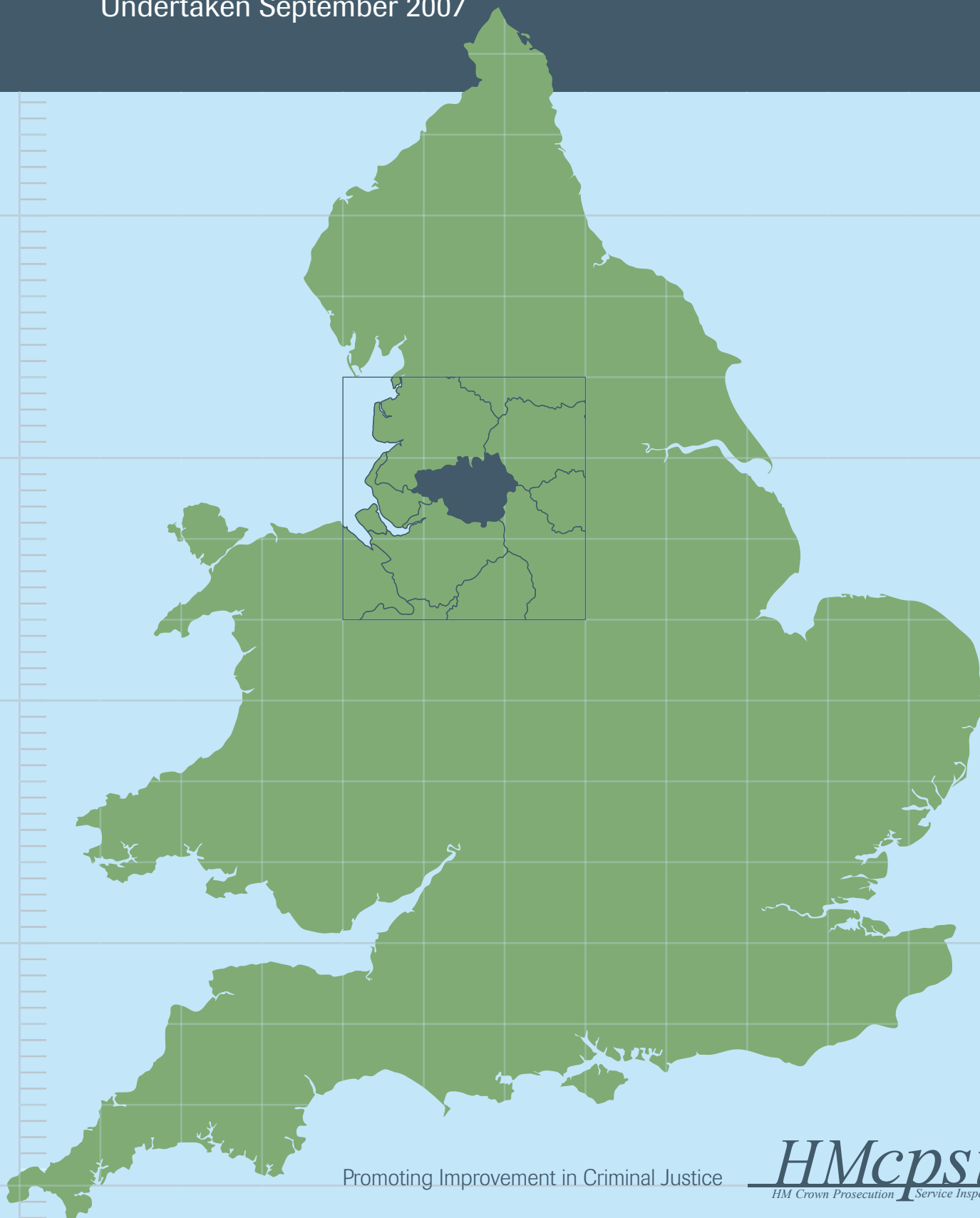


# CPS Greater Manchester Overall Performance Assessment

Undertaken September 2007



Promoting Improvement in Criminal Justice

**HMcp*si***  
HM Crown Prosecution Service Inspectorate



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## ABBREVIATIONS

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

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

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

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

### **Assessments**

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

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

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

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

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

### **Direction of travel grade**

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

**Improved** reflects a significant improvement in the performance;

**Stable** denotes no significant change in performance;

**Declined** where there has been a significant decline in performance.

## B AREA DESCRIPTION AND CASELOAD

CPS Greater Manchester serves the area covered by the Greater Manchester Police. It has five Branches, and comprises seven offices at Manchester (two offices), Rochdale, Bolton, Wigan, Oldham and Ashton, three of which (Wigan, Ashton and Bolton) are co-located with the police. The Area Headquarters (Secretariat) is based at the Manchester office.

Branches are divided into multi-functional teams serving discrete police divisions, and handling cases from the pre-charge decision stage to disposal in either the magistrates' or Crown Court. The location of Area offices and the courts they serve are set out below:

<b>Branch</b>	<b>Location of offices</b>	<b>Magistrates' courts served</b>	<b>Crown Courts served</b>
City of Manchester	Manchester	City of Manchester	Manchester (Crown Square)
Stockport, Sale and Salford	Manchester	Stockport; City of Salford; Trafford	Manchester (Minshull Street; Crown Square)
Rochdale and Bury	Rochdale	Rochdale/Heywood/Middleton; Bury	Bolton; Manchester (Crown Square)
Bolton and Wigan	Bolton; Wigan	Bolton; Wigan and Leigh	Bolton; Liverpool; Manchester (Crown Square)
Oldham and Hyde	Oldham; Ashton	Oldham; Tameside	Manchester (Minshull Street; Crown Square)

During the year 2006-07 the Area had an average of 448.3 full time equivalent staff in post, and a budget of £19,022,177. This represents a 2.4% increase in staff, and an 16.3% increase in budget since 2004-05, the period covered by the Area's last overall performance assessment.

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

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

2004-05		2006-07	
Written advice	2,263	Decisions resulting in a charge	22,302
Pre-charge advice (where available)	26,796	Decisions not resulting in a charge <sup>2</sup>	12,987

<b>Magistrates' courts proceedings</b>	<b>2004-05</b>	<b>2006-07</b>	<b>Percentage change</b>
(including cases previously subject to a pre-charge decision)			
Magistrates' courts prosecutions	70,865	66,208	- 6.6%
Other proceedings	546	383	- 29.9%
<b>Total magistrates' courts proceedings</b>	<b>71,411</b>	<b>66,591</b>	<b>- 6.8%</b>
<b>Crown Court proceedings</b>			
(including cases previously subject to a pre-charge decision)			
Cases sent or committed to the Crown Court for determination	7,806	7,086	- 9.2%
Committals for sentence <sup>3</sup>	1,095	1,256	+ 14.7%
Appeals from the magistrates' courts <sup>3</sup>	837	877	+ 4.8%
<b>Total Crown Court proceedings</b>	<b>9,738</b>	<b>9,219</b>	<b>- 5.3%</b>

In 2006-07, 59.2% of offences brought to justice were the result of convictions.

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- 1 No valid comparison with 2004-05 pre-charge caseload is possible as statutory charging was only fully in place in all CPS Areas from April 2006 onwards.
  - 2 Including decisions resulting in no further action, taken into considerations (TICs), cautions and other disposals.
  - 3 Also included in the magistrates' courts figures, where the substantive hearing occurred.



## C SUMMARY OF JUDGEMENTS

### Contextual factors and background

The Area has undergone some restructuring since the last OPA in 2005 notably in the City of Manchester Branch which restructured in April 2007; there is better alignment with the police in terms of caseload in three divisions, a newly established specialist team, the Rape and Family Abuse Unit (RAFA) which handles all rape, child abuse and contested domestic violence matters in the branch, and a Higher Courts Advocate (HCA) Unit. The Complex Casework Unit (CCU) has also been established to handle the most complex and often most sensitive cases in the Area, it is fully operational but does not have the full complement of staff. Criminal Justice: Simple, Speedy, Summary (CJSSS) has yet to roll out across the Area although other criminal justice pilots have been conducted, including pre-trial witness interviews and victim advocacy. The Greater Manchester Criminal Justice Board has recently attained Beacon Status<sup>4</sup>, with funding from the Office of Criminal Justice Reform, and the site will be located at Salford.

The Area has had a reasonably stable senior management for some time, although some changes had occurred. At the time of this assessment significant changes in personnel were about to occur, which will produce a very new senior team. The change will provide a real opportunity for the Area to revisit its current structure and ensure it is best placed to deliver the business in the future.

### Summary

The Area has a clear sense of what needs to be achieved and has prioritised the developing leadership qualities of its managers and staff skills at all levels as a means of achieving and delivering Area business. There is a clear commitment by senior managers to the implementation of key projects and to leading joint initiatives at the Greater Manchester Criminal Justice Board (GMCJB) level and across the criminal justice arena. There is also effective joint planning with criminal justice partners at strategic and operational levels. Against this background the Area is conscious of and considers the pace of change; regular focus groups are held between the Chief Crown Prosecutor (CCP), Area Business Manager (ABM) and staff across the Area to identify issues.

The Area Business Plan (ABP) for 2007-08 sets out the objectives for the year comprehensively and the activities that underpin delivery of those objectives. Managers understand their responsibilities for implementing decisions made by the Area Strategic Board (ASB) as well as delivering Area objectives and other criminal justice priorities. There are effective systems in place to monitor and account for budget spend. Workloads and the distribution of staff between teams are continuously monitored and reviewed at the ASB; at present the Area has an imbalance of skills to achieve its future aims but has a strategy to align resources to future need. The Area demonstrates value for money primarily through the more effective use and deployment of staff and administrative costs.

The way information is gathered, analysed and presented has improved significantly since the last OPA. Managers work extensively with criminal justice partners and in particular the police, to improve performance; various performance measures are considered at joint meetings in order to meet shared objectives.

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<sup>4</sup> Beacon Status is a vehicle for Local Criminal Justice Boards (LCJBs) to drive local criminal justice change and reform in their area to deliver improved local services. The Beacon Approach gives LCJBs an innovative model for analysing issues in their local criminal justice processes and identifying solutions. The Area is one of ten Beacon LCJBs who are asked to implement by March 2008 the core programme of national reform projects: CJSSS in the magistrates' courts; CJSSS Director's Guidance; conditional cautioning; engaging local communities; IT support for case progressions (PROGRESS); and the Witness Charter.

New initiatives have in the main been successfully implemented. The Area is achieving four of the six expected benefits of charging and is better than the national average for all. The quality of decision-making at the pre-charge stage is sound and is supervised through extensive monitoring. Effective mechanisms are in place with Greater Manchester Police to facilitate an open dialogue and to monitor and improve joint performance.

Success in terms of joint victim and witness care has been slower in coming. The national No Witness No Justice (NWNJ) scheme was signed over to the Area and the GMCJB in September 2006. The Area continues to monitor progress towards meeting the minimum requirements and undertakes analysis in conjunction with the police. Whilst the majority of the ten Witness Care Units (WCUs) are achieving at least half of the obligations, only one of the listed fourteen obligations is being fully met across the Area. Some units have found the provision of a full needs assessment for victims and witnesses following a not guilty plea, and the timeliness of communication to be challenging.

