

CPS Leicestershire

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# Overall Performance Assessment

Undertaken October 2005

March 2006

Promoting Improvement in Criminal Justice

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

This report is the outcome of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPsi) overall assessment of the performance of the Crown Prosecution Service (CPS) in Leicestershire and represents a baseline against which improvement will be monitored.

Assessments and judgments have been made by HMCPsi based on absolute and comparative assessments of performance. These came from national data; CPS self-assessment; HMCPsi assessments; and by assessment under 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 in relation to the other defining aspects, in order to arrive at the OPA.

The table at page 7 shows the Area performance in each category.

An OPA is not a full inspection and differs from traditional inspection activity. While 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 tailored programme of inspection activity.

## B. AREA DESCRIPTION AND CASELOAD

CPS Leicestershire serves the area covered by the Leicestershire Constabulary. It has two offices, both in Leicester. The Criminal Justice Units (CJUs) and Trials Unit (TU) are based together and the Area Headquarters (Secretariat) is located separately.

Area business is divided on functional lines between magistrates' courts and Crown Court work. The CJUs handle cases dealt with in the magistrates' courts. The City CJU covers Leicester and Market Harborough Magistrates' Courts and the County CJU covers the other magistrates' courts in the Area. The TU handles cases dealt with in the Crown Court.

During the year 2004-05, the average Area number of staff in post was 115 full-time equivalents.

Details of the Area's caseload in the year to April 2005 are as follows:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	6,782	21.4	20.9
Advice	1,660	5.2	5.1
Summary offences	15,050	47.4	46.9
Either way and indictable only	8,089	25.5	26.7
Other proceedings	145	0.5	0.4
<b>TOTAL</b>	<b>31,726</b>	<b>100%</b>	<b>100%</b>

## C. SUMMARY OF JUDGMENTS

The Area inspection of CPS Leicestershire, published in March 2004 found that the quality of casework handling was generally sound, with timely and effective first review. Case progression in the Crown Court was found to be effective and the quality of decision-making was above the national average in many respects. Compliance with the prosecution's duties of disclosure of unused material and the standards of advocacy were sound. Two important aspects of casework handling needed improvement - case progression and ongoing review in the magistrates' courts, and the timeliness of committals.

For 2004-05 shared criminal justice key performance results in Leicestershire were mixed. Public confidence in the ability of the criminal justice agencies to bring offenders to justice has continued to rise, matched by an effective performance in actually bringing offences to justice. In 2004-05 the number of offences brought to justice in Leicestershire increased to 20.5% above the 2001-02 baseline.

Performance in reducing cracked and ineffective trials in both the magistrates' courts and Crown Court was less good with national targets not being met, and the area did not meet the persistent young offender pledge for over half of 2004-05. In both these respects, however, more recent performance shows improvement.

The Area is moving towards a successful roll-out of statutory charging, under which the CPS provide face-to-face advice to police and decides upon charging in the more serious offences. Coverage is provided across the whole of the county as agreed with the police, and compliance is monitored. Police supervision is improving the quality of requests for advice but there is a continuing problem over the lack of unique reference numbers on cases, which is resulting in inaccurate recording and duplication. Regular and extensive checks of the quality of advice are carried out and there is a clear referral system in cases where there is disagreement. A recent quality review of progress to date was generally positive about the operation of the shadow scheme in the Area, although not all of the anticipated benefits have been achieved.

The management of cases in the magistrates' courts in 2004-05 was not sufficiently robust to ensure that cases were ready to proceed at each court appearance. The electronic case management system was used poorly. For the latter part of 2004-05 there was no joint performance monitoring of police file quality. Analysis of cracked and ineffective trials has only just commenced, and the rates of cracked and ineffective trials in Leicestershire are worse than the national average. The discontinuance rate was a little worse than nationally and the Area did not systematically assure the quality of its casework.

The Area has developed systems to ensure that cases are progressed in a timely manner in the Crown Court and there is good liaison with the local Judiciary and Bar. Case progression is well established and effective. Analysis of ineffective trials is undertaken and performance is discussed at inter-agency meetings. Nevertheless, the ineffective trial rate was worse than the national average. More recent performance shows considerable improvement, although there has been a significant worsening of the cracked trial rate.

Sensitive and hate crime cases are handled very well. The proportion of 'hate crime' cases resulting in a successful outcome is better than the national average and target. The Area produces performance information routinely for hate crime and shares it with other agencies.

The Area monitors custody time limit cases satisfactorily, and generally cases are presented and progressed well at court.

At the last inspection of CPS Leicestershire in March 2004, the Area's handling of disclosure was found to be above the national average. Since then the Area has provided training to all prosecutors and caseworkers about the new procedures under the Criminal Justice Act 2003 and has also undertaken training with the police. On-site file examination revealed generally sound compliance with disclosure requirements in the Crown Court. In the magistrates' courts the performance was less assured.

The Area has been pro-active in identifying and meeting the needs of victims and witnesses. Work with criminal justice partners and Victim Support has resulted in revised processes and improvement in the service provided. Leicestershire has been chosen as a pilot site by the Home Office for new initiatives for vulnerable and intimidated witnesses. Victims and witnesses are kept informed of progress in their cases and Special Measures applications are made in relevant cases. The Area is on target to roll-out the enhanced service to witnesses through the introduction of the Witness Care Unit (WCU) and the full implementation of the No Witness No Justice (NWNJ) programme. This positive work is, however, diminished by poor performance under the CPS national initiative to send written reasons to victims when the charge is discontinued or substantially reduced (the Direct Communication with Victims scheme). Area compliance as calculated by CPS Headquarters using a proxy measure was only 9%.

The Area Business Plan complements the national plan and priorities of the Service. All change initiatives are planned and progress is monitored and managed by the named accountable individual. Plans are reviewed and amended as a result of review. Risks are managed and a new system to capture changes formally is now embedded. Training is linked to Area priorities. Staff have received key, mandatory training and equality of access to training is evident.

The Area keeps good control of its budget and there is sound resource planning at the strategic level. The Area under-spent its budget by 1.8% in 2004-05; a good achievement after an overspend of 3.6% in 2003-04. Area sickness absence, agent usage and designated caseworker utilisation were all better than national performance. Higher court advocate savings per session were low at £92 in comparison to the national figure of £224.

Performance management processes and outputs have improved since the last inspection. Work with other agencies in the criminal justice system is analysed and action taken to improve performance. The recent re-invigoration of the Casework Quality Assurance scheme should allow for some check of file quality on a consistent basis, but the scheme has not been consistently applied since its national introduction.

The Area has shared its vision and outlined priorities with its staff. CPS Leicestershire is a key player in improving criminal justice locally and many of the key joint initiatives within the Area are being driven by the CPS. Staff Survey results show that the Area is well ahead of national performance for issues relating to equality and diversity and dignity in the workplace. The Area workforce is representative of the community it serves.

