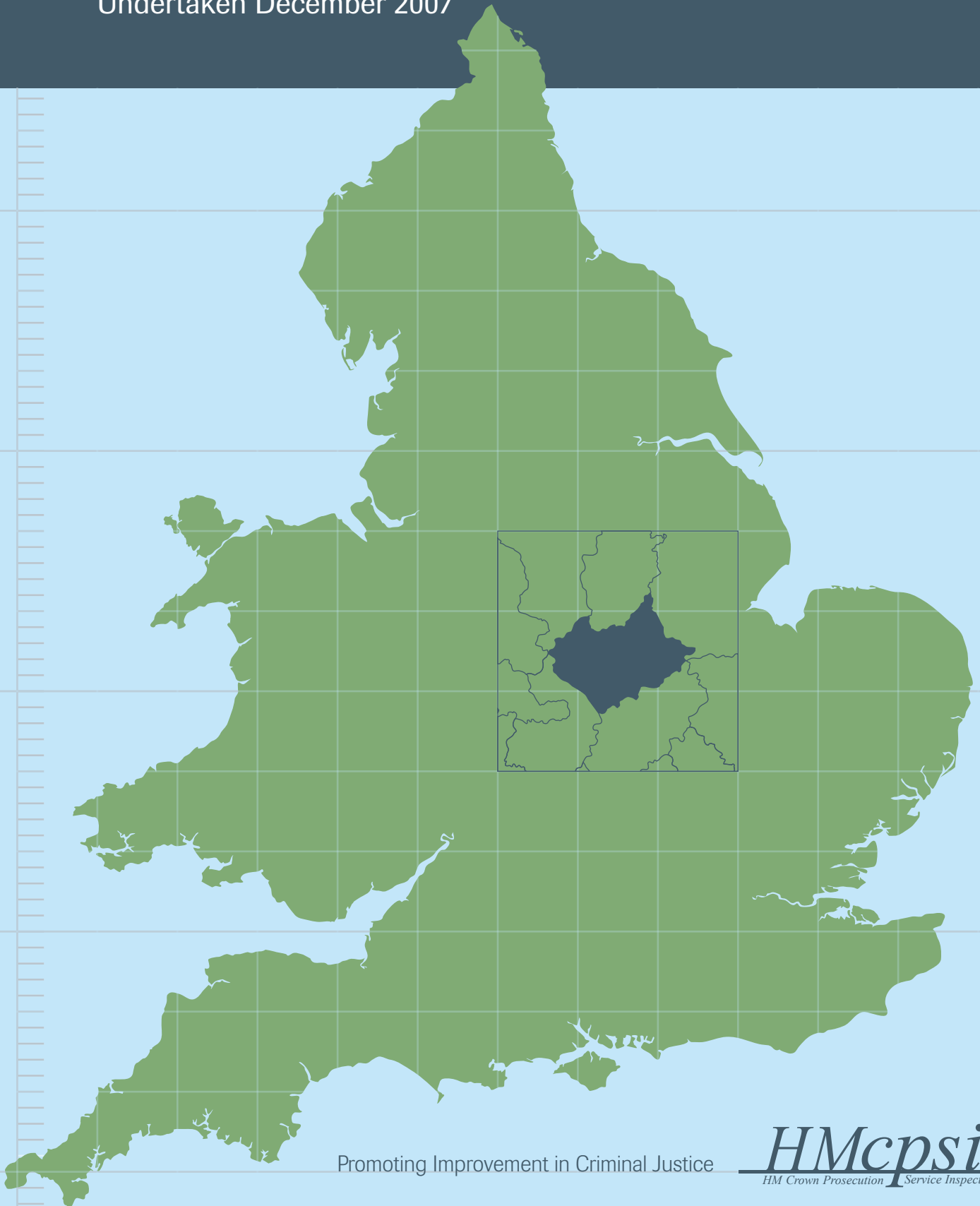


CPS Leicestershire

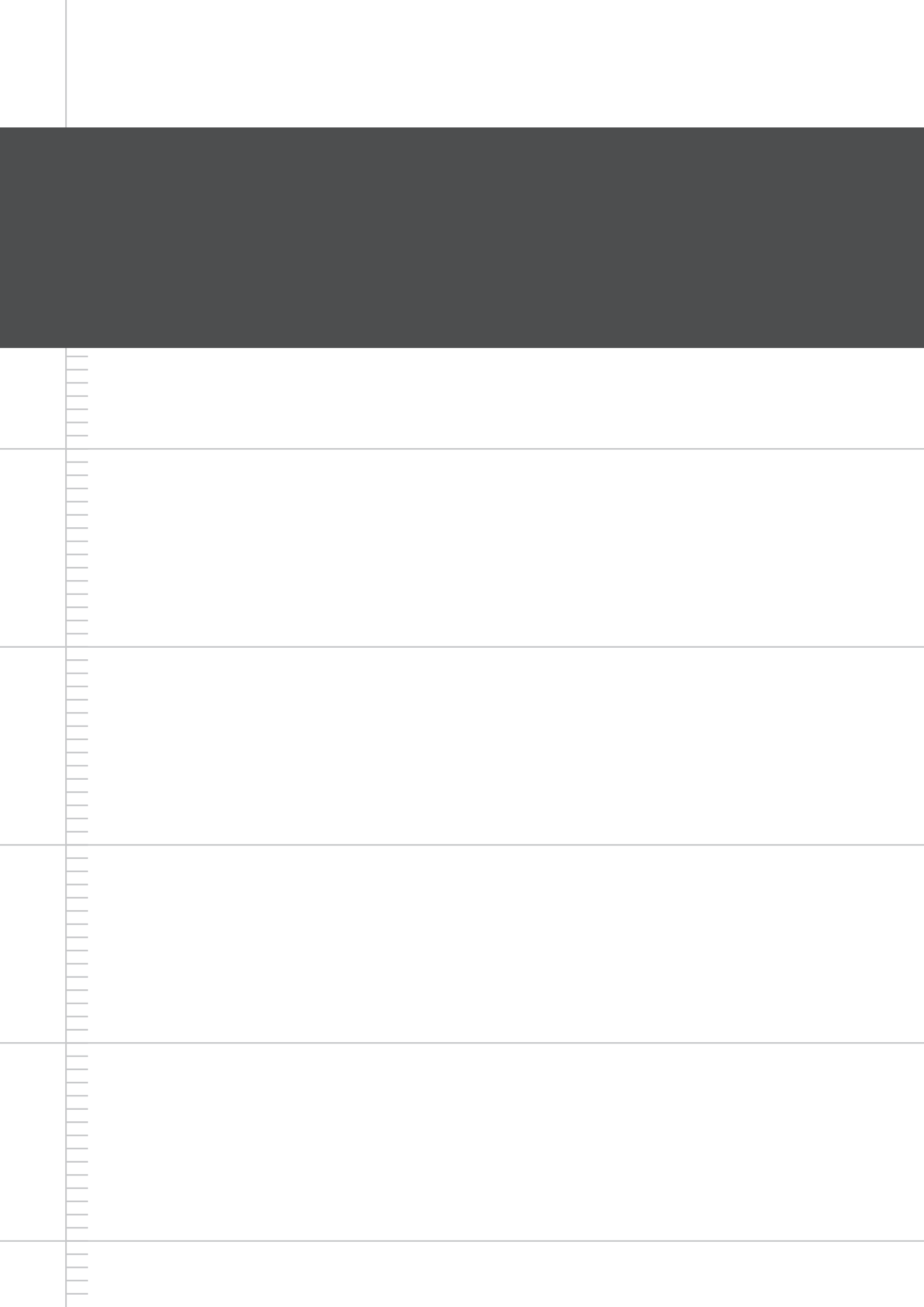
Overall Performance Assessment

Undertaken December 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 Leicestershire 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 Leicestershire serves the area covered by the Leicestershire Constabulary. It has one office, at Princes Court in Leicester.

Business is divided on functional lines between magistrates' courts and Crown Court work. The City and County Criminal Justice Units (CJUs) handle cases dealt with in the magistrates' courts and the Trials Unit (TU) with those in the Crown Court.

During the year 2006-07 the Area had an average of 118.2 full-time equivalent staff in post, and a budget of £5,281,570. This represents a 2.8% increase in staff and an 22.7% increase in budget since 2004-05, the period covered by the previous overall performance assessment.

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

Pre-charge work¹

2004-05		2006-07	
Written advice	1,660	Decisions resulting in a charge	7,002
Pre-charge advice (where available)	6,782	Decisions not resulting in a charge ²	3,723

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	21,766	17,521	-19.5%
Other proceedings	145	1	-99.3%
Total magistrates' courts proceedings	21,911	17,522	-20.0%

Crown Court proceedings

(including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Cases sent or committed to the Crown Court for determination	1,702	1,677	-1.5%
Committals for sentence ³	562	335	-40.4%
Appeals from the magistrates' courts ³	166	214	+28.9%
Total Crown Court proceedings	2,430	2,226	-8.4%

In 2006-07 54.4% of offences brought to justice were the result of convictions.

1 No valid comparison with 2004-05 pre-charge caseload is possible as statutory charging was only fully in place in all CPS Areas from April 2006 onwards.

2 Including decisions resulting in no further action, taken into considerations (TICs), cautions and other disposals.

3 Also included in the magistrates' courts figures, where the substantive hearing occurred.

C SUMMARY OF JUDGEMENTS

Contextual factors and background

Since the last OPA there have been significant changes at senior management level. The Chief Crown Prosecutor (CCP) retired in March 2007 and the Trials Unit Head covered the post until a permanent appointment could be made; a new CCP joined in October 2007. Apart from one Unit Head and the Area Business Manager all other managers on the senior team have also left. Since the last OPA caseload has dropped, significantly in magistrates' courts cases at 20%. There has also been a substantial increase in budget (22.7%), although staffing has only increased by 2.8%.