The Area performs consistently well in terms of casework outcomes. The conviction rates in the magistrates' courts and the Crown Court are better than the national averages. Where there has been weaker performance in a particular branch, action is taken to address it. Performance in terms of persistent young offenders (PYOs) was less good; throughout the year it was slightly but consistently worse than the 71 day target from arrest to disposal.

Overall, Crown Court cases are handled well; systems are in place and adhered to, ensuring that cases are prepared properly and progress through the system. The management and preparation of magistrates' court casework is less good due to the court commitments of lawyers and consequent limited office time. The Area is addressing this through the redeployment of caseworkers to assist in the progression of cases. The effective and ineffective trial rates in the magistrates' courts are better than national averages and the latter exceeded the target, although less good in the Crown Court. There is robust monitoring of casework and sufficient management mechanisms are in place to provide feedback at all levels.

The Area has delivered some improvements in the handling of unused material since the last OPA, notably, additional training, better security of sensitive material and the implementation of an Area procedure in relation to third party material. However, as a consequence of its monitoring regime, it recognises the need for further improvements and joint advanced disclosure training with the police is being delivered and an Area-wide review is planned. Similarly with custody time limits (CTLs), improvements have been made since the last OPA, there has been an audit of systems, the processes have been standardised across the branches, the system has been updated, and training delivered to all staff. However, there was still a failure during 2006-07 and further improvements are necessary.

The handling of sensitive cases and hate crime is sound and has produced some very good results; the proportion of hate crimes that result in an unsuccessful outcome, at 30% met the Area target and bettered the national average and target. The structures, mechanisms and expertise are all in place to ensure effective management of this aspect of casework. The RAFA Unit and a youth division have been established in the City of Manchester Branch and there are currently two Specialist Domestic Violence Courts in the Area with some central Government funding and two others that are promoted by the Local Criminal Justice Board (LCJB).

The Area has consistently excelled in its use of Designated Caseworkers (DCWs) but the use of HCAs has been less good. However, considerable efforts have been made to rectify this situation and these are underpinned by a clear HCA strategy. The target for 2006/07 was achieved and the Area aims to achieve the more demanding 2007-08 target. The Area covers more in-house advocacy than the national average, which continues to increase at the expense of office time for review and preparation. The demands will be ever greater in the future with increased HCA usage.

The Area has encouraged staff of all grades to become more involved in community engagement although there is some disparity between branches in the range and number of community engagement activities. The Area now needs to concentrate on evaluation of activities to support improvement of service delivery.

### **Direction of travel**

The Area's performance has improved in four aspects, been maintained in the eight aspects and declined in one. The appointment of a new senior team and any consequent restructuring will allow the Area to be well placed to deliver further improvements across the board. The Area has demonstrated it has the ability to manage performance and deliver change and is fully aware of where improvements are needed with action to address these.

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

<b>OVERALL ASSESSMENT</b>		<b>GOOD</b>		
<b>Critical aspects</b>	<b>Assessment level</b>			
	<b>OPA 2005</b>	<b>OPA 2007</b>	<b>Direction of travel</b>	
Pre-charge decision-making	Good	<b>Good</b>	<b>Stable</b>	
Ensuring successful outcomes in the magistrates' courts	Good	<b>Good</b>	<b>Stable</b>	
Ensuring successful outcomes in the Crown Court	Good	<b>Good</b>	<b>Stable</b>	
The service to victims and witnesses	Good	<b>Fair</b>	<b>Declined</b>	
Leadership	Fair	<b>Good</b>	<b>Improved</b>	
<b>Overall critical assessment level</b>		<b>Good</b>		
Progressing cases at court	Good	<b>Fair</b>	<b>Stable<sup>5</sup></b>	
Sensitive cases and hate crime	Good	<b>Good</b>	<b>Stable</b>	
Disclosure	Fair	<b>Fair</b>	<b>Stable</b>	
Custody time limits	Fair	<b>Fair</b>	<b>Stable</b>	
Delivering change	Fair	<b>Good</b>	<b>Improved</b>	
Managing resources	Fair	<b>Good</b>	<b>Improved</b>	
Managing performance to improve	Fair	<b>Good</b>	<b>Improved</b>	
Securing community confidence	Fair	<b>Fair</b>	<b>Stable</b>	
<b>OVERALL ASSESSMENT</b>	Good	<b>GOOD</b>		

5 The direction of travel reflects the fact that the last OPA assessed different criteria in progressing cases at court. Where there is an overlap of criteria performance has remained stable but overall for the criteria the assessment is fair whereas previously it was good.

## D DEFINING ASPECTS

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

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

- Duty Prosecutors (DPs) provide full time face to face advice to the police between 9am and 5pm, Monday to Friday at fifteen centres, and at a further site for two days, according to need as follows:
  - Bootle Street – two lawyers
  - Grey Mare Lane – two lawyers
  - Elizabeth Slinger Road – two lawyers
  - Collyhurst – two lawyers
  - Longsight – two lawyers
  - Oldham – two lawyers
  - Bury – two lawyers
  - Rochdale – one and a half lawyers
  - Bolton – one lawyer
  - Astley Bridge – one lawyer
  - Swinton – two lawyers
  - Cheadle Heath – two lawyers
  - Stretford – two lawyers
  - Wigan – two lawyers
  - Ashton – two lawyers
  - Leigh – two lawyers, Tuesday and Thursday
- The Area is also operating a pilot at Longsight charging centre for the provision of out of hours advice between 9am and 5pm on Saturdays, which is supported by a police evidence review officer (ERO).
- The Area runs an appointments system which is managed by the police evidence review unit (ERU). Each standard appointment is scheduled for 45 to 60 minutes. During 2006-07 71% of advice was provided during face-to-face consultations, compared with the national average of 63.5%.
- Arrangements ensure that early advice is provided for cases. The number of DPs has been doubled at the majority of charging sites to enable one DP to deal with bail returns, including the more complex cases or sensitive cases that may need a longer appointment slot, for example child abuse cases, and the other to deal with new pre-charge decision (PCD) cases. The recently established Rape and Family Abuse (RAFA) Unit and Complex Casework Unit give advice on cases to be dealt with by these units. For the latter, a protocol is in place for the provision of advice by the unit during office hours and, when appropriate, an out of hours service.

- Pre-charge consultation takes place on the majority of files according to the Director's guidance, although there are still instances of files that are appropriate to the scheme bypassing PCD. In addition, the Area identified cases where further work or those requiring a full file were being charged without further advice or authority. All non-compliance is monitored and brought to the attention of police partners at Local Prosecution Team (LPT) meetings, with action then being taken at the individual level.
- The percentage of cases in which no further action (NFA) was advised in 2006-07 was 31.8%, similar to the national average (31.9%). Within this figure there is variable performance across the branches and teams; some are significantly higher than the national average. For the year ending June 2007 42.5% of cases in Tameside were subject to NFA. The charge to NFA ratio is also variable across the Area. EROs are responsible for ensuring that only appropriate cases are submitted for a charging decision. EROs have only recently been introduced throughout the Area and traditionally have not supervised all files, nor provided 24 hour coverage. The coverage of EROs is currently being extended throughout Greater Manchester Police, by a move towards 24 hour coverage; this should impact on the NFA rates, and remains an ongoing matter at LPTs and the Area level Prosecution Team Steering Group (PTSG).
- File build arrangements for the Wigan, for Stockport and for Rochdale teams, as part of the Improving the Prosecution Team (IPT) initiative, are in excess of the manual of guidance, with full files being provided as standard prior to charge for bailed cases likely to plead not guilty. This approach may be extended across the Area to improve discontinuance rates; file build is also being considered as part of CJSSS.
- Disagreements over decisions are few and generally resolved within the charging centre. There is a formal escalation procedure for settling disputes which cannot be resolved locally.
- The management of ongoing cases (ie cases where PCD has resulted in suspects being bailed pending further enquiries or a full file) has not been effective. This was recognised by the Area, and appropriate action taken from April this year to reduce the backlog. A review resulted in a reduction from 1991 cases being overdue in April 2007 to 659 in July 2007. CPS Greater Manchester's ongoing case reports are used to manage ongoing cases and are discussed on a monthly basis at all LPTs. Action is taken on outstanding cases, although the effectiveness varies across the Area. Police performance monitoring now includes bail management.
- In the majority of cases, if not all, PCDs are recorded electronically on the case management system (CMS) in charging centres, or for CPS Direct (CPSD) cases by administrators in the office. Since the last OPA in 2005 the Area has undertaken audits on its performance indicators, which also cover duplication of MG3s, and registering of CPSD MG3s. Reports are produced to check PCD cases finalised in specific categories on a weekly basis.
- The recording of ethnicity and gender of defendants and witnesses on CMS is dependent on police supplying the initial information. Area monitoring has resulted in considerable improvement. The volume of cases in which the ethnicity was not provided for defendants reduced from 15% in November 2006 to 1.8% in July 2007 and for witnesses reduced from 87.9% in March 2007 to 5.9% in July.

- There are established links between the Area and CPSD; there is an appointed CPSD contact for Greater Manchester and liaison will occur, where deemed appropriate, at CCP level. A review of CPSD cases found that not all CPSD cases were registered on CMS, or registration was not timely, which has been addressed.
- Conditional cautioning is being rolled out in a phased approach. South Manchester (Elizabeth Slinger police station) and Salford went live in January 2007. The remaining sites are to be rolled out by March 2008. Between January and May 2007, 47 cautions were issued, and there have been no breaches. Training has included guidance on the roles and responsibilities of key staff, which also demonstrates that clear processes are in place. Two audits have examined custody records, of approximately 800 cases, to identify potential conditional cautions that had been missed; the results of the audit were positive.

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

- The Area has applied the good practice guidelines in its delivery of the scheme. All DPs have completed the proactive prosecutor and follow up course, with regular attendance by the CCP to support the aims of the course. There is also an established programme of training in relation to domestic violence, Proceeds of Crime Act (POCA) and disclosure. The Area has issued clear guidance to lawyers on the completion of MG3s, which sets out the criteria for proper case analysis including: consideration of the evidence, its strength and weaknesses; the public interest; victim and witness matters and ancillary issues. The guidance encourages DPs to consider all issues at pre-charge stage.
- The quality of decision-making is monitored through the extensive supervision of MG3s, and the CPS casework quality assurance scheme (CQA). The Area introduced a CQA form which related solely to pre-charge decisions, with the intention that every MG3 would be monitored by the District Crown Prosecutors (DCPs). This practice was time consuming and ended in December 2006. DCPs now monitor MG3s according to recently established defined criteria, and provide feedback to the individual lawyers. There is identification of where lessons can be learned and improvements made. On a monthly basis, the CCP receives details of all the MG3s monitored, with identification of the strengths and weaknesses. Individual NFA cases and those subject to a conditional caution are checked as part of the MG3 monitoring.
- Reality checks on CMS of cases which had been the subject of a pre-charge decision showed that the MG3 contained a satisfactory analysis in all ten cases examined, although consideration of victims and witness issues including special measures, and ancillary matters such as POCA could have been better recorded.