There is clear commitment by senior managers to securing public confidence and engaging with the community. Good relationships have been forged with a large number of community groups and Crime and Disorder Reduction Partnerships. There is evidence that community engagement has led to improvements in service quality in some key priorities, including domestic violence and the handling of race crime. Public confidence in the effectiveness of criminal justice agencies in bringing offenders to justice is relatively high in Leicestershire, at 49%, 6% above the national average.

There were significant variations in the levels of performance across the aspects assessed. In light of these, the overall performance of CPS Leicestershire was found to be **FAIR**.

<b>CRITICAL ASPECTS</b>	<b>Level 3 - GOOD</b>
Pre-charge decision-making	3 - Good
Ensuring successful outcomes	3 - Good
Leadership	3 - Good
The service to victims and witnesses	2 - Fair
Managing resources	3 - Good
<b>OTHER DEFINING ASPECTS</b>	
Managing magistrates' courts cases	1 - Poor
Managing Crown Court cases	3 - Good
Handling sensitive cases and hate crimes	4 - Excellent
Custody time limits	2 - Fair
Disclosure	3 - Good
Presenting and progressing cases at court	2 - Fair
Delivering change	3 - Good
Managing performance to improve	2 - Fair
Securing community confidence	4 - Excellent

<b>OVERALL ASSESSMENT</b>	<b>2 - FAIR</b>
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## D. DEFINING ASPECTS

### 1. PRE-CHARGE DECISION-MAKING

3 - GOOD

*There is a full shadow charging scheme in place, with generally good compliance with the scheme. This is monitored and there is little evidence of avoidance. Coverage is provided across the whole of the Area between 9am and 5pm. Since the introduction of police supervision there is evidence that the quality of requests for advice has improved. The Area has recently introduced a manual system to produce unique reference numbers (URNs) for the recording of pre-charge advice cases; this is beginning to reduce duplication and inaccuracy in the recording of cases. Regular and extensive checks of the quality of advice are carried out and there is a clear system to address any disagreement between the charging lawyer and the police over the advice given. Outcomes in pre-charge advice cases are mixed, with discontinuance worse than the national average and the attrition rate in Crown Court cases also worse. Nevertheless, a recent quality review of progress to date was generally positive about the operation of the shadow scheme in the Area.*

#### 1A: The Area ensures that procedures for pre-charge decision-making operate effectively at Area charging centres

- The Area is providing full shadow charging coverage. Five lawyers are deployed between 9am and 5pm (and on most evenings prosecutors offer cover to 6pm) at four charging centres. Charging advice is offered to each of the police divisions on a face-to-face basis. The fifth lawyer is used as a contingency to cover sickness and will be deployed to other charging stations as necessary. The Area has developed a system to ensure that there is adequate coverage at lunch-time by staggering the five duty prosecutors' breaks.
- Awareness training has been given to over 1,500 police officers in the Area. There is good compliance with the scheme and there is evidence that cases which should receive charging advice are being presented. The Area has introduced a system to identify clearly all cases that have had charging advice (an orange file jacket). If at any point in the subsequent court or CPS process it becomes apparent that a case has not been through the correct channels, the file is passed to the charging project manager who will take the issue up with the police, both at the high level and operational level. There is little evidence of police avoidance.
- At the early stages of implementation it was recognised that inappropriate requests for advice were being received. The Area visited another CPS Area that had recently passed the tests to move to the statutory scheme and had overcome a similar problem. This visit resulted in the recruitment and appointment of police 'gatekeepers', who have effectively weeded out inappropriate requests. In addition, the quality of the files coming forward at the advice stage has also improved.
- The Area has developed a process to ensure that cases where additional evidence or further action is required prior to charge can be followed up. This process relies on the police supervisor to chase outstanding cases and is backed up by the charging project manager, who issues reminders produced



from the case management system (CMS). The Area is piloting the creation of a prosecution team with the police file builders located on division with the duty prosecutors and local police officers. One of the expected benefits of the change is the ability of the file builder to chase up and expedite cases on-site.

- Planning for the roll-out of statutory charging has been carried out using project management methodology. Risks and counter-measures have been identified and the CPS project manager has reported progress against milestones both at the Area and local criminal justice board level. There is evidence of good working relationships with the police. The Area is on course to implement the statutory scheme in February 2006.

*Aspects for improvement*

- Until June 2005 the Area had not been able to operate a URN for cases that had been subject to pre-charge advice. This had caused problems in tracing cases that required further action and the difficulty of cases having to be merged on CMS when the charged file was given a separate registration number. In some instances this lack of a URN resulted in inaccurate counting. An examination of ten pre-charge advice cases on CMS revealed that advice was recorded electronically in all ten cases, but in six this was recorded on the system using a different registration number. Some of the cases examined where there was a duplicate record had been merged and the Area had correctly finalised the initial advice. The Area is working to manage this complicated situation and to finalise all outstanding duplicated records.

**1B: The Area ensures that all charges advised on are in accordance with the Director's guidance, the Code, charging standards and policy guidelines, and are accurately documented and recorded**

- Training of all lawyers who provide pre-charge advice took place when the shadow charging scheme was launched. This training included guidance and advice on the completion of the electronic charging advice form (MG3) and CMS usage. Regular reminders are issued to lawyers and hard copies of the information are provided at charging centres.
- The charging project manager regularly monitors charging advice given by duty prosecutors. In some instances monitoring occurs on the same day as the advice is being given. There was evidence of duty prosecutors being reminded about the need to complete the MG3 correctly, as well as about the legal standard of the advice given. The Area ensures that only lawyers with relevant experience are undertaking charging and lawyers are at the charging station for continuous periods. This longer term attendance (two week turn around) results in greater consistency and allows for feedback to be consolidated.
- There are clear escalation procedures for cases where there is disagreement between the police and CPS on a decision. Since the introduction of police gatekeepers the procedures have been changed to instigate a dialogue between the duty prosecutor, operational police officer and gatekeeper. This process allows for immediate discussion and in most instances resolves the matter. In cases where there remains a disagreement there is recourse to the charging project manager or unit head. There have been very few cases referred to a senior level for resolution.

- The Area monitors cases where no further action (NFA) is recommended. Since the introduction of 'gatekeepers' the NFA rate has reduced. The charging project manager undertakes a dip sample of NFA cases and also has recently looked at all NFA decisions for the central division.

*Aspects for improvement*

- The reality check, undertaken to assess accuracy of recording of pre-charge decisions on CMS, identified that the police provided ethnicity and gender in only one case out of the four recorded electronically. In this case it had been recorded on CMS. The Area has now issued guidance to duty prosecutors to remind them of the need to record ethnicity and gender and to ensure that police officers supply this at charging.

