better in the Crown Court than in the magistrates' courts, although sometimes a delay can occur whilst awaiting further information to support a particular application. Consequently, the Area has made changes to the processes around the provision of charging advice. A revised series of forms are now in use which encourage greater focus on victim and witness needs, permitting earlier and better special measures applications. Contact details and information covering availability for court are also now contained on the initial police file.
- Witness needs are identified at the pre-charge stage in cases where face to face consultations take place. Where a witness is subsequently identified as vulnerable or intimidated, the information is passed to the Area CPO via the Witness Care Unit (WCU) or Witness Service. Since the beginning of the calendar year, communication between the WCU and Witness Service has been improved as a member of the Witness Service now works in the WCU. Additional funding for this post was secured by the Area through the support of the Gloucestershire Criminal Justice Board (CJB). This funding ceased at the end of March 2007; however, Gloucestershire CJB has taken over the responsibility for funding a further 12 months.

- In the magistrates' courts, witnesses are warned by the WCU, which receives the warning notice immediately following a not guilty plea. A form has been developed setting out the agreed evidence, names of witnesses needed to be warned, what applications are required and any other issues. In the Crown Court, witness warnings are now sent to the police directly following the plea and case management hearing (PCMH). Witnesses required to attend are listed on the PCMH form.
- A copy of the Prosecutor's Pledge has been issued to all staff. Advocacy assessments of in-house prosecutors and agents have been conducted in the magistrates' court by the CJU Head and included comment upon the treatment of witnesses. No formal assessments have been undertaken in the Crown Court, although informal comment is provided by caseworkers, court staff, the Witness Service and judges. Feedback from partners indicated that the caseworkers and in house prosecutors treated victims and witnesses courteously and kept them informed about progress of their case; the conduct of prosecuting counsel was noted to be more variable. Caseworkers at court are able to provide witnesses with a single point of reference should they wish to discuss any aspects affecting the progress of their cases.

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

- Having commenced in March 2005, the operation of the No Witness No Justice (NWNJ) scheme (which is designed to provide care, support and information to victims and witnesses) has become somewhat problematic and progress towards achieving the minimum requirements and benefits has proved difficult. The NWNJ sign-over report, published in July 2006, concluded that the Area had met only two out of the 14 minimum NWNJ requirements. Progress has been made towards implementing some of the points identified by the national sign-over team, most notably in relation to the front-end of the business in the charging centre. Significant challenges remain however, in relation to the Area's WCU located in Gloucester police station and which presently contains no CPS staff. Instead the Area splits witness care duties between four administrative staff from within the Trial Support Unit (TSU) (which is located in the CPS office), who are managed by the CPS CPO. Changes to the management structure of the WCU have alleviated some of the difficulties and improved cohesion. A re-launch of the WCU is planned for November 2007, but Area managers do not intend to deploy a CPS member of staff in it. The NWNJ sign-over team identified the lack of multi-agency working as a risk, which meant that the WCU was not perceived as a joint CPS/police agency. This fundamental issue has not been addressed.
- Gloucestershire CJB has retained responsibility for progressing victim and witness issues, producing an action plan for 2007-08. This is taken forward through the Victims and Witnesses Sub-Group, chaired by the CCP. Performance data has been analysed and published in the Gloucestershire CJB reports. The witness attendance rate data indicates that performance, at 88.1%, was good and better than the national average of 84.3%. Area performance was also better than the national average in two of the six primary measures; namely, cracked trials in the Crown Court due to witness issues (at 3.8% compared to 5.5%) and cracked trials in the magistrates' court due to late guilty pleas (at 49.1% compared to 53.7%). Performance was worse than the national average in respect of:
 - ineffective trials in the magistrates' court due to witness issues (at 19.4% compared to 17.2%);
 - ineffective trials in the Crown Court due to witness issues (at 19.2% compared to 18.7%);