**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%	13.7%	14.4%	11.0%	13.1%	10.6%	11.5%
Guilty plea rate	52.0%	69.2%	71.4%	71.0%	68.0%	66.5%	71.0%	73.4%
Attrition rate	31.0%	22.0%	19.7%	20.6%	23.0%	22.2%	18.1%	18.8%

- Since the last OPA Area performance in the six key performance indicators has been stable. The Area is achieving four of the six national expected benefits of charging, and is better than the national average for all. The overall conviction level for cases that have been subject to pre-charge advice at 79.9% is better than the national average.
- The magistrates' courts discontinuance rate did not meet the Area or national target, and the Area is seeking to improve rates. The Crown Court discontinuance rate met the Area target but just missed the national target.
- Each team considers reports on adverse outcomes which have been the subject of a pre-charge decision as part of adverse outcome reporting, although this does not include acquittals after trial. Feedback is provided to staff, and there is discussion at the LPT meetings. In addition, all decisions to discontinue made in the office are authorised at District Crown Prosecutor level.
- Performance against the key benefits of charging and supporting indicators are discussed at the Basic Command Unit (BCU), branch and Area level. PTPM reports are considered at LPT meetings and a précis of information is produced for the Joint Prosecution Board; meetings are generally effective. Performance is also disseminated and discussed internally at team meetings.
- Joint analysis of the effectiveness of the charging scheme is undertaken. As part of the IPT project, the ERUs for Stockport and Rochdale were reviewed, with process improvements made. Concerns over the high discontinuance and NFA rates resulted in a review being undertaken at Tameside and Stockport in November 2006 with recommendations for improvement.



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

## 2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	9.9%
No case to answer	0.2%	0.2%
Dismissed after trial	1.9%	1.8%
Discharged committals	0.2%	0.1%
Warrants	2.6%	3.0%
Overall conviction rate	84.3%	84.9%

- The conviction rate in the magistrates' courts is better than the national average and there has been an improvement in performance from the previous year (84%). The discontinuance, discharged committal and acquittal after trial rates are better than national averages whilst the no case to answer rate is the same.
- A log is kept of all discharged committals on each team and is used to assist with consideration of reinstatement of proceedings. The rate of discharged committals as a percentage of committals heard and sent cases is significantly lower than national average (0.9% compared to 2.5%).
- The Area identified that successful outcomes were lower in two branches and action was taken to address this. In one a case preparation team was established and casework staff were redeployed to manage magistrates' courts cases in order to free up the limited lawyer office time. This arrangement is now in place across the Area and has had a positive impact although it is too early to show in the performance figures of finalised cases. In another branch, work is ongoing to improve performance in relation to Central Ticket Office cases which are having an adverse impact on the acquittal rate. Joint work is being undertaken to construct the perfect file and templates for case management and progression are being developed. The restructuring of the City of Manchester Branch in April 2007 should also assist with the more efficient management of casework through improved alignment with the police in terms of caseload.
- All cases where discontinuance is proposed have to be authorised by the District Crown Prosecutor (DCP) or Branch Crown Prosecutor (BCP) and all adverse cases are referred to the DCP on each team for analysis; individual feedback is provided. The reasons for the outcome are identified and are notified to the CCP. There are mechanisms in place to ensure lessons are

learned and disseminated to staff through briefings, team meetings, via e-mail and on an individual basis. However, the reality check revealed that two cases had been wrongly finalised as dismissed after full trial when in fact they were both no case to answer. One was captured two months after the event but the other was overlooked, preventing any analysis of the outcome.

- There is joint analysis of unsuccessful outcomes and adverse cases with criminal justice partners at Local Prosecution Team (LPT) and Local Criminal Justice Group (LCJG) meetings. Monthly meetings between the DCPs and the police are held to discuss individual file assessments of failed cases; learning points from each file are discussed to improve future performance. When appropriate outcomes are also discussed with the magistrates' courts.
- Performance in relation to persistent young offenders (PYOs) declined for the first three quarters of 2006-07, with performance consistently worse than the 71 day target from arrest to disposal. Although there is generally effective case progression post charge, the long periods elapsing between arrest and charge and the failure to identify cases were having a significant adverse impact on the figures as was the lack of reconciliation of data between the Police National Computer (PNC) and the courts. The average time from arrest to disposal for all PYO cases for 2006-07 was 74.5 days which is outside the 71 day target and worse than the national average of 72 days. However, the Area performs consistently within target for magistrates' courts only cases.
- The decline in performance culminated in the attendance of an Assistant Chief Constable at an accountability meeting with the Attorney General to examine how performance was being addressed. The Area, in conjunction with its criminal justice partners, examines performance at LPT and LCJG meetings and at monthly or fortnightly PYO specific meetings which are held to track and progress individual cases. A standard agenda has been produced for guidance. The CCP as Local Criminal Justice Board lead for PYOs has taken considerable interest in overall performance and in specific cases. The Area has set a target of 65 days for 2007-08 in line with the stretch target set by the Attorney General and is making steady progress towards it.
- The target for offences brought to justice (OBTJ) is a shared one set by reference to the criminal justice agencies. The ability of the CPS to influence it is limited because the target includes offences dealt with by non-prosecution disposals. The CPS's contribution comes through managing cases to keep discontinuance low, good decision-making and case management; the Area is being pro-active in relation to all these factors. The OBTJ target for 2006-07 was exceeded and continues to be for the rolling monthly figures during the first quarter of 2007-08. The figures for 2006-07 show that 59.2% of OBTJ were the result of convictions, better than national performance (48.8%).

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

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	43.0%
Cracked trial rate	37.3%	41.6%
Ineffective trial rate	18.9%	15.4%
Vacated trial rate	22.5%	17.3%

- The quality and timeliness of police files are significant issues for the Area. The LCJB conducted 'Improving the Prosecution Team' pilots, funded by the Office of Criminal Justice Reform, during 2006-07 at Rochdale and at Stockport; the results were encouraging and presentations have been made to all prosecution teams in the Area. Police file quality has now been drawn into the Beacon Project, also funded by OCJR, which will be located in Salford. The issues of file quality and timeliness continue to be considered as part of a joint review being undertaken in preparation for CJSSS. It is anticipated that by the end of the year the Area should be receiving full trial ready files prior to charge in all bail cases likely to plead not guilty. The forum for discussion of file quality is the LPT and issues can be escalated to the overarching Prosecution Team Steering Group attended by the CCP. Improvement of police files remains a priority in the Area Business Plan for 2007-08, with for instance, improved recording of their timeliness and quality on the CMS.
- The Area monitors review and case preparation through the CQA system and extensive monitoring of MG3s following pre-charge advice, this is supplemented by analysis of adverse outcomes and cracked and ineffective trials. The approach to CQA is robust and a realistic measure of performance; in June 2007 the Area Strategic Board implemented a new system whereby each DCP identifies three key learning points each month and details actions to address learning points.
- Reality checks of the files showed that the quality of review is satisfactory but there could be significant improvements in file management and case progression; these deficiencies may be attributable to the limited office time available to lawyers which is now being addressed through the redeployment of caseworkers. The standard of endorsements could also be improved; the Area has a file endorsement standard to address this.
- There are named case progression officers (CPOs) for each team who are supported by the redeployed caseworkers; processes are in place to ensure certificates of readiness are completed and directions are actioned and monitored. Case progression meetings are held on a weekly basis in all branches to examine cases listed two weeks ahead and there is also regular informal contact between the CPOs and their counterparts in the magistrates' courts. Action to improve case progression is taken at a strategic level, for example at the LCJB to try to address the issue of copying video evidence, which is still ongoing. Action is also taken locally with the

support of the LPT, for example, at Stockport Magistrates' Court, case management hearings have been removed in most summary only offences and cases involving allegations of domestic violence to try to ensure an expedited trial date. In addition, a court case progression IT system (PROGRESS) is currently being rolled out across the Area.

- At the time of the OPA CJSSS had rolled out in Salford but had yet to roll out across the Area but will have done so by the end of the year; the joint initiative is being led and project managed on behalf of the LCJB by a prosecutor supplied by the Area. In addition, Area and branch leads have been appointed, local implementation teams established and joint work has been undertaken and is ongoing with criminal justice partners.
- There are youth specialists within in each branch and within the City of Manchester Branch there is a specialist youth team. A youth charging pack has been developed and training delivered through short briefing sessions to all lawyers in addition to youth awareness training which has been provided to some lawyers and Designated Caseworkers (DCWs) during the year. Regular youth co-ordinators meetings are held with the BCP who leads on youth matters. The timeliness figures for youth initial guilty pleas and youth committals through the magistrates' courts are generally better than nationally but the timeliness of youth trials is generally slightly worse but comparable.
- The effective trial rate is better than national average and the ineffective trial rate is significantly better than the national average and more than meeting both the local (16.5%) and the national (19.4%) targets; both have improved on performance for the previous year. The vacated trial rate is also better but the cracked rate is slightly worse. Both the rates of cracked (38.6% compared to 35.1%) and ineffective (42.2% compared to 39.6%) trials due to the prosecution are worse than nationally. The Area continues to emphasise the importance of identifying witness issues at the pre-charge stage, which is monitored by the DCPs, and joint action has been taken to improve attendance of police witnesses at court.
- The CPOs produce monthly reports of cracked and ineffective trials, these are verified by the DCPs and discussed at the monthly joint performance management meetings with the courts. In addition Witness Care Unit (WCU) managers produce monthly reports where the cause has been witness issues; these are analysed to address problems and inform improved performance.
- CMS is used routinely to record key events in cases. The rate for recording of reviews on CMS improved throughout 2006-07; the baseline was 30% concluding with 77.5% at the year end, averaging 67.8% for the year. Timeliness of recording hearing outcomes and of finalisations has improved steadily throughout the year. The ABM held a meeting with all office managers and Branch Business Managers to disseminate good practice with a view to improving timeliness of recording; one branch improved significantly as a result whereas for another it remains a challenge. Reality checks showed that there were no escalated tasks on the system.

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

### 3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals	13.1%	11.4%
Judge directed acquittals	1.4%	1.1%
Acquittals after trial	6.5%	5.0%
Warrants	1.3%	1.9%
Overall conviction rate	77.7%	80.7%

- The conviction rate in the Crown Court is better than the national average although there has been a slight decline in performance from the previous year (81.9%). Performance in all categories of unsuccessful outcomes is also better than the national averages.
- All Crown Court adverse outcomes are referred to the District Crown Prosecutor (DCP) on each team and in some branches they are also referred to the Branch Crown Prosecutor (BCP). Each team produces a weekly report of judge directed acquittals to ensure the outcome is properly recorded; the case is referred to the relevant DCP who prepares a report and takes any necessary action to provide individual feedback or lessons learned. The reports are collated in a monthly summary and submitted to the CCP for any lessons learned to be disseminated across the Area. The reality check revealed that one Crown Court case had been wrongly finalised as a jury acquittal instead of a judge directed acquittal which had not been captured during dip sampling; consequently any lessons to be learned had not been picked up and fed back to the individual or across the Area, which would have been appropriate in the circumstances of the case.
- In all cases where discontinuance is proposed there is referral to the DCP or BCP for the notice to be signed authorising the procedure. Discontinuance levels have been identified as a risk in the Area Business Plan (ABP) and appropriate counter-measures are in place.
- Unsuccessful outcomes are also discussed with criminal justice partners at Local Prosecution Team (LPT) and Local Criminal Justice Group (LCJG) meetings. There are also monthly meetings between the DCPs and the police to discuss individual file assessments of failed cases; learning points from each file are discussed to improve future performance.
- The Area did not achieve the challenging Proceeds of Crime Act (POCA) target for 2006-07 achieving 319 orders against a target of 400 and monetary value of £2,433,660 against a target of £5,015,034. Cases involving high values which it was hoped would be captured have fallen

into the current year. The Area has systems in place to ensure POCA review forms are completed at the pre-charge stage; these form part of the monitoring by the DCPs of all MG3s. Training has been given to all lawyers, caseworkers and DCWs to improve performance in identification of cases and there are has systems in place to track relevant cases; the tracker has recently been adapted to incorporate good practice from another Area. The ABP prioritises the deployment of HCAs at confiscation hearings to improve performance during the year. The police have also appointed additional Financial Investigators at each Division.