**1C: The Area is able to demonstrate the benefits of its involvement in pre-charge decision-making**

- There is effective and regular liaison with the police on the implementation and operation of the scheme. Joint meetings are held fortnightly to address issues highlighted by analysis and to plan and implement change to prepare for statutory charging.
- The charging project manager undertakes regular analysis of pre-charge outcomes. Reports are produced on first time guilty pleas, sanction detection rates and discontinuance rates. Data is shared with criminal justice partners on a regular basis and also with the Area Management Team. More focused analysis on discontinuance has been carried out to examine the reasons for the outcome, as this is a particular area of concern.
- There is a formal system of communication of changes to the scheme within the Area. In the main this relies on e-mail communication to staff operating charging, although the Area has used its newsletter, 'Divulge', to communicate general messages and guidance.
- The guilty plea rate and attrition rate in the magistrates' courts are excellent, the guilty plea rate in the Crown Court is good and the attrition rate is fair.

*Aspects for improvement*

- The discontinuance rate in the magistrates' courts and the Crown Court is rated as poor. (17% compared to national average of 16.3% and target of 11% for the magistrates' courts, 18.2% compared to national average of 14.6% and target of 11% in the Crown Court.)

**2. MANAGING MAGISTRATES' COURTS CASES**

**1 - POOR**

*Magistrates' courts processes in 2004-05 were not sufficiently robust to ensure that cases were ready to proceed at each court appearance. The Area undertakes monitoring of first time guilty pleas, which is used to inform listing practices, but quality and timeliness of police files, coupled with a lack of file ownership, hamper progress in a number of key aspects of magistrates' courts performance. For the latter part of 2004-05 there was no joint performance monitoring (JPM) of police file quality. Performance in reducing cracked and ineffective trials in Leicestershire is worse than the national average and the Area did not meet the national or local targets. Analysis of cracked and ineffective trials has only recently commenced and more recent performance shows improvement. Youth cases are prioritised; however the Area did not meet the national persistent young offenders (PYO) target for over half of 2004-05. The Area does not use the case management system (CMS) effectively although usage is monitored and is now improving. There have been only limited moves to utilise CMS reporting functions and to monitor key tasks.*

**2A: The Area ensures that cases progress at each court appearance**

- Whilst many cases can progress at the first court appearance, overall magistrates' courts cases are not being reviewed and prepared properly, and cases have to be adjourned because the prosecution is not ready. Monitoring by the Area demonstrates some improvement in the number of cases where a guilty plea is entered at the first opportunity and the work is used to inform listing practices.
- The overall conviction rate in the magistrates' courts is better than the national average at 81.5% compared to 80.8%.
- The magistrates' courts timeliness targets figures for March 2005 showed that the Area managed to complete 73% of trials within the 143 days target, which compared well to the national average of 66%.
- The Area has a network of youth specialists and cases are usually allocated to and prosecuted by specialists. Performance was significantly better than the national average in respect of the timeliness of youth trials, with 97% of youth trials being heard within the target time, compared to the national average of 87%.
- The Area developed a mini manual of guidance to assist the police in the submission of files; this is in the process of being updated to reflect recent changes.
- There were no wasted costs orders in the magistrates' courts in 2004-05.

*Aspects for improvement*

- In 2004-05 there was little systematic activity to improve case progression.
- The magistrates' courts timeliness targets figures for March 2005 showed that in a sample of 92 cases the Area met the target of 59 days for initial guilty plea

in 76% of cases, which was worse than the national average of 83%. The Area acknowledges that there have been some delays in the provision of advance information prior to the first court appearance. Timeliness for initial guilty pleas in the youth courts was also not as good as the national average, with the target being met in 82% of cases compared to 87%.

- The overall guilty plea rate in the magistrates' courts is significantly worse than the national average at 64.3% compared to 74.2%. A relatively high proportion of pleas of guilty had previously been rejected by the prosecution and accepted only at the trial hearing.
- The Area has not met the PYO target of 71 days from arrest to sentence. Performance in the rolling quarter for February 2005 against the PYO target was 73 days and performance from August to February was not good. The Area has investigated this and has found that this was caused, in the main part, by backlogs in the inputting of cases onto the police computer. Performance has since improved, although a recent report by one of the Area specialists did reveal that there were some issues relating to the incorrect identification of PYOs which had adversely affected the performance data.
- Managers believe that the overall quality and timeliness of police files hampers Area performance in a number of key aspects. Nevertheless, there was no formal joint performance management of the timeliness and quality of police files in the latter part of 2004-05. This has recently been re-introduced and the Area hopes to secure improvement, particularly in regard to the submission of CCTV evidence and records of interview.
- In 2004-05 there was a marked lack of readiness to proceed at pre-trial review (PTR) hearings. Lack of file ownership contributed to this. The Area has acknowledged that there were failings in performance; they are now introducing systems to secure improvement. The recent appointment of case progression officers and the recently agreed protocol on case progression will assist in taking this forward. More recent analysis on the effectiveness of PTR hearings shows improvement.
- The overall discontinuance rate is slightly worse than the national average at 12.9% compared to 12.5%. The Area hopes that the move to statutory charging will contribute considerably to a reduction in the number of discontinuances. However, a relatively high proportion of cases were only dropped at the trial hearing.
- There has been only limited management monitoring of review and case handling under the Casework Quality Assurance scheme, with very few returns being made to Headquarters. The Area has introduced a system of self assessment to increase lawyer awareness and since April 2005 there has been a commitment from the Area Management Team to secure compliance with the scheme.

**2B: The Area contributes effectively to reducing cracked and ineffective trials**

- Joint work with criminal justice partners in analysing cracked and ineffective trials commenced in May 2005, following agreement with the magistrates' courts to provide the information. Progress toward improving performance on a joint basis has only just commenced. Performance is now showing improvement.

*Aspects for improvement*

- In 2004-05 Leicestershire had one of the lowest (worst) effective trial rates in the country at 32.6% compared to a national average of 38.1%. Performance in reducing ineffective trials was worse than the national average at 26.3% compared to 24.8% and did not meet the locally set target of 23%. The proportion of ineffective trials due to the prosecution was slightly better than the national average (6.6% compared to 6.8%).
- The overall cracked trial rate for the magistrates' courts was significantly worse than the national average at 41.2% compared to 37.1%. Late pleas of guilty that had previously been rejected by the prosecution constituted 4.1% compared to 1.35% nationally and 6.9% were dropped because of insufficient evidence, compared to 5.9% nationally.
- The Area has only recently commenced analysis of the cracked and ineffective trial data prepared by the magistrates' courts.

**2C: The Area demonstrates that CMS contributes to the effective management of cases**

- Area managers analyse the CMS user reports and these are used to address performance issues of individual lawyers. Performance is regularly discussed at local and Area management meetings. The importance of using CMS is regularly mentioned in Area bulletins and team meetings.