Leicestershire had an Area effectiveness inspection (AEI) in April 2007, with the report published that August. We identified eight strengths in performance, made eight recommendations and identified a further 15 aspects for improvement. During the course of this OPA we found that the Area had started to address some of our concerns, although given the short period of time between the inspection and the OPA it is too early to establish whether these changes are producing the desired results.

Summary

After the last OPA the Area concentrated its efforts to improve performance on those issues which had been assessed as the weakest. In line with this prioritisation the AEI found that there had been improvement in usage of the electronic case management system, improvement in compliance with the Direct Communication with Victims (DCV) scheme, and that resources had been committed to ensure that the statutory charging scheme was embedded and realised its potential benefits. However during the same period performance in key targets mainly deteriorated.

As the findings of this OPA are for comparative purposes based on the outcomes of the 2006-07 year there is a natural synergy between the findings of the AEI and this report. Our more recent findings and some of the changes made since our AEI visit are reflected in the text; however we recognise that some of the issues that the Area faced could not be solved immediately - some of the solutions would require time to be implemented and become embedded.

The amount of change required to improve performance and to address some of the concerns outlined in the AEI would benefit from a systematic approach to change management. Weaknesses in basic understanding of expectations at all levels, the lack of performance systems and poor results have started to be tackled. In many instances this is on a piecemeal basis and is not part of an overall change programme. Delivering changes of such significance would benefit from a structured programme, which is controlled and developed in a consistent way. Without the appointment of a fully permanent senior team the risk remains that the required changes may not be implemented effectively or consistently.

During 2006-07 the Area continued to fund a dedicated project manager to ensure that there was a strong focus on delivering charging and working with the police to embed the scheme. Whilst this commitment ensured that effective relationships were built with the police and there was evidence of a very strong 'prosecution team' ethos, some of the more basic internal processes needed improving. The quality of advice given varied and greater care needed to be taken to record advice. 'Reality' checks indicated that both the standard and recording of advice had improved. However performance against national targets remains of concern and current results are not showing consistent improvement.

The handling of casework in the magistrates' courts was assessed as 'Poor' in the 2005 OPA and, although there has been some limited improvement of processes, results remain weak. The more detailed examination carried out during the AEI identified that although the quality of review was generally sound, initiatives to address lack of preparedness limited the extent of file 'ownership' and thus personal accountability. The Area has started to outline basic expectations and the recent re-invigoration of the Casework Quality Assurance scheme and more formal use of the performance appraisal system is starting to improve standards. Results in the magistrates' courts in 2006-07 were well behind national levels, although more recently there has been some improvement.

In line with the general decline in results since the 2005 OPA those relating to the Crown Court for 2006-07 are worse than the national average. Our file examination during the AEI highlighted that the quality of review and decision-making was generally good and that there was timely service of papers and monitoring of the progress of cases. Performance trends in 2007-08 show that the more recent results are improving at a better rate than nationally.

Handling of sensitive cases remains a strength and the creation of specialist youth and domestic violence teams allows more consistent handling of cases and reduces unsuccessful outcomes. Unsuccessful outcome rates for hate crimes in both the magistrates' courts and the Crown Court are better than the national average and meet target, and good performance persists in 2007-08. Custody time limit systems are generally sound and processes have been strengthened since a failure earlier in the year. Our reality check indicated that in most cases Area action complied with national guidance and its own internal systems.

The AEI outlined a number of concerns about the handling of unused material. Whilst our reality checks indicated that some of these weaknesses have started to be addressed, there were still process deficiencies identified during the course of this OPA. The development of revised systems and processes, and the setting of clear expectations, should allow further improvement in performance.

Action needs to be taken to improve budgetary control and management. A large underspend in 2006-07 is currently on course to be replicated in 2007-08. High levels of sickness may be impacting the ability to permanently recruit, but closer control of spending and more accurate forecasting and profiling would assist this to be managed more effectively.

At the time of the last OPA the level of compliance with DCV was the lowest nationally. The Area worked to improve this and at the AEI and during this OPA compliance shows substantial improvement, although more remains to be done to improve the timeliness and quality of letters.

However there is a real weakness in the way that the Witness Care Unit has been operating. During the AEI there was a lack of clarity about roles and this was having a detrimental impact on the service offered to victims and witnesses. The units are being subsumed into current police and CPS operational units which brings with it additional risks. The Area needs to ensure that it monitors and manages this.

Performance structures are developing and since the AEI there are more systematic processes in place. Unit performance is clearly being measured and Unit Heads and business unit managers are being held to account. The performance pack would benefit from further development to allow Leicestershire to understand its overall position and identify trends. Community engagement activity is well marshalled and used to develop and improve systems, and there are effective processes in place to evaluate its benefits.

Direction of travel

This OPA shows a decline since the previous one in 2005. The AEI highlighted the fact that the Area needed to focus its effort on some of the basics. There was a lack of clear expectations about performance levels of staff at all grades, compounded by the absence of a performance management regime or culture. Since the AEI Leicestershire has started to tackle these gaps. Clear expectations, supported by the performance management scheme, are being used to ensure staff understand what is expected. Monitoring of casework quality and re-affirmation of casework processes (from basic housekeeping standards to legal processes) is starting to have a positive impact, although full realisation of the benefits of these changes will take some time to permeate the whole organisation. The recent appointment of a permanent CCP will further consolidate the changes being implemented, although the lack of a fully permanent senior team remains a risk.

In the light of our findings, Leicestershire's overall performance is **Poor**.

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

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

D DEFINING ASPECTS

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

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

- Face-to-face advice is provided by five duty prosecutors between 9am-5pm Monday to Friday at the four charging stations. Euston, Beaumont Leys and Loughborough provide advice on 'volume' casework and are broadly aligned with three police Basic Command Units, while Hamilton Police Station processes major crime and indictable only cases. There are contingency arrangements in place to cover unexpected absences. In 2006-07 69.3% of advice was face-to-face compared to the national average of 63.5%.
- Complex and serious cases are usually dealt with by way of an evidential file submitted to the CPS office when the suspect is on bail. Police officers are aware of the identity of specialist lawyers and duty prosecutors are able to telephone them if the need arises. There are different arrangements for child abuse cases; duty prosecutors visit police premises and hold child abuse 'surgeries' on a regular basis.
- Sound 'gatekeeping' arrangements have been established by the police which has had the effect of producing a strong prosecution team ethos. In all cases police officers need the approval of the gatekeeper before seeking advice from the duty prosecutor. Examples of non-compliance with the Director of Public Prosecutions' guidance, by not seeking CPS authority to charge in all appropriate cases, are rare. The level of inappropriate requests for advice is kept to a minimum by robust gatekeeping. The Area monitors the effectiveness by closely tracking the ratio of charged cases to those where there is no further action (NFAs). In 2006-07 65.3% of cases resulted in a prosecution while 31.4% resulted in NFA, against 31.9% nationally.
- Non-compliance, inappropriate requests for advice and appeals against charging decisions are subject to established and recognised systems and procedures, and these are used in appropriate circumstances. Unit Heads act as the first level of appeal, with the CCP being the final arbiter. No appeal case has required the CCP to be involved. We did note a tendency of police gatekeepers, however, to repeatedly bail defendants to file bail towards a particular charge, which served to limit the options of duty prosecutors in making their charging decisions in some instances and built in delay before cases were referred for charging advice.
- Our reality check of the ongoing case report indicated that the CPS could have more effective processes to deal with the historical backlogs of pre-charge cases. We found a similar issue with the current caseload, relating to those cases with action dates for return to the duty prosecutor. The Area is attempting to address these issues through Prosecution Team Performance Management (PTPM) meetings, but it is yet to be seen whether this will be effective.

- During the assessment in 2005 we were assured that the problem with duplicate unique reference numbers had been resolved. This has been an ongoing issue and was a problem prior to statutory charging. At the AEI the Area was still grappling with the issue, but is hopeful that the implementation of NSPIS (the police file building computer system) will resolve this. Reality checks of ongoing cases indicated that duplicate numbers remain a problem.
- The record of a charging decision is made on an electronic form (an MG3). This should accurately record the evidence seen; evidential and procedural issues; the ethnicity and gender of the suspect; and the advice given, with any actions which may be required to complete the investigation. Reality checks showed a high standard of completion, with ethnicity and gender recorded on all cases examined.
- Outside of office hours advice is provided by CPS Direct (CPSD). The relationship with CPSD is effective and feedback is given where necessary. CPSD data is shared and the representative from CPSD attends some meetings with the police.
- Conditional cautioning was introduced in one part of the Area (Hinckley) in April 2007 and subsequently across the south. There has been lower than anticipated level of uptake, with six conditional cautions to October 2007. The scheme has been evaluated and consideration is being given to increasing the available conditions.

