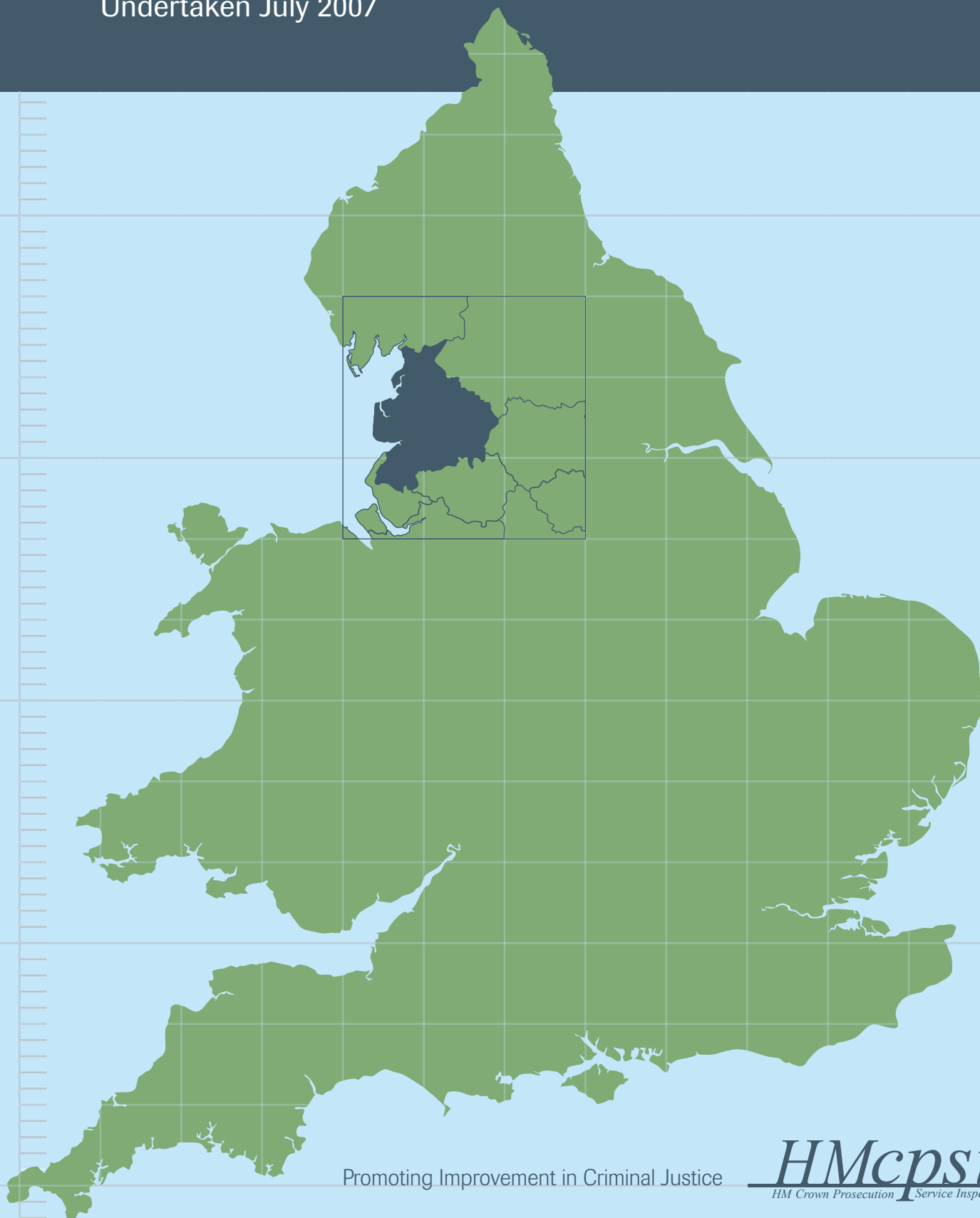


CPS Lancashire

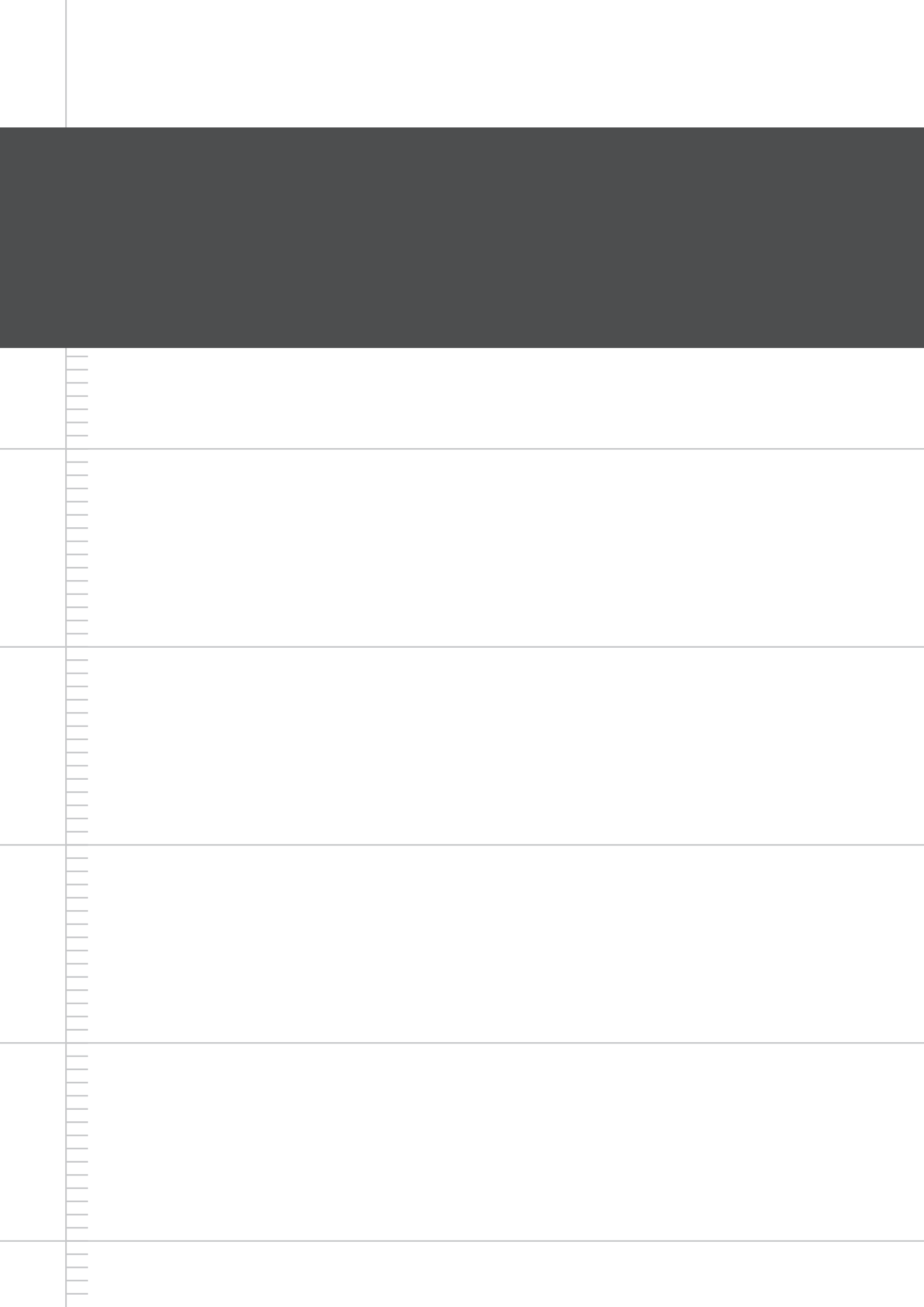
# Overall Performance Assessment

Undertaken July 2007



Promoting Improvement in Criminal Justice

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



CPS Lancashire

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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 Lancashire and represents a further assessment against which improvement from the previous baseline assessment in 2004-05 can be measured.

### **Assessments**

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

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

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

The table at page 6 shows the Area performance in each category, as well as the 'direction of travel' since the previous OPA.

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

### **Direction of travel grade**

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

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

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

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

## B AREA DESCRIPTION AND CASELOAD

CPS Lancashire serves the area covered by the Lancashire Constabulary. It has offices at Burnley, Blackpool, Lancaster and Preston. The Area Headquarters (Secretariat) is based at the Preston office.

Area business is divided on geographical lines. There are three Districts, Burnley, Fylde and Preston, each of which has two Combined Units covering the work for their local magistrates' courts and the Crown Court. There are also two Units of Higher Court Advocates and a Complex Casework Unit.

During the year 2006-07 the Area had an average of 229 full time equivalent staff in post, and a budget of £10,027,735. This represents no change in staff, and an 11.7% increase in budget since 2004-05, the period covered by the Area's last overall performance assessment.

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

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

2004-05		2006-07	
Written advice	944	Decisions resulting in a charge	13,115
Pre-charge advice (where available)	16,520	Decisions not resulting in a charge <sup>2</sup>	11,687

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	30,693	36,468	+18.8%
Other proceedings	53	20	-62.3%
<b>Total magistrates' courts proceedings</b>	<b>30,746</b>	<b>36,488</b>	<b>+18.7%</b>

### Crown Court proceedings

(including cases previously subject to a pre-charge decision)			
Cases sent or committed to the Crown Court for determination	2,848	3,079	+8.1%
Committals for sentence <sup>3</sup>	453	633	+39.7%
Appeals from the magistrates' courts <sup>3</sup>	480	596	+24.2%
<b>Total Crown Court proceedings</b>	<b>3,781</b>	<b>4,308</b>	<b>+13.9%</b>

In 2006-07, 45.4% 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**

The Chief Crown Prosecutor (CCP) and Area Business Manager have held their positions since 2004; both are well-established and experienced, as are the majority of the District Crown Prosecutors. Only two of the six Assistant District Crown Prosecutor posts are filled substantively, so there is some inexperience at this level of the Area's management. In the period since the last overall performance assessment (OPA) in 2005, the Area has restructured into Combined Units, refurbished its accommodation, established two specialist advocacy units and a complex casework unit, introduced conditional cautioning, run a pilot for pre-trial interviews with witnesses and begun to prepare for the introduction of the Simple Speedy Summary Justice (CJSSS) initiative.