- cracked trials in the magistrates' court due to witness issues (at 18.0% compared to 14.3%); and
 - cracked trials in the Crown Court due to late guilty pleas (at 66.0% compared to 60.3%).
- The Area produces a performance data package relating to victims and witnesses which is shared between the criminal justice agencies. Continuing difficulties over the use of the computerised witness management system have reduced the availability of information for the independently assessed *Witness and Victim Experience Survey*. At one time, the system was not being used at all by the WCU. Steps have now been taken to address this issue and the Area is presently making better use of the system and its interface with CMS.
 - The Gloucestershire CJB receives quarterly reports from the victims and witnesses sub-group, an action plan has been developed and put in place for 2007-08 and the sub-group tasked with its implementation. Progress against the plan has been steady, albeit slow. Victim and witness information is communicated to staff at team meetings or on an individual basis, depending on the nature of the communication. The Area has incorporated performance into the current individual reporting structure and developed a training strategy around DCV and NWNJ.

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

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

- The new Senior Management Team (SMT) has been clear about its immediate priorities and has a clear sense of purpose for the shorter term. Good efforts have been made to involve staff in planning with nearly half the Area's staff attending a planning day in January 2007. Feedback from staff about this was positive.
- At the time of our AEI inspection in February 2007, a possible restructure together with a number of senior managers being in temporary positions was creating uncertainties for staff and hindering longer term planning. Senior managers have since confirmed there will be no re-structure within the Area in the near future and the CCP and ABM have recently been confirmed as permanent appointees. This has made a significant contribution to Area stability and we found the Area Management Team (AMT) to have a renewed sense of what needs to be achieved and how it will go about this.
- The Area Business Plan (ABP) for 2006-07 was much improved as is the current plan. Both are structured around HMCPSI's OPA aspects and are more wide ranging than previous plans. Milestones, targets and accountabilities are set out which in the most part are clear. Good links are made with the 15 national CPS targets and public service agreement targets.
- Quarterly reviews of the ABP commenced in November 2006. Whilst the review process was initially insufficiently detailed and the accuracy of some of the 'green' (i.e. positive) progress assessments against many milestones was questionable, managers have since developed a more robust review process including using action lists to highlight overdue actions.
- Results from the 2006 staff survey indicated that staff were less clear of what was expected of them and how their roles contribute to Area objectives than previously, scores in this section were below national averages. For the first time in 2007-08, unit business plans have been introduced to develop greater ownership at team level. The Area acknowledges that these are as yet embryonic and need to be improved in future. In 2006-07, many staff did not have forward job plans or objectives. This has since been addressed and all staff have individual objectives that link to Area objectives and priorities.
- There is evidence of joint planning with criminal justice partners to meet medium and long term objectives for Gloucestershire. Statutory charging has been a major joint project as has NWNJ and the establishment of a specialist domestic violence court. More recently, conditional cautioning and CJSSS have been jointly planned for with conditional cautioning piloted in one division from June 2007 and CJSSS due to be implemented in late October 2007.

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

- There has been some success in implementing nationally driven change with partners. Statutory charging was effectively implemented with improving benefits realisation apparent, albeit improvement is still needed in some important aspects and the specialist domestic violence court, despite some initial teething problems, is working well. More recently (from May 2007), the Area was selected as a pilot site for the Director's Guidance Quick Process files which has involved joint working and appears to be operating well.
- However, some joint projects have proved less successful. The Area's WCU is still not working effectively and needs further attention. In mid 2006 there had been a joint initiative to reduce the backlog of trials which contributed to a reduction in delays to trial from 26 weeks to 11 in early 2007. However, at the time of our inspection the effective trial management programme (ETMP) was not fully embedded with less than optimal case progression arrangements and high rates of vacated and ineffective trials in the Area. Whilst new case progression arrangements have since been introduced, there is still some way to go to reach the required performance levels.
- The Area has developed its advocacy strategy leading to improvements in DCWr and HCA usage and has responded positively to our earlier inspection in developing a detailed action plan to address its recommendations. This is reviewed regularly and progress is being made.
- Senior managers are clear as to their responsibilities for joint change projects, which have been put on a more formal footing in 2007-08, and the AMT acts as the overall change management team. Whilst there are regular project reviews between the CCP and project leads, and ad hoc discussion of progress at AMT meetings, there is scope for more systematic progress reporting and improvement planning at AMT meetings.
- Sound links are made between key projects and priorities and training. For instance all prosecutors and managers have attended proactive prosecutor training as part of the statutory charging project and more recently conditional cautioning training. More training is needed to underpin improvements needed in the service provided to victims and witnesses.
- Nationally driven change projects have been reviewed by the respective national teams. For instance a post implementation review was conducted of statutory charging and the resultant action plan implemented and signed off. However, not all major change projects are formally monitored from within the Area as frequently as ideal, for instance the Effective Trial Management Programme (ETMP), and reviews are not always acted on promptly and effectively. The NWNJ sign over review in July 2006 raised a number of issues still unresolved from previous reviews. Senior managers tend to rely on formal high level reviews initiated nationally when ideally these should be supplemented by local monitoring arrangements. Building in a more systematic change project review process as part of AMT meetings may assist towards this.
- Progress is being made in developing risk management processes. The risk register for 2007-08 is improved with more relevant risks and countermeasures identified and these are now reviewed on a regular basis. AMT still needs to develop greater involvement and commitment of managers in the process and a development session has been arranged.