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

- Duty prosecutors are drawn from all the units and the Area ensures that they have all completed the CPS Proactive Prosecutor Programme training. Reference materials are made available at each charging station in order to assist the consideration of relevant law and practice and to enable the duty prosecutors to comply with local and national policies. Area policy now requires them to ensure that files are 'trial ready' and that there are clear instructions for prosecutors at court, in accordance with the principles of the Criminal Justice: Simple Speedy, Summary (CJSSS) initiative.
- Reality checks indicated that charging decisions were generally properly recorded, with a high standard of reasoning. Electronic advices showed that procedural and evidential issues had been properly considered. Careful thought had been given to victim and witness needs, with the requirement for a special measures application flagged up when appropriate. Where relevant, instructions to prosecutors were set out in the body of the advice.
- Unit Heads monitor duty prosecutors' charging decisions, which are set out on the MG3s. They use the Casework Quality Assurance scheme (CQA), unsuccessful outcomes analysis and ad hoc examination of the charging advice when lawyer issues arise or when they are providing advice in their capacity as a specialist or coordinator. Cases where there is to be no further action are dip sampled to ensure that only appropriate ones are not proceeded with. There is no formal monitoring system in place for conditional cautions given the small number administered.

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%	21.8%	18.9%	11.0%	13.1%	20.4%	19.0%
Guilty plea rate	52.0%	69.2%	65.2%	69.3%	68.0%	66.5%	66.3%	68.1%
Attrition rate	31.0%	22.0%	26.6%	23.4%	23.0%	22.2%	28.5%	25.3%

- Three of the six national targets have been achieved. In the magistrates' courts both guilty plea and attrition rates are better than the national target and guilty pleas are better than the national average. The discontinuance rate is poor, at 18.9%, and well above the national average of 15.7%.
- The picture is worse in the Crown Court for both discontinuance and attrition. Discontinuance is significantly above the national figure, although guilty plea rates are better than target and national performance.
- Arrangements for PTPM meetings have been rationalised. Formerly the CPS PTPM lead attended three separate meetings, resulting in lack of standardisation of learning points. There is now one meeting which operates Leicestershire-wide. Although this arrangement has recently been implemented, the Area reports that communication has improved and the revised format of the PTPM reports is considered to be more user friendly, facilitating early identification of issues and meaningful discussion. Analysis is detailed and action points are agreed and communicated back to staff when appropriate.
- Action has been taken jointly with the police to use these meetings to manage a robust quality assurance process for action plans in indictable only cases. This involves a full review of the action plan to ensure that requests for outstanding evidence or unused material are proportionate and ensuring that remedial action can be taken immediately upon receipt of the file in the TU. Additionally, PTPM processes are being used to manage charging cases where CPS action plans have not been returned by the agreed date, and more robust management checks have been introduced by the police which are being supervised by their gatekeepers. The AEI highlighted specific examples of guidance and instructions being produced for duty prosecutors who undertook charging, however there was limited evidence that this was shared more fully across the whole Area through team meetings, although guidance and advice was often e-mailed to all lawyers.

2 ENSURING SUCCESSFUL OUTCOMES IN THE MAGISTRATES' COURTS	OPA 2005	OPA 2007	Direction of travel
	Poor	Poor	Improved

2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	14.4%
No case to answer	0.2%	0.2%
Dismissed after trial	1.9%	1.7%
Discharged committals	0.2%	0.03%
Warrants	2.6%	3.0%
Overall conviction rate	84.3%	80.7%

- The magistrates' courts conviction rate is worse than national average but shows an improvement from the 2005-06 figure which was 78.5%. The data in the second quarter of 2007-08 shows the conviction rate had improved to 85.3% which was the same as the national average. The acquittal rate fluctuated over the year, but at 1.7% overall, is close to the national average. The number of cases where there was no case to answer also fluctuated over the year, although the annual figure was the same as the national average.
- Discontinuances were worse than nationally in 2006-07, but improved from the 2005-06 rate of 15.6%. At the time of the AEI we found that there was a presumption against discontinuing charges which had been the subject of a pre-charge decision (PCD). When discontinuance was proposed this had to be approved by a Unit Head; in reality lawyers would often make decisions to discontinue without approval. Since then a 'decision-maker' role has been created, ensuring that a senior lawyer is available at court or on the telephone to make a timely decision on discontinuance. Systems are in place to ensure that there is appropriate consultation with the police when a decision to discontinue is made out of court. Discontinuance rates are improving and the figure in the second quarter of 2007-08 had reduced to 10.7%.
- Adverse outcome forms are completed for all unsuccessful outcomes. Unit Heads examine adverse cases and the Area undertakes an analysis of unsuccessful outcomes at monthly performance reviews. Unsuccessful outcome reports are shared with the police and discussed and analysed at PTPM meetings. Any issues that are identified or lessons learnt are disseminated through team meetings or by individual feedback.

- The target for offences brought to justice 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. Its contribution comes through managing cases to keep discontinuance low, good decision-making and case management. In 2006-07 the Leicestershire criminal justice area exceeded the target for offences brought to justice, 54.4% of which were the result of convictions compared with the national conviction rate of 48.8%. The area continues to improve performance and had exceeded the 2007-08 target by the rolling quarter ending July 2007.
- In 2006 the average time taken to deal with persistent young offenders (PYOs) from arrest to disposal was 98 days. Analysis of poor performance suggested that key issues were the identification and summoning of PYOs by the police. CPS Leicestershire has renewed its efforts and was working with other agencies to improve performance. It has agreed a criminal justice system (CJS) protocol, established a youth team and changed procedures to enable trial dates to be fixed at the first hearing to avoid the necessity of an adjournment for a pre-trial review (PTR). The AEI recommended that the Area needed to re-affirm to its staff the importance of good PYO performance and to underline the processes and timescales. Early indications are that performance is improving. More recent figures available show that performance has improved significantly over the past several months and the Area is currently meeting the PYO target. In August 2007 the rate was 63 days against the 71 day target.

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%	33.8%
Cracked trial rate	37.3%	45.3%
Ineffective trial rate	18.9%	20.9%
Vacated trial rate	22.5%	6.0%

- At the time of the AEI file reviews before court were limited to an individual lawyer or designated caseworker (DCW) review and any missing documents or other issues identified were raised with the police directly. Since then, a system has been implemented for checking file quality and timeliness for all CJSSS files at the first and subsequent hearings. Where file quality is an issue this is communicated to the police at the PTPM meetings.
- The Area introduced a file housekeeping system to assist in the expeditious case progression of trial files. A lawyer is allocated on a daily basis to ensure that follow-up work is completed on magistrates' courts cases and they are ready to be progressed at PTRs. This system ensures that correspondence and issues that will assist case progression are completed daily. Whilst it assists in ensuring cases are prepared and progressed effectively there is a concern that personal accountability and file ownership may be undermined, although for the future the Service is moving away from the notion of file ownership in less serious cases, in line with the Optimum Business Model.

- Additionally, there are dedicated Case Progression Officers (CPOs) in each unit. At the AEI we recommended that the role of the CPO was clarified through the setting of appropriate objectives and a comprehensive job description. The Area anticipates that this will occur within CJSSS. A document has been drawn up setting out the role and responsibilities of CPOs in each agency. There is regular liaison between the CPOs, courts, Witness Care Unit and the police, with case progression meetings take place fortnightly.
- CJSSS processes are in place at Hinckley Magistrates' Court and early indications are that the benefits are being realised. Of the first 84 cases where the defendant attended on the first hearing, the Area met four of its five targets.
- At the AEI we found that youth cases were generally handled well with a dedicated youth team in the City CJU and specialists dealing with the bulk of these cases in County CJU. However City youth courts were very busy, with heavy daily lists resulting in cases being moved between courts to avoid excessively long delay. Since the AEI the CPS has successfully negotiated extra courts to ensure all youth cases are progressed effectively.
- In 2006-07 the ineffective trial rate was high and failed to meet the national target or do as well as the average national performance. The presumption against discontinuing cases, referred to in Aspect 2A above, had an adverse effect on the rate of ineffective trials. After this, the main reasons for ineffective trials were prosecution witness absence, insufficient court time and defendant absence. Witness availability and defendant absence continue to be a major issue.
- The cracked trial rate for 2006-07 was 45.3% against a national average of 37.7%. Over 19% of this figure was made up of guilty pleas offered by the defendant for the first time on the day of the trial. Although attempts were made to address the high cracked trial rate in parts of the county, the AEI indicated that cases should be reviewed more thoroughly pre-trial in order to address the problem.
- The cracked and ineffective trials rates combine to give an effective trial rate of only 33.9% against national performance of 43.8%. Late guilty pleas and witness issues persist. There has been some improvement in 2007-08.
- The Area has been hampered in its attempts to analyse cracked and ineffective trials due to the absence of data available from the courts covering the City CJU, so the Unit Head has established a temporary manual monitoring system. Work is ongoing with the courts and the Local Criminal Justice Board (LCJB) Performance Officer to identify a more systematic process to provide performance data on cracked and ineffective trials and to establish multi-agency cracked and ineffective trials meetings to identify issues and improve performance. More recently the Area has copied all cracked and ineffective trial forms from the court and undertaken some analysis of the reasons for them. This has allowed trends to be identified and some performance improvement action to be directed. Feedback has been given to staff to make them aware of issues.
- Levels of usage of the electronic case management system (CMS) has substantially improved since the OPA in 2005 and 77.7% compliance was noted during this assessment. In our latest file sample we found several instances where the CMS review had not been printed off and placed on the paper file. Our reality checks confirmed that the review is now routinely placed on the file. In line with the generally improving trend performance for recording hearing outcomes and finalisations is also better, with the target being met in November 2007.