The Area has had an overall increase in budget of nearly 12% since 2004-05 (although the budget has decreased from 2006-07 to the current year). There has been no change in overall staffing levels. The caseload has increased significantly; from 2004-05 to 2006-07 the Area saw an increase of nearly 19% in the magistrates' court caseload and nearly 14% in the Crown Court. In addition, approximately 1000 conditional cautions were administered last year.

### **Summary**

The Area looks outwards and forwards in much of its work, as demonstrated by the commitment to winning the confidence of the communities it serves, and to the new initiatives and pilots it has introduced. The efforts have met with some success, notably in conditional cautioning and the improved relationship with the local media. The work put into community engagement has not yet been reflected in the public's confidence level, as assessed by the British Crime Survey, but the Area's ability to affect all the factors that drive this measure are limited.

There is pro-activity in the Area's endeavours to build productive relationships with other criminal justice agencies, despite some stumbling blocks to effective joint working. The excellent performance in contributing to the number of offences brought to justice, the introduction of case progression protocols and the joint work on proceeds of crime are evidence of what can be achieved when the barriers are overcome. The timeliness of persistent young offender cases also speaks of good joint working to improve performance and bring it within the stretch target of 65 days from arrest to disposal. Where barriers are not overcome, the effect is equally apparent, such as in charging. Statutory charging has been in place for several years, and much of the process is embedded, but there are still significant issues with gate-keeping and supervision, which are hampering prosecution team performance. Successful outcomes in magistrates' court casework were worse than in 2006-07 than national average but improved across the year, whereas those in the Crown Court casework are better than national. Other aspects where joint work could yield further benefits include the Specialist Domestic Violence Courts and the heavy court lists.

The standard of casework generally is good, with sound decision-making at charging and subsequently. Case progression processes are systematic, although this and case preparation can be adversely affected by the heavy court listing and the number of hearings in cases. Lawyers are covering a large number of court sessions due to budgetary constraints, which can hamper preparation. Steps to improve case progression at court have yet to effect a change in the traditionally low rate of guilty pleas at first hearings, and the timeliness and quality of the instructions to advocates in the Crown Court need work. The effective trial rates in both the magistrates' courts and Crown Court are worse than nationally, as are those for ineffective trials.



Witness difficulties contribute significantly to the high ineffective trial and discontinuance rates. Despite being a recurring theme at the various forums for driving change, such as Area and District management team meetings, the Local Criminal Justice Board sub-groups, and performance meetings with the police, inroads have yet to be made. Greater focus on credibility and reliability of witnesses from the outset, and better care of them throughout the life of a case along with improved communications, would enable the Area to meet its obligations under the Victims' Code and deliver improved outcomes.

Sensitive cases are identified and receive the appropriate specialist attention, and successful outcomes in hate crime cases are higher than the national average. Disclosure of unused material is sound and has shown real improvement in the last two years; this has led to increased confidence amongst criminal justice partners as a result. The processes for calculating and monitoring custody time limits are generally sound although anything out of the ordinary clearly presents more of a challenge to staff, and there has been a further failure since the one identified in the last OPA.

Clear standards are set for staff and for those with management roles, equality and diversity issues are mainstreamed, and the vision and values of the CPS and Area are promoted. The Area recognises good work, and feeds back systematically where the appropriate standards have not been met. Key training has been given and its effectiveness is monitored, although there is a perception amongst staff that training and development is not actively supported.

Resource management presents a mixed picture. The Area has overspent its budget over the last two years, and needs to tighten the links between budget and performance. It also needs to exercise more control of the non ring-fenced costs, graduated fees and the level of sickness absences. On the other hand, deployment of DCWs improved, and the use of Higher Court Advocates has delivered savings well above target.

Priorities are identified and aligned to national and Area targets and objectives. Formal evaluations of projects and pilots are carried out, and the Area draws up business and action plans, and has a risk register. However, there is some evidence that these are not reviewed as systematically as possible; where they are not, performance does not improve as a result. The Area's evaluation of its own performance is based on reliable data and robust monitoring processes, but again, the end results, such as adverse case reports, could be used more consistently to drive improvements. This is most apparent in charging and in the Witness Care Units. Despite the Area clearly identifying the issues and actions needed to address the difficulties, some change has been slower in coming.

### **Direction of travel**

The Area's performance has declined in one aspect and improved in one, but in light of the rising caseload and variety of changes over the year, the Area has done well to maintain its performance in the remaining aspects. The capacity to improve further will depend on robust management of projects and performance and effective partnerships with other agencies, a task that will be assisted by the CCP's role as chair of the Local Criminal Justice Board this year. The Area has demonstrated it has the ability to manage performance and deliver change in some parts of its work, and appears to have a clear understanding of the barriers to doing so in the remaining parts. We are satisfied that the Area has the capacity to improve further.

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

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

## D DEFINING ASPECTS

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

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

- The Area has been operating a statutory charging scheme since June 2004, and provides cover at six charging centres on a 9am to 5pm basis five days a week. 89% of advice is delivered face to face, the highest proportion of any CPS Area. There are periodic reviews to ensure that cover remains appropriate and some changes have been made as a result, for example, the provision of advice at a further two centres on a part-time basis. The police are generally content with the level of cover, although in a review carried out in April 2007, lunchtime and the times of peak demand were not thought to be sufficiently covered; these are being addressed. In one District, a move to 45-minute appointments rather than the existing 30 minutes is being piloted.
- Serious and complex casework, or cases which need longer than a normal appointment such as those with child video evidence, are subject to established written advice processes. There is also a system in place for out-of-hours advice with senior managers involved in providing cover for serious cases, which is welcomed by the police.
- Consistent arrangements for gate-keeping and supervision have only recently been put in place across the Area; this impacts significantly on the standard of files presented to duty prosecutors, and on the number of inappropriate cases referred for advice. There are too many cases referred which are either not ready because there is more investigation to be done, or where there is insufficient evidence and the decision could have been taken by the police. Robust prosecution team working to resolve these matters has been slow, but some improvements are starting to come about.
- There is an established process for cases of disagreement between the police officer and the duty prosecutor, with provision to escalate to the Chief Crown Prosecutor and Assistant Chief Constable if necessary. The formal resolution is rarely called on, and most differences of view are resolved informally.
- Bail management is conducted jointly by the police and Area, and there is monitoring of outstanding charging cases. The Prosecution Team Performance Management (PTPM) meetings check for delays in further investigation on the part of the police, or in the Area's provision of written advice. Reality checks, however, showed that action plans, which should set out timeliness targets for further investigation, could be more robust. The rate for cases with more than one consultation is lower than the national average, although this fluctuates between police divisions.

- The recording of advice, and of the ethnicity and gender of suspects, is regularly monitored by Assistant District Crown Prosecutors (ADCPs), and was the subject of a performance objective for each lawyer in 2006-07. The percentage of cases with an electronic record of the advice (an MG3) was 94% in 2006-07, which was 4% better than the national average and target. Reality checks confirmed this strong performance. The number of cases where the unit or outcome is not correctly recorded is also much better than nationally, although the rate of those finalised administratively is worse.
- Liaison with CPS Direct is effective. There is a nominated point of contact and data and any issues arising from decision-making are shared.
- Conditional cautioning is embedded, the Area having piloted the initiative and provided 64% of the conditional cautions for the CPS as a whole in 2006-07. A pilot was run for three months to provide out-of-hours cover on Saturday and Sunday mornings, and developments, such as the introduction of an alcohol referral scheme in one part of the county, are disseminated to relevant staff. Opportunities for applying conditions to cautions are monitored, as is compliance with those conditions, which stood at 83% in February 2007.

**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 provided with resource packs at charging centres, which are updated as necessary, and there is a good practice guide for MG3s explaining the relevant considerations when giving charging advice. Lawyers have received training on the Proactive Prosecutor Programme and suitably experienced lawyers are used to cover charging sessions. Where specific issues arise, such as the evidence needed to advise charge on forensic or fingerprint evidence, guidance has been provided in team meetings.
- Reality checks established that the standard of advice given was high. Managers monitor the quality of advice through casework quality assurance, visits to the charging centres, and analysis of failed cases, and the Chief Crown Prosecutor receives regular reports on decision-making standards. Monitoring of cases also encompasses those which have resulted in no further action (NFAs) or a conditional caution, although the joint monitoring of NFAs covers quantity alone. Despite this being identified as an aspect for improvement in the last overall performance assessment in 2005, the police are still solely responsible for monitoring the quality of NFA decisions. NFA rates, at 30%, were less than the national average.
- The need for consideration of relevant issues and ancillary matters in appropriate cases, such as restraint and confiscation, is included in the guidance provided to duty prosecutors. However, despite frequent reminders to lawyers on this aspect, there continues to be a lack of robust analysis at charging of potential witness difficulties. Witness issues are a significant contributor to the discontinuance rate, and more needs to be done to identify and either strengthen or weed out those cases where the reliability or credibility of witnesses will have an impact on the outcome.