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

- Work has been undertaken to improve the planning of training and a training plan was developed for 2006-07, albeit late in the year. However, since many staff did not have a personal development plan (PDP), it did not fully reflect individual needs. This issue has since been addressed and all staff now have a PDP. The Area's Training Committee, which was reconvened in May 2007, could contribute to both the planning and evaluation of training and development activities.
- The training plan incorporates training for both legal and administration staff and staff were generally satisfied with the level of training provided to support them in current roles. The recent Investors in People (IiP) successful reassessment confirmed this.
- Activities identified in the training plan generally reflect and support developments in the ABP, although continued work is needed to prepare staff and managers to meet the future demands of a modern Service. Since early 2007, the Area has worked closely with its Regional Learning and Development Adviser and HR Partner to develop and equip its management team to address the issues raised in our inspection and deliver the Area's plans and vision. This work is progressing well.
- All new staff are required to undertake the Prosecution College's equality and diversity training module. There has been no dedicated equality and diversity training for existing staff for some time and the AMT should consider if there are any Area wide needs in this respect. The Area takes steps to ensure there is equality of access to training.
- At the time of our OPA, induction training was up to date and most other mandatory training had been undertaken. All lawyers have attended the proactive prosecutor programme and its follow up, and more recently lawyers have received Fraud Act and conditional cautioning training. Domestic violence and disclosure training is underway but has yet to be completed.
- The training recording system has been improved and most training activities are now captured. There is scope for the Area to develop its evaluation processes by ensuring course evaluation forms issued are completed and analysed.

10 MANAGING RESOURCES	OPA 2005	OPA 2007	Direction of travel
	Poor	Poor	Improved

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

- The new management team inherited a history of significant overspends and poor financial management controls. Although the overspend in 2005-06 was a reduction on the previous year (when it was 3.9%), it was still significant at 2.3% (£50,542), and in 2006-07 was 2.7% (£58,815). Until late in 2006-07, a reduction in overspend was forecast although largely due to late notification of the pay review and an error in inputting a utilities bill, this did not materialise. The position in 2007-08 looks more promising and at the half year point the Area was projecting an underspend of 2.1%.
- There is a growing level of awareness of the need to secure value for money within the organisation and managers are aware of their responsibilities in this respect. Action has been taken to control courier costs and travel and subsistence costs generally. There was also greater use of HCAs and DCWs in 2006-07 and more recently re-organisation of work allocation to ensure more effective deployment of staff.
- Senior managers have taken a proactive approach to financial planning and management. The Area budget is now properly profiled and systems are in place to ensure timely monitoring and control. Specific developments include the adoption of the resource accounting budget (RAB) system, improved use of the finance and accounting records managed service (FARMS) as a management tool and more recently regular submission of updated accruals and creditor reports to CPS Headquarters.
- There has also been work to develop the financial skills of staff. Senior managers have demonstrated a willingness to seek help and advice from others. For example, some staff visited a neighbouring Area to see how the RAB practice was being used and a member of the national FARMS team has provided training support.
- Managers are provided with regular budgetary updates. There is limited devolution of the budget which is reasonable given its size. A review of financial delegation was undertaken in both 2006 and 2007 to ensure all officers with delegated responsibility are clear as to the extent of their authority.
- The prosecution costs budget is regularly monitored and in 2006-07 the Area underspent its budget by 1.5%, a significant improvement on the previous year when it overspent by 20%. Appropriate arrangements are in place for managing very high cost cases (VHCC) and high cost cases, the numbers of which are relatively small, although more needs to be done to ensure accruals are calculated accurately. There is a dedicated fees clerk and the majority of trials unit lawyers and caseworkers attended VHCC training in 2006.
- A new system for graduated fees scheme (GFS) payments was introduced in 2005, and performance since has improved. In 2006-07, the proportion of GFS payments paid within one month of the case was better than the national average in three of the four quarters and the