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

3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals	13.1%	18.7%
Judge directed acquittals	1.4%	0.7%
Acquittals after trial	6.5%	4.5%
Warrants	1.3%	1.0%
Overall conviction rate	77.7%	75.1%

- The overall conviction rate for 2006-07 was 75.1% compared to the national average of 77.7%, although performance has improved slightly since 2005-06. In 2004-05 the rate was significantly better at 78.4%. The current level of convictions has improved to 77.0% compared to the national average of 78.6% in the second quarter of 2007-08.
- The level of judge ordered acquittals, at 18.7%, is significantly worse than national average but has improved since 2005-06 when it was 21.1%. The rate has recently improved to 15.3% for the 2007-08 year-to-date. The rate of judge directed acquittals for 2005-06 and 2006-07 remains stable at 0.7% and the rate of acquittals after trials in both 2005-06 and 2006-07 was unchanged at 4.5%.
- At the time of the AEI discontinued cases had been a cause for concern. The Area had been proactive in identifying issues impacting on discontinuance and implemented measures to address these, including the requirement to ensure that all decisions to discontinue cases which had been subject to PCD are countersigned by the Unit Head.
- All adverse outcomes are reviewed by the TU Head, who also completes an adverse case report for every unsuccessful outcome and provides analysis. The monthly reports are jointly analysed with other CJS partners and are reviewed at Area Management Team (AMT). Performance and outcomes are discussed and individual and overall training needs are identified, with feedback given both on an individual and unit-wide basis.
- In 2006-07 the Proceeds of the Crime Act (POCA) volume target of 88 confiscation orders was exceeded, with 97 obtained. The value target for 2006-07 was £1,247,946: however only £764,107 was achieved. The POCA team has now increased from two to four, cases are identified at an early stage, training has been delivered and systems are in place to monitor enforcement. CPS Leicestershire is now significantly exceeding its annual value target of £1,358,000, achieving £3,586,902 (to September 2007) and 73 orders (annual target 88) by the second quarter of 2007-08.

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%	38.7%
Cracked trial rate	39.5%	46.6%
Ineffective trial rate	12.4%	14.7%

- The proportion of effective, ineffective and cracked trials is worse than the national average. In 2005-06 the cracked trial rate was marginally worse at 46.9%. The Area confirms that its poor performance is due to the high number of late guilty pleas. Current performance (the year-to-date figure at the end of September 2007) shows some improvement; cracked trials were at 39.5% and the ineffective trials rate was 14.0%.
- At the time of the AEI there was regular and formal analysis of effective, ineffective and cracked trials data which was discussed at AMT meetings, Unit Head quarterly reviews and team meetings. Appropriate action was taken where the prosecution was at fault. Since then analysis of cracked and ineffective trials data has improved significantly, with careful scrutiny at inter-agency cracked and ineffective trials meetings where case details are supplied in advance and the relevant party held to account for failures. The CPO works with managers to reduce the number of cracked trials identifying and reporting any poor performance to the Unit Head for the appropriate action to be taken.
- Cracked and ineffective trial rates are also discussed at the Core Performance Group of the LCJB and during monthly meetings with the Resident Judge. The joint analysis of cracked and ineffective trials is improving. Monitoring occurs at Area management and team meetings, with lessons learnt communicated to lawyers and caseworkers. Work is continuing to examine issues such as late guilty pleas and effectiveness of pre-trial hearings and to analyse reasons and trends to see where improvements can be brought about.
- The CPS has introduced a process to quality assure each indictable only file upon its receipt in the TU. Actions set out in plans at the PCD stage are checked for relevance and chased where appropriate. It is intended to roll this procedure out across Leicestershire to ensure that case preparation is undertaken expeditiously and delays are cut out of the after court work process.
- There is a Crown Court protocol which provides a framework for expeditious case progression. At the time of the AEI it was relatively new, but was already impacting positively and performance was improving generally. There is an effective dedicated CPO in the TU who works closely with other agencies and effectively monitors progress of all cases on CMS. The CPO works to reduce ineffective trials and, where poor performance is identified, this is communicated to the Unit Head for action to be taken.

- At the time of the AEI our file sample indicated that case progression was generally good, with timely and effective action being taken by the CPO and caseworkers when issues arose. There was evidence that cases progressed at each hearing and there was limited delay.
- The Crown Court protocol requires that all youths are treated as persistent young offenders and are fast-tracked accordingly. Preliminary hearings take place within 14 days for all youths and cases are monitored by the business unit manager to ensure that they progress effectively.
- Good use is made of CMS for full file reviews. At the AEI we found that they were recorded and placed on the Crown Court file in 99.8% of cases against Area and national targets of 90.0%. Reality checks for this OPA showed that all Crown Court files contained full file reviews which had been undertaken and recorded on CMS.

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

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

- The AEI reality checks showed that case files were generally untidy, necessitating much searching to establish the history and progress of cases. In our file sample for this OPA 86.2% of cases were ready for PTR and in 85.4% court orders were complied with on time. Reality checks indicated that magistrates' courts files remain untidy with documentation spread about the file and instances were seen where the PTR pack had not been prepared for the hearing. In contrast, Crown Court files are neat and ordered making it easy to locate all documents.
- At the time of the AEI Unit Heads carried out most of the PTR courts. This practice had developed to ensure that a robust position could be taken and in an attempt to ensure that cases proceeded at the first hearing. Our observations and reality checks highlighted that in general cases were progressed effectively, although the late receipt of police files and a lack of correspondence handling later in the process had resulted in the appointment of a dedicated case progression lawyer. More recently the Area has worked to increase its in-house coverage of courts, seeing this as key to ensuring effective case progression, since clear expectations have been outlined to lawyers to highlight the importance of challenging inappropriate adjournments and progressing cases if at all possible.
- Court progression meetings are held for all magistrates' courts and Crown Court trials to ensure they are effective and any issues likely to affect case progression are identified early. The TU liaises with the Crown Court on a regular basis regarding listing issues, especially where it impacts victim or witness issues.
- Training has been delivered to all lawyers on CJSSS and the initiative was piloted in Hinckley Magistrates' Court from September 2007. New processes have been put in place within the CJUs to ensure that cases are progressed expeditiously out of court and the police have put in extra resources to ensure the timely preparation and submission of case papers. Evaluation of these measures has shown an improvement in the effectiveness of first hearings by increasing the number of pleas and reducing the number of adjournments. In December 2007 this scheme will roll-out across the county and the CPS is confident that benefits accrued at Hinckley can transfer Area-wide.
- There is a local listing agreement which dates back to 2003 and more recently a new listing pattern has been agreed to facilitate the delivery of CJSSS, which will ensure that there can be maximum DCW deployment across the Area. This has involved the development of a DCW support protocol to ensure appropriate decision-making support is available to them so that courts run smoothly. The new pattern takes into account youth courts which have historically been significantly over-listed.

- Where possible, in-house Higher Court Advocates (HCAs) deal with cases from 'cradle to grave'. This ensures that the level of preparation and expertise is of a high standard and that cases progress. Agents receive their case papers four working days in advance of the hearing and instructions to counsel are sent where possible within the 14 day requirement. In-house advocates are allocated preparation time on the weekly rota.
- The AEI found that the standard of instructions to counsel was variable. File examination at the time showed that 82.4% of cases contained a satisfactory case summary and analysis of evidence, some of which were excellent and addressed all material points. This was less favourable than the Area's own CQA which assessed that 93.5% of cases were adequate. Instructions on plea were given in 69.2% of relevant cases which contrasted with the Area figure of 90.2%. Reality checks for this OPA indicate that there is still scope for improvement in the preparation of counsel's instructions, particularly in serious cases such as rapes where a detailed analysis of the evidential issues, which is elementary, was lacking. Timeliness of delivery of instructions to counsel is better than the national average.
- Advocates are expected to attend court in good time to facilitate effective liaison with other court users. Where incidences of lateness have occurred, these have been addressed appropriately.
- The AEI found that all magistrates' courts advocates were monitored but their performances were generously marked. In the Crown Court counsel were monitored for re-grading purposes only. HCAs had not been sufficiently monitored. We recommended that the Area should ensure that monitoring of all advocates is robust and systematic, with face-to-face feedback given. The current arrangements are limited to obtaining structured feedback from the judiciary, lawyers and DCWs, with action being taken where appropriate, and systematic processes to ensure that there is full coverage of all advocates has yet to be implemented.
- The average number of adjournments is worse than nationally for magistrates' courts cases and committals, however, it is better than nationally in the Crown Court.
- There were eight wasted costs orders during 2006-07 with a cumulative value of £1,668.20.

5 SENSITIVE CASES AND HATE CRIMES	OPA 2005	OPA 2007	Direction of travel
	Excellent	Good	Declined

5A The Area identifies and manages sensitive cases (including hate crime⁵) effectively

- The AEI found that the standard of casework in sensitive cases and hate crimes remained high since the time of the last OPA. We identified as a strength both the identification and management of cases and also that the quality of decision-making was good. Our reality checks confirmed that this remains the position. Care had been taken in the choice of charge and CPS policy was correctly applied.
- The review and handling of sensitive cases and hate crimes is generally carried out by specialists and champions who have been appointed for all categories of sensitive and specialist cases. In addition the Area has set up a youth unit and the City CJU has a small specialist unit to deal with domestic violence cases, reviewing all such trials. Any complex domestic violence cases are sent to the City unit for pre-charge advice. The Special Casework Lawyer also handles a number of sensitive cases, which include complex and high profile media interest cases, and advises on some at a very early stage in the investigation, especially where there are public interest immunity issues.
- At the PCD stage child abuse cases are dealt with at specific surgeries held on a regular basis in the police's child abuse units. Other categories of sensitive cases, including fatal road traffic collisions and rape, are dealt with outside the pre-charge advice scheme. With these papers are brought to the office for review by the Unit Head before allocation to a specialist prosecutor (providing the suspect is on bail). Second opinions are usually obtained. Where pre-charge advice is provided by a duty prosecutor, specialists are consulted where appropriate in sensitive cases.
- Domestic violence and child abuse training has been delivered and more is planned to ensure that prosecutors are up-to-date and have the requisite knowledge and expertise to deal with sensitive and hate crime cases.
- Systems have been introduced to analyse performance for all sensitive cases and hate crimes. Performance is monitored through CQA analysis and reviews of adverse outcomes. Champions also dip sample these cases. An analysis of hate crime performance in both CJUs is contained within monthly performance reports. When issues arise, these are identified in the report and lessons learnt are shared with the unit at team meetings.
- There are good systems in place to identify sensitive and hate cases, with a desk top guide for the police and duty prosecutors and desk instructions for registry staff, to ensure they are correctly flagged. Files are dip sampled on a monthly basis to ensure appropriate flagging and that the hate crime monitoring form has been completed. During our reality checks nine out of ten cases examined were appropriately flagged.