- The Area has a POCA champion and a POCA enforcement champion both situated in the Complex Casework Unit (CCU). Two members of staff have also been seconded to the Regional Asset Recovery Unit. The POCA champion has a constructive relationship with the courts and the financial investigation units of Greater Manchester Police (GMP); in January 2007 a local agreement was devised and signed by the three agencies to promote co-operation and the exchange of services. At a local level POCA clerks are responsible for overseeing the process in each branch and systems are in place to ensure enforcement cases are referred from the branches to the enforcement champion.
- Lessons learned from casework are disseminated to staff through briefings, team meetings, via e-mail and on an individual basis. The CCP will also disseminate messages relevant to the Area. There is an Area Legal Board that considers legal issues which in turn are disseminated to staff. The DCPs and the Branch Business Managers also hold separate meetings across their grades; each group determines their own agenda which can include improving performance from lessons learned and adopting good practice across the Area.

### **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%	36.4%
Cracked trial rate	39.5%	50.6%
Ineffective trial rate	12.4%	13.0%

- The CCU has been established to handle the most complex and often most sensitive cases in the Area. It has been aligned to the Serious Crime Division of GMP and a protocol has been agreed for the allocation and referral of cases. The unit is fully operational but has yet to be allocated the full complement of staff; this should ensure effective handling of this area of casework.
- The Area monitors review and case preparation through the CQA system. The approach to CQA is robust and a realistic measure of performance. Reality checks of the files showed that the quality of review is generally satisfactory; in sensitive cases it is very thorough and adds value. Some aspects of case preparation could be improved but this may be attributable to the limited office time available to lawyers.

- There are named CPOs on each branch and a system of duty caseworkers is in place to ensure cases are progressed. CPOs and caseworkers have specific objectives to ensure progression of cases; progress against objectives is regularly reviewed. The CPOs hold regular meetings with their counterparts in the courts to ensure readiness for trial in listed cases and have daily contact by telephone or e-mail to progress specific issues. The Salford, Sale and Stockport branch is participating in a national case progression system pilot (PROGRESS) linking the court, defence and the branch; this enables electronic monitoring of court orders and compliance with directions.
- Each team has youth specialists who are assigned relevant cases and the City branch has a dedicated youth team to handle youth and persistent young offender (PYO) cases. There are regular meetings with the Crown Court at each court centre; there is also a Youth Liaison Judge. The meetings investigate delays and take action to progress PYO and other cases involving youths; they are attended by the youth specialists.
- The effective trial rate (36.4% compared to the national rate of 48.2%) and the cracked trial rate (50.6% compared to 39.5%) are both significantly worse than the national averages. The ineffective trial rate at 13% is not as good as the national average at 12.4% but exceeds the local and national targets. The trend throughout the year was an increasing number of effective trials and a reducing number of ineffective trials. However, the rates of cases that are either ineffective or cracked due to the prosecution are both worse than the national averages.
- The CPOs produce monthly reports of cracked and ineffective trials. These are verified by the DCPs. The CCP also comments on the reports to managers in the teams and branches. Managers in the WCUs also produce monthly reports to consider cracked and ineffective trials due to witness issues; problems are addressed to improve performance. Any lessons learned are disseminated to staff through individual feedback or more widely at briefings and via e-mail. There is joint consideration of performance at the monthly Joint Performance Management meetings with the courts.
- The rate of use of the CMS for Crown Court reviews was 80.3% which did not reach the Area or national target of 90%; however, there was a significant improvement throughout the year from a baseline of 49% in April 2006. The Area identified weak performance in two branches and as a consequence weekly reports were produced to monitor and drive improvement of performance in recording reviews. An Area IT group has been established; the group meets monthly to discuss management and usage of CMS.

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

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

- The Area has taken steps internally and jointly to improve the progression of cases through the courts at first and subsequent hearings. Advanced disclosure packages are prepared for the first hearing on all branches and case progression officers (CPOs) try to ensure effective progression at subsequent hearings. There is no monitoring of 'strike rates' at first hearing and the Area has identified that there needs to be improvement in the analysis of how cases proceed; this will be addressed in the current year. The Stockport team have participated in a survey assessing the reasons for adjournment at first hearing over a two week period; the results were analysed and have resulted in the removal of many case management hearings. Similar reviews will now take place across the Area.
- There is an Area protocol which details the process to be followed in relation to briefs to counsel and instructions to agents. The Area Business Plan prioritises the need to consider acceptance of pleas at each case review to encourage a more active role in sentencing. Monitoring of instructions and case preparation is undertaken as part of the CQA system. The reality checks indicated mixed performance in terms of full analysis of the case and consideration of acceptable pleas.
- Instructions are served in advance of hearings to allow adequate preparation time; however, the Area does not perform as well as the national average for timeliness of instructions to counsel (71.9% compared to 78.3%), although full data is no longer captured across the Area on this element of performance. The Area is working towards improvement of timeliness of instructions in cases where the HCAs attend the plea and case management hearing and counsel is instructed to conduct the trial.
- The Area covers more court sessions in-house (82.2%) than the national average (80.4%); this has continued to improve during the first quarter of 2007-08 with 87% in-house coverage. The Area aims to achieve a balance of four court or pre-charge decision days and one office day for lawyers; the Area accepts this is less than satisfactory for prosecutors to have sufficient time to prepare cases, although there is some contingency time built into the rotas which can be used by prosecutors if justified. The rotas are prepared more than one week in advance and the teams try to ensure that lawyers cover their own trials in more complex cases which assists in preparation. DCW deployment does not exceed 70% to allow sufficient review and preparation time. Specialists are allocated to the youth courts and Specialist Domestic Violence Courts and counsel is specifically selected to prosecute cases involving sexual offences.
- All lawyers and DCWs have completed advocacy training courses to develop their expertise and all advocates are aware of the requirements to attend court in sufficient time to be available for court staff, defence and solicitors. The Area has an Advocacy Manager appointed to monitor in-house lawyers and counsel. The District Crown Prosecutors (DCPs) also monitor their own staff for appraisal purposes and feedback is provided. The monitoring captures all service



delivery aspects including timely attendance at court and liaison with other court users. There is evidence of informal feedback from the courts on the timeliness of attendance.

- The Area encourages pro-activity in contributing to case progression at all hearings which is supported by CPOs for out of court work. On some branches administrative support is provided to prosecutors at court, and where this is not available, support is provided by telephone or fax to ensure progression of cases. In the Crown Court, the HCAs cover many of the hearings prior to trial; they are usually able to deal with outstanding issues in order to avoid adjournments. The feedback from other criminal justices agencies received as part of this assessment was mixed in terms of the effectiveness in ensuring cases progress at court. There are joint mechanisms in place and initiatives being undertaken to improve progression but cases do not always progress as readily as they should.
- Timeliness across all aspects is variable in comparison to the national averages. The service of papers on the defence is worse at 42.4% than the national average of 71.5% and the rate of discontinuances on the third or subsequent hearings is also slightly worse at 61.6% compared to 59.2% nationally. In contrast, timeliness rates for adult guilty pleas and committals, and youth initial guilty pleas and committals, are all better than the national averages; the figures for adult and youth trials are slightly worse but comparable. The timeliness of indictable cases during 2006 was better than national average, 48 days compared to 52 days; this is a trend of improvement on the previous two year's performance.
- An Area listing protocol has been agreed and the listing policy has been implemented at each magistrates' court; listing is also discussed at the various Court User Group meetings. There has been effective negotiation with the courts to increase DCW deployment during the current year; this and increased in-house court coverage are detailed priorities in the business plan.
- The Area does not collect data on the number of adjournments and overall timeliness of cases; this is collated by the magistrates' courts but is not disseminated on a regular basis. The average numbers of adjournments per case in the magistrates' courts and the Crown Court are comparable with, but slightly worse than, the national average. The Area recognises that analysis of the number of adjournments and overall timeliness of cases needs improvement during the current year.
- During 2006-07 there were two wasted costs orders, one in the Rochdale and Bury Branch and one in the City Branch, there were also two orders during 2005-06 in the Stockport, Salford and Sale Branch; there were no recognisable trends. Wasted costs orders are considered by the Branch Crown Prosecutor and captured on the CMS.

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

#### **5A The Area identifies and manages sensitive cases (including hate crime<sup>6</sup>) effectively**

- Cases are reviewed and managed by experienced prosecutors with appropriate skills. All lawyers have been trained in handling racially and religiously aggravated offences and homophobic crime, and training in relation to domestic violence is ongoing. There are centrally funded Specialist Domestic Violence Courts at Wigan and Salford and locally promoted ones at Tameside and Manchester City; the courts are covered by trained domestic violence specialists. There is also a specialist team in the City of Manchester Branch, the Rape and Family Abuse Unit (RAFA), which handles all rape, child abuse and contested domestic violence matters in the branch. Appropriate procedures are followed ensuring fatal road traffic accidents are referred to the CCP.
- The appointments system for PCDs ensures sufficient time is allocated to all sensitive cases enabling all relevant victim videos to be viewed prior to the charging decision. There is extensive monitoring of pre-charge advice by the District Crown Prosecutors (DCPs) ensuring all sensitive cases are reviewed, handled and endorsed appropriately. Following pre-charge advice, cases not reviewed by a specialist will be allocated accordingly. All cases are referred to either the DCP or Branch Crown Prosecutor prior to being discontinued, and where appropriate, a specialist is also consulted. The Area intends to introduce a system whereby all cases involving an allegation of rape will be referred to a RAFA unit for a second opinion prior to discontinuance or where there is a decision to take no further action at the pre-charge stage.
- The Area Business Plan has objectives in relation to casework involving offences of domestic violence, rape and racially and religiously aggravated, and homophobic and disability hate crime; the Area aims to identify these cases and to ensure that they are managed and prosecuted effectively to reduce attrition and increase successful outcomes. The newly established Area scrutiny panels will also provide a mechanism to analyse hate crime outcomes and identify any lessons to be learned.
- There are champions, specialists and co-ordinators for all sensitive cases across the teams and some are responsible for taking the Area lead, and are responsible for dissemination of information, advice and the provision of guidance. The lead prosecutors for homophobic crime and domestic violence are also involved in analysis of performance data; time has been allocated to undertake this work. A review of rape casework was undertaken by the head of the RAFA unit which resulted in recommendations for improvement; all proposals have been adopted by the Area Strategic Board (ASB) and are currently being implemented, including ensuring there are sufficient specialists in each team.