proportion within four months at or above the national average in two of the four quarters. Performance in 2007-08 has improved further with 100% of GFS payments made within four months in the first quarter making the Area one of the best performers nationally.

- Additional funding was secured to put on additional courts to reduce trial backlogs in preparation for CJSSS. This helped to reduce delays from 27 to 11 weeks in early 2007. More recently, funds were secured to provide agent cover to release lawyers to attend conditional cautioning training.

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

- Since our AEI, senior managers have undertaken some re-organisation to improve the deployment of staff and address our concerns about case progression arrangements and the effectiveness of the trial lawyer review role which was cutting across case ownership and leading to some duplication of work. This has involved a review of workloads and some reallocation of staff across units and changes in the way cases are allocated. CJU lawyers are now responsible for case review and trial preparation supported by a Case Progression Officer, who heads a small trial support unit. The ABM has since undertaken an analysis of staffing against the standard activity based costing model which showed that staff are now broadly appropriately allocated across units.
- CJU lawyers are now expected to spend three days in court each week (it was four days in 2006-07 based on trial preparation being undertaken by trial review lawyers). To help enable senior managers to monitor how lawyers use their time and evaluate the new arrangements, a system has recently been introduced whereby lawyers record time spent in court and preparation of files on a daily basis.
- Performance in relation to the usage of DCWs improved significantly from 5.8% in 2005-06 to 13.9% of the total magistrates' courts sessions covered in 2006-07, although this still fell short of the national average (14.7%). Two experienced DCWs left in 2006 and due largely to delays in training course availability, it was not until the final quarter that all DCWs were deployed. Usage in this quarter rose to 19.3%. With four DCWs currently, senior managers are confident that the Area is well placed to meet its target for 2007-08 (20%) and performance in the first quarter, at 19.4%, was good.
- There has continued to be a high use of agents. In 2006-07, the percentage of magistrates' courts sessions covered by agents was 29.4%, well above the national average of 19.6%. However, whilst the overall agent spend for the year was £61,452 over budget, the lawyer spend was £70,226 below budget. The high agent usage was largely due to the need to cover sickness absence and the loss of two DCWs. For example, five long term lawyer absences equated to a loss of some 50 lawyer weeks. The cost of covering this with agents amounted to approximately £50,000, some 53% of agent spend in the year. Additional funds of £8,300 provided in the year were expressly provided for agents to cover the Area's trial 'blitz' representing a further 6.8% of spend. Agent use fell in the last quarter of the year to 19%, although it rose to 23% in the first quarter of 2007-08.