*Aspects for improvement*

- Area performance on the number of full file reviews was significantly worse than the national average at 3.4% compared to 27.1%. There was also little evidence of effective lawyer usage seen on the files examined by Inspectors.
- The Area acknowledges that there are a number of users who are not using the system effectively. Attempts are being made to address this through Forward Job Plans, refresher training and the use of desk side assistance to help in training. It was also acknowledged that there was not an effective use of the task management system.
- There was also limited use of the management report facilities on CMS throughout the Area but it was hoped that training on the systems would assist in this. No local templates have been added to the system.

### 3. MANAGING CROWN COURT CASES

3 - GOOD

*The Area has developed systems to ensure that cases are progressed in a timely manner in the Crown Court and there is good liaison with the local Judiciary and Bar. Delivery of papers to the defence is generally timely and there is comprehensive monitoring undertaken of Unit processes and the returns of briefs. The Area has a well established system of case progression supported by a dedicated case progression officer and has commenced roll-out of the Effective Trial Management Programme (ETMP). The Area met the Proceeds of Crime (POCA) target for 2004-05 and performance is monitored and improving. Analysis of ineffective trials is undertaken and performance is discussed at inter-agency meetings. Nevertheless, the Area did not meet the national target for ineffective trials and performance in reducing the number ineffective trials is below the national average. The locally agreed target was met. More recent performance shows considerable improvement, although there has been a significant worsening of the cracked trial rate. Although there has been considerable improvement in the number of indictments prepared on the case management system (CMS), it is still not being used effectively.*

#### **3A: The Area ensures that cases progress at each court appearance**

- Area processes ensure that cases are ready to proceed at each court hearing. There are good systems for the allocation, review and preparation of files and initial checks are done upon receipt of files to ensure that it is an appropriate case to prepare for Crown Court hearing. The Area Special Casework Lawyer deals with complex and highly sensitive cases. The Crown Court guilty plea rate is significantly better than the national average at 80.6% compared to 73.1% and the overall conviction rate is also better at 78.4% compared to 75.8%.
- The timeliness of service of papers on the defence, at 95.1%, was significantly better than the national average of 79.4%.
- Area monitoring systems demonstrate that the timeliness in respect of delivery of briefs to counsel was consistently at or better than the national average. The Area undertakes monitoring of both the return of the Bar Standard forms and the return of briefs, both of which are used in discussion with Heads of Chambers to improve the quality of service received.
- Case progression in the Crown Court is well established, and a case progression officer has been in place for some time. The work undertaken has now been formalised under ETMP and a protocol has been agreed and signed. Regular case progression meetings are held and trial readiness checks are undertaken.
- There is effective prioritisation of all youth cases in the Crown Court and files are reviewed by specialists. Performance is monitored by the Crown Court and discussed at court user and cracked and ineffective trial meetings as appropriate. All five youth cases committed in March met the timeliness target, which compares well to the national average of 91%.

- The Area met its target in respect of asset recovery achieving 60 confiscation orders in 2004-05 against a target of 60. The monetary value of the orders was £850,334. Performance so far this year has also been sound. There has been extensive training of lawyers undertaken and the Area has a system of early consultation to capture appropriate cases for asset recovery applications. Area performance is discussed at Area Management Team (AMT) meetings and at joint liaison meetings.
- There were no wasted costs orders in the Crown Court for 2004-05.

*Aspects for improvement*

- The timeliness target monitoring in March 2005 showed that 82% of cases were committed within the target, which was worse than the national average of 89%.
- There was no Casework Quality Assurance (CQA) data sent to Headquarters in 2004-05, following a decision by the AMT to focus priorities elsewhere. Casework performance was assessed as part of the analysis of adverse and cracked and ineffective trials. Since April 2005 there has been a commitment to compliance with CQA and returns are now produced.

**3B: The Area contributes effectively to reducing cracked and ineffective trials**

- A thorough review is undertaken of all cracked and ineffective trials and performance is regularly discussed at cracked and ineffective trial meetings and court user group meetings. Performance is also discussed at team meetings and specific learning points are disseminated via e-mail.

*Aspects for improvement*

- Area performance in respect of reducing ineffective trials in 2004-05 was significantly worse than the national average, at 18.9% compared to 15.8%. The Area did meet the locally agreed target of 19%. Ineffective trials which were the fault of the prosecution were also worse than the national average at 7.9% compared to the national average of 6.6%. The rate of cracked trials in the Crown Court matched the national average. More recent Area performance in reducing ineffective trials does show considerable improvement; however, there has been a significant decline in performance in respect of the cracked trial rate.

**3C: The Area demonstrates that CMS contributes to the effective management of cases**

*Aspects for improvement*

- Overall performance for 2004-05 for the number of recorded indictments using CMS was worse than the national average at 76.7% compared to 81.5%. There has, however, been significant improvement towards the end of the year. There is some evidence that CMS is used to assist case progression functions and to check finalisations. No local templates have been added to the system.

**4. ENSURING SUCCESSFUL OUTCOMES 3 - GOOD**

The Area has a combined unsuccessful outcomes rate which is better than the national average. With the exception of discontinuance in the magistrates’ courts, the Area is meeting or exceeding the national average in most key measures. Adverse cases are analysed in all units, although at present, the only discontinued cases to receive a review are sensitive cases and those where pre-charge advice was provided. There has been effective performance in relation to the shared target for increasing the number of offences brought to justice, with a continued upward trend throughout the year.

**4A: The Area is working to increase the number of successful outcomes and reduce the level of attrition after proceedings have commenced**

- Area performance in respect of successful outcomes in both the Crown Court and magistrates’ courts improved in 2004-05. Both the magistrates’ courts and Crown Court conviction rates were higher than the national average. The Area met the combined national target of less than 21% unsuccessful case outcomes, and Area performance at 18.7% was better than the national average of 19.6%. The targets were met for both Crown Court and magistrates’ courts cases, although performance in the Crown Court had declined from the previous year, and was subject to considerable fluctuation.
- The Area is exceeding targets and national averages for most key measures, with performance in the Crown Court being particularly sound. For the full year to March 2005, results compared with national averages show:

OUTCOME	AREA FIGURE	NATIONAL AVERAGE
<b>Magistrates’ courts</b>		
Discontinuance & bindovers	12.9%	12.5%
No case to answer	0.3%	0.3%
Dismissed after trial	1.3%	1.5%
Discharged committals	0.2%	0.3%
Overall conviction rate	81.5%	80.8%
<b>Crown Court</b>		
Judge ordered acquittals	14.9%	14.2%
Judge directed acquittals	0.8%	2.0%
Acquittals after trial	4.4%	6.3%
Overall conviction rate	78.4%	75.8%



- Thorough analysis is undertaken of most cases that result in an adverse outcome and more recently the magistrates' courts analysis has been combined into an adverse outcome log which also contains details of action required and lessons to be learnt. There was also detailed analysis of all unsuccessful outcomes in the Crown Court. There is evidence that some of the data is shared with the police and is also discussed at the local Crime and Disorder Reduction Partnership meetings where appropriate.
- The target for the Offences Brought to Justice (OBTJ) is a shared one set by reference to the criminal justice area. The ability of the CPS to influence this particular target is limited because it includes offences dealt with by non-prosecution disposals. The CPS contribution comes through managing cases to keep discontinuance and unsuccessful outcomes low. Performance against the OBTJ target for Leicestershire has been effective, demonstrating an almost continual upward trend throughout the year. In 2004-05 the number of offences brought to justice in Leicestershire equated to an increase of 20.5% over the baseline of 2001-02. Specific examples were given of positive joint working with the police to reduce the number of outstanding warrants, and to increase the number of offences taken into consideration, both of which had contributed to the increase in performance throughout the year.