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

- All specialists have received appropriate training. The Area has a service level agreement with Greater Manchester Police (GMP) on the handling of domestic violence cases; this forms part of domestic violence training which has been conducted jointly with the police. Joint training is also proposed in relation to the draft service level agreement on homophobic crime once it is in force.
- The Area maintains a sensitive case list on each team which is updated monthly; the lists enable the DCPs to check the progress of sensitive and high profile cases. The lists are also submitted to the Area Secretariat to enable press queries to be dealt with in a pro-active manner. The Area also ensures cases are flagged as having media interest on CMS, and has run a media interest course for a number of prosecutors.
- The Area usually flags sensitive cases for monitoring purposes; the reality checks confirmed that 23 of the 26 relevant cases had relevant flagging on CMS. Dip sampling is undertaken each month by the office managers to ensure flagging is undertaken; feedback is provided to staff. Flagging is also checked on a weekly basis through the substantial charge alteration reports and in rape cases The Area identified that domestic violence was not always flagged on one team and remedial action was taken to address this with the assistance of the domestic violence champion.
- HMCPSI thematic reviews and new or amended CPS policies are considered and where relevant implemented across the Area. The Area rape lead undertook a rape review which culminated in the creation of the RAFA unit; other proposals arising out of the review have been adopted by the ASB. The lead also circulated information on the rape policy. The Area lead for hate crime has been working on joint service level agreements with GMP to capture and implement best practice. Dip sampling of casework is undertaken and CQA checks to ensure Area practice is consistent with national policies. The reality checks showed that the quality of review in sensitive cases is generally very thorough.
- The DCPs analyse all unsuccessful outcomes enabling lessons learned from sensitive casework to be captured and disseminated. In addition, all cases where the hate crime element is removed, lesser charges or discontinuance proposed are referred to the relevant DCP or BCP. The Area intends to improve analysis of cases where there has been a reduction of charge following the latest upgrade to CMS.
- The proportion of hate crimes that result in an unsuccessful outcome has stayed the same, at 29.8% in 2005-06 and 30% in 2006-07, achieving the Area target and bettering national performance and the national target. A more challenging target of 28% has been set for 2007-08 and at the end of the first quarter this had been achieved in all categories of hate crime except rape (31.5%). Monthly reports for all hate crimes are produced from the management information system (MIS) and hate crime outcomes are reported in the branch monthly performance reports and considered at the quarterly branch performance meetings. In addition, racist and religious data is produced quarterly and considered by the Area champion; the data has also been analysed to inform the community consultation panel. The lead on homophobic crime is allocated a day each week to analyse data and one of the domestic violence leads has been undertaking analysis of case outcomes.

- The Area has prioritised cases involving child victims, allegations of domestic violence and youth defendants in the Area Business Plan for 2007-08. The Area has champions and specialists for child abuse and youth cases. As yet there is no specific lead for the CPS Children and Young Persons Charter to capture the various strands of safeguarding children. The Area has links with the Local Safeguarding Children Board (LSCB), receiving the agenda and minutes; a member of the RAFA unit will attend as and when necessary. The Area has been involved with training at the St. Mary's Sexual Assault Referral Centre (SARC) and is represented on the steering group. The CCP and other members of staff have attended Multi-Agency Public Protection Panel (MAPPA) meetings, on a case by case basis. The Area has also devised a policy on 'Looked after Children' and a ten point file checklist to assist with the management of cases.

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

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

- The Area assesses performance in relation to the handling of unused material through CQA checks. The Area Strategic Board has directed that disclosure should be specifically examined as one of three key issues that each District Crown Prosecutor (DCP) should report upon as part of the monthly CQA analysis. The Area CQA is robust and a fair reflection of performance; the average compliance with disclosure standards for 2006-07 was 78.4% compared to the national average of 92.1%. The cracked and ineffective trial reports are also analysed by the DCPs to identify any disclosure issues. The Area performed better than the national average in the magistrates' courts where trials were ineffective due to disclosure problems on the part of the prosecution (1.5% compared to 1.9%).
- The reality checks undertaken indicated that case handling did not always reflect good practice as laid out in the guidance. In three of the nine relevant cases duties in relation to initial disclosure were not discharged properly; the endorsements of the schedules were inadequate, in one case there was no endorsement at all and the schedule had not been signed. There were no defence statements in the sample so it was not possible to assess compliance with continuing disclosure duties. In five of the nine cases the files failed to comply with duties in relation to the handling of sensitive material, there was no evidence, that the schedules had been considered by the prosecutor or no schedules on the file and the prosecutor had failed to chase the police. There was only one file where third party disclosure was relevant and the case complied with all relevant duties.
- The Area is working with the Crown Court to improve the handling of unused material. Branch Crown Prosecutors (BCPs) attend Court User Group meetings where the handling of unused material and compliance with policy are discussed. One of the BCPs has met with the Senior Presiding Judge at Bolton Crown Court to discuss and reaffirm Area policy and practice. The Area is also working with the judiciary and local authority civil solicitors to develop a process referral protocol to handle requests for disclosure in related civil proceedings.
- The Area file format provides disclosure folders for sensitive and non-sensitive unused material for each file and a disclosure record sheet should be attached. The reality checks confirmed that material is stored separately in the appropriate folders; however, in all nine relevant files there was no evidence of a disclosure record sheet. The one file in which a sheet was attached and had been endorsed, had been transferred in from another Area. The Area needs to ensure that a complete audit trail is maintained on the disclosure record sheet in all cases.

- Systems are in place to ensure sensitive material and schedules are stored securely in each branch, although for the most part sensitive material is retained by the police. Security has been reviewed during 2006-07 and action has been taken to improve arrangements in the branches. The Area Business Plan (ABP) has prioritised a review of the compliance with the identification and storage of sensitive material. The review will be undertaken by the disclosure champion in October 2007 and guidance will be issued on a standard process for the Area to eliminate local variations currently in practice.
- The head of the Complex Casework Unit is the Area disclosure champion and each branch has a disclosure lead. The role of the Area champion adheres to the brief provided by CPS Headquarters; it is proposed that this should be replicated at branch level once the Area champion has drafted the job description. The Area champion currently disseminates information, provides guidance and mentoring on individual cases, and the branch champions disseminate information across their teams.
- A short presentation has been given across the Area in relation to the disclosure provisions contained within the Criminal Justice Act 2003. The e-learning foundation course has been completed by most lawyers in the Area and caseworkers have now been given access to the modules; it is expected that all caseworkers will have completed the training by the end of the financial year. Advanced disclosure training is currently being undertaken in conjunction with the police. Each course has an Area and a police trainer and includes police officers and a small number of lawyers. The Area is trying to ensure that lawyers will attend each course to encourage a prosecution team approach and challenge cultures; as a consequence the training will not be completed until 2008 due to the extensive numbers of police officers to be trained. There has also been joint training of CID (Criminal Investigation Department) officers on public interest immunity issues.
- The Area has tried to improve performance through the provision of training and improved security of sensitive material. An Area procedure in relation to third party disclosure and the protocol on expert witnesses have both been implemented. The ABP contains an objective to improve compliance with the prosecution duties of disclosure. Actions include: conducting an Area review and implementing best practice as a result; continued monitoring of compliance through CQA and cracked and ineffective trial reports; and making full use of the CMS task management to ensure compliance.

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

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

- The Area has a written custody time limit (CTL) system that complies for the most part with the latest national guidance. This encompasses a clear guide on the responsibility of individual roles, and details relevant monitoring arrangements. The Area has adopted a system whereby every team has a designated lawyer responsible for supervision of the CTLs, covering such issues as checking calculations, monitoring and extensions.
- Since the last OPA an Area wide audit of CTL systems has been conducted, and processes have been standardised. All staff were trained in the new Area system issued in 2006, which has recently been updated. The Area champion, a Branch Crown Prosecutor, was charged with conducting the audit, and reviewing the Area system.
- The Area had one CTL failure in 2006-07 at the Rochdale and Bury Branch. The failure resulted from a combination of human errors, which included: the CTL not being initially identified and monitored; the CTL relating to the summary matter not being monitored and expiring; and the CTL relating to the committed matter not being initially monitored in the Crown Court and subsequently being incorrectly calculated and expiring. The latter was identified almost four weeks later. As a result a robust review was carried out by the branch; additional training has been provided, increased monitoring undertaken and a further CTL audit conducted.
- The Area has an informal arrangement with the courts to ensure that CTLs are correctly calculated. There has been some reluctance to formalise this at the joint agency level. The Area's CTL system allocates clear responsibility to lawyers and DCWs at court to ensure CTLs are calculated and agreed. From a reality check of six files it was difficult to ascertain if CTLs were always being agreed with the courts; whilst some CTLs were obviously calculated at court, it was not evident if agreement with the court had been reached.
- The Area's system provides for monitoring of actions, including use of CMS, and a diary of review and expiry dates. The opportunity to utilise a more dual system has not been seized and the Area predominantly uses diaries to monitor CTLs.
- The written CTL system clearly states that all calculations are double checked by the nominated CTL lawyer in accordance with the essential actions for CTLs, although there is no mention of files being endorsed to show that this was done, as should be the case. The absence of endorsements was confirmed by the reality check; with the exception of one file where it was unclear. Generally, all review and expiry dates were entered into the diary, with one exception, but again entries were not initialled to show that checks had been undertaken. Inconsistent practices may have developed across the Area.

- There was evidence that review and expiry dates in the diary had been monitored and action taken; however, this assurance is undermined without satisfactory evidence that all CTL calculations and monitoring entries have been double checked. As part of recent increased management checks all District Crown Prosecutors (DCPs) dip sample five CTLs each month. Area processes need to be in place so that the Area can assure itself that these checks are regularly carried out on an Area wide basis.
- Reality checks showed that all review and expiry dates had been calculated correctly. In one case the file itself had not been properly identified as one where a CTL was involved; however, the review and expiry dates had been entered in the relevant diary. Court file endorsements were of a variable quality, and in some instances, the custody status of the defendant throughout the history of the case was unclear.