### 1c The Area is able to demonstrate the benefits of their involvement in pre-charge decision-making

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	17.5%	17.4%	11.0%	13.1%	11.5%	13.4%
Guilty plea rate	52.0%	69.2%	69.9%	70.1%	68.0%	66.5%	68.5%	72.1%
Attrition rate	31.0%	22.0%	23.2%	22.2%	23.0%	22.2%	20.2%	20.6%

- The Area can demonstrate the benefits of charging in relation to four of the six key measures. In the magistrates' courts, guilty plea and attrition rates are excellent, and in the Crown Court, the same indicators are good. The rates for discontinuance in the magistrates' courts and Crown Court are both behind national target, and worse than the national averages. The magistrates' court rate has improved fractionally since 2005-06, but the Crown Court rate has worsened. The rate of successful outcomes for cases which have been subject to a pre-charge decision is 78.2%, slightly better than the national average.
- The PTPM meetings between the police and Area are held quarterly and review a range of performance data, including NFA rates and the benefits realisation data. More frequent, but informal and un-minuted, meetings with the police will deal with individual cases where appropriate; although it becomes difficult, without a record of the meetings, to take forward action points or identify trends and patterns. The Local Criminal Justice Board sub-group on case management examined data on sanction detections, cautions and fixed penalty notices, but this group has now been subsumed into the group implementing the Simple Speedy Summary Justice initiative. Internally, data and outcomes are discussed at the Area Management Team meetings, and at quarterly reviews of the Districts' performance.
- Issues arising from reviews of charging, analysis of unsuccessful outcomes and management information are disseminated to lawyers at team meetings, and individual feedback on cases is provided when appropriate.

<b>2 ENSURING SUCCESSFUL OUTCOMES IN THE MAGISTRATES' COURTS</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Good<sup>4</sup></b>	<b>Stable</b>

## 2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	12.0%
No case to answer	0.2%	0.1%
Dismissed after trial	1.9%	1.9%
Discharged committals	0.2%	0.1%
Warrants	2.6%	2.1%
Overall conviction rate	84.3%	83.8%

- The conviction rate in the magistrates' courts is slightly worse than the national average and slightly down on performance for the previous year. However, there has been a trend of improvement for each quarter during 2006-07 with the rate of 85.2% during the fourth quarter. In addition, the Area had considerable success with conditional cautioning; during the year 1041 conditional cautions were administered. These are cases that might otherwise have contributed to the conviction rate although they are not captured as successful outcomes for the Area.
- The discharged committal and no case to answer rates are better than the national averages, and the acquittal rate is the same. The proportion of cases that are discontinued is worse than national average and a decline on the previous year, although again there has been a trend of improvement throughout 2006-07. The Area is not able to attribute the drop in performance to any single cause but restructuring to combined units with the need for lawyers to expand their skills may have adversely impacted on performance at the start of the year.
- In all cases where there has been a pre-charge decision (PCD) the authorisation of the Unit Head is required prior to discontinuance, and the authority should be endorsed on the file. There is a long standing protocol with the police to ensure the police are consulted in appropriate cases prior to discontinuance. All unsuccessful outcomes are monitored and analysed by the Area District Crown Prosecutors (ADCPs) for the six units. The unsuccessful outcome reports include all discontinued cases and adverse outcomes, and some examine reasons for acquittals; individual feedback is provided. The reports are also sent to the Chief Crown Prosecutor (CCP)

<sup>4</sup> The Area's overall conviction rate, at slightly under the national average for 2006-07, had the potential to limit the assessment of this aspect of work to Fair. HMCPSI has considered, however, that the significant increase in magistrates' courts caseload, high numbers of trials listed, and the effect that the substantial numbers of conditional cautions administered may have on traditional case outcome figures, meant that the potential limiter should not apply.

and any additional feedback is provided in terms of trends or key issues for the Area. At present the reports vary considerably in style and format across the units; it is planned to have a single template for all units to assist the CCP in his analysis of the reports and for disseminating trends.

- Unsuccessful outcomes are discussed with criminal justice partners. There were previously Local Criminal Justice Board (LCJB) case management groups (CMG) for the six units where local performance and issues were discussed, and Area performance was addressed at the Area CMG. All the groups have now been superseded by an Area and local groups for the introduction of Simple Speedy Summary Justice (CJSSS). There is a multi-agency agreement in relation to case progression and timeliness, and instances of non-compliance are raised at the Area CMG. The listing policy is also discussed with a view to improving performance. There are quarterly Prosecution Team Performance Management (PTPM) meetings with the police where performance and initiatives are discussed; informal meetings with the police, and various court user groups also provide a forum for discussion of performance.
- Performance in relation to persistent young offenders (PYOs) has been fairly consistent throughout the year although there have been some dips in monthly performance figures. A District Crown Prosecutor (DCP) is the Area Youth Champion and works with the youth leads in the police and magistrates' courts to address issues and tackle performance. The LCJB's Speeding Up Youth Justice group facilitates the joint approach, and led to agreement on the Lancashire PYO protocol and an Area action plan. There are also local action plans which are developed for the magistrates' courts where improvement is needed. Performance has improved since the last OPA, when the 71 day target from arrest to disposal was not met. The figure for the year ending December 2006 was 64 days, within the 65 day stretch target set by the Attorney General.
- The target for offences brought to justice (OBTJ) is a shared one set by reference to the criminal justice agencies. The ability of the CPS to influence it is limited because the target includes offences dealt with by non-prosecution disposals. The CPS contribution comes through managing cases to keep discontinuance low, good decision-making and case management. In addition to the work undertaken to improve the rate of successful outcomes and case management, the Area has contributed to the target through the success in administering conditional cautioning and participation in the Pathfinder pilot in Preston; this was directed at ensuring all offences were charged or taken into consideration (TICs) for prolific priority offenders. The OBTJ for 2006-07 was well above the desired trajectory at 35.3% above target.

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

<b>Trial rates</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Effective trial rate	43.8%	35.9%
Cracked trial rate	37.3%	44.9%
Ineffective trial rate	18.9%	19.3%
Vacated trial rate	22.5%	24.1%

- The Area monitors the timeliness and quality of police files through the joint performance management (JPM) regime. The figures for Preston for 2006 show that 66.5% of files were timely and 79.8% of files were trial-ready. Although there are some issues about the accuracy of the timeliness data, the Area accepts that these figures reflect the general standard of files across the police divisions. File quality is discussed with the police at the quarterly PTPM meetings and a joint approach is taken to addressing issues identified, for example to improve the standard of the record of taped interviews.
- The Area faces a challenge in ensuring that there is timely case preparation and progression. This is due to the high in-house court coverage, the heavy caseload and multiple trial listings. The Area overcomes this with a duty prosecutor scheme, whereby urgent action is taken on files and enquiries dealt with by a nominated prosecutor. In one unit, to ensure that summary trial preparation is effective, the DCP is the case progression officer (CPO). There are systems in place to manage the handling and progression of cases. Reality checks confirmed that there is effective and generally timely preparation of cases once the file has been received from the police. The case progression procedures are regularly monitored and also examined as part of the casework quality assurance (CQA) scheme.
- There are CPOs for each district who play an active role in monitoring and ensuring that cases progress. In five of the six units there are weekly meetings with criminal justice partners, including a Witness Care Unit representative. All trials listed two weeks after the meeting are discussed and readiness for trial is examined. In the sixth unit, case progression is managed via e-mail.
- CJSSS will be rolled out across the Area between July and December 2007, with one unit going live each month. Funding has been provided by the LCJB to enable a project manager to be seconded from the police; this was actively encouraged by the Area to ensure full engagement by a key partner in order to effect delivery. There are also local teams which are being led by the Deputy Clerks to the Justices. The principles of CJSSS were implemented in one unit in May 2006 to address the backlogs, and although the initiative was not totally successful, it has provided useful lessons for the roll-out across the Area. An application for funding to clear the backlog of trials has been successful, enabling more resource to be devoted to case building, file preparation and additional trial courts.
- The Area has a very high number of cases listed for trial in the magistrates' courts, the fourth highest in the CPS, and this has led to routine triple listing in all courts or, on occasions, quadruple listing. This has impacted on the Area's performance. The effective trial rate is worse than the national average because of the high cracked trial rate, and a higher number of cracked trials are the fault of the prosecution than nationally. The ineffective trial rate, at 19.3%, is slightly worse than the national average but better than the local target (19.5%). The rate of cases that were ineffective due to the prosecution was also worse than the national average. The vacated trial rate is slightly worse than the national average.
- There is regular and formal analysis of all cracked and ineffective trials. Copies of the court forms are sent to the units on a weekly basis for collation and analysis by the CPOs and the ADCPs. There is discussion of the data at the District Management Team meetings and at the Area Management Team. Performance is discussed with criminal justice partners at the LCJB local case management groups (CMGs), PTPM meetings with the police and at court user groups.



- All youth cases are allocated to and prosecuted by specialist youth prosecutors. The Area youth co-ordinator provides guidance and disseminates information to staff in all the units. The champion also represents the Area at joint meetings on all youth related issues, including PYOs.
- The computerised case management system (CMS) is used to record most key events in cases and additional training has been given to staff where necessary. The rate for the recording of magistrates' courts reviews was worse than national average, although there was a significant improvement across the year. The timeliness for recording hearing outcomes was better than average and for finalisations was better than target.
- ADCPs and Unit Business Managers use the task lists on CMS to assist with the management of individual performance. Reality checks showed that there were very few outstanding and escalated tasks, but some of the unit task lists revealed that a cleansing exercise is needed to clear tasks that remain outstanding on CMS but have been completed on the file. The performance officer sends management information system (MIS) reports to the units highlighting action that needs to be taken on CMS. There is an Area local implementation teams (LITs) with representatives from all districts who are available to assist users and the team has taken forward the recommendations from the HMCPSP's thematic review of CMS.