- At the time of our last OPA, deployment of Area HCAs was at a low level. Action has been taken to address this and the number of sessions covered increased from 155 in 2005-06 to 264 in 2006-07. Whilst the Area did well to exceed its savings target by a wide margin (124%), the level of savings per session at £231 was poor (national average £339) and needs to be improved. More recently, HCAs have started to undertake trials with the first 'in-house' trial conducted in August 2007 and plans are in hand for most other HCAs to have conducted at least one trial by the end of December. One recently appointed HCA is expected to predominantly cover trials. In the first quarter of 2007-08, the Area exceeded its targeted savings by 11.5%, which was better than the national performance (-2.2%). CPS Gloucestershire in association with neighbouring Areas is considering employing a senior legal practitioner to assess and mentor its HCAs in support of its development strategy.
- Sickness absence levels in 2006 were high and worse than target. The average number of days of sickness absence per employee during the 12 months ending December 2006 was 11.3, well above the national average of 8.5 days, but showing an improving trend towards the end of the year. Starting in 2006, managers have taken a more robust and proactive approach to managing sickness absence in close association with the Area's HR Partner and sickness levels are now falling. The rolling number of days lost due to sickness absence in the final quarter of 2006-07 was 8.3 compared with 10.6 in the previous quarter. In the first half of 2007-08, an average of three days per employee was lost due to sickness, which if extended on a straight line basis would indicate an outturn for the year in the region of six days, compared with a target of seven days.
- Flexible working arrangements are generally managed to fit with business needs with any requests for significant changes to working hours referred to the ABM for a decision. The requirement for lawyers to take any flexitime on planned office days as opposed to court days, raised in our earlier inspection, is now enforced.

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

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

- Discussion of performance issues at Area Management Team (AMT) meetings is now supplemented by monthly meetings between the CCP, ABM and individual UHs at which there is more detailed consideration of performance issues based on new monthly performance reports.
- In the February 2007 AEI inspection, we found staff were generally not as aware of performance as they might be and perhaps, as a consequence, did not all share a common sense of ownership for performance issues. Team meetings have since been held on a more regular basis as well as being better attended and performance is more often discussed at these. Whilst some performance information is shared with staff, for instance the CCP provides updates when reports are submitted to CPS Headquarters and staff have access to more data on the shared drive, there may be value in developing a regular and concise performance bulletin to staff highlighting key trends and issues which would also potentially support more regular discussions about overall performance at team meetings.
- A new performance management regime has recently been implemented. This supplements the monthly summary of Area performance against key targets and comprises monthly performance reports produced by each UH. These incorporate a detailed review of all unsuccessful outcomes, cracked, ineffective and vacated trials together with recommendations and proposed actions, as well as a review of guilty plea rates and staff issues. Reports are analysed by the CCP and ABM and then discussed with the relevant UH.
- In February 2007 AEI, we found an error rate in finalisation recording of 8.0%. Files are now reviewed for the purposes of the monthly performance reports, which include pre-charge decision discontinuances and adverse cases, and to quality assure data entry of administrative staff. The Area should also check some successful finalisations for accuracy.
- Responsibilities for operational effectiveness and continuous performance improvement are clearly set out in a revised Area governance paper produced in January 2007. Senior and middle managers were generally clear about their roles in this respect. However, until more recently, effective performance management has been hindered by a lack of performance data analysis and a culture of continuous improvement has yet to be fully developed and all staff engaged within this.
- We found examples of managers at all levels taking action to correct and improve performance against standards and targets. For instance there has been marked improvement in the level of MG3s recorded on the CMS as a result of concerted efforts of managers. There were also examples where systems had been reviewed and action taken to improve them, for instance financial management systems including those for managing prosecution costs and dealing with graduated fee scheme payments.

- In 2006-07, the performance appraisal system was not utilised fully as a tool to assist and improve personal and operational effectiveness with many staff not having a forward job plan. The new Invest performance development review system has since been implemented and all staff have been set personal objectives for 2007-08 which support Area objectives and priorities set out in the Area Business Plan.

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

- CPS Gloucestershire's managers play an active role in a range of joint performance management groups with partners. These include the Gloucestershire Criminal Justice Board (GCJB), which the CCP chairs, and its subgroups on each of which the Area is represented. Outside the umbrella of GCJB, senior managers play a significant role in the cross agency domestic violence group. There are also meetings with the courts to discuss cracked and ineffective trials and with the police to discuss file quality and timeliness.
- However, prosecution team performance management (PTPM) meetings were not held regularly in 2006. Because CPS data provided to these meetings was not always up to date nor supported by any narrative or analysis, it was not seen by partners to support constructive discussion. PTPM meetings were restarted in early 2007, and whilst efforts are being made to improve the performance reports provided to participants, these are not yet optimal and need further work.
- Other relevant performance information is exchanged with partners including cracked and ineffective trial data and hate crime data. More recently the detailed failed case, cracked and ineffective trial reviews that form part of the new monthly performance reports have been shared with police and courts. Secure email links between partners are in place but there is scope for increased and better use to be made of this.
- Senior managers were able to provide some examples of where implementation of joint improvement strategies has resulted in better performance. For example, the joint setting up of a specialist domestic violence court has contributed to improved outcomes in domestic violence cases and joint work with HM Courts Service to address trial backlogs has reduced delays to trial from 27 weeks in mid 2006 to ten, prior to the recent flooding emergency, which is commendable. There remains scope for continued and further joint work in addressing the key challenges facing the Area.