#### *Aspects for improvement*

- The Area's annual discontinuance rate was slightly worse than the national average, performance declined noticeably in the last two quarters of 2004-05, and Area Managers believe that the move to statutory charging will bring about improvement. At present only discontinued cases that are subject to pre-charge advice, and sensitive cases which result in discontinuance, are analysed.

## 5. HANDLING SENSITIVE CASES AND HATE CRIMES 4 - EXCELLENT

*Cases are flagged appropriately on the case management system (CMS) and on the file cover. Area Champions and specialists have been appointed for sensitive cases and each team has a co-ordinator for hate crime cases. Lawyers and caseworkers have received appropriate training in the law, procedures and ancillary matters. The proportion of hate crime cases resulting in an unsuccessful outcome is better than the national average and target. The Area monitors the handling of sensitive and specialist casework, and produces performance information routinely for hate crime which is shared with other agencies.*

### 5A: The Area identifies and manages sensitive cases effectively

- There is an effective system to ensure that duty prosecutors refer all sensitive pre-charge advice cases to Area specialists. In custody cases specialists are consulted by telephone. In high profile sensitive cases there is direct referral to the Area Special Casework Lawyer.
- Sensitive cases are flagged on CMS and a three-stage process ensures that any failure to flag a case is picked up. Files are stamped to denote they have been flagged on CMS.
- The Area has appointed Champions and specialists for sensitive cases. Information is regularly disseminated by means of lunchtime seminars, e-mails and the placing of information on the shared drive. There has also been joint training held with the police.
- The Area has a clearly defined and agreed procedure to ensure the appropriate review and handling of fatal road traffic offences. Meetings are held jointly with the police and Leicestershire Coroners to discuss the handling of these cases and a protocol is in the process of being agreed.
- The handling of domestic violence cases and compliance with CPS policy are monitored by the Area Champion and feedback on individual cases is given both to lawyers and Unit Heads. Lessons learned are also widely disseminated by e-mail.
- Unsuccessful outcomes in hate crime cases are analysed; for 2004-05 performance was significantly better than the national average. The Area also met the local target for reducing attrition in hate crime cases.
- Racist incident monitoring forms are completed in all cases. These forms are analysed by the relevant Unit Heads and are used to identify training needs, and both case handling and geographical trends. Data collected by the Area is regularly shared with other agencies including the local council and Crime and Disorder Reduction Partnerships.
- The Area takes CPS policies and HM CPSI thematic reviews into account when devising Area practice, and progress on actions plans is discussed at management meetings.

**6. CUSTODY TIME LIMITS**

**2 - FAIR**

*The Area has reviewed its custody time limit (CTL) practice against national guidance. The Area maintains its own system using separate manual diaries for each unit, and staff in all three units have been trained in the system used by the Area. The manual diary system appears to work well and there were no CTL failures in 2004-05. The case management system (CMS) is not used appropriately to monitor CTL cases and there are backlogs in finalising those cases that are recorded. There are no agreements with the courts to ensure that expiry dates are agreed and monitored in court.*

**6A: Area custody time limit systems comply with current CPS guidance and case law**

- There were no recorded CTL failures in 2004-05.
- Staff are aware of the importance of CTLs and are pro-active in seeking extensions where appropriate. There is a desk top guide which is regularly updated and reviewed.
- The Area CTL system complies with national guidance and contains some elements of good practice, including a weekly check of the diary system. Reality checks on-site, of a sample of files from across the Area, confirmed that all dates were correctly recorded on the file and in the diary. Appropriate and timely applications to extend the time limits are made.
- The Registry Manager is responsible for ensuring all CTL applications have been considered. This is evidenced by the initialling of entries in the diaries to show that they have been checked and the CTLs re-calculated.
- The Area has appointed a CTL Champion who, along with his deputy, has been responsible for delivering training to all staff on the CTL procedures and its importance.

*Aspects for improvement*

- Reality checks on-site revealed that custody cases are not consistently flagged on CMS or tracked on the electronic system. This appears to be less of a problem in the Trials Unit than in the Criminal Justice Units. The Area needs to ensure that all custody cases are correctly logged onto CMS and weekly exception reports produced for managers to follow up. Cases need to be finalised in a timely manner to ensure the accuracy of the data.
- Area practice is for the prosecutor to agree the CTL date with the parties in court. At present there is no specific local agreement with the courts regarding the agreement of expiry dates in court or the courts' involvement in monitoring of expiry dates.

**7. DISCLOSURE**
**3 - GOOD**

*At the last inspection of CPS Leicestershire in March 2004, the Area's handling of disclosure was found to be above the national average. Since then the Area has undertaken a number of training events to ensure that all prosecutors and caseworkers are aware of the new procedures under the Criminal Justice Act 2003. Training has also been undertaken with the police. On-site file examination revealed that generally there was compliance with disclosure requirements in the Crown Court. In the magistrates' courts compliance was less good.*

**7A: The Area takes steps to ensure that there is compliance with the prosecution's duties of disclosure**

- The HMCPsi inspection of CPS Leicestershire in March 2004 found that the Area's compliance with the prosecutor's duties of disclosure was good, and higher than the national average, although there was a need to improve some aspects of performance, including the handling of secondary disclosure of unused material.
- The Area has undertaken a comprehensive training programme to update all lawyers and caseworkers on the new disclosure provisions under the Criminal Justice Act 2003. A number of police officers also attended this training.
- Disclosure handling throughout the Area is supported by an Area Champion, who provides regular casework updates, training and mentoring.
- The Area has a clearly understood and effective system for the handling of sensitive material.
- Prosecutors' performance in relation to disclosure is being assessed, but this has not been systematic. There is some evidence of appropriate action being taken where necessary. There was evidence of action being taken to improve the quality of some of the schedules received from the police.
- The Area has also been pro-active in encouraging counsel to be more robust in dealing with defence requests for disclosure of unused material in the Crown Court, irrespective of whether the request relates to material which falls within the statutory test. There is some evidence that this is having a positive effect.
- On-site file examination found that decision-making in relation to disclosure was good.