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

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

- CPS Greater Manchester's compliance with obligations under the Victim's Code and the Direct Communication with Victims scheme (DCV) is monitored at an Area level, and also at the LCJB level, where quarterly self assessments against code requirements are undertaken by the relevant agencies.
- The Area monitors timeliness of letters falling within the DCV and Victim's Code, and has introduced weekly monitoring reports to ensure that letters encompassed by the initiatives are identified. Processes are in place to ensure ready identification of cases requiring a letter resulting from formal discontinuance within the office. For cases which have been dropped or charges substantially amended at court procedures are also in place; however, although identification is now improved letters sometimes fail to meet timeliness targets.
- In 2006-07, 56% of DCV letters were sent within five days against a national average performance of 73%. Performance had declined from the previous year at 70%, and throughout 2006-07 to 50% during the final quarter. The Area is attempting to tackle poor performance at Area and branch level, by inclusion of timeliness information in performance reports, ensuring satisfactory processes are in place and at an individual level, by relevant objectives being included within performance development reviews (PDRs).
- Performance against the Area's proxy target for letters sent to victims has been variable. The monthly target for 2006-07 dropped from the previous year of 426, and was revised four times during the year by CPS Headquarters from 317 to 297 letters. Performance continued to be patchy, with a significant dip as a result of new recording methods in December 2006. It has steadily improved since then and performance for the rolling quarter ending March 07 was 84.8% against a national 76.3%.
- The quality of letters is monitored by District Crown Prosecutors (DCPs) who dip sample cases and also view some as a result of the process for review of discontinued cases within the office. A number of letters are also monitored as part of the CQA scheme.
- Duty Prosecutors are encouraged to consider witness needs, including special measures, as part of pre-charge decision making; this is reinforced by guidance in the completion of MG3s. Compliance is monitored by extensive supervision of records of charging decisions by DCPs and by CQA. The number of special measures applications is monitored, although the Area acknowledges these are not always made at the earliest opportunity.
- The WCUs are the point of contact for victims and witnesses to be kept informed of progress. The units are reliant on timely provision of information to meet victim and witness obligations. In CPS Greater Manchester some units are more reliant than other Areas on information from the

CPS case management system (CMS). This information relates to hearing outcomes and case results updated by branch staff and has not always been timely. In 2006-07, only 50.6% of magistrates' court cases were finalised less than one day after the hearing; work has been undertaken by the Area, and CMS timeliness rates are above national targets and averages and improving.

- WCUs have responsibility for the majority of witness warnings. The Area provides a list of witnesses required to attend trial (LWAC) on receipt of the full file to ensure that the WCU has full details of all witnesses, although this is reliant on timely receipt of the full file. The CPS target is to have a final LWAC to the units two days after the case management hearing (CMH) in the magistrates' court and three days after the plea and case management hearing (PCMH) in the Crown Court. Timeliness for the provision of LWACs is not formally monitored.
- The Area has circulated copies of the Prosecutor's Pledge and laminated copies have been sent to court centres across the Area. Monitoring of prosecutors at court ensures that they comply with the pledge by engaging with victims. This is done through the Advocacy Manager and also DCPs; formal feedback is given to the advocates. Area managers also rely on the Witness Service (WS) and other support groups to provide feedback on the general treatment of witnesses at court by CPS staff. Feedback as part of this assessment confirmed that the treatment given to witnesses by CPS staff at court was variable at times, but could also be good or excellent.
- The view of victims and witnesses are sought through the WAVES Survey. For 2006-07, this indicated that 77% were satisfied with the overall service from the criminal justice system (CJS) and with information provided to them, and 87% were satisfied with the way they were treated by CJS staff.
- The Area has piloted the use of witness intermediaries and victim advocates.

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

- The Area has ten WCUs structured along team lines: Bury, Bolton, Oldham, Rochdale, Manchester, Salford, Stockport, Tameside, Trafford and Wigan. In September 2006, the national NWNJ was signed over to the Area and the Greater Manchester Criminal Justice Board. Since then the Area has continued to monitor its progress towards meeting the minimum requirements of the scheme. Some WCUs have found the provision of a full needs assessment for victims and witnesses following a not guilty plea, and the timeliness of communication to be challenging. WCU obligations under the Victim's Code are monitored, with quarterly reports for each unit being submitted and collated. WCUs are not fully compliant with the code, and in July 2007 whilst the majority of WCUs were achieving at least half of the requirements, only one was being fully met across the Area. Whilst considerable work has been undertaken, the service to victims and witnesses is not consistent across the Area
- Performance is monitored within the WCUs and discussed at Local Prosecution Team meetings, attended by the WCU managers. Monthly performance reports are produced which deal with the unit's performance in respect of the primary and secondary measures. During 2006-07, in the magistrates' courts, the number of ineffective trials due to witness issues improved from the baseline of 3.4% to 2.5% (national average 3.2%). However, the cracked trial rate due to witness

issues was worse than the baseline of 4.3% at 5.5% (national average 5.3%). For the same period in the Crown Court both the percentage of ineffective trials due to witness issues and the percentage of cracked trials due to witness issues improved from the baseline figure. Witness attendance rates during 2006-07 were better than the baseline of 79.9% and continue to be so; performance in June 2007 was 86%. Performance is consistent with national averages.

- The Area continues to analyse the operation of NWNJ with the police. There was concern over reduced national funding in 2007-08 which led to a capability review and a number of recommendations being made. WCUs have considered what needs to be provided under NWNJ and the Victims' Code, and the processes that support this. However, the staff resources within the units are considered to be mismatched with fully meeting obligations under NWNJ and the Victims' Code of practice; from the outset the Area supplemented central funding provided to introduce NWNJ. Monthly WCU managers meetings are held to discuss any issues and ensure consistency of practice, and meetings are held within the individual WCUs.

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

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

- The Area has a clear sense of what needs to be achieved. The Area's priorities for 2006-07 were aligned to the national CPS and Public Service Agreement objectives and targets, and were relevant to nationally led initiatives and local needs. There were clear responsibilities for the delivery of actions within the Area Business Plan (ABP), with relevant milestones and outcomes. The plan for 2007-08 builds on this, and is a more detailed and wider document, which clearly articulates how the Area intends to drive and improve its delivery.
- The underlying theme within the Area is to improve the leadership qualities of managers and to improve staff skills at all levels; this is reflected in the plan. The 2007-08 plan also makes relevant links to the national and Area targets, and other matters such as the Staff Survey. Pertinent learning and development to deliver the Area business is included.
- During 2006-07 the business plan was regularly reviewed, and this has improved in the current year. Progress against the 2007-08 plan is reviewed comprehensively, usually on a monthly basis, by consultation with those responsible for the actions; however, there was some evidence of delayed responses. Matters are generally progressed, and where appropriate finalised. Outstanding issues are discussed at the monthly Area Strategic Board (ASB) meetings. The change management programme has monthly update reporting to the ASB on the various work streams in progress.
- For 2006-07, the Area had underlying branch plans and an Area Secretariat plan. The former were of a variable quality, and whilst branch specific targets were included, generally plans did not have clear or timed milestones, and did not comprehensively underpin the ABP. In 2007-08, there are no underlying branch plans. Teams have produced objectives that link into staff personal development reviews, and support the delivery of the overall ABP. Where appropriate, there are still supporting plans to ensure delivery of some of the Area business, for instance the HCA plan.
- Joint planning with criminal justice partners is evident both at the prosecution team level with the police, through Local Prosecution Teams (LPTs) and at a more strategic level through the Prosecution Team Steering Group (PTSG), and at the Greater Manchester Criminal Justice Board (GMCJB). During 2006-07 senior staff across the agencies were accountable for the main deliverables at the GMCJB, with underpinning action delivery boards, a Performance Board and Local Criminal Justice Groups (LCJs). GMCJB performance against targets during 2006-07 was mixed.
- In 2007-08, the GMCJB has restructured to improve its effectiveness, with both the action delivery boards and performance board ceasing, and the introduction of underpinning project groups, for example for CJSSS. For 2007-08, GMCJB has decided not to produce an overall delivery plan; however, there is effective performance monitoring against targets, and supporting plans. CJSSS is currently being rolled out across the Area, with completion by December 2007 and PROGRESS, a court case progression IT system is currently being rolled out across the Area as a test site, prior to national implementation.

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

- Nationally driven change within the Area has been implemented effectively, with evidence of review and improvements made. Monthly performance meetings with the police at the LPT and PTSG level support the continued delivery of statutory charging and NWNJ. Work has also been undertaken with police in relation to the phased roll out of conditional cautioning, the optimum model for co-location and the subsequent co-location of Bolton, and the initiative 'Improving the Prosecution Team'.
- Internally, change has been largely successful. Following the last OPA in 2005, the Area initiated the Improving Governance project which related to the roles and responsibilities of staff, governance, and Area structure. Various recommendations were identified and taken forward. The Area has also introduced the Rape and Family Abuse (RAFA) Unit at the City of Manchester Branch and a Complex Casework Unit (CCU). In the latter case, there was a small delay as a result of accommodation problems, and the unit has yet to be fully staffed. Although performance in 2006-07 exceeded targets, the Area has struggled with a more demanding HCA performance target during 2007-08. However, the Area has a clear strategy in place with detailed planning and has considered relevant risks. Pilots have included pre-trial witness interviews and victim advocacy.
- Systematic arrangements for implementing change are in place. During 2006-07, there was reporting on the various Area and local change initiatives to the ASB through a project highlight report. There continues to be monthly reporting on the work streams to a project manager, which is then fed to the ASB in a monthly highlight report. This currently includes initiatives such as CJSSS, HCAs, DCWs, Disability Crime, the Staff Survey and PROGRESS. There is clear evidence of management of project interdependencies, with links between the projects, and training and processes established as part of the ABP, and as part of individual projects. However, some of the earlier project plans produced by the Area lacked detail; a more comprehensive approach is being established.
- The Area is conscious of and considers the pace of change, and holds regular focus groups with staff across the Area to identify issues. Area management of risks is systematic, with regular review, consideration of countermeasures and updating. For 2007-08, Area risks are pertinent to the delivery of Area business.

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

- During 2006-07, the Area had a training plan in place that linked mainly to the ABP, rather than also linking comprehensively to staff forward job plans. For 2007-08, the ABP identified the learning and development required to deliver Area business, and this was collated with staff forward job plans to provide the training plan. The plan includes pertinent training courses and has a section for e-learning.

- In addition to the overall training plan, skills matrixes are in place to develop staff within their roles. Desk-side training, mentoring and shadowing also occurs. Training during 2007-08 does not focus solely on mandatory training, and includes coaching for managers, ILM (Institute of Leadership and Management) business courses, involvement with the Prince's Trust and other development for administrative staff.
- Relevant diversity issues are included within the ABP, which as previously stated includes learning and development, and within the training plan. All new starters undertake the equality and diversity e-learning module.
- The Area recognises that in the past not all staff have received sufficient individual training and development, which it is attempting to readdress. The minimum standard for all forward job plans in the Area is that every staff member should have at least three learning and development needs identified. The Area training programme is accessible on the Area's electronic drive, and all staff have been given a personal copy of relevant training information for the year; this includes a guide to identify learning needs and application forms. The Area seeks to ensure equality of access to all training.
- Key mandatory training has taken place in 2006-07 and for the year to date; examples include proactive prosecutor programme, and domestic violence and disclosure training. Satisfactory arrangements are in place for new starters, with all being appointed an individual mentor.
- During 2006-07, Area evaluation of training related to attendee levels and other resource related information, rather than qualitative assessment of the course and the benefit to the individual and Area as a whole. The need to develop training evaluation further was recognised by the Area and new evaluation processes introduced, which are still being fine tuned.