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

- Area compliance with the CQA system was poor in the first quarter of 2006-07 at 40.0%, but has since improved significantly. In the last two quarters compliance increased to 86.0%, although this was still below the national averages (90.0% and 91.0% respectively). Compliance broadly continued at this level in the first quarter of 2007-08 when it was 84.0% (national average 92.0%).
- In our February 2007 AEI Inspection we found that the operation of the CQA system was insufficiently robust with high levels of performance indicated by CQA results conflicting with our findings from 114 files. For instance, CQA rating in both units in relation to initial or primary disclosure was 100.0% while inspectors' assessment was 66% and 50% respectively. Efforts have

since been made to ensure assessments are more robust and this is borne out in recent ratings. Whilst the selection of files for CQA is appropriate in one unit, in the other the file sample is too limited in coverage and needs to be widened.

- Unit Heads feedback CQA results to lawyers on an individual basis but there is no indication of feedback of any overall analysis and trends at either team meetings or the AMT. This could usefully be dealt with at the new monthly performance meetings, with any key issues fed back to AMT meetings.
- The standard of advocacy is mixed. Advocacy monitoring has been conducted on an ad hoc basis so that, in many instances, there has been no recorded monitoring of advocates for several years. Steps are being taken to address this and in future all advocates, including agents, will be monitored quarterly with written and verbal feedback provided. This has started in the CJU with both monitoring and feedback sessions incorporated within the rota, but has yet to commence in the TU. Written reports examined were of a good standard providing detailed and constructive feedback.

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

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

- The SMT set out a clear vision for the Area in 2006-07 which reflected that of the CPS nationally together with locally focused values. Good efforts were made to disseminate and promote this. For instance at training days and at a business planning day held in early 2007, but at the time of our inspection it was not clear if all staff were fully aware of and committed to the vision for the national Service as a whole and the changes in practice this involves. Considerable work has been undertaken since then to bring staff on board with the vision including quarterly meetings between the CCP, ABM, UHs and lawyers to discuss the developing role of prosecutors in a modern and effective service.
- The recent confirmation of the CCP and ABM posts has given leadership a boost and we found the SMT to have a greater sense of confidence and optimism. An Area Management team (AMT) meeting was called immediately after the CCP's permanency was confirmed at which strong messages were delivered about the future direction of the Area and expectations of managers. This was followed by an all office meeting at which the CCP restated his vision and plans for the Area, backed up by a written summary and information pack provided to all members of staff. The recent successful Investor in People (IiP) reassessment confirmed the Area's vision had been effectively communicated.
- Senior managers are clear as to their roles and responsibilities, including those for major projects, which were agreed verbally in 2006-07. These have since been set out in forward job plans, providing a sounder basis for holding managers to account.
- The need for all managers to support decisions made once agreed by AMT has been an issue in the past and at the time of our inspection, partners did not see the SMT (SMT) as fully corporate. We found that progress is being made and a greater sense of corporacy is now apparent. For example, a corporate approach is being taken to managing resources and re-allocation of staff between teams. The recent confirmation of the CCP and ABM to permanent posts has enabled a more robust stance to be taken.
- In the 2006 staff survey, 88.0% of staff considered that their teams had regular meetings, above the national average of 59.0%, and 61.0% considered these to be effective (national average 55.0%). Nevertheless, at the time of our AEI inspection we found that communication was not fully effective. Since then, the Area has made good progress in improving its dialogue with staff, for example by ensuring more staff are available to attend team meetings which are now regularly attended by the CCP and ABM. Whitley Council meetings that were insufficiently frequent are now being held on a regular basis as is the Staff Forum.