⁵ 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).

- Leicestershire has begun to plan for a Hate Crimes Scrutiny Panel along with the others in the CPS Area Group. This will bring together interested parties and relevant community groups to examine and feed back to the CPS on its handling of hate crimes. Currently, any race hate charge which is dropped or amended to remove the hate element is referred to a Unit Head before a final decision, which allows a consistent approach in such instances. Cases are monitored under the racial incident monitoring scheme.
- The Area considers all HMCPST thematic reviews. For example following publication of the inspection report on the investigation and prosecution of rape offences (“Without Consent”) policies were checked and systems amended to ensure that there is a conference with counsel in all rape cases; that lawyers and caseworkers are all involved in monitoring and analysis of counsel’s performance; and written reports are supplied by counsel in the event of an acquittal in a rape case.
- The proportion of unsuccessful outcomes in hate crime cases improved from 39.0% in 2005-06 to 33.1% in 2006-07, although this figure is worse than the national average of 32.8%. In 2006-07 the Area achieved a reduction in the rate of unsuccessful outcomes for each of the three hate crimes: domestic violence, racially and religiously aggravated offences and homophobic cases.
- The Area is proactive in ensuring that children are safeguarded. A senior prosecutor attends the Local Safeguarding Children Board, although action is not incorporated into the Area business plan.

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

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

- CPS Leicestershire was assessed as 'Good' in respect of disclosure performance at the last OPA in 2005, however, the AEI highlighted significant variations in disclosure compliance and found a notable decline in disclosure performance generally, although the most significant was in respect of magistrates' courts cases.
- Reality checks, although based on a small sample, revealed that shortcomings persist. Whilst checks indicated that initial disclosure was handled correctly in seven out of nine cases, one magistrates' courts case included a nonsensitive unused material schedule which was unendorsed, notwithstanding that a trial had taken place, and on the other files we found it was routine practice to leave sensitive unused material schedules unendorsed when the police indicated that there was no sensitive material. Continuing disclosure was handled correctly in three out of five cases in the Crown Court. In one case no substantive response was sent to defence solicitors after receipt of the defence statement. A disclosure record sheet was not present on the majority of concluded trial files and, of those present, the majority of sheets examined did not record and date all actions.
- The AEI recommended that the Area takes action to reduce the number of duplicate schedules it receives during the life of a case. Our reality checks showed that no file contained any duplicate schedules, which indicates that effective action has been taken. In the Crown Court files unused material schedules are kept in a separate folder within the main body of the file, whereas in the magistrates' courts the unused material papers were spread about the file.
- The CPS is working with the judiciary to ensure compliance with the Crown Court protocol on the handling of unused material and is monitoring non-compliance, with lawyers and caseworkers reporting back any failures to individuals.
- Compliance is monitored through the formal CQA scheme, analysis of adverse outcomes and additional dip sampling by Unit Heads when assessing other aspects of casework. Our AEI found that systems for assuring the quality of disclosure handling and decision-making were not robust and needed improving. Concerns had not been identified and comparisons with our own file reading indicated over-confident assessment. In this OPA our findings indicate a more robust approach has now been adopted Area-wide with individual feedback being given when appropriate, and Unit Heads now specifically cover disclosure in their monthly reports to the AMT.
- Recent activity has included circulation of the third party material protocol and the setting of clear standards in respect of disclosure generally, sensitive material and the administrative handling of unused material, which should ensure that disclosure documentation is kept from the main body of the file.

- There are appropriate procedures for the secure storage of sensitive material and systems have been revised to create and maintain a public interest immunity log.
- The Disclosure Champion is a Special Casework Lawyer who takes the lead on disclosure issues and has provided training internally and to the police. The AEI found that the champion's involvement in complex casework has meant that there was little time to assess disclosure performance on any of the high volume work and it recommended that the Area ensures the role should be expanded to assess the quality of disclosure, and to use findings to tailor training and offer mentoring. Recent arrangements have been put in place to address this.
- Where appropriate, lawyers are encouraged to undertake the CPS Prosecution College e-learning module on disclosure and in-house refresher training has been delivered to all lawyers and caseworkers to ensure principles and compliance with the disclosure regime were embedded. Training is ongoing and plans include covering sensitive material for lawyers and caseworkers.
- The CPS has been involved with joint training with the police and participation in police internal courses. The CJSSS training for police enabled the Area to take action to reduce the number of duplicate schedules submitted by the police. Informal police training occurs during the individual coaching sessions provided by duty prosecutors when examining disclosure documentation at the pre-charge advice stage.
- Since the AEI steps have been taken to improve performance in respect of disclosure. There are revised systems and processes setting clear standards for lawyers and caseworkers. Training has been delivered and is continuing. Monitoring systems are more robust, but have yet to be fully effective.

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

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

- There is a local written custody time limit (CTL) standard which generally complies with national guidance. It has recently been revised to include comprehensive desk top instructions imposing additional monitoring and auditing responsibilities for registry managers and Unit Heads, setting out the responsibilities of each grade in respect of CTLs. The system deals with the review of CTLs.
- Daily checks are carried out by administrative staff which involve both use of the CMS task list and report which is used to monitor CTLs in conjunction with the manual diary system; reality checks confirm this. Lawyers' calculations are checked by administrative staff on receipt of the files and labels placed on them listing the pertinent expiry and review dates, with managers responsible for checking their accuracy. Senior managers require regular assurance on CTL compliance. CQA checks and quarterly dip samples are undertaken and the findings form part of the monthly unit reports submitted for consideration at management team meetings, where performance is discussed in detail.
- Reality checks, although based on a small sample, showed that endorsements were generally adequate with grounds and exceptions noted. In all cases save one, accurate CTL expiry dates were recorded on yellow stickers on the cover of the files. In the one where it was wrong, the lawyer at the first court hearing had endorsed the wrong court date which led to the miscalculation. Checks by the Area had identified the error when the file was sent to the TU to prepare the committal.
- There were no CTL failures in the years 2005-06 and 2006-07. There was a failure, however, in July 2007. This occurred in the Crown Court due to a defective court endorsement and a subsequent omission to clarify the confusing endorsement when the case update was entered on CMS. This led to failure to monitor one of the defendants' time limit in a multi-defendant case. Lessons have been learnt and communicated to all staff and procedures have to be tightened, requiring staff in the TU to confirm custody status from the courts systems and ensure that all endorsements in respect of CTLs on both magistrates' courts and Crown Court files improve.
- A CTL Champion has been appointed and has been involved in the production of the updated written guidance as well as planning further internal training, and each unit has a CTL specialist.
- There is a protocol between the CPS and magistrates' courts which was recently re-launched to remind staff of the need to agree CTLs with legal advisors in the court and to note the file jacket accordingly. Expiry dates are announced by the lawyer in the magistrates' court and noted down by the court. Unit Heads' CQA checks include an evaluation of whether the CTL was agreed in court with the appropriate file endorsement.
- There is no similar protocol with the Crown Court, the responsibility lies with the CPS to calculate and monitor CTLs.

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

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

- There has been a significant improvement since the last OPA in performance in meeting the requirements of the Direct Communication with Victims scheme. In 2006-07 76% of letters were sent within five days of the decision to drop or substantially alter a charge, and in 87% of relevant cases. These levels of performance have continued into 2007-08. However the AEI found some letters had been missed and that their quality needed to improve: the majority were formulaic, contained jargon or showed no empathy for the victim. A CPS Headquarters review in October 2007 confirmed that there were still weaknesses in the quality of some of the letters produced, but identification and timeliness had improved across the Area. Our reality checks indicated that performance had substantially improved since the AEI. Letters were sent in all relevant cases seen and the quality also showed an improvement. To further emphasise the importance of the DCV scheme guidance has recently been produced for circulation to all staff outlining internal practices and responsibilities, but it is too early to say whether these steps have lead to further improvement.
- Performance against the Area's proxy target for letters sent in 2007-08 has exceeded 100% every month since June 2007. However improvement has been accompanied by a reduction in the proxy measure from 101 letters per month to 77 and current performance, at 180%, indicates that in excess of 130 letters are being sent per month.
- The AEI found that the need for special measures to assist victims and witnesses was not always identified by prosecutors at the PCD stage and applications were often made late in the process, although performance was generally better in Crown Court cases than for those in the magistrates' courts. Our reality checks indicated that prosecutors were much more aware at the PCD stage about the need to consider victim and witness needs, and there were some good examples of reviews which had considered a number of support options for victims. Checks also confirmed that applications for special measures were much more timely, although only five out of ten cases with identified victims were correctly flagged on CMS.
- During the AEI there was evidence that the processes between the Witness Care Unit (WCU) and CPS resulted in a lack of clarity about how victims and witnesses would be informed and consulted about the progression of their case. Since the publication of the report the Area has worked hard to clarify roles and responsibilities for notification, and joint meetings between it and the WCU have allowed for a greater understanding to be developed. Performance checks introduced ensure that learning can take place and problems be rectified.
- Difficulties in the operation of the WCU, dealt with below, have meant that the warning of witnesses to attend court was not always timely. The AEI also found that prosecutors were not always proactive at the PTR stage in considering whether a witness's attendance was necessary or whether evidence could be given in some other way. More regular joint meetings have resulted in a clearer understanding of needs and produced more timely notification between the unit and the Area.