<b>10 MANAGING RESOURCES</b>	OPA 2005	OPA 2007	Direction of travel
	F	<b>GOOD</b>	<b>IMPROVED</b>

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

- In 2006-07 the Area underspent its non ring-fenced administration cost (NRFC) budget by 1.0%, representing a £194,000 underspend. The Area had set aside a fund of £125,000 for setting up the Complex Casework Unit (CCU). However, due to circumstances that could not have been foreseen, problems arose locating the CCU; the setback occurred towards the end of the financial year thereby preventing the Area utilising the monies for this or any other purpose. Negotiations with CPS Headquarters over virement of the funds to 2007-08 failed, although the accommodation cost allocation for 2007-08 has been increased by an equivalent amount. The spend on the NRFC budget for the 2005-06 period was within the excellent grade.
- The Area has sought to achieve value for money primarily through more effective staff deployment and more efficient administration; co-location with other agencies has also enabled sharing of costs and shared processes. The Area makes full use of national contracts for supplies, and the Government Procurement Card whenever possible. The Area Business Plan (ABP) for 2007-08 also reflects objectives aimed at achieving value for money.
- There are effective systems in place to monitor and account for budget spend and the budget is discussed as a standing agenda item at the monthly Area Strategic Board (ASB) meetings. Branches have devolved responsibility for the management and control of their budgets, including salaries, running costs, prosecution costs and capital. The Area has implemented the national resource accounting package, and figures are reconciled monthly. The budget report gives an overview of spend and projected outturn for the Area as a whole and for individual branches and the CCU.
- Prosecution costs in 2006-07 were underspent by 6.6%; this represents a significant swing from the 2005-06 outturn position when the Area overspent by 4.3%. Prosecution costs are monitored by the ABM who also monitors the monthly return of very high cost cases. Payment of fees under the graduated fee scheme (GFS) is generally timely, 42% of fees paid in March 2007 related to cases finalised in February or March (national average 50%) and 97% related to cases finalised in the previous four months (national average 88%). The Area actively manages payments to Chambers thereby ensuring that fees are presented within three months of the conclusion of the case.
- The Area has received additional funding from CPS Headquarters but this has been ring-fenced for specific expenditure, for example, the funding of 25 permanent CPS staff to the Witness Care Units. In 2006-07 the Area also received £10,000 to fund overtime to upgrade the computerised witness management system.

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

- Workloads and the distribution of staff between teams on each branch are continuously monitored and are reviewed at the ASB. In general, the Area and its branches are balanced through the Activity Based Costing (ABC) 'should take' formula, replicated for each branch with discretionary allowances according to branch or unit circumstances. Branch Crown Prosecutors (BCP) consider that these arrangements have led to an equitable balance of staff and resources are loaned or shared between branches to assist with periods of absences or special need. Budget allocations are also re-profiled after each budget tranche allocation in line with changing workloads and staffing levels. A considered review of resources led to the structure of the recently formed CCU and the Area aims to further streamline use of resources.
- During 2006-07 a high proportion of magistrates' courts sessions were covered by in house staff, and agent usage decreased throughout the year. Lawyers spend four days a week in court and the charging centres, with one day a week in the office. The Area accepts that this is less than satisfactory, because it limits the time for case preparation.
- The Area's average establishment of lawyers in 2006-07 at 150, was slightly less than the expected number of 158. In contrast, the numbers of administrative staff were higher than the expected 0aims. It is endeavouring to achieve a shift towards more lawyers and DCWs and away from administrative grades; this will be achieved sensitively and gradually through natural wastage.
- There are clear expectations for DCWs who are expected to utilise 70% of their time in court sessions. The Area has generally worked effectively with Her Majesty's Court Service (HMCS) to increase the number of DCW courts across the Area. This has facilitated an increase in DCW court sessions from 10% (first quarter of 2006-07) to 28% (first quarter of 2007-08). Although the Area missed the DCW usage target of 22.7% for 2006-07 it achieved the fourth highest usage nationally at 19.3%. The Area appointed an additional 16 DCWs in 2006-07 giving an Area total of 31.4 full time equivalent posts.
- The Area achieved its target for savings resulting from the use of HCAs although the level was below the national average. In 2006-07 HCAs covered a total of 952 sessions; most were plea and case management hearings (PCMH), although HCAs also conducted trials (as sole advocates) involving a total of 45 defendants. The use of HCAs is improving. In the period April to August 2007 HCAs have covered 1,011 sessions and have conducted trials involving 98 defendants. The Area is confident that the HCA strategy for 2007-08, which focuses on improving trial advocacy and targeting sessions that achieve the maximum savings, should help it to achieve savings of £1.46m just short of its £1.5m target.
- The Area trained 19 HCAs in 2006-07. The HCA plan, which is comprehensive, provides for the additional recruitment of 32 HCAs during 2007-08 to provide the capacity to fulfil the Area target; by September 2007 20 additional HCAs had been recruited. The Area is also in the process of recruiting four Senior Crown Advocates to conduct more complex trials, where considerable savings can be made.



- The average sickness absence for 2006-07 was 7.8 days (to December 2006) which was better than the national average of 8.5 days. The Area has issued a 'Managing Sickness' guide to all managers which has been reinforced with training. Sickness is monitored at branch level. The ABM also monitors the branch reports in conjunction with monthly management reports from CPS Headquarters. These are discussed with the relevant BCP and remedial action is taken when necessary. Although sickness levels have increased recently, the Area considers this is due to better reporting methods initiated by the awareness training that has been given.
- The Area demonstrates a positive but cautious approach to flexible working with requests considered against business needs. Applications for flexible working are considered by the line manager in the first instance followed by the BCP. In order to maintain a corporate approach to these issues, particular cases may then be discussed with the ABM.

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

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

- The last OPA in 2005 identified that the Area, having recognised weaknesses in the performance framework, was embarking on a programme to improve the level of performance management and establish a performance culture at branch and team level. Arrangements for performance management across the Area have now improved as a result.
- Relevant performance information is available to all senior managers who are responsible for their own branch performance and who complete a monthly performance report. A performance information digest is also made available to all staff. The performance of each branch is collated and considered by the Area Strategic Board (ASB) where it is a standing agenda item; this system is reinforced by quarterly performance meetings between the CCP, ABM and the Branch Management Teams.
- Performance information incorporates a comprehensive range of data including casework decisions and results, budget, sickness absence, advocacy, and compliance with the Victim's Code. Performance is measured and analysed at team, branch and Area level. Area performance is also benchmarked against CPS Areas of a similar size and against the average national performance.
- Quality assurance of data, and general data house-keeping, is carried out weekly by the Area Performance Manager (APM) and overseen by the ABM. The checks include finalisation of cases and the identification of corrective measures needed before the monthly deadline for the production of the performance report. The Area has also reviewed the quality of various types of data, such as witness ethnicity and undefined decisions in pre-charge cases through focussed assurance checks. This has helped the Area improve inter-agency confidence in the reliability of its data as well as having a more accurate baseline to target improvement measures.
- Each branch also produces a monthly data quality assurance check report in line with recommendations from the Management Information Branch at CPS Headquarters. Ten files per team every month for each type of data check are reviewed and results submitted to the ABM; corrective action is taken where necessary.
- There is a clear expectation that Branch Crown Prosecutors (BCPs) and managers at all levels will take action to correct and improve performance against targets or objectives. Examples include: improved joint systems with the police in pre-charge decision cases; a restructure of HCA deployment; a joint review of WCUs; and better compliance with CQA monitoring. All have led to improved performance and more efficient working. At an operational level, the District Crown Prosecutors (DCPs) and the Branch Business Managers also hold separate meetings across their grades; each group determines their own agenda which can include improving performance from lessons learned and adopting good practice across the Area.

- The framework of meetings, and clearly defined responsibilities of named managers within the Area Business Plan (ABP), ensures that managers at all levels are involved in the ownership and delivery of standards and targets. The ABP also includes responsibilities assigned to managers of all grades to review various operational systems in order to bring about improvements. Actions for improvement are taken forward to conclusion. The ABP contains a large number of actions relating to continuous improvement linked to individual performance objectives; staff are clear about what is expected. Training of individuals is also a key aspect of the personal development review process.

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

- Area managers work extensively with criminal justice partners and in particular the police, to improve performance. All senior managers and some other grades of staff actively participate in the work of the LCJB and other inter-agency groups. The LCJB has ten geographically based Local Criminal Justice Groups (LCJGs) that are responsible for delivering the Boards plans. Due to inconsistencies of practice and performance across these groups, the LCJB initiated the Improving Prosecution Team project to oversee standards and performance of the various justice groups and teams.
- The LCJGs consider various performance measures at monthly meetings, including: pre-charge decision outcomes; timeliness of police files; the minimum requirements of the NWNJ project; cracked and ineffective trial rates; PYOs; and performance against the implementation of national (inter-agency) projects such as conditional cautioning and CJSSS.
- The Area is committed to an open approach to sharing data and performance information with partner agencies so that weaknesses in the criminal justice process can be improved in a joined up manner. The APM has a good working relationship with the LCJB performance manager; a two-way process exists for providing a full range of data for use at the LCJB and the various joint performance meetings.
- Inter-agency working has led to jointly owned strategies aimed at driving up performance and bringing more efficient working between criminal justice partners. For example a joint initiative that has improved the attrition rate of domestic violence cases through improvements in investigation, case progression and prosecution processes, and improvements in witness care leading to better witness attendance rates. There is also evidence that the Area and its partners are developing the prosecution team ethos further, through co-location, better joint processes and establishing value for money principles.

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

- Compliance with the CQA system has improved each quarter during 2006-07 from a baseline of 61% to 95%. The average compliance for the year was 78.7% compared to a national average of 83.7%; however, performance for the first quarter of 2007-08 indicates a compliance rate of 105% which is above the national average. Compliance is measured and monitored at branch and Area level and forms part of monthly and quarterly performance reviews. Although performance between branches varied from a rate of 67% through to 105% this levelled out towards the end of the 2006-07 period. Analysis of the reasons for a poor compliance rate revealed several misunderstandings of how the scheme was applied; actions taken since this analysis has led to significant improvement.
- The Area's own assessment of its casework quality standards shows it to be below the national average. The Area considers that it has adopted a robust quality assurance standard, which has led to these results. Reality checks on a number of CQA forms and examination of files confirmed this approach. Examination of files as part of this OPA, and a number of CQA forms, indicates that the Area carries out an objective and realistic assessment of its case handling.
- Issues concerning casework standards are brought to the attention of the relevant prosecutor, and are discussed at branch management and ASB meetings. Good performance is also recognised. Analysis is undertaken to identify trends or points of learning and CQA findings are combined with other casework analysis, for example the Area delivered a joint training programme with the police to address poor standards in respect of disclosure. The CQA monitoring undertaken by the DCPs is supplemented by the monitoring of all MG3s following pre-charge advice, adverse outcome and cracked and ineffective trial analysis; feedback is given to individual lawyers concerned.
- The Area appointed a dedicated Advocacy Manager in November 2006. As a result the Area has been able to implement a systematic advocacy monitoring system. The Advocacy Manager assesses advocacy standards of all prosecutors before through-grading, the suitability of lawyers for the HCA programme and prosecutors where there has been some concern regarding their advocacy standards. Assessment reports are comprehensive.