### *Aspects for improvement*

- All Crown Court cases had separate disclosure files, although disclosure documentation was not always filed in the disclosure file. Some disclosure record sheets were completed. On two files there was no evidence that secondary disclosure had been sent to the defence.
- On-site file examination revealed that on magistrates' courts files, disclosure was less consistent. Whilst there were files where disclosure was handled appropriately, there was limited use of disclosure record sheets and disclosure material was not routinely filed separately. The use of pro-forma letters meant that it was not always clear what had been served on the defence and when. There was often no explanation recorded as to why material had been served. This was explained by reference to the agreement for routine disclosure of certain documents under a local protocol. The Area has confirmed that this has now ceased and full reasons for disclosing information should now be recorded on the schedules.

## 8. THE SERVICE TO VICTIMS AND WITNESSES

2 - FAIR

*The Area has been pro-active in identifying and meeting the needs of victims and witnesses. Work with criminal justice partners and Victim Support has resulted in revised processes and improvement in the service provided. The Area has been chosen as a pilot site by the Home Office to roll-out new initiatives for vulnerable and intimidated witnesses. Victims and witnesses are kept informed of progress in their cases and Special Measures applications are made in relevant cases. The Area is on target to roll-out the enhanced service to witnesses through the introduction of the witness care unit (WCU) and the full implementation of the No Witness No Justice (NWNJ) programme. This positive work is, however, diminished by the poor compliance with the CPS national initiative to write to victims when the charge is discontinued or substantially reduced (the Direct Communication with Victims (DCV) scheme). Area compliance with the scheme (as calculated by CPS Headquarters) was only 9%.*

### **8A: The needs of victims and witnesses are fully considered and there is timely and appropriate liaison, information and support throughout the prosecution process**

- Witness warning procedures are effective and pre-trial checks are carried out to ensure accuracy. Information is provided to the WCU, after the pre-trial review hearings in the magistrates' courts and case management hearings in the Crown Court, to ensure that witnesses can be warned in sufficient time. Processes and procedures have been revised within the WCU to enhance the service received by witnesses, with clearly defined areas of responsibility being allocated for witness warning and maintaining contact. Witness waiting times in the magistrates' courts are below the national average and in the Crown Court they are slightly above the national average (154 minutes compared to 145 minutes).
- The Area ensures that all prosecution advocates and CPS staff at court undertake their responsibilities in respect of victims and witnesses. Counsel, lawyers and caseworkers introduce themselves at court and there was evidence, in the form of positive feedback from both victims and witnesses, to confirm this practice. There are processes in place to ensure that Special Measures applications are made in appropriate cases. Duty prosecutors dealing with pre-charge advice consider, with officers, the need for Special Measures in appropriate cases. Victim Support liaison officers in the WCU are also pro-active in assessing whether Special Measures would be appropriate and required.
- There is extensive liaison with the Witness Service and Victim Support at all levels within the Area. Victim Support is represented on the NWNJ sub-group at the Local Criminal Justice Board (LCJB) and there are also two Victim Support staff within the WCU.

- The Area undertakes analysis of cracked and ineffective trial data due to witness issues. There is also evidence of analysis and discussion with criminal justice partners, including the defence, in an attempt to secure a reduction in the number of cases where trials crack or become ineffective because of witness issues. The rates due to prosecution witness problems are broadly in line with the national averages. The ineffective trial rate in the magistrates' courts due to prosecution witness problems is 6.6% compared to the national average of 6.4%, and in the Crown Court 3.8% compared to the average of 3.7%.
- The Area programme for the full implementation of WCUs is on target. Well documented project plans and effective project management has been used to implement the programme. The first WCU was established in March 2005, with further roll-out in June 2005. All cases dealt with by the Trials Unit and County Criminal Justice Unit at the magistrates' courts are being handled by the WCU. Plans are in place and on time to take on cases dealt with by the City Criminal Justice Unit.
- The Area has taken the lead on developing witness care initiatives within the LCJB. The Area was chosen as the Home Office pilot site for the roll-out of support for vulnerable and intimidated witnesses. The development of a remote site at Victim Support offices within Leicester is showing positive results, with the implementation of a 'one stop shop' for victim and witness care being seen as ground breaking.
- CPS Leicestershire has also been pro-active in leading and driving multi-agency conferences to examine and develop the service being provided to victims and witnesses. In July 2004 a conference was held to look at the service provided to vulnerable adult victims and witnesses. This was followed up by joint work between the CPS, courts, police and Victim Support to identify gaps in the service and to work to close any service gaps identified. A further conference was held in October 2005 to look at how the seven priorities of the Victims Code of Practice and the Police Citizens Focus were being met. Again gap analysis was undertaken and a paper is being prepared for the LCJB to consider resource implications in addressing the needs identified.

#### *Aspects for improvement*

- Area systems to ensure compliance with the DCV scheme are not effective. The Headquarters proxy measure for compliance is 9%, which is unacceptably low. The Chief Crown Prosecutor and Unit Heads have re-confirmed their own and the Area commitment to the scheme. The Area has yet to develop a system to check compliance; there is some evidence that letters are being produced and not recorded. However, without the commitment of all lawyers and with no effective way to measure compliance, the Area will struggle to assure themselves, or others, that compliance and timeliness are improving.

## 9. PRESENTING AND PROGRESSING CASES AT COURT 2 - FAIR

*A comprehensive pack details the Area's expectations of the standard of service to be provided by agents in the magistrates' courts, and Casework Quality Assurance (CQA) is now used to monitor court endorsements against the Area endorsement standard. The Effective Trial Management Programme (ETMP) has been introduced and listing protocols reached with both the magistrates' courts and Crown Court. Case progression officers are employed throughout the Area. The Area now ensures it uses prosecutors of the right calibre of expertise and experience and that they attend court in a timely manner. Nevertheless, the Area accepted that case progress in the magistrates' courts had not been of an overall good standard during 2004-05.*

### **9A: The Area ensures that prosecution advocates and staff attend court promptly, are professional, well prepared and contribute to effective case progression**

- The Area has taken steps to improve the presentation and progression of cases in the magistrates' courts, following poor performance in 2004-05.
- Court files are delivered to advocates in a timely manner, and the Area ensures that agents and counsel are given full instruction packs. New agents are required to spend some time in Area offices before being instructed to prosecute CPS cases.
- The Area now ensures that the selection of prosecution advocates for courts is undertaken with full consideration of their experience and expertise. A specialist counsel list is used for the prosecution of a range of complex and sensitive cases and checks are made to ensure cases are appropriately returned.
- The Area is contributing to efforts with criminal justice agencies to improve case progression in both the Crown Court and magistrates' courts. ETMP protocols have recently been agreed, and case progression officers are in place.
- Complaints about the conduct or performance of prosecutors in court are rare but are thoroughly investigated and appropriate actions taken. Issues relating to counsel are raised with Heads of Chambers or their clerks. Regular meetings are held with the chambers that are regularly instructed.
- Feedback on advocates is obtained from court users.
- Under the recently agreed ETMP protocol the Crown Court listing officers will now have discussions with the case progression officer before any decision to move cases from one court location to another is made. Representations can then be made to ensure that cases with particular sensitivity are not moved to another location.