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

**3A Successful outcomes are increasing**

<b>Case outcomes in the Crown Court</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Judge ordered acquittals	13.1%	14.5%
Judge directed acquittals	1.4%	1.1%
Acquittals after trial	6.5%	4.5%
Warrants	1.3%	1.1%
Overall conviction rate	77.7%	78.5%

- The Area's conviction rate is better than the national average, as is performance in relation to acquittals after trial and judge-directed acquittals. However, the rate of judge-ordered acquittals is worse than the national average. In all cases where there has been a pre-charge decision (PCD) the authority of the ADCP is required prior to discontinuance to ensure only appropriate cases are dropped.
- Data on case outcomes is provided by the performance officer to each unit and performance is reviewed at monthly District Management Team (DMT) meetings and at the District Quarterly Performance Meetings. All unsuccessful outcomes are monitored and analysed by the Area District Crown Prosecutors (ADCPs) for the six Units and considered at the monthly meetings. Reports are also provided to the teams and individual feedback is given when necessary. Reality checks showed that the underlying trends are related to witness issues (dealt with further in Aspect 8, the Service to Victims and Witnesses).
- There are mechanisms in place to ensure that lessons are learned from adverse cases, although the format to capture issues is currently under review to ensure a consistent approach across the Area. Lessons learned are disseminated by the Chief Crown Prosecutor (CCP) across the Area via e-mail, and within the Units by the ADCPs at team meetings, or to individuals on a case by case basis. Casework outcomes and lessons learned are also shared with criminal justice partners at various well-established forums.
- The Area has given a commitment to the Local Criminal Justice Board (LCJB) to analyse cases to ensure PCD and discontinuance meet the required standards. Performance is discussed at the LCJB, and was covered in the various joint case management group (CMG) meetings before they became subsumed into the Simple Speedy Summary Justice (CJSSS) implementation project. The analysis of adverse outcomes is shared with police and learning points are discussed at the quarterly Prosecution Team Performance Management (PTPM) meetings. There are more regular informal discussions with the police, which are not recorded, and there is also discussion at the various court user groups.

- The Area achieved the Proceeds of Crime Act (POCA) targets for 2006-07 for the numbers of orders obtained (66 against a target of 37) and the monetary value of the orders (£2,309,065 against a target of £1,862,275). Training has been undertaken to ensure appropriate cases are identified at the PCD stage and referred to the specialists when necessary, and in-house higher courts advocates (HCAs) conduct confiscation hearings. A POCA lead has been appointed for the Area, specialists have been nominated in the Districts and there are four POCA enforcement officers across the Area. The CCP also takes a keen interest in this aspect of casework. A quarterly forum has been established to ensure close joint working on enforcement, whereby the POCA specialists meet with the head of HM Courts Service's regional Enforcement Unit based in Bolton and the head of the police Financial Investigation Unit.

### **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%	34.9%
Cracked trial rate	39.5%	50.1%
Ineffective trial rate	12.4%	15.0%

- The casework quality assurance (CQA) system is robust and is supplemented by the regular monitoring of PCD. Reality checks undertaken on files confirmed the Area's own assessment of the satisfactory standard of review and case preparation. The most complex casework is usually handled by the Special Casework Lawyer who liaises closely with the police Serious and Organised Crime Unit (SOCU). There are regular case management panels for the most serious and sensitive cases, which are chaired by the CCP, who also oversees more complex cases.
- The Area has two HCA units and HCAs are being used more frequently at plea and case management hearings (PCMH) which is increasing the effectiveness of the hearings. Case progression officers (CPOs) in the Districts maintain logs of forthcoming trials and undertake daily checks to ensure compliance with court orders and readiness for trial. The introduction of trial readiness forms has led to an improvement in ineffective trial rates. There are weekly Crown Court case progression meetings attended by criminal justice partners at which trial readiness is assessed, cases having been reviewed in advance of the meeting by the Area CPOs.
- Cases with ineffective and cracked trials are examined to analyse reasons and identify lessons to be learned, and again the underlying trends, in the main, relate to witness issues. There is regular discussion of the data at District and Area Management Team meetings, and performance is discussed with criminal justice partners at the LCJB level, at PTPM meetings with the police and at court user groups.
- Despite these efforts, the effective trial and cracked trial rate for 2006-07 were both significantly worse than the national averages. The ineffective trial rate was also worse than the national average but met the local target. The proportion of cases that were ineffective or cracked due to the prosecution was also worse than nationally. More work needs to be done to bring about improvement.

- All youth cases are allocated to specialist youth prosecutors. Guidance on youth issues has been provided to all lawyers and has also been shared with an adjoining CPS Area. Cases involving persistent young offenders (PYOs) are discussed at regular meetings with the police and courts, which the CPOs also attend. The Crown Court lists youth cases for PCMHs two weeks after committal and will endeavour to fix an early date for all trials involving a youth. In addition, the judge leading on youth issues examines any long-running youth cases on a monthly basis.
- The rate of use of the computerised case management system (CMS) for Crown Court reviews was 80.5% which did not reach the Area or national target of 90%. However, there was a steady improvement throughout the year and the Area achieved a figure of 90.6% in March 2007. Tasks are monitored, and ADCPs and Unit Business Managers use CMS to support their management functions.

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

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

- The Area monitors the effectiveness of first hearings using data on guilty pleas and adjournments, which is discussed with the police at quarterly Prosecution Team Performance Management (PTPM) meetings. The Area traditionally has a low rate of early guilty pleas, and the rate for April 2007 was 43%. Work with the courts and police to improve this rate has been affected by legal aid changes which have meant that some cases have been adjourned at first hearing for applications to be considered. This has been the subject of discussions at the Area Management Team (AMT) and with the courts and Legal Services Commission, and HM Courts Service is now piloting a system in Burnley Magistrates' Court whereby a legal aid administrator is made available early each day to process applications.
- As part of the roll out of Simple Speedy Summary Justice (CJSSS), the Chief Crown Prosecutor (CCP) has chaired a Local Criminal Justice Board (LCJB) defence event, to encourage case progression at first hearings and to reduce the number of hearings overall.
- A listing protocol is in place and there are regular discussions about court listing patterns. The very heavy lists in most courts can hamper effectiveness of case progression in individual cases, and the Area is negotiating a reduction in listing in order to achieve greater effectiveness in cases at all hearings. The listing protocol addresses the suitability and the circumstances when cases can be transferred between court rooms. Despite the protocol, cases are transferred between courts without consultation with the prosecutor and inappropriate cases are being transferred out of the SDVCs or from designated caseworker courts. Most of the issues are raised at the time and they are also raised when compliance with the protocol is discussed at inter-agency meetings.
- The court collects data on the number of adjournments and timeliness of cases which is shared at the LCJB case management groups. Work has been undertaken to reduce the number of hearings for magistrates' court cases, and the joint approach to reduced use of case management hearings (CMHs) has improved performance.
- The average timeliness from first listing to completion for 2006 was 55 days compared to the national average of 52 days, but this was an improvement of 4 days from the previous year, twice the national improvement. Timeliness data for December 2006 showed that the Area performed better than nationally in relation to adult initial guilty pleas and youth trials but less well in relation to youth initial guilty pleas and adult trials.
- A multi-agency agreement is in place to improve case progression. In the magistrates' courts, most cases are fixed for trial when the plea is entered and a mini CMH is held. A full CMH is only held in a case where an appointment is requested, and the expectation from all parties is that the hearings will be robust and effective. Compliance with the agreement is monitored and discussed at multi-agency meetings. The case progression officers (CPOs) in each unit are

proactive. In five of the six units they meet with their counterparts in other agencies to progress cases for trial in the magistrates' courts, and in the sixth unit there is regular liaison by e-mail. In the Crown Court there are mechanisms to ensure effective liaison between the CPOs in all the agencies.

- Despite these arrangements, the proportion of trials that crack or are ineffective due to the prosecution in both the Crown Court and magistrates' courts is significantly higher than the national average.
- The Area expects instructions to counsel to include an analysis of the issues and the acceptability of pleas in all cases where counsel or the in-house Higher Court Advocates (HCAs) are instructed. Compliance is monitored through the casework quality assurance (CQA) system and dip sampling, and there is regular feedback on the need to improve instructions. The reality checks confirmed the Area's own assessment; some instructions were full and addressed all necessary issues whereas others were inadequate. Timeliness of instructions could also be improved, with only 55.5% being sent in a timely manner compared with the national average of 78.7%.
- Selection of prosecution advocates for all courts is undertaken with consideration of their experience and expertise, and in sensitive cases in the Crown Court, their specialist training. There are two HCA Units in the Area and, in accordance with national policy, HCAs are increasingly appearing in the Crown Court, and are beginning to act as junior counsel in serious cases such as murder trials. The Area is also working with CPS Cumbria to increase the efficiency of HCAs in the Crown Court at Preston and at Lancaster. Suitably trained prosecutors cover the seven Specialist Domestic Violence Courts (SDVCs) in the Area and all the youth courts. High in-house magistrates' court coverage promotes increased accountability for case progression and presentation.
- Papers are usually provided to counsel, agents and in-house prosecutors in advance to ensure effective preparation. In the magistrates' courts the high in-house court coverage combined with the heavy listing and routine triple listing of trials can be very onerous, so the Area tries to ensure the rota is completed well in advance and that prosecutors cover those trial courts in which their own cases are listed.
- The Area expects prosecutors to attend court prior to the start of proceedings to enable discussion of cases with other agencies and liaison with witnesses. Undertaking the latter can delay the start of proceedings due to the number of witnesses in attendance. An advocacy champion has been appointed and undertakes monitoring of all prosecutors, including agents, assessing them against the national standards. The champion also monitors timeliness of attendance at court, liaison with other agencies and witnesses, and case progression; immediate feedback and guidance on aspects for improvement are provided. Feedback is also received from other agencies and any complaints are acted upon. Feedback received from other agencies as part of this assessment was positive regarding in-house prosecutors, but less so regarding counsel, which was attributed to inexperience and a smaller pool of advocates to choose from than the defence.
- There were eight wasted costs orders during 2006-07 totalling approximately £4,200. The orders were spread across the Districts and no specific trends can be identified.