- At court the Area expects all advocates to speak to witnesses before trial and the AEI confirmed that prosecutors and other CPS staff communicated effectively with victims and witnesses in both the magistrates' and Crown Court. The attendance of witnesses was also phased to try to prevent lengthy waiting times. However there was no regular monitoring by CPS managers of prosecutors at court during 2006-07, or of compliance with the Prosecutors' Pledge, and the Area mainly relies on feedback from other agencies on the performance of its staff.

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

- Until recently there was one Witness Care Unit, consisting of a magistrates' courts and a Crown Court team, mainly staffed by police employees but with some CPS personnel. During 2006-07 the unit had a number of staffing problems, and poor communication and a lack of understanding between the CPS and the unit resulted in a number of witnesses not being warned for court in time; witness failings resulted in unsuccessful outcomes. The unit was also not meeting the minimum requirements for witness care set out in the NWNJ initiative. Although attempts were made to ensure all vulnerable and intimidated victims were notified about the progress of their case, and that all victims and witness were notified of the case outcome, the service provided by the unit was haphazard.
- The Area and its criminal justice partners recognised the shortcomings and the LCJB commissioned an independent review which re-iterated that the unit was not in a position to meet the requirements of the Victims' Code. Although recommendations for improvement were made, cuts in the police budget have meant that they are unable to support the continuation of the unit in its current form. The magistrates' and Crown Court teams will be separately subsumed into other parts of the business; co-located with police file building units and the CPS respectively. The Area made representations and has worked hard to influence the outcome of the changes, that were necessary due to financial constraints. The retention of the witness care processes within the TU for cases in the Crown Court means that those involving more serious offences should receive a sound service. Work to develop agreed processes has taken place prior to the move of staff dealing with magistrates' courts cases. The Area needs to ensure that it establishes a full suite of performance measures in partnership with the WCU and police prior to change to ensure that it can monitor and assess performance.
- The WCU is not complying with the requirements of the Victims' Code or the minimum requirements of NWNJ. A lack of clear management information has resulted in the CPS not being able to assess whether all the primary or secondary measures are being attained. The Area is working to address this lack of information, and a clearer performance management focus at the LCJB is adding fresh impetus.
- During 2006-07 monitoring of the performance of the WCU was limited at operational level. The number of cracked and ineffective trials due to witness issues in the magistrates' courts are significantly worse than the national average: cracked 5.9% (5.3% nationally) and ineffective due to prosecution witness absence 6.3% (4%). Performance in Crown Court cases is also worse than nationally: cracked due to witness issues 6.4% (national figure 5.5%) and ineffective 22.6% (22.2%). Anecdotally the Area believes that these figures are affected by WCU performance, although there is no accurate performance management data available to assess whether this is the case.

9 DELIVERING CHANGE	OPA 2005	OPA 2007	Direction of travel
	Good	Fair	Declined

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

- The business plan sets out the Area's priorities, which are aligned to the national CPS and Public Service Agreement objectives and targets, and also clearly linked to nationally-driven initiatives and specific local needs. Responsibility for delivery and milestones and actions is allocated. Staff and union representatives are involved and engaged in the planning process. Unit plans are developed to support the overarching objectives of the business plan. Each unit holds specific business planning events to develop its own plans and to feed the development of the Area plan.
- The planning cycle includes performance reviews and full business plan reviews are undertaken quarterly at AMT. This allows the Area to ensure that it is focussing efforts on stated priorities and targets. More recently (since the appointment of the new CCP) business plan review has been undertaken monthly at AMT and activity has been focussed on milestones and targets that should have been completed that month. This ensures that review is limited to matters that are current or have been deferred awaiting action. Whilst this is a sound approach, the Area needs to ensure that it does not miss long term objectives which are not considered until the end of the planning year.
- Milestones and targets contained in the Area and unit plans are linked into team objectives. Those for individual job plans are a combination of personal development objectives, which are being used as a means to drive improvement, as well as ensuring that there are clear links to targets and milestones in the Area and unit plans. During the AEI it was apparent that a lack of clear understanding of objectives and expectations was impacting performance; action has taken place during 2007-08 to address this and job objectives and appraisals have been used to communicate change.
- A large number of joint initiatives were developed with criminal justice partners during 2006-07 and in the current year (2007-08). National initiatives such as CJSSS and conditional cautioning have been planned and implemented using national templates tailored to meet local needs. Area resources have been committed and there is evidence that this joint planning has been successful. CJSSS in Hinckley has brought improved results and been a catalyst for change in the relationship between the CPS and Courts Service. Joint planning has also taken place to implement the Community Justice Initiative and improve the timeliness of handling PYOs; in both cases this action has been successful.

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

- Overall nationally-driven change has been effectively managed and implemented. To ensure that the success of CJSSS could be firmly measured the Area undertook to establish a baseline of performance prior to commencing the delivery of the project. Action included developing shared standards with police and court practitioners to establish clear, agreed processes against which performance can be assessed and measured. All files received through the Hinckley pilot are assessed and meetings held with the police to discuss emerging issues. There was effective feedback to partners and internally to ensure that staff involved were aware of action needed to make the necessary changes to processes. CJSSS was rolled-out across Leicestershire in early December 2007 in line with the systems and processes developed through the pilot.

- Change initiatives for LCJB projects are managed using established project methodology. Within the Area senior responsible officers are appointed to each joint project and project leads are responsible for driving and delivering the work within the CPS. During the AEI we found that this approach had been very effective in driving through the implementation of statutory charging. However, the Area's investment of time and commitment to implement No Witness No Justice and, more specifically, the Witness Care Unit has not been as effective.
- There has been limited CPS-specific change during the period covered by this OPA. A number of internal improvements have been implemented as an attempt to address process deficiencies, for example, the implementation of a CJU post room and a dedicated case progression lawyer. The creation of a dedicated youth team to concentrate resources of specialist lawyers and administrative staff has helped to drive up previously poor PYO performance and has resulted in consistency of systems and processes. This change was handled effectively. More recently the return of the CCP and Area Business Manager (ABM) back into Princes Court was also managed effectively. Given the issues faced by CPS Leicestershire a more formal change process will be required if priorities and dependencies are to be managed in an effective way. The Area will need to ensure that it has the skills and ability to manage what will be a substantial change programme in a systematic manner.
- Change management arrangements have ensured that there are effective links between projects and the development of procedures and training. Guidance and training has been developed and rolled-out for CJSSS and conditional cautioning. CJSSS guidance included desk top instructions for all staff outlining responsibilities and expectations to ensure that there was a clear understanding of roles and to allow for issues to be identified and collated for the senior responsible officer.
- Risks associated with the business plan are recorded in a risk register which is also reviewed against planned objectives. Key risks are identified, although the AEI indicated that a lack of baseline data meant that the Area was unable to assess whether mitigating action was having a desired result. The Area has ensured that projects that have been developed since the AEI have clearly defined baselines and performance information which allows for assessment of progress.

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

- There is a training plan which is built around the objectives and targets outlined in the business plan. Training is costed and a projected timetable accompanies the plan, however this is often just an indication of expected timings, rather than a realistic reflection of actual training. The Area recognises that it needs to develop a more consistent approach to the management of training, although there are some informal processes in place to assess the value of that undertaken.
- The Area is proactive in using in-house champions to train staff. The plan is used to ensure that staff have equality of access to training. The staff survey findings indicated that the majority of staff felt they had the opportunity for learning and development and that they are supported in this by their manager. Key mandatory training has taken place, with compulsory training in domestic violence and rape having been delivered to all lawyers and caseworkers.

- As part of induction training all staff are required to complete the Prosecution College module on equality and diversity, although there are no specific diversity issues included in the training plan.
- The Area intends to focus more effort on training over the coming year. This will include ensuring that there are more formal approaches to evaluation and introduce a more consistent way to identify and meet training needs across the whole Area.