- Senior managers are visible and generally seen as approachable. Good efforts are now made to engage with staff. For instance, starting from earlier this year, the CCP and ABM hold all staff meetings every two months, to ensure staff are kept abreast of any changes happening both nationally and locally as well as attending many team meetings.
- There was a clear view from criminal justice agencies that the new leadership was serving to promote an open and constructive approach to partnership working and that high level relationships were positive and constructive. However, good relationships at a high level were not always seen to be replicated at operational level and this was considered by some partners as hindering progress. Relationships at operational level now appear more constructive.
- Senior managers play a proactive role in taking forward joint Area initiatives. The CCP has been Chair of GCJB since April 2007. The Area holds joint lead roles for statutory charging and NWNJ and led the implementation of the specialist domestic violence court. Since earlier this year the Area has held the joint lead role for conditional cautioning and is currently playing a central role in preparations for the imminent roll out of CJSSS.
- Senior managers demonstrate a willingness to learn through reviewing success and failure, seen for example in a positive and constructive response to issues highlighted in our inspection in early 2007.

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

- In the 2006 staff survey, only 18.0% of staff considered the CPS to value its staff, below the national average of 26.0%. Senior managers have since taken action to address this issue and greater effort is now made to ensure good performance by staff is acknowledged. This was confirmed in the recent successful liP reassessment.
- The Area's vision is supported by locally focused values about working practices that include treating others with respect and being sensitive to the feelings of others. In the 2006 staff survey, 59.0% of respondents considered they were treated with respect, slightly below the national average of 63.0%. We found managers and staff generally treated each other with respect, but were told of a number of instances where managers have needed to tackle inappropriate behaviour. There have been no substantiated complaints by staff about their treatment by managers.
- Equality and diversity considerations are incorporated within the ABP. There is also a separate Workforce Representation Plan (WRP) and Race Equality Scheme (RES). Senior managers recognised there was scope for improved equality and diversity planning and has worked with the Regional Project and Performance Officer to strengthen planning for 2007-08.
- The Area has operated without an equality and diversity champion since mid 2006-07 and whilst a senior manager is taking a holding role, the Area has not made the progress it would have liked. For example, the AMT has yet to review its WRP and RES and set out how it will support the national Single Equality Scheme. A decision as to whether to replace this position has been deferred until the new group structures become clear. We are concerned that this situation should not be allowed to drift any longer than absolutely necessary as it risks stalling some previous good work.

- The composition of staff reflects well the ethnicity of the community served. At the end of December 2006, the Area employed 4.4% black and minority ethnic (BME) staff compared with a county wide population of working age of 3.5%. The level of female staff at 69.6% is higher than the local benchmark and the proportion of people with disabilities at 3.6% is lower than within the local population and the CPS average (4.2%). Plans to develop representation are contained in the Workforce Representation Plan.
- In the 2006 staff survey, 73.0% of respondents considered the CPS to be an inclusive employer, above the national average of 66.0%. There have been no complaints brought under the equality and diversity complaints procedure since the last OPA in 2005.