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

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

- The review and handling of sensitive cases, including at the pre-charge decision (PCD) stage, is carried out by appropriate specialists. All prosecutors have been trained in domestic violence, homophobic and racially or religiously aggravated crime. In other sensitive case categories, if a specialist is not available in the charging centre, the duty prosecutor can contact an appropriately qualified colleague for advice. Rape cases and fatal road traffic incidents are allocated to specialists at the outset and the Chief Crown Prosecutor (CCP) reviews all advice in relation to fatal road traffic incidents prior to it going to the police.
- The quality of review and case handling is assessed through the casework quality assurance (CQA) system and adverse case monitoring. Area co-ordinators undertake monitoring and analysis of cases involving an allegation of rape or domestic violence. There is a homophobic crime action plan which provides for joint monitoring of cases with the police and the Witness Care Units; performance is discussed at Area and District Management Team meetings and at inter-agency groups.
- Where discontinuance of a PCD case is proposed, or where a reduction or change would remove the hate crime element of a charge, the prior authorisation of an Area District Crown Prosecutor (ADCP) is required. Cases that have been discontinued are analysed, as are any other unsuccessful outcomes.
- The Area's rate of unsuccessful outcomes in hate crime cases at 29.9% is better than the national average (32.8%) and national target (36%) and is particularly commendable given that the Area has one of the highest levels of domestic violence casework in the CPS. Hate crime overall makes up 8.4% of caseload compared to 6.9% nationally, which may account for the Area not yet achieving the very demanding local target of 26%. Performance rates for hate crime are recorded in the district performance reports and discussed at District and Area Management Team meetings. In addition, the rape co-ordinator undertakes a thorough analysis of outcomes in all rape cases which is shared with the Area specialists and senior managers.
- The Area has appointed effective champions, specialists and leads who are consulted where appropriate. In topics where all the prosecutors are trained, the leads will deal with the more complex cases. A list is maintained by the Area and updated when necessary, and the police are aware of Area champions and co-ordinators, and the specialist prosecutors in each District. There is no specific guidance on the role of co-ordinators or champions, instead there is reliance on the national descriptors detailing the responsibilities for guidance and mentoring, liaison, sharing good practice and monitoring. The Area's Learning and Development guide requires Area champions to make presentations at team meetings on their areas of specialism; for example, during 2006 presentations were given on the handling of casework involving anti-social behaviour. The Area co-ordinators and specialists also meet with the voluntary sector, particularly in relation to cases involving allegations of rape or domestic violence.

<sup>5</sup> For the avoidance of doubt all references in this aspect to sensitive cases includes all those involving hate crime (disability hate crime, domestic violence, homophobic, racist and religious crime) child abuse/child witnesses, rape, fatal road traffic offences and anti-social behaviour orders (ASBOs).

- Area champions and co-ordinators are responsible for disseminating information on CPS policy changes in their field of expertise and for circulating issues from HMCPSI thematic work. The recommendations from the rape thematic inspection were reviewed and taken forward as part of Area policy by the co-ordinator. The Area Management Team also considers thematic reviews, and the bulletin produced by an Area District Crown Prosecutor (ADCP) provides legal updates across all casework.
- Training has been undertaken during 2006-07 on domestic violence and Proceeds of Crime Act (POCA) casework by specialists, lawyers and caseworkers, and on homophobic crime by specialists, to cascade to other lawyers. Training planned for 2007-08 includes further domestic violence awareness training, child abuse casework for lawyers and training for the proposed hate crime scrutiny panels. The homophobic crime leads will also attend national workshops.
- A sensitive case log is maintained on each District, detailing cases that have been identified as high profile or newsworthy, with the aim of informing the CCP of cases likely to attract media attention or cause concern in the community. There has been increased involvement of Higher Court Advocates (HCAs) presenting cases in place of junior counsel in cases likely to be of high profile or media interest, such as murder allegations, demonstrating commitment to greater accountability in casework likely to cause concern. During 2007-08 the Area will establish two hate crime scrutiny panels, for which planning is well underway. The panel in the east of the Area will examine racially and religiously aggravated casework and the panel in the west, homophobic crime. The Area will also be participating in the pilot examining the handling of honour crimes and forced marriage during 2007-08.
- The Area usually flags sensitive cases. The Unit Business Managers undertake dip sampling of monitoring codes on the case management system (CMS) and all rape cases are checked each month to ensure that they have been correctly identified. Reality checks revealed all ten racially aggravated cases selected were flagged appropriately. In a general sample, five of seven cases were properly flagged. Two had not been flagged as domestic violence but were flagged as Specialist Domestic Violence Court (SDVC) cases.
- The Area has seven SDVCs. At present only one is compliant with the 11 components required for designation and additional funding. The Area, and in particular the co-ordinator, is working with partner agencies to improve compliance.
- A DCP chairs the Lancashire Domestic Violence Partnership, which has established links with the Local Safeguarding Children Board thereby enabling the Area to be kept informed of issues and ongoing work. Although there is no specific action in Area plans to address safeguarding children issues, the Area has champions and specialists for child abuse, domestic violence and youth casework and the ADCPs are responsible for taking the lead on the CPS Children and Young Persons Charter. Domestic violence training has included awareness of the implications for children in violent homes, the Area co-ordinator has circulated guidance in relation to 'looked after children' and the Youth Offending Team is represented at the Local Criminal Justice Board where the CCP has received a report on remanded children. Joint work by other agencies in relation to multi-agency risk assessment conferencing (MARAC) is fed into the LCJB and SDVC groups.



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

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

- Generally, compliance with the disclosure regime is very good. Proper application of the law, guidance and the national disclosure manual is monitored by Assistant District Crown Prosecutors (ADCPs) during their monthly quality assurance checks and their reviews of any failed cases. Unit Business Managers also check to ensure that separate folders are placed on the file for unused material, with disclosure record sheets attached, and that both are being used properly. Reminders to staff are issued regularly to ensure ongoing compliance with the regime.
- Reality checks were conducted on the computerised case management system (CMS) and on a small file sample. These showed that, whilst in only half the cases CMS had been used for disclosure, the compliance with the requirements for initial and continuing disclosure on the files themselves, at 15 out of 16, was much higher. There were no instances of non-disclosure of an item that ought to have been disclosed. The only shortcomings related to the standard of recording of the decision and to the use of the disclosure record sheet. The Area's own monitoring of disclosure shows that, where the handling does not comply, it is generally in recording decisions or file housekeeping, such as ensuring that the unused material is kept separate.
- Sensitive material is delivered to District Crown Prosecutors (DCPs) and, if necessary, stored securely. Discussions have taken place with the police where appropriate regarding the sensitive material implications of operational matters or police techniques, which is good practice. The Area also delivers regular training on disclosure to the police, particularly to new recruits to the Service.
- The Area takes advantage of opportunities to improve performance. The overall performance assessment in 2005 highlighted aspects where more could be done, such as the use of disclosure record sheets and separate folders, and the Area has clearly taken those forward. The results of a national CPS disclosure survey carried out recently have been scrutinised by the Area, and the disclosure champion is preparing a report to take forward aspects where improvements can be made.
- Training needs are identified where they arise and are addressed appropriately. The handling of third party material was recognised to be a potential weakness in the Area. Specialist lawyers in one District gave training there, based on a resource pack they put together, which is comprehensive and very helpful, and this was then circulated to the other Districts. The disclosure champion is an effective source of guidance and advice, and has delivered refresher training and the national advanced disclosure training package to lawyers.
- The Area has not yet addressed the rate of trials which are ineffective due to disclosure issues, which was 3.2% in 2006-07 compared to a national average of 1.9%. Steps are being taken to ensure that prosecutors check the forms carefully and that the reasons are then transcribed correctly when the court compiles the data from the forms.

- The Area has endeavoured to work with the courts and local judiciary, and has discussed the disclosure protocol with the Resident Judge and at court user group meetings. Individual cases, when issues arise, are subject to discussion between the Crown Court and Area, although there is some way to go to reach consensus. The national survey reported an increased confidence amongst criminal justice partners in the Area's handling of unused material.

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

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

- The Area has an up-to-date written custody time limit (CTL) system that complies in almost all respects with the latest national guidance. A slight discrepancy relates to liaison with the Crown Court regarding extensions to time limits; liaison work with the Crown Court is ongoing. The system was revised in early 2007, a project that was managed by the CTL champion and overseen by the Area Management Team. Systems are now standardised across the Area, an aspect that was identified for improvement in the last OPA.
- All staff have access to the protocol and to the good practice guidance provided by the CPS nationally. Staff are trained on CTLs and checks are in place to ensure that they are operating the system effectively. The CTL recorded on the front of the file is initialled by the person checking its accuracy, and Unit managers check diary entries and countersign them to show that the checks have been conducted. Computerised task lists are used to monitor compliance, and files are checked both when being formally quality assured and on a random dip sample of 10 cases a month. Individuals are held accountable for performance.
- Reality checks indicated that in the majority of cases, the handling of CTLs met the standards required, although there were fewer instances of review dates being recorded on magistrates' court files than on Crown Court files. Where cases were more complicated, such as when charges were added later in proceedings, or where a defendant had two or more sets of charges outstanding, the position was much less clear. Whilst the expiry dates themselves were calculated correctly, there were instances of failure to record the up-to-date expiry date or the correct custody position for each charge or on each of the several files for the same defendant.
- There was one CTL failure in 2005-06, which came about as a result of failure to realise in time that a case had been removed administratively from the Crown Court list. This is the case referred to in the last OPA, and was followed by action to ensure that lessons were learned by all staff. A further failure, in 2006-07, was due to oversight by individuals rather than systemic gaps, and was not reported to CPS Headquarters. Reminders of the importance of compliance were issued, further training was delivered and a daily check of the diaries was instituted.
- The Area has secured commitment from the magistrates' courts to joint working. Evidence of joint agreement or joint monitoring on the files themselves is less apparent. However, it is clear that the case progression meetings attended by the CPS and court personnel discuss time limits on cases where appropriate.