- The Area has made efforts to reduce the use of agents and increase the use of designated caseworkers in the magistrates' courts.
- Court endorsements are being monitored through the CQA system, but this was not systematic in the past.

*Aspects for improvement*

- Area performance in the magistrates' courts had been of very variable standard during 2004-05, when the Area had not been able to ensure the right calibre of all its agents, nor ensure that cases were suitably prepared to enable them to progress.
- Although the Criminal Justice Unit Heads make ad hoc visits to courts to view advocates, there is no systematic monitoring of all advocates in the magistrates' courts.
- Monitoring of counsel is limited to those applying for re-grading. No monitoring is undertaken of higher court advocates.

**10. DELIVERING CHANGE**
**3 - GOOD**

*The Area Business Plan complements the national plan and priorities of the Service. Staff have been made aware of the plan and sessions were held to explain the direction and priorities for the Area. Plans are in place for all change initiatives and these are monitored and managed by the named accountable individual. Plans are reviewed and amended as a result. Risks are managed and a new system to capture changes formally is now embedded. Training is linked to Area priorities. Staff have received key mandatory training and equality of access to training is evident.*

**10A: The Area has a clear sense of purpose supported by relevant plans**

- The Area Business Plan highlights Area priorities and what is required to deliver both national and local targets. The plan outlines objectives and milestones and allocates individual responsibility for delivery of each objective. The development of the plan was undertaken by the Area Management Team (AMT) and representatives from the trade unions. A Business Plan summary for all staff was also produced, which outlined in brief the Area priorities. The Chief Crown Prosecutor and Area Business Manager (ABM) also delivered a series of lunchtime sessions to outline priorities, strategy and targets to all staff.
- Unit Plans use the Business Plan as a basis for general unit objectives, which are then tailored to highlight specific unit related objectives. Area objectives are also reflected in individual Performance Appraisal Reports.
- Plans have been developed to accompany the implementation of charging, No Witness No Justice (NWNJ), the Effective Trial Management Programme (ETMP) implementation and Higher Court Advocacy Strategy.
- Business Plan objectives and milestones are reviewed at AMT on a quarterly basis. Progress against objectives is considered and remedial action taken if necessary. Decisions on resource redeployment and target or milestone revision are discussed at the Area Strategic Board. There was evidence that review has resulted in changes to both the target dates for delivery and also in changes to both resource commitments and timescale. To accompany the Business Plan review, Unit Heads have recently been charged with producing a monthly executive summary which captures performance in each of the units and identifies any problems or concerns about objectives or target performance.
- The Area has been instrumental in the development of joint plans to accompany joint criminal justice system initiatives. Long-term plans for the implementation of the Criminal Case Management Programme (CCMP) have been developed. To marshal and direct the joint activity, a criminal justice partners CCMP group has been formed. This is working to ensure that the implementation of charging, NWNJ and the creation of the prosecution team are all meeting the aims of CCMP and ensure that individual change projects are not cutting across the overall aims of the criminal justice service change programme.

**10B: A coherent and co-ordinated change management strategy exists**

- The Area approach to change has been successful. Clear accountabilities at AMT exist for implementing and driving change initiatives. Progress and reporting against milestones and objectives on charging, NWNJ and ETMP takes place at every AMT meeting for progress reporting and discussion. The Area has appointed a Business Manager to oversee and manage the implementation and development of NWNJ and ETMP, in conjunction with the other criminal justice service project leads. The development of the CCMP approach to managing change across the Area has resulted in the AMT looking at change in a joined up way, with the inter-dependencies and links between the major change initiatives being recognised and managed appropriately.
- Risk management and identification is linked to the Area business planning process. Risks were identified during the development of the Business Plan and also as an integral part of the development of project documentation to deliver key initiatives. Risk is reviewed at the same time as the Business Plan and discussion and action taken to address risk are evident in AMT minutes.
- The Area has adapted systems and processes as a result of change. Work within the NWNJ project has resulted in improvement and change to the procedures to support witnesses. Charging processes have been amended and developed to react to the needs of the project and to ensure that delivery is in line with the requirements of the statutory scheme. The introduction of police 'gatekeepers' has resulted in improvement to the quality of the evidence provided and has also had the benefit of improving the charge against the no further action rate threefold.

*Aspects for improvement*

- The Area needs to ensure that any counter-measures implemented, or risks amended in the light of discussion and agreement, are formally captured. The ABM has recently developed a new process and formal documentation is now being produced.

**10C: The Area ensures staff have the skills, knowledge and competences to meet the business need**

- Training is linked to Area objectives and there is evidence that training is being prioritised to ensure that it fully meets the business need. Training is identified through the performance appraisal process, and training needs are discussed at appraisal meetings. Staff training is offered to both legal and non-legal staff. In cases of over-subscription AMT make decisions on attendance. Decisions are taken on the basis of need and benefit to the organisation.
- In-house training is offered on differing working days to accommodate part-time staff. The Area takes advantage of the fortnightly Friday afternoon court closure to deliver training to staff, and lunchtime training sessions are also held. Mandatory training for lawyers has taken place and the Area utilises its national trainers to deliver in-house training.

## 11. MANAGING RESOURCES

3 - GOOD

*The Area Management Team (AMT) discusses resource planning at the strategic level and high level decisions on staffing, spending and resource issues are evidenced. Decisions on staff deployment for administrative grades are made by Area managers at the Business Development Group. Budget information is shared and budget control and management takes place within the Area Secretariat. The Area under-spent its budget by 1.8% in 2004-05, a good achievement after an overspend of 3.6% in 2003-04. Area sickness absence, agent usage and designated caseworker (DCW) utilisation were all better than national performance. Higher Court Advocate (HCA) savings per session were low at £92 in comparison to the national figure of £224.*

### 11A: The Area seeks to achieve value for money, and operates within budget

- The need to achieve value for money is high on the Area's agenda. Staff deployment, the costs associated with change, and day-to-day economy are integral to the resource planning strategy adopted by the Area. Resources are discussed at the AMT and there is also regular operational discussion at the Business Development Group meetings (an operational sub-group chaired by the Area Business Manager with specific terms of reference that include determining the staffing at administrative grades). There was strong evidence of a well managed and systematic process to check, validate and where necessary, challenge invoices for day-to-day purchases. Value for money measures have been taken and have been approved by AMT, including changing the mobile telephony provision from contract to pay as you go, reducing the spend on train travel by considering standard travel as the norm, as well as reducing the costs of couriers.
- Budget information is summarised and shared with AMT on a monthly basis. Additionally, the Area utilises nationally produced data to assess profiled expenditure against known spend. Detailed budget planning is carried out within the Area secretariat; this includes the use of a salaries forecasting spreadsheet which allows for the accurate accounting of salaries, including incremental changes and any change in working patterns.
- Prosecution costs are monitored and accounted for, with a dedicated fees clerk having responsibility for the payment of graduated fees. There was strong evidence of pro-active management of fees, with regular contact between the fees clerk and chambers. A recent internal audit (May 2005) of the system for handling fees reported that the system was sound. The Area's prosecution spend in 2004-05 was 110.8% of budget which was better than national average of 118%.
- The Area underspent its budget in 2004-05 by 1.8%. This underspend was planned over the course of the year and Headquarters were informed. In 2003-04 the Area recorded a spend of 103.6% of budget.