10 MANAGING RESOURCES	OPA 2005	OPA 2007	Direction of travel
	Good	Poor	Declined

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

- Budget performance over the past two financial years has been inconsistent. In 2005-06 there was an overspend against the non ring-fenced running costs budget of 1.0% and in 2006-07 an underspend of 5.4%. In 2006-07 £91,000 was returned to CPS Headquarters. This was significantly less than the amount shown in the Area's profiled expenditure forecast. More effective budgetary review would have identified that the majority of the overall underspend of £286,000 should have been returned. The current spend profile for 2007-08 is also showing a substantial underspend.
- The Area has proactively sought to ensure that it achieves value for money with the contractors it uses. Bills and invoices are scrutinised and there have been a number of challenges which have resulted in the reduction of final bills. Recent changes to the approvals processes for prosecutor agents have been introduced and this should engender a greater awareness of budgetary matters with all managers.
- A conscious decision was made not to devolve budgets, with control and monitoring being undertaken by the ABM and staff in the Secretariat. Until recently there was little sharing of budgetary information with the full management team, although this now takes place. Monitoring processes could be improved, and the Area needs to ensure that it takes timely decisions to return any surplus funds.
- The prosecution costs budget was also underspent in 2006-07; 88.3% was spent in 2006-07 and 97.1% the previous year. The underspend was partly due to several very high cost cases which had been anticipated to fall within 2006-07 being adjourned and falling into 2007-08. Although this would have an impact on the overall budget, the Area had returned £210,000 in the final quarter of the year as it was clear that committed prosecution costs expenditure was falling short of profile. However, even after taking this action the prosecution underspend amounted to £190,000. The Area needs to ensure that it improves the accuracy of its profiling and returns all excess funds in a timely manner.
- During 2006-07 timeliness of graduated fee scheme payments deteriorated, due to staff absences, although it was better than the national average for both payments within one and four months of the hearing date. Action has been taken to train more caseworkers to ensure fees are properly handled. Performance in 2007-08 has substantially improved and at the mid-year point overall was seventh best nationally.
- The Area received limited additional funding during 2006-07 other than that generated through Proceeds of Crime incentivisation, which was used to support the POCA team with dedicated administrative resources.

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

- National caseload and staffing forecasting models have been used to review staff profiles within the current structure. The absence of key senior managers has limited the Area's ability to change and the new CCP is keen to maintain the same organisational structures whilst time is taken to assess whether this is 'fit for purpose' and will be able to meet the challenges of the future. Discussion at AMT has led to changes to staff profiles within teams to meet the challenges of sickness and long term absences.
- In-house lawyer coverage in 2006-07 was 74%. Deployment expectations for lawyers and DCWs are in place and with the recent implementation of CJSSS these have been more readily communicated. The in-house deployment expectation is increasing to at least 70%. The Area is working to ensure that supporting processes are put in place to ensure that enough time and support is given to enable lawyers to manage back-to-back courts. It is reluctant to use more agents as it is keen to keep up the pressure on in-house deployment.
- DCWs covered 1,209 sessions in 2006-07 accounting for 16.8% of the total, which exceeded national performance of 14.8% but was well short of Leicestershire's own target of 25.0%. The Area struggled as court listing patterns did not allow it to maximise DCW usage. As part of the CJSSS negotiations, the CPS has been able to arrange a revised listing protocol with the Courts Service. Once this listing pattern is fully in place DCWs will be able to be deployed to cover 33.0% of all court sessions, against current performance of 17.7%.
- The HCA target was exceeded in 2006-07 with savings of £107,135 being made against the target of £87,869. The Area has recently strengthened its position in an attempt to consolidate 2006-07 performance by recruiting an experienced lawyer from the defence as a Crown Advocate. The Area has developed its advocacy strategy to ensure that it can move forward to make best use of the HCAs. In 2006-07 a total of 403 sessions were covered by them, including 17 trials as sole advocate and junior counsel.
- Sickness rates are monitored and staff have received training on managing attendance. Recent discussions at AMT and revised guidance has been issued to ensure that all managers are undertaking return-to-work interviews, and carrying out processes in a consistent manner across the Area. In 2006-07 Leicestershire lost an average 8.7 days per person due to sickness, close to the national rate of 8.5 days but failing to meet its own target of seven. A high proportion, 51.5%, was due to long term sickness and action has been taken to tackle some of the long term cases resulting in medical retirement and dismissal of a member of staff.
- Requests for reduced hours or part-time working are considered on a case-by-case basis. Due to historical decisions 20 of the 44 lawyers work flexible arrangements which has resulted in the need for the Area to ensure that any current requests meet the business needs, and a number have been refused as they would not have allowed for effective deployment. The Area is in discussion with CPS Headquarters to consider whether there is any action that can be taken to address the anomalies of some of the historical decisions.

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

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

- The AEI identified that the elementary aspects of performance management were in place across Leicestershire with basic reports being produced for consideration by AMT, but processes were less than effective as a tool to drive systematic or individual improvement. Since then a number of positive changes have been introduced. Performance meetings with Unit Heads and business unit managers have been regularised and enhanced. Formal reports from each unit are now being produced, although as these develop there is a need to ensure that they are consistent and of similar quality. These reports are starting to form the basis of a system which allows managers to drive change and highlight problems, although the Area performance pack needs to be amended to fully reflect the overall position. Currently it is still difficult to identify performance trends, although all key targets and a wide range of performance data are reflected. The Area pack would also benefit from the addition of a narrative.
- There is evidence that more recently team and Area performance has been discussed at team meetings. The Area newsletter has been used as a means to communicate high-level performance.
- Unit monthly reports now contain specific assurances on data quality. Business unit managers' objectives have been changed to reflect responsibility for finalised cases and data quality. Monthly dip samples are used to assess the quality of data and the information produced used for unit reports to highlight any issues or trends that may require action. More recent activity, and direction setting by the CCP, is having the effect of defining responsibilities and expectations of managers regarding improvement and performance standards.
- Action sheets are produced after each monthly meeting to ensure that improvement action is captured and an assessment can be made of whether this is resulting in better performance. At the time of the AEI there were examples of managers addressing under-performance through changes to operational processes. Examples included the creation of the dedicated youth team, the introduction of a dedicated pre-trial lawyer to review and prepare cases and the creation of a CJU post room. More recent improvement activity has been directed at trying to drive up performance by outlining and assessing individual performance. A focus on some of the basics, such as the standard of file handling and endorsements, quality of decision-making and basic disclosure standards, should lead to improvement.
- Since the AEI Leicestershire has focused activity on setting performance standards and using the appraisal system to drive up personal performance. Managers are held to account for the setting of objectives and using these to improve individual performance. All staff have had a performance appraisal meeting to define objectives for the current year which link to the Area business plan, but are also tailored to address specific weaknesses. This focus on performance has been reinforced by ensuring that all mid-year review meetings have taken place and regular feedback is being provided.

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

- CPS managers actively participate in the LCJB and the related delivery and work groups. Since the AEI, LCJB structures and support mechanisms have changed to become more performance orientated. The Area has been active in this and has ensured that any linkages to projects and initiatives have been included in this change. The CPS regularly provides data to criminal justice partners and there is regular communication with the LCJB Performance Officer. Joint improvement activity with partners to address the poor performance on the management and control of PYOs highlights that action is taken to improve performance on a joint basis.
- The Area has built on its work with the police to ensure that PTPM meetings are driving improvement activity. At the time of the AEI there was evidence that the meetings were taking place, but there was no clear understanding or agreement by both parties on what the data showed. Activity since has clarified and improved understanding. Arrangements have been rationalised and there is now one PTPM meeting where identification of issues and trends can be highlighted and good practice shared in an effective way.
- The implementation and development of CJSSS has also given the Area the opportunity to address some of the issues that had been a cause of friction. For the first time performance data is being provided to the CPS on cracked and ineffective trial rates in the magistrates' courts and its availability should allow the Area to direct improvement activity.

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

- During 2006-07 Leicestershire consistently returned less CQA forms than the national average, with rates ranging from 69% to 83%. The Area regarded its long term sickness absence as a factor affecting its ability to meet the target of 100%, although staff sickness rates are taken into account by CPS Headquarters when reporting on compliance. Performance in 2007-08 has fluctuated from a return rate for the first quarter of 48% to 97% in the second. There is evidence that processes for CQA have improved more recently and forms seen as part of this assessment and results submitted to Headquarters indicate a more robust approach. The Area needs to ensure that, in the absence of permanent Unit Heads, CQA remains a priority and that all relevant staff are subject to a robust assessment. The revised focus on performance and basic expectations should ensure that using CQA to drive performance becomes embedded. The more recent forms seen indicate that feedback is given to staff and that both strengths and weaknesses are discussed. Monthly unit reports outline overall performance and more recently CQA has been discussed at AMT.
- Advocacy monitoring is not systematically carried out, taking place on an ad hoc basis. Unit Heads carry out some monitoring when they are in court, but largely, the Area relies on feedback from the Courts Service and the judiciary to assess the standards of advocacy and recognises that this aspect requires further work.

12 LEADERSHIP	OPA 2005	OPA 2007	Direction of travel
	Good	Fair	Declined

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

- The AEI highlighted the fact that although the Area has published, communicated and incorporated its own vision and values in the business plan, the absence of clear expectations or a performance management regime to challenge behaviours meant that there was a complacency and lack of pride within certain quarters. Managers were not challenging this effectively.
- There has been a considerable amount of change since the publication of the AEI, culminating with the appointment of a new CCP in October 2007. The Area has worked since to tackle the issues identified: clear expectations have been developed and communicated to staff; the role of first line managers has been developed and clarified and the performance appraisal system is being used to re-invigorate and embed accountability against expectations. However, real improvements remain a risk as two of the Unit Head positions continue to be filled on a temporary basis. This situation adds to the pressure on the senior team; as vacancies are not filled those 'acting up' are not able, due to the demand of keeping a certain amount of core business, to pick up responsibility for initiatives. Pressures on the permanent senior members of AMT are therefore compounded. In the light of the significant amount of change needed to address the weaknesses raised in the AEI, a permanent senior team in place is needed as soon as possible.
- The business plan is developed in line with business planning days held annually by each unit. These events are then used as a means to communicate Area priorities and objectives and to ensure that there is a synergy between the Area and unit plans. This activity should produce clear understanding at the working level of Leicestershire's priorities and values. However, our findings in the AEI indicated that this was not universally the case.
- More recent changes to the senior management team have produced clearer understanding of corporacy and responsibility for implementing management decisions. Work since the AEI to strengthen business unit manager roles and objectives has also clarified understanding and improved consistency and corporacy. Unit Heads and business unit managers are now responsible for producing monthly reports to AMT on performance and a wide range of non-performance related activity, such as assuring the CCP that team meetings have taken place, appraisal meetings have been held and sickness is being monitored and managed. This process is consolidating management expectations and requirements.
- One of the recommendations of the AEI was that the CCP and ABM should move their base back into the office where all the other staff were located. This allowed for more support to be provided to the newly appointed Unit Heads. Accommodation changes have now taken place and the CCP and ABM are permanently located in the main CPS office building. This will improve visibility and is linked with the frequent visit of the new CCP to team meetings.