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

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

- Compliance with the Victims' Code is not being achieved and it is not monitored effectively, partly due to the absence of management data or performance information. None of the four Witness Care Units (WCUs) are currently meeting the obligations to victims under the Code, and the units particularly struggle to meet the one-day timescale for informing vulnerable or intimidated victims when a charge has been dropped or substantially altered.
- Performance on the Direct Communication with Victims initiative (DCV) is better than the national average for timeliness, but worse for the number of letters sent. The Area sent 76% of letters within five days, compared to the national average of 73%, but has reached only 65.3% of the proxy target for the number of letters it ought to be sending. Performance against the proxy target was improving, but dropped sharply at the end of 2006-07.
- A reality check of cases on the computerised case management system (CMS) showed the quality of the letters was generally satisfactory, although two examples were found where use of a standard template had led to an inaccurate statement about who made the decision to charge the defendant.
- Witnesses' individual needs assessments are not being carried out in a systematic manner. Early information to witnesses has recently started in one WCU, and has shown benefits already, both for witnesses and for the morale of WCU staff; it should be extended to the other WCUs as soon as possible. The WCUs send out a list of frequently-asked questions; this has recently been updated and is useful and accessible.
- Special measures that might be required for victims and witnesses should be identified at the time that the charge is authorised. There is evidence that this is happening, and a reality check showed that the two cases where special measures were applicable had both been flagged as such on CMS. However, the flow of information to the WCU about whether special measures have been granted is variable, which leads to patchy information being passed on to the victim or witness concerned. A survey conducted in the Area showed that under 20% of victims and witnesses knew whether special measures had been considered in their case.
- There are other communication difficulties between the WCUs and the Units, and no consistent practices across the Districts, which lead to delays or blockages. Some queries could be resolved within the WCU, or more speedily, by ensuring that sufficient relevant information is supplied to the lawyer or caseworker. There are also concerns that lawyers and caseworkers are slow to respond to queries, which hampers their resolution. In some aspects, however, communication has improved; the supply of witness warning information (on case management forms and lists of witnesses to be warned for court) is much more effective, and problems with obtaining witness availability have largely been addressed.

- The Area is endeavouring to embed practices to establish at an early stage whether witnesses' evidence can be agreed in written format, with particular focus on the robustness of the case management hearings to ensure that only essential witnesses are warned. Improvements will prevent inconvenience to witnesses and will reduce the workload for the WCUs and the queries arising, particularly from police officers challenging their warning for court. The latter was impacting so heavily that action had to be taken with senior police managers to prevent the large number of calls to the WCUs; this has now improved significantly.
- There are a number of instances where reluctant witnesses are summonsed to attend court. In such cases, money to enable the witness to travel to court (called "conduct money") must be provided when the summons is served, which is a police function. However, payment of conduct money is proving problematic, and there is not always adequate proof of the service of the summons itself. The Area is working with partners to resolve the situation which is largely out of its hands. Until then witness warrants cannot be sought, so there is no effective sanction for the failure to attend and as a result some cases are discontinued.
- Compliance with the Prosecutor's Pledge is checked when advocacy monitoring is carried out at court, via feedback, and through a recent survey. Partner agencies report greatly improved standards of witness care at court compared with two years ago. Witnesses are waiting for less time, on average, in the magistrates' courts than before, although the waiting time for Crown Court cases has worsened. The percentage of witnesses waiting for more than an hour in magistrates' court cases and two hours in Crown Court cases has improved. In the recent survey, where there were delays, the vast majority of witnesses (83%) said that they were kept informed of progress whilst they were waiting.

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

- The Area has four WCUs, one each in Burnley and Preston Districts, and two in Fylde District. They are staffed by CPS and police personnel and are jointly managed. The responsibility for the Units now rests with the relevant District Crown Prosecutor, having been passed from the team implementing the No Witness, No Justice initiative (NWNJ). The Chief Crown Prosecutor (CCP) leads on victim and witness issues in the Area, and there was a NWNJ Co-ordinator who also carried out reviews of the WCUs in the summer of 2006.
- There is a procedure manual for the WCUs which, if followed, ought to ensure consistency of operation and that the minimum standards and requirements of the Victims' Code are met. However, the manual and thus, meeting fully all the standards of NWNJ, remain aspirational. The Area is currently fully meeting less than half the standards, and the degree to which they are partially meeting the rest varies. Standing in the way of achieving them fully are a number of difficulties, including access by CPS staff to the police computer systems for warning witnesses, staffing levels, and the lack of an effective performance management regime.
- The review of the WCUs and the sign-over report for NWNJ in July 2006 identified the key issues which needed to be addressed in order for the WCUs to meet the required standards. Following on from that, the CCP required each District to produce an action plan for the WCUs. Two did so, but the third did not, and there is no evidence that one of the plans has been revisited since. The IT difficulties are a significant barrier to speedy working. The Area has made considerable efforts

to resolve them locally, but they involve aspects that have wider implications, such as the level of security clearance for CPS staff, so have been taken to a national level for discussion. There is less evidence to show that the other barriers have been tackled as robustly. There is some joint analysis of performance; witness attendance rates, the data on cracked and ineffective trials, and survey results are examined by the relevant sub-group of the Local Criminal Justice Board, and by the Area itself. However, there are no consistent measures or a system of sampling to ensure that the WCUs are performing properly.

- The percentage of ineffective trials caused by witness issues is worse than the national average for magistrates' court cases (19.6% compared to a national average of 17.2%) and Crown Court cases (25.6% against 18.7% nationally), although both have improved across the year. The proportion of cracked trials caused by witness issues is marginally better than nationally in the magistrates' courts, but deteriorating, and marginally worse than nationally in the Crown Court, but improving. Witness non-attendance is higher than nationally in all courts, but the trend is one of improvement across the year.

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

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

- The Area's priorities for 2006-07 were aligned to the national CPS and Public Service Agreement objectives and targets. The Area business plan was relevant and pertinent to both nationally-led initiatives and local needs, and there was clear responsibility for the delivery of actions within the plan with appropriate milestones and outcomes, although the latter were mostly quantitative rather than qualitative.
- Progress against the business plan is included in monthly Area Management Team (AMT) meetings, through ad-hoc discussion rather than formal review of the plan itself, and by the ABM formally at the mid year point. There is evidence of some action being taken as a result, for example in relation to sickness absence. Parts of the business plan were updated at the mid year review, but more could be done to formalise the review of the whole plan, to improve understanding of the position during the business year and to encourage the effective consideration of remedial actions where necessary.
- The Area decided not to have individual district or unit business plans. Consequently, staff objectives link into the overall business plan and are used to support the delivery of Area initiatives.
- Joint planning with CJS partners is evident both at the prosecution team level with the police, and at Local Criminal Justice Board (LCJB) level. The LCJB board structure supports delivery of its targets, and there are individual delivery plans for the sub-groups in place. The majority of targets for 2006-07 were achieved. The Area is currently working with the police to introduce an interface between the CPS case management system (CMS) and the police case management system.

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

- The Area is forward-thinking and willing to try out new processes or ideas that may benefit the Area and Service. In recent years, the Area has piloted or implemented a number of initiatives, with varying degrees of success. Local initiatives, such as the Area restructure into Combined Units and the refurbishment of its accommodation were delivered effectively. The implementation of national initiatives has been less assured. Conditional cautioning is embedded and effective, but both statutory charging and No Witness No Justice (NWNJ) have not realised the expected benefits consistently. Other initiatives introduced include piloting of pre-trial witness interviews and acting as a Pathfinder site for prolific and persistent offender case management.
- Both statutory charging and NWNJ, despite being in place for some time, still need work to resolve systemic failings and to realise the full benefits. Reviews undertaken during the process of signing off and handing over to the Districts have been robust and have identified stumbling blocks, but remedial measures have not been progressed in a systematic and, in some instances, sufficiently energetic manner.

- The Area has a project manager who, alongside other duties, takes responsibility for some of the individual projects. The Area maintains a risk register which has correctly identified project overload as a risk. Multi-agency initiatives such as Simple Speedy Summary Justice (CJSSS) have specific risk registers. The Area's risk register is subject to informal review by AMT and updated monthly by the ABM, but some risks are not systematically updated and further countermeasures are not proposed and progressed where appropriate. The Area needs to ensure its management of risk is methodical.
- Some links between projects are recognised, albeit they are not always documented. Links between initiatives, training plans and individual objectives are satisfactorily established. However, the Area's approach to delivery of change overall needs to be more co-ordinated and structured. Without appropriate change structures, the number of pilots and national initiatives, the impact of budgetary constraints, and competing priorities, will continue to result in inconsistent delivery of some initiatives.
- During 2006, the Area piloted a local initiative called "21st Century Justice" in Blackpool Magistrates' Court, which anticipated the introduction of CJSSS. This was largely unsuccessful, partly hampered by varying degrees of commitment from relevant agencies. The Area has now commenced project work in relation to CJSSS, and is due to commence a phased roll out in July 2007. It is not expected that problems experienced in the 21st Century Justice pilot will be relevant, but different issues, such as the backlogs of cases awaiting trial and heavy listing will need to be resolved, and work has started to address these.
- In 2006-07, the Area's advocacy strategy was predominately driven by the limitations of the non ring-fenced running costs (NRFC). This has resulted in restrictions in the recruitment and deployment of designated caseworkers (DCWs) and an emphasis on delivering and exceeding targets for Higher Court Advocate (HCA) savings to supplement the NRFC budget. The Area has successfully introduced two HCA units and has achieved the desired outcome regarding the NRFC.

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

- Training is marshalled by an Area Training Officer and the training committee. The Learning and Development plans for 2006-07 and 2007-08 are comprehensive and link directly to the objectives in the Area Business Plan. The plans contain mandatory courses and other forms of training such as workshops and desk-side training.
- Training needs are identified for a range of roles and there is some evidence that arrangements are in place to ensure equality of access to training in the range of courses offered. The Area also considers how staff can best access courses, for instance, arranging some as lunch time sessions. However, the staff survey for 2006-07 showed worse than national results for line managers actively supporting learning and development, with only 41% of responses being positive, compared with 58% nationally.
- Key mandatory training has been delivered including the Proactive Prosecutor Programme, domestic violence training, and performance management courses. New starters undertake induction training, which includes the equality and diversity e-learning module.
- There is evidence of the value of training being monitored, with formal evaluation forms being completed by staff, and a recent example of feedback being collated and used to assess a training workshop on recruitment. The Area's written guidance on its expectations of managers includes a standard to review training and feed back on its effectiveness.