**11B: The Area has ensured that all staff are deployed efficiently**

- The Area considers staff structures and deployment both at strategic and operational levels. Decisions on unit staffing profiles across the Area are decided for lawyer grades at the Area Strategic Board and for caseworkers and administrators at the Business Development Group. The Area's difficulty in recruiting lawyers has meant that lawyer staff in post figures have not equated to the expected staffing profile for the comparative caseload numbers. The Area staffing profile for administrative grades exceeds the expected profile. The Area made a conscious decision to alleviate some of the pressure on lawyer grades by increasing staffing at the administrative levels. The Area is attempting to address this imbalance, although any action will require further consideration of administrative staffing.
- Sickness absence is 8.2 days per member of staff compared to the national average of 8.7 days for 2004.
- The Area performance in relation to DCW usage was 10.9% against national performance of 8.3%. In 2004-5 the Area's six DCWs covered 786 magistrates' courts sessions (an average of 131 sessions per DCW over the year). The extension of DCW powers and a revised listing pattern will increase the number of available sessions.
- Agent usage within the Area is well below national average at 12.9% compared to 26.9% nationally. Over the 2004-05 year there was a substantial reduction in the reliance on agents, with only 5% and 11% of court sessions being covered in the third and fourth quarter respectively. Lawyers are expected to cover seven sessions per week.

*Aspects for improvement*

- Savings arising from HCA usage are below national average at £92 per session as compared to national performance of £224 per session for quarter four in 2004-05.

**12. MANAGING PERFORMANCE TO IMPROVE**
**2 - FAIR**

*Performance management processes and outputs have improved since the last inspection. Using the comprehensive performance pack and the recently introduced Unit Executive Summary Reports, the Area can assess its performance against targets and objectives. Work with other agencies in the criminal justice system is analysed and action taken to improve performance. The Area is still at an early stage in producing tailored reports from the case management system (CMS). The recent re-invigoration of the Casework Quality Assurance scheme (CQA) should allow for improvement and compliance checks of file quality, although the scheme has not been consistently applied since its national introduction.*

**12A: Managers are held accountable for performance**

- The Area performance officer produces a comprehensive pack of performance data. The Area Management Team (AMT) considers the report in detail and where poor performance is identified decides on what action is needed to address it. The performance data covers both casework and operational matters.
- Since the introduction of the unit executive summary reports in April 2005 the Area has been able to assess the performance more fully at unit level. Unit Heads produce a written progress report and highlight matters of concern or success. These reports form the basis of discussion between Unit Heads and the Chief Crown Prosecutor (CCP) and the Area Business Manager - where performance results and progress are challenged and assessed against the Area's targets and milestones.
- Performance information is used to address issues of concern and to take action to improve. The Area uses the Business Development Group meetings to ensure consistency of process, share best practice and agree strategies for improvement. This, along with action at the AMT, demonstrates a commitment to continuous improvement and learning. The Area identified that the effective trial rate in the Crown Court was decreasing. After discussion at AMT it was agreed to free up a resource to introduce a case progression function. This action has led to a marked improvement - with the ineffective rate dropping from 22% to 17% and the effective trial rate improving from 37% to 47% over the period.
- There is good evidence that the Area involves staff in improvement activity. Staff have been actively involved in developing plans for the implementation of projects. Process mapping and workshops to consider process re-engineering have taken place. The Area Local Implementation Team has been charged (and empowered) to consider the IT needs for the development of the Witness Care Units within the No Witness No Justice project.

**12B: The Area is committed to managing performance jointly with CJS partners**

- Performance analysis and management is evident within the criminal justice system. The Area is pro-active in working with criminal justice partners to drive up performance. The CCP is involved in the core performance delivery sub-group of the Local Criminal Justice Board (LCJB). There is evidence that joint planning and work has resulted in improvement to cracked and ineffective trial rates, and the focus with the police on the prosecution team performance monitoring data has resulted in significant improvements.
- The Area Performance Officer shares relevant data with the LCJB Performance Officer. They have worked together to ensure that they are operating from the same data, and that their monthly performance reports are consistent.
- The criminal justice agencies' target for increasing the numbers of Offences Brought to Justice was achieved (+20.5% against the baseline). The Area met its 2004-05 asset recovery target and public confidence in the effectiveness of criminal justice agencies in bringing offenders to justice, as measured in the British Crime Survey has improved from 43% to 49%.

*Aspects for improvement*

- Partway through the year the Area changed to a system of exception reporting on the quality and timeliness of police files, although there was little evidence that this was being used to drive forward improvement. At the time of our assessment the Area had not yet used the prosecution team performance management reports to address this issue. Area managers consider that the quality of police files does not meet expected standards. Without any systematic method to measure this, taking this issue up with police colleagues, on a firm foundation of evidence, is not possible. It is believed that the early involvement of duty prosecutors in charging is having a benefit.
- Area performance in relation to persistent young offenders was outside the national target (73 days against a 71 day target) in 2004-05.

**12C: Performance information is accurate, timely, concise and user-friendly**

- The Area has two licence holders who can interrogate and produce reports from the Management Information System. The Area Performance Officer has visited other Areas in an attempt to improve the working knowledge of the system. Some ad-hoc management reports are being produced. The prosecution team performance management reports are giving CPS and police managers the tools to assess the accuracy of pre-charge advice data.

- Unit Heads and Business Managers are responsible for checking data accuracy. This task is usually undertaken when looking at adverse case results. Our limited file examination indicated that data was accurate.
- Performance is regularly compared against the national performance and averages, and this comparison is evident on performance information circulated to staff. The Area circulates the national results on a quarterly basis. Staff are made aware of performance through a variety of means. The Area newsletter, 'Divulge', regularly contains articles on performance, team meeting minutes evidence discussion of performance and much of the information available is placed on the Area's shared drive.

**12D: Internal systems for ensuring the quality of casework are robust and founded on reliable and accurate analysis**

- The Area re-introduced CQA in April 2005. Since then all