- The staff survey conducted in 2006 showed that only 40% of staff felt that there were regular team meetings (nationally the rate is 59%) and only 25% thought that they were effective (55% nationally). Since the AEI the regularity of team meetings has increased and the new CCP has re-affirmed the management expectation that effective team meetings should take place. Guidance has been issued by the Communications Manager about what makes an effective team meeting and this also clearly outlines expectations. The Area newsletter "Divulge" is used to communicate key messages and is a good combination of work-related topics, articles on legal changes and social matters. A synopsis of AMT meetings is also produced to ensure that staff can be aware of matters discussed and any immediate impacts.
- Feedback from stakeholders during the AEI indicated that there was regular and effective contact between senior managers and criminal justice partners at the strategic level. However, there were some concerns about the correct messages reaching operational staff. Recent joint activity concerning proposed changes to the Witness Care Unit structures and responsibilities demonstrate a maturity, and the implementation of CJSSS across the Area has allowed for better relationships to be developed with the Courts Service. There was evidence that discussions on both matters had been able to manage and agree stakeholder expectations.
- Senior managers are actively involved within the LCJB. The acting CCP (prior to the appointment of the permanent post holder) and the ABM worked with the new chair of the Board to revise its terms of reference and ensure that there is a focus on performance. Other senior managers are involved in LCJB sub-groups and have been appointed as senior responsible officers for joint change initiatives. Work on the Community Justice Initiative and the roll-out of conditional cautioning has also been driven jointly by the Area with CJS partners.
- Senior managers have used performance review to direct improvement activity. An example of this was the systematic way that poor performance on the time taken from arrest to sentence for PYOs was addressed during 2006-07. The introduction of a CPS dedicated youth team and fortnightly meetings between all agencies to examine case progression issues significantly improved performance. Issues with case progression and dealing with correspondence were addressed by the creation of revised post room processes and the appointment of a dedicated lawyer resource to improve timely review performance.

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

- Efforts are made to recognise good performance. There are some examples of thanks and praise in AMT minutes, as well as evidence from the CCP of specific letters of thanks to staff for their efforts. A number of lawyers and caseworkers have been recommended by the Area for police Chief Constable commendations. The newsletter is also used as a vehicle for thanks and praise.
- The staff survey indicated that 65% of staff felt they were treated with fairness and respect, slightly more than the national rate. In 2006-07 there were no formal complaints made by staff about their treatment by managers, however more recently there has been an employment tribunal case, which was ongoing at the time of this assessment. The new CCP is keen to ensure that behaviours and values form part of the Area strategy and work on drafting a charter of team behaviours will be undertaken as part of the business planning for 2008-09. There is evidence that inappropriate behaviour and conduct has been challenged and tackled effectively. A small number of incidents of misuse of the internet have been dealt with appropriately and standards and behaviours have been re-affirmed.

- The Area has integrated equality and diversity into its core business planning processes and this is reflected in the objectives within the business plan. Human resources policies support the equality agenda.
- A Unit Head is the champion for equality issues. This role includes both internal and external activity and is undertaken with a high degree of proactivity. The workforce is representative of the local population with 25.8% of staff from black and minority ethnic backgrounds, compared to the local average in the population of 14.4%. 3.6% of staff are registered as disabled and 76.8% are female.

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

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

- The Area has continued to work hard with the local community to secure its confidence. Senior managers have demonstrated a high level of commitment and this is consolidated by a clear community engagement strategy and associated action plan. The Communications Manager proactively manages the action plan, which is regularly reviewed to assess whether activity is producing results. Engagement activity is part of management's core business and a considerable amount of time is spent participating in external events.
- The strategy and associated plan outline specific measurable objectives for which responsibility is allocated. The objectives outline a very wide range of activity that the Area intends to cover, and regular review and formal evaluation of most external events allows it to assess the success of engagement. The action plan is reviewed and changes in local needs lead to revised actions, which are allocated and monitored. The recent large influx of Somalian residents resulted in additions to the strategy and the Area has proactively worked to engage with this group, who were at risk of exclusion. Community engagement objectives are included in the personal development plans of all AMT members.
- A wide range of staff across all grades and disciplines are involved in community engagement and participation is also evident in their own time. During our AEI interviews with staff from all grades highlighted that they saw community engagement as core business. The Area is also keen to work with local schools and colleges, and runs an established work experience programme.
- The Area has three different databases used to ensure it has up-to-date information for community engagement activity. They are managed by the Communications Manager and allow the CPS to understand changes to local needs, as differing groups are identified and added. There is full demographic information for the local area and close links with the police and local authority ensures that this is kept up-to-date.
- Engagement activity is directed at a very wide range of community groups. The Area strategy has clearly identified a number of actions to ensure that there is effective action taken with those at greatest risk of exclusion and discrimination. Work with the Muslim community after the London bombings continues and is raising the profile of the CPS. It included an evaluation which indicates that the community would be more willing to report racially aggravated crime. Racial tensions had resulted in the Somalian community facing problems and there was little awareness of the criminal justice system. Again evaluation shows that there is now a greater awareness within the community of how the system can work to help. In addition the Area has also undertaken a comprehensive range of activity to work with the wider general community. Active participation and involvement in the Community Justice Initiative has resulted in the CPS being heavily involved in the dedicated community court. This has required active participation in the local population served by the court to ensure that local issues are understood and concerns taken into account.

- Work with local domestic violence groups has been used to develop and enhance CPS processes. For example, local domestic violence support workers are now made aware of changes in the defendant's status (bail or detention) to ensure that victims can be made aware in a timely manner, and specialist lawyers handling the case now speak to the victim prior to the hearing to explain the court process. This personal contact has resulted in less victim retractions and improved the domestic violence successful prosecution rates. Engagement activity is formally evaluated to ensure that the aims and objectives of the action plan are delivered. Evaluation takes place with members of the community pre and post-engagement to assess the value of consultation.
- British Crime Survey data shows that in December 2006 44.4% of the local population had confidence in the criminal justice agencies in bringing offenders to justice, compared with the national average of 42.3%. Local evaluation of activity shows that 70% of those involved in the launch of, and attending engagement events about, the Community Justice Initiative believed that the CPS offered a good or very good service. Over 70% also felt that their understanding in the role of the CPS had improved.
- The Communications Manager deals proactively with the local and national media. Examples include activity on Radio Ramadan, a high profile radio station for the Muslim community in Leicester, and the recent success of Operation Lucky (the seizure of £2.8 million in criminal assets) being effectively managed as a positive media opportunity. Protocols have been developed with the police and wider criminal justice agencies to ensure that opportunities to promote positive messages from the CPS are taken.

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%	21.8%	18.9%	11.0%	13.1%	20.4%	19.0%
Guilty plea rate	52.0%	69.2%	65.2%	69.3%	68.0%	66.5%	66.3%	68.1%
Attrition rate	31.0%	22.0%	26.6%	23.4%	23.0%	22.2%	28.5%	25.3%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	76.4%

Aspect 2: Ensuring successful outcomes in the magistrates' courts

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed magistrates' courts cases	84.3%	80.7%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	33.8%
Cracked trial rate	37.3%	45.3%
Ineffective trial rate	18.9%	20.9%
Vacated trial rate	22.5%	6.0%

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

National target	National performance 2006	Area performance 2006
71 days	72 days	98 days

Offences Brought to Justice

	CJS area target 2006-07	CJS area performance 2006-07
Number of offences brought to justice	23,311	27,517

Percentage make up of Offences Brought to Justice	National 2006-07	Criminal justice area to Nov 2006
Offences taken into consideration (TICs)	8.5%	10.0%
Penalty notices for disorder (PNDs)	10.3%	7.7%
Formal warnings	5.8%	5.6%
Cautions	26.5%	22.3%
Convictions	48.8%	54.4%

Aspect 3: Ensuring successful outcomes in the Crown Court

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed Crown Court cases	77.7%	75.1%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	38.7%
Cracked trial rate	39.5%	46.6%
Ineffective trial rate	12.4%	14.7%

Proceeds of Crime Act orders	Area target 2006-07	Area performance 2006-07
Value	£1,247,946	£764,107
Number	88	97

Aspect 10: Managing resources

	2005-06	2006-07
Non ring-fenced administration costs budget outturn	100.99%	94.58%

Staff deployment	National target 2006-07	National performance 2006-07	Area performance 2006-07
DCW deployment (as % of magistrates' courts sessions)	17.2%	14.7%	16.8%
HCA savings against Area target	100%	138.4%	121.9%
Sickness absence (per employee per year)	7.5 days	8.5 days	8.7 days

Aspect 13: Securing community confidence

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

CJS area baseline 2002-03	2004-05 (last OPA)	Performance in 2006-07
44.0%	49.0%	44.4%

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

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

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

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

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