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

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

- Lancashire has overspent its NRFC budget for the last two financial years by 1.2% and 1.1% respectively. At Area level there are appropriate systems for financial control and managing committed expenditure. There is regular reporting of the financial position to the Area management Team (AMT). The current NRFC allocation for 2007-08 is a reduction on the previous two years' final allocations and the Area will need to retain tight controls, particularly since the Area has some concerns about its ability to stay within budget with the present allocation.
- The Area's budget is devolved to District level for non ring-fenced and prosecution costs, and a large part of the 2006-07 NRFC overspend was due to a foreseeable error in committed expenditure by one of the Districts. In general, profiling at District level could be improved, and Area managers will need to assure themselves that relevant staff have the required skills to profile and monitor expenditure correctly.
- Managers have become increasingly aware of the budget constraints and the need to ensure value for money. The Area has tried a number of ways to achieve this, for example, through ensuring effectiveness of its operations, and by looking at the correct application of the flexi leave and vacancy management, and consideration of other non ring-fenced costs such as travel and subsistence, and copier expenses.
- During 2006-07, additional funding was received for initiatives, including a specialist prosecutor for anti-social behaviour orders, proceeds of crime applications, and the 21st Century Justice initiative, aimed at speeding up cases in one magistrates' court. In addition, the Area received an underpin of £450,000 to its NRFC budget, which was used to meet budget commitments and the delivery of everyday business. The Area substantially improved its deployment of Higher Court Advocates (HCAs) to obtain further funds and again supplement the budget. There is consequently some degree of linkage, if not tangible in each case, between the additional budget and improved performance.
- Payments under the graduated fee scheme (GFS) during 2006-07 have been unsatisfactory, and there has been a decline on the previous year's performance. Performance against the one month and four month payment targets was below the national average; the Area has now taken steps to address this. Systems are in place for the monitoring of prosecution costs and there is clear evidence that the three month rule in relation to fee requests from counsel is being applied. Whilst prosecution costs are never easy to forecast, the Area overspent its budget by 26% and was the worst performing Area in the country. The Area attributes this to its inability to obtain further necessary funding from CPS Headquarters.

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

- Lancashire introduced Combined Units in 2005-06 following an assessment of the best model to suit business needs, and it has continued to review its structures using the CPS national costing model, to ensure that they are fit for purpose. During 2006-07, the Area formed two separate HCA units, and has introduced a complex casework unit, although the latter has yet to be resourced. There have been examples of redeployment of staff to address potential imbalance of work, and there has been growth in the designated caseworker (DCW) and HCA cadres to support the Area's advocacy strategy.
- Overall, staffing levels have remained static since the last OPA, whereas the combined caseload for magistrates' courts and Crown Court work has increased by 18.2%, which is a significant rise. The number of cases where pre-charge decisions are made by the Area has also risen considerably. Trials in the magistrates' courts have increased by 12% and Crown Court by 8%. These increases place additional pressure on staff. This is reflected by findings in the 2006 Staff Survey where only 9% of staff thought the Area had the correct amount of people (against a national average of 24% and an Area figure of 33% in 2004).
- Clear expectations for lawyer deployment have been set at eight half-day sessions per full time lawyer each week at court or in charging centres. Agent usage, at 14.2%, compares favourably with the national average of 19.6%, and agent spend is carefully monitored.
- Area recruitment of DCWs was hampered by budget constraints, and deployment of DCWs to courts is now improving. In 2006-07, DCWs covered 10.3% of magistrates' court sessions (national average 14.7%). Coverage has grown throughout the year from 295 sessions in the first quarter to 417 sessions in the fourth. The Area has recruited a further two DCWs and negotiated with the courts to improve suitability of listing.
- By the end of 2006-07 the Area had 6.6 DCWs with a further two being trained in 2007-08. At an expected court coverage for each DCW of six sessions per week, this equates to 252 sessions per DCW. During 2006-07, the Area covered 1,441 sessions which equates to 87% of available DCW time. However, the Area expects its DCWs to cover seven sessions per week in 2007-08.
- Lancashire has been successful in its deployment of HCAs during 2006-07. The target savings of £198,480 were exceeded significantly, with total savings achieved of £449,532. There are now seven HCAs deployed in the dedicated units who cover HCA work only, and a further 18 qualified HCAs who retain other responsibilities, so are deployed less frequently and for simpler matters. HCAs in the dedicated units cover a good mix of trial work, including sexual offences, offences against the person, burglary and drugs offences. In total in 2006-07, 118 trials were covered by HCAs, and one trial featured an HCA appearing as junior counsel.
- Sickness absence within the Area is 9.2 days on average, which is higher than the national average (8.5 days). This also compares unfavourably with the previous year (8.8 days) even though there has been a reduction in long term absences. Senior staff have received training on managing attendance and accurate records are maintained. All requests for flexible working are reviewed by the ABM. The Area is supportive of such practices and has a sensible approach to balancing the needs of the individuals with those of the organisation.
- The Area has faced and will continue to face a number of challenges, including the increasing caseload, implementation of the CJSSS initiative in 2007-08, and HCA deployment, and needs to ensure there is an integrated staffing and deployment strategy to enable it to meet those challenges effectively.

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

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

- There is regular consideration of performance at Area Management Team (AMT) and District Management Team (DMT) level, although the depth and consistency of information discussed at District and Unit meetings is variable. The Area has an easily understandable electronic drive of performance data that is accessible to all staff, and on which monthly performance information is stored. This is collated into quarterly performance reports produced at an Area and District level. The shared drive also contains more detailed information relating to the reports, and from here users can compare current data with that for previous months and years.
- The quarterly performance reports align with the format and content of the Headquarters performance regime. Consequently, progress is monitored against the main CPS performance indicators, other relevant performance aspects, and specific themes. Area progress is monitored against targets using a traffic light system for the quarter and data is also given for the months within the quarter. The Area has undertaken some bench marking against other Areas but this mainly relates to caseload comparison following Area budgetary concerns.
- Standard monthly reports produced by the Area Performance Officer (APO) are used to ensure the quality of data entry. This includes correct finalisation of cases, and a recently introduced dip sample of files to ensure accurate recording of monitoring codes, and witnesses' and defendants' gender and ethnicity. Other checks have been undertaken on an ad-hoc basis.
- Performance outcomes for Lancashire are mixed; whilst some performance has improved since the last OPA, other aspects are showing a slow decline, and some are deteriorating compared to national rates, such as successful outcomes and discontinuance rates in the magistrates' courts.
- Managers are expected to take corrective action where performance needs improving, and examples where this has been achieved include some aspects of statutory charging and improvements in the reviewing of cases on the computerised case management system (CMS). However, the outcomes indicate that there is room to improve the effectiveness of such measures. In addition, performance is not always addressed in a timely way for instance, the timeliness of graduated fee payments.
- Operational procedures are in place across the Area, and some local variations are expected and acceptable. However, there is evidence that further standardisation would encourage better performance across the Area, for example in the adverse casework analysis. The AMT and DMT provide mechanisms for the sharing of good practice amongst the Districts, although in some instances this could have been more timely.

- District Crown Prosecutors are held accountable for the performance of their teams. Each Unit has a quarterly performance review with the Chief Crown Prosecutor and Area Business Manager, which is based around key performance measures. The introduction of district based targets may be appropriate as a way of improving individual district performance.
- There are a number of examples where the individual objectives of staff in the appraisal process are supportive of attainment of Area targets. Examples included CMS usage and the timeliness of letters to victims where a case has been dropped.

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

- CPS managers are actively engaged in multi-agency meetings at which joint performance is discussed and managed. There are meetings with police at a District level; topics discussed include statutory charging, unsuccessful outcomes and the timeliness of police files. Performance data is made available by the CPS and the police for these meetings. The formal meetings are said to be bi-monthly but are actually held once a quarter, and other informal meetings, which are more frequent, are not minuted, so there is no record of issues or trends identified and actions arising. The former LCJB case management group meetings discussed cracked and ineffective trial data; these have now been subsumed into the Simple Speedy Summary Justice (CJSSS) sub-groups.
- At a joint level there is evidence of improvement strategies being implemented, including the piloting of a legal aid administrator in Burnley to improve the effectiveness of first hearings, and negotiations to improve listing. Actions are also progressed as part of the LCJB delivery plans.

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

- The operation of the Area's casework quality assurance (CQA) scheme is systematic. Guidance for managers was issued in January 2006 in response to the Inspectorate thematic report. Return rates for the four quarters of 2006-07 were 39%, 151%, 111% and 91%. Overall the return rate was good and the low rate at the start of the year can be explained by a dispute with Headquarters over the first quarter's data, which resulted in it being included with data submitted for the second quarter.
- The Area's CQA assessment rates are reasonably consistent with the average national performance figures. There was some evidence of narrative analysis at unit level which was used to address individual performance and to identify trends; however, the Area needs to ensure that there is sufficient information from all units to enable identification of trends at AMT level, and lessons disseminated to staff.
- The Area has an Advocacy Champion who monitors individual lawyers, designated caseworkers and agents on a regular basis, and provides immediate feedback and guidance. Where necessary, further monitoring is undertaken.