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

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

- The objectives for the year, and the activities that underpin delivery of those objectives, are comprehensively set out in the Area Business Plan (ABP) for 2007-08. The ABP also includes an outline of Area aims in an easy-to-read one page format and a separate two page summary of the plan has been circulated to all staff. The ABP for 2006-07 contained the CPS vision whereas the current plan does not. The Staff Survey, conducted in March 2006, showed that awareness by staff of the Director's Vision of the CPS becoming 'A World Class Prosecution Service' is low at 63%, compared with 80% nationally.
- The Area has decided that a personalised vision statement, which reflects local values, is desirable. A draft version has been developed but this has yet to be finalised. Vision and underpinning values of how objectives will be achieved are important and should be inspirational, not only for staff but for external partners. While the efforts of the Area to consult with staff concerning the content of the vision are laudable, the Area has lost an opportunity to set the vision within the ABP at the beginning of the year.
- Managers understand their responsibilities for implementing decisions made by the Area Strategic Board (ASB) as well as delivering Area objectives and other criminal justice priorities. A Management Conference, held in February 2007, outlined the priorities for the year. Managers were asked to contribute to the delivery mechanism through various workshops; these meetings formed the framework of the business plan and how it was to be delivered, and the involvement of staff helped to give responsibility and ownership of the various objectives. The corporate approach is strengthened through the Area performance framework. Senior managers assess whether a corporate approach is being achieved through staff focus group meetings, Whitley Council meetings and incorporating this ethos in management training.
- Senior managers generally make themselves available to staff, with the CCP and the ABM making regular visits to the branches for quarterly performance meetings and staff focus groups. Focus group meetings have been recently introduced and involve a two-way dialogue between a selection of staff and the CCP and ABM; these enable a deeper understanding of the problems and issues faced at operational level as well as informing staff of the more strategic issues facing the Area.
- There is evidence that dialogue with staff, through regular team meetings and other means, has improved since the last OPA in 2005. However, the Staff Survey shows that the Area performs consistently below average in respect of communication. Only 49% of staff believed they had regular meetings, compared to 59% nationally and of those only 44% felt that they had effective meetings, compared to 55% nationally. The survey also showed that staff who felt they had adequate channels to contribute to views on change and those feeling it is safe to speak up and challenge the way things are done, are both considerably below the national averages.

- Action to address the perceived communication deficit by staff has only recently been taken. The Area has established five working groups to consider the main themes from the survey and as a result the Area produced an internal communications strategy; this recognised that the regularity, content and delivery of meetings varied tremendously throughout the Area. The strategy details various aims to address these issues and is underpinned by a communication action plan. It is unlikely that any of the anticipated benefits from this strategy can be measured before the next national survey due to be carried out in March 2008. However, there was good communication with staff during the restructuring of the City of Manchester Branch.
- Senior managers have considerable responsibility for leading or participating in a wide variety of criminal justice initiatives and other inter-agency groups. Relationships with most partners are positive and constructive at the strategic and operational level although, as would be expected in such a large complex Area, some individual relationships require additional nurturing.
- The Area has a positive approach to learning and reviews success and failure. It is forward thinking and willing to pilot initiatives, and is outward looking, benchmarking its performance against other Areas and considering best practice.

**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**

- The Area does not have a formal reward or recognition policy, although one is awaiting finalisation. The policy was formulated by one of the five working groups that considered the main themes emanating from the staff survey, and was a consequence of the Area scoring just below the national average on this issue. Despite the absence of a formal policy, good performance by staff is identified, acknowledged and rewarded. The draft policy, once implemented, should supplement these efforts by capturing activity in a more systematic way.
- The survey highlighted that the Area scored slightly above average in respect of working relationships. The proportion of staff who considered they were treated with fairness and respect was 69% compared to a national average of 63%; this was a significant improvement from the 2004 position of 51%. Managers have reinforced expected behaviour through training events and briefing sessions, and the Area has drawn up a 'Valued Behaviours' document to reinforce the behaviours and competences recognised as positive; this is currently at the consultation stage.
- In 2006 the Area had a partly substantiated complaint made by a member of staff about treatment by managers. Specific issues from this case have been learned to avoid repeat grievances.
- The ABM is the Area equality and diversity champion and is supported in this role by an Equality and Diversity Manager. The Area is working towards the implementation of a comprehensive Equality and Diversity Plan that has 23 statements of commitment, underpinned by numerous actions. The Area prefers to 'equality proof' new or existing policies through various working parties rather than have an equalities committee. The ABP reflects the commitment towards equality and diversity; however, it does not mirror the Equality and Diversity Plan which may cause confusion and equality issues do not feature as a standing agenda item on Whitley Council meetings. No complaints concerning equality and diversity issues have been made.

- The Area is working towards a more representative workforce, with various actions implemented through the Equality and Diversity Plan. Labour force data (taken in 2005) indicates that the workforce representation within CPS Greater Manchester has considerable disparities; the Area has 5% of its workforce from a minority ethnic background compared to 9.3% locally, and 68.0% of the workforce is female, compared to 49.0% locally. 2.8% of the workforce has a declared disability.
- The Area has produced various targets for workforce representation for gender, disability, and ethnicity, and has conducted comprehensive analysis of the demographics in the various districts of Greater Manchester. As yet it has not conducted a comparative analysis of workforce representation between branches. It considers that the expected outcomes of the Equality and Diversity Plan should provide better data to use in any analysis. The Equality and Diversity Plan contains comprehensive and some innovative commitments to educate staff on the principles of equality and diversity including: raising awareness of self-declared issues of disability, ethnicity and gender; addressing religious and cultural needs of staff; ensuring recruitment, retention and selection procedures are not discriminatory; targeting recruitment opportunities of under-represented groups; and forming links with organisations and mentoring with a greater emphasis on under-represented groups.
- Senior managers tackle any inappropriate behaviour both robustly and swiftly dealing with matters in a proportionate way. Staff have been counselled where appropriate.

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

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

- Senior managers understand the increasing need to improve community confidence and become more accountable to the public, particularly as the prosecutorial role develops.
- The Area Business Plan (ABP) 2006-07 prioritised numerous objectives and actions in respect of community engagement and securing community confidence. There were also clear links to other aspects of the plan involving race, homophobic, domestic violence and rape casework. Objectives in the 2006-07 plan seemed to have been replicated in the current plan suggesting that limited progress has been made against the 2006-07 objectives. The Area has appointed a dedicated equalities officer for community engagement activity, which should enable the agenda to be taken forward more proactively this year. Key members of staff are responsible for delivery, although most of the anticipated outcomes are quite broad.
- The Area's efforts, in respect of community engagement, focus on the core business of the CPS. The Area has encouraged staff of all grades to become more involved in community engagement and to complete a community activity log. There is some disparity between branches in the range and number of community engagement activities carried out and captured by the log, with one branch recording just three activities for the previous nine months. The log does not detail how the activity was initiated and although it includes what the benefit has been, there is no evidence of any real evaluation taking place, although some isolated events have been subject to a separate evaluation report.
- The LCJB initiated a project in July 2005 that resulted in a comprehensive breakdown of demographics across the Area. The Area also has current information on local community groups which is updated through the Area's liaison with the local authorities.
- The Area's engagement with groups at greatest risk of exclusion or discrimination has mostly been initiated by events which occur within the communities themselves and include: responding to racial tension in the Yemeni community; explaining the role of the CPS and Witness Care Units to the Somali community; working in partnership with other criminal justice agencies in respect of a gang strategy; and work with the Muslim community to provide reassurance following the negative impact of terrorism coverage. The Area had established a community advisory group to provide a vehicle for consultation with the community. Following consultation, the Area has now established three hate crime scrutiny panels, for racist and religious crimes, homophobic crimes and crimes involving violence against women.
- Most community engagement undertaken by CPS Greater Manchester remains confined to information giving and is mainly reactive. However, the Area has recognised the need to develop community engagement as a means of changing service delivery and has commissioned a stock-take exercise of community engagement that will inform future engagement evaluation.



- Public confidence in the ability of the criminal justice system within Greater Manchester to bring offenders to justice, as measured by the British Crime Survey, has improved from the baseline figure of 35% taken in 2002-03 to 40% in December 2006 but remains below the national average of 42.3%. In 2006 the LCJB initiated an extensive survey to determine confidence levels of black and minority ethnic (BME) groups across all ten local authority areas in Greater Manchester. Overall an average of 45.2% said they felt either very confident or fairly confident with criminal justice services which is an improvement on a similar survey conducted in 2005.
- The Area has yet to build a media strategy or develop a service level agreement with the police or the LCJB; the relationship between these groups is reactive rather than proactive, although the Area's Communications Officer has submitted draft proposals to counterparts in partner agencies. Nevertheless, the Area cultivates a relationship with the media through the circulation of a media interest case list that is collated from the case sensitive lists supplied by the branches and units. Media handling is conducted at branch level as well as through the CCP.

## 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%	13.7%	14.4%	11.0%	13.1%	10.6%	11.5%
Guilty plea rate	52.0%	69.2%	71.4%	71.0%	68.0%	66.5%	71.0%	73.4%
Attrition rate	31.0%	22.0%	19.7%	20.6%	23.0%	22.2%	18.1%	18.8%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	79.9%

#### 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%	84.9%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	43.0%
Cracked trial rate	37.3%	41.6%
Ineffective trial rate	18.9%	15.4%
Vacated trial rate	22.5%	17.3%

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

<b>National target</b>	<b>National performance 2006</b>	<b>Area performance 2006</b>
71 days	72 days	74.5 days

*Offences Brought to Justice*

	<b>CJS area target 2006-07</b>	<b>CJS area performance 2006-07</b>
Number of offences brought to justice	72,997	82,781

<b>Percentage make up of Offences Brought to Justice</b>	<b>National 2006-07</b>	<b>Criminal justice area 2006-07</b>
Offences taken into consideration (TICs)	8.5%	5.3%
Penalty notices for disorder (PNDs)	10.3%	11.5%
Formal warnings	5.8%	5.9%
Cautions	26.5%	18.2%
Convictions	48.8%	59.2%

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

	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Successful outcomes (convictions) as a percentage of completed Crown Court cases	77.7%	80.7%

<b>Trial rates</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Effective trial rate	48.2%	36.4%
Cracked trial rate	39.5%	50.6%
Ineffective trial rate	12.4%	13.0%

<b>Proceeds of Crime Act orders</b>	<b>Area target 2006-07</b>	<b>Area performance 2006-07</b>
Value	£5,015,034	£2,433,660
Number	400	319

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

	<b>2005-06</b>	<b>2006-07</b>
Non ring-fenced administration costs budget outturn	99.7%	99.0%

<b>Staff deployment</b>	<b>National target 2006-07</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
DCW deployment (as % of magistrates' courts sessions)	17.2%	14.7%	19.3%
HCA savings against Area target	100%	138.4%	130.6%
Sickness absence (per employee per year)	7.5 days	8.5 days	7.9 days

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

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

<b>CJS area baseline 2002-03</b>	<b>2004-05 (last OPA)</b>	<b>Performance in 2006-07</b>
35%	38%	40.0% (Dec 2006)

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

### **Police**

Greater Manchester Police

### **HM Courts Service**

*Magistrates' courts*

City of Salford Magistrates' Court

Tameside Magistrates' Court

Stockport Magistrates' Court

### **Victim Support**

Victim Support Greater Manchester

Witness Service Greater Manchester



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