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

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

- There is a clear commitment to community engagement on the part of senior managers. When the CCP recently restated his vision for the Area, community confidence was included as one of four priorities.
- The Area Business Plan for 2006-07 contains specific actions relating to community engagement and progress has been made in most of these. During much of 2006 the Area benefited from an Equality and Communications Manager who was both visible and proactive in community engagement. Since her transfer to another post the Area has been without a dedicated community engagement officer and while community engagement activities have continued, this has made it more difficult for the Area to further develop its community engagement work.
- The Area has up to date information on the demographics of the Area and maintains a data base of local voluntary and community groups. It has been successful in encouraging more staff to become involved in community activities and managers and staff at all levels demonstrate their commitment to securing community confidence by contributing their time and expertise to a range of community engagement activities. CPS Headquarters assessments of the Area's community engagement activities identified some scope for incorporating more consultation and participation. The Independent Advisory Group to Gloucestershire Criminal Justice Board, which was set up in 2006-07 is providing a basis for this, for example in relation to scrutiny of hate crimes.
- In respect of engagement with groups at the greatest risk of exclusion and discrimination, there is a good level of engagement with the local Race Equality Council as well as Linking Communities (an umbrella group representing minority ethnic organisations) and the gay, lesbian, bisexual and trans-sexual community. Area managers are also actively involved with local hate crime groups including a Racial Incident Group.
- Senior managers are aware there is scope for greater evaluation of community engagement but were nevertheless able to provide example of where engagement has led to changes in service delivery. For example, following a Linking Communities event which looked at 'black on Asian' crime, the CCP reported back to lawyers issues that needed to be considered when dealing with such crime. An interview of the CCP by a rape victim proved challenging and led to some rethinking of the Service's approach. The Area's development of a specialist domestic violence court largely came about as a result of the Area's involvement with local domestic violence groups.
- Public confidence in bringing offenders to justice in Gloucestershire has fallen since our last OPA when it stood at 41%, and in 2006-07 was below the national average. In December 2006, the last British Crime Survey for which results are available, public confidence was 38.3% compared with a national average of 42.3%. However, a recent survey conducted by GCJB showed the people of Gloucestershire to be more confident in the local justice system as opposed to in England and Wales as a whole. This was based on 7,014 questionnaire responses.

- The Area has been pro active in its work to develop a positive relationship with local media, for example in ensuring that in key cases of public interest that press releases are issued as early as possible. It has also developed a joint media protocol with the police that has led to a number of joint statements, the release of video and pictures in several cases and a press briefing in a particularly high profile case.

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%	17.4%	15.0%	11.0%	13.1%	14.9%	12.3%
Guilty plea rate	52.0%	69.2%	69.1%	72.4%	68.0%	66.5%	65.8%	72.5%
Attrition rate	31.0%	22.0%	23.5%	20.6%	23.0%	22.2%	26.0%	19.3%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	79.6%

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%	83.6%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	40.2%
Cracked trial rate	37.3%	32.9%
Ineffective trial rate	18.9%	27.0%
Vacated trial rate	22.5%	28.6%

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

National target	National performance 2006	Area performance 2006
71 days	72 days	68 days

Offences Brought to Justice

	CJS area target 2006-07	CJS area performance 2006-07
Number of offences brought to justice	12,885	15,448

Percentage make up of Offences Brought to Justice	National 2006-07	Criminal justice area 2006-07
Offences taken into consideration (TICs)	8.5%	22.0%
Penalty notices for disorder (PNDs)	10.3%	15.7%
Formal warnings	5.8%	2.7%
Cautions	26.5%	24.9%
Convictions	48.8%	34.8%

Aspect 3: Ensuring successful outcomes in the Crown Court

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed Crown Court cases	77.7%	80.8%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	53.0%
Cracked trial rate	39.5%	31.5%
Ineffective trial rate	12.4%	15.5%

Proceeds of Crime Act orders	Area target 2006-07	Area performance 2006-07
Value	£851,855	£157,017
Number	33	39

Aspect 10: Managing resources

	2005-06	2006-07
Non ring-fenced administration costs budget outturn	102.3%	102.7%

Staff deployment	National target 2006-07	National performance 2006-07	Area performance 2006-07
DCW deployment (as % of magistrates' courts sessions)	17.2%	14.7%	13.9%
HCA savings against Area target	100%	138.4%	124.0%
Sickness absence (per employee per year)	7.5 days	8.5 days	10.6 days

Aspect 13: Securing community confidence

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

CJS area baseline 2002-03	2004-05 (last OPA)	Performance in 2006-07
42.0%	41.0%	38.3% (December 2006)

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

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

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

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

HM Crown Prosecution Service Inspectorate

London Office:

26 - 28 Old Queen Street

London SW1H 9HP

Tel. 020 7210 1197

Fax. 020 7210 1195

York Office:

United House, Piccadilly

York, North Yorkshire, YO1 9PQ

Tel. 01904 54 5490

Fax. 01904 54 5492

Website:

www.hmcp.si.gov.uk

© Crown copyright 2007