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

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

- The Area has adopted the Director's vision and values, which are promoted through the Area Business Plan (ABP) and circulated to all staff. In 2006-07, there was good use of a summary of the ABP. Outcomes from Area Management Team (AMT) meetings are disseminated to the District Management Team (DMT) meetings, which should then cascade to all staff. It is apparent, however, from the minutes of District team meetings that there is some disparity in the information communicated, both in terms of subject matter and in the level of detail. This is consistent with concerns raised at the Area staff liaison group meetings that relevant information is not being communicated to all staff.
- There is an acceptance of a common responsibility for delivering national strategies. Initiatives are discussed at AMT and the devolution of the budget to the Districts has fostered better understanding by managers of their responsibilities within the Area. Quarterly performance reviews held by the CCP and ABM with the District managers, assist this. The corporacy of decisions made at AMT has been promoted by the CCP, and recently, standards for managers have been introduced which emphasise what is expected of all managers in the Area.
- Senior managers make themselves available at key points in the business calendar. The CCP and ABM attend the Districts on a fairly frequent basis, and hold staff liaison groups at Districts to identify and address staff concerns. Regular Whitley Council meetings are in place, and Area business planning days have taken place for managers and non-managers.
- Performance in the staff survey in 2006 was worse than national averages for regularity of meetings (57% against a national figure of 61%) and effectiveness of meetings (47% against a national figure of 56%). The Area has now recognised the infrequency of some district and unit meetings, and the impact that can have, and senior managers will need to assure themselves that meetings are held on a more regular basis.
- Senior managers are proactive in working with criminal justice partners and generally have constructive relationships. The CCP is the LCJB chair, and has responsibility for the victim and witness sub-group. The Area is represented on the LCJB sub groups, and committed to delivery of joint initiatives. There has, for instance, been work in relation to domestic violence, including the introduction of Specialist Domestic Violence Courts (SDVCs) which has a CPS lead. Negotiations are also on going with the courts to improve the effectiveness of listing arrangements. In the main there is management of stakeholder expectations, although there have been issues around conflicting objectives. Whilst the prosecution team relationship is positive, there is room to make it more effective, and the relationship with HM Courts Service needs to be improved to facilitate joint working.

- Senior managers are willing to learn by reviewing success and failure, in particular in its reviews of initiatives and performance monitoring, although the emphasis is largely on unsatisfactory performance, and some failing aspects of certain projects have so far not yielded improvements from those reviews. The Area is forward thinking and willing to pilot initiatives, a willingness that is also demonstrated by the CCP who at is involved in a number of projects a national level. He is aware of the potential for national issues to deflect his focus from Area concerns.

**12B Senior managers act as role models for the ethics, values and aims of the Area and the CPS and demonstrate a commitment to equality and diversity policies**

- Instances of good performance have been recognised in team meetings and emails to individual members of staff. Since December 2006, the Area has participated in the national pilot of the special bonus scheme. On a quarterly basis, staff are nominated then selected by a panel to be recognised for good work, that recognition taking the form of commendation letters or small financial awards.
- Area standards have been drawn up and circulated which include expectations for the individual behaviour of staff and their conduct within the team environment, and which support the national dignity at work policy. All new staff undertake the Equality and Diversity E-Learning module, and CPS booklets, such as those covering dignity at work and use of the e-mail and IT system, are provided as part of Area induction packs. The Area has tackled incidents of minor abuse of the email system and internet, and reminders have been issued to staff as to what is appropriate and acceptable. The 2006 Staff Survey indicated that 60% of staff in Lancashire felt that they were treated with dignity and respect, compared with 64% nationally.
- Equality and diversity are integrated into the Area Business Plan. There are objectives relating to non-casework issues, including work force representation and to casework-related matters such as hate crime and engagement with the community. The Area has a champion who leads on equality issues, and attends the LCJB race and diversity group. Equality and diversity is a standard agenda item at Whitley Council meetings. There has been one equality and diversity-based complaint against a member of Area staff. This has been the subject of an appropriate independent assessment and was held to be unfounded.
- The workforce of the Area is not fully representative of the local population in terms of gender, people with disabilities and those from black and minority ethnic (BME) groups. The Area has a work force representation plan that aims to increase BME representation and to encourage further applications from staff with a disability through work placements, community engagement, and a number of other measures. However, the Area's breakdown of the BME population locally does not contain all the relevant information for specific ethnic groups, which may affect its ability to achieve the related targets for 2008. The work force representation plan also aspires to encourage a higher rate of self declaration by staff.

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

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

- Senior managers are committed to engaging with the community and this is reflected by the considerable work undertaken in 2006-07. Commendable examples include an event held to reassure the Muslim community following terrorist incidents, which has led onto other linked engagement in partnership with the police. It has also been the driver for the Local Criminal Justice Board's (LCJB) 'Question Time' events, initiated and chaired by the Chief Crown Prosecutor (CCP). These enable senior managers from the criminal justice area to take questions and address community concerns.
- Securing community confidence is increasingly becoming part of the Area's core work. Actions to improve community confidence were built into the 2006-07 Area Business Plan (ABP), and an improved and more formalised approach has been adopted for 2007-08. The current ABP is more supportive of community confidence issues, and there is a separate and comprehensive community engagement strategy, which will be reviewed regularly to ensure progress is made. Monthly reports on community engagement are also provided to the Area Management Team (AMT) by the Community Engagement Officer (CEO).
- The Area has encouraged staff to become more involved with community engagement. This has been facilitated by the CEO, and is starting to bear fruit with increased numbers becoming involved. Staff participate in events such as school engagement programmes, race groups, domestic violence groups and events held with the LCJB. For 2007-08, the Area is to introduce a two day community engagement course for nominated staff, to increase the confidence amongst members of staff at all levels in engaging with the community.
- The Area has current information on its demographics, and an up-to-date community base. During 2006-07, the Area focused its efforts on homophobia, Muslim communities, and those living with disabilities. There was also some emphasis on engaging with victims of domestic violence and lesbian, gay, bisexual and transgender (LGBT) groups in the Blackpool area. The Area and individual members of staff have taken a proactive approach to engagement with these groups. The Area has a specialist anti-social behaviour lawyer who has promoted understanding of anti-social behaviour orders to the general public.
- At present, the Area classifies engagement events or activities as informative, participative and consultative, with only limited commentary as to their impact and effectiveness. There are instances of service changes resulting from engagement activity, such as a change in approach to exclusion orders following a pub watch meeting, but these are not systematic or embedded. The Area acknowledges the need for further evaluation of community engagement to focus activity and bring about service improvements. Work has commenced on a more targeted strategy, looking at which people and groups the Area should be engaging with and at what level.

- The Area Press and Publicity Officer (APPO) is responsible for establishing links with the media and more positive relationships are being developed. There is regular contact and a proactive approach has been adopted for high profile cases. Area processes generally support such cases being identified and brought to the attention of the APPO and CCP.
- Despite the improved approach to community engagement and media relationships, the level of public confidence in the ability of the criminal justice system in Lancashire to bring offenders to justice is declining. In June 2006, confidence stood at 42.8% and by December 2006 this had fallen to 39%. The Area's confidence levels are worse than the national average which is itself declining. Confidence levels can, however, be affected by issues outside the control of the Area, or indeed the LCJB, such as national criminal justice issues, and local events of a broader nature.



## ANNEX A: PERFORMANCE DATA

### Aspect 1: Pre-charge decision-making

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance 2005-06    2006-07		National target March 2007	National performance 2006-07	Area performance 2005-06    2006-07	
Discontinuance rate	11.0%	15.7%	17.5%	17.4%	11.0%	13.1%	11.5%	13.4%
Guilty plea rate	52.0%	69.2%	69.9%	70.1%	68.0%	66.5%	68.5%	72.1%
Attrition rate	31.0%	22.0%	23.2%	22.2%	23.0%	22.2%	20.2%	20.6%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	78.2%

### Aspect 2: Ensuring successful outcomes in the magistrates' courts

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed magistrates' courts cases	84.3%	83.8%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	35.9%
Cracked trial rate	37.3%	44.9%
Ineffective trial rate	18.9%	19.3%
Vacated trial rate	22.5%	24.1%

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

<b>National target</b>	<b>National performance 2006</b>	<b>Area performance 2006</b>
71 days	72 days	64 days

*Offences Brought to Justice*

	<b>CJS area target 2006-07</b>	<b>CJS area performance 2006-07</b>
Number of offences brought to justice	46,011	49,538

<b>Percentage make up of Offences Brought to Justice</b>	<b>National 2006-07 <sup>6</sup></b>	<b>Criminal justice area 2006-07</b>
Offences taken into consideration (TICs)	8.5%	10.5%
Penalty notices for disorder (PNDs)	10.3%	17.8%
Formal warnings	5.8%	0.5%
Cautions	26.5%	25.8%
Convictions	48.8%	45.4%

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

	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Successful outcomes (convictions) as a percentage of completed Crown Court cases	77.7%	78.5%

<b>Trial rates</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Effective trial rate	48.2%	34.9%
Cracked trial rate	39.5%	50.1%
Ineffective trial rate	12.4%	15.0%

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6 Final figures awaited.

<b>Proceeds of Crime Act orders</b>	<b>Area target 2006-07</b>	<b>Area performance 2006-07</b>
Value	£1,862,275	£2,309,065
Number	37	66

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

	<b>2005-06</b>	<b>2006-07</b>
Non ring-fenced administration costs budget outturn	101.2%	101.1%

<b>Staff deployment</b>	<b>National target 2006-07</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
DCW deployment (as % of magistrates' courts sessions)	17.2%	14.7%	10.3%
HCA savings against Area target	100%	138.4%	226.5%
Sickness absence (per employee per year)	7.5 days	8.5 days	9.2 days

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

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

<b>CJS area baseline 2002-03</b>	<b>2004-05 (last OPA)</b>	<b>Performance in 2006-07</b>
35%	44%	39% (Dec 06)

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

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

### **Police**

Lancashire Constabulary

### **HM Courts Service**

Burnley Crown Court

### **Victim Support**

Lancashire Domestic Violence Partnership

**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.**

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HM Crown Prosecution Service Inspectorate

London Office:

26 - 28 Old Queen Street

London SW1H 9HP

Tel. 020 7210 1197

Fax. 020 7210 1195

York Office:

United House, Piccadilly

York, North Yorkshire, YO1 9PQ

Tel. 01904 54 5490

Fax. 01904 54 5492

Website:

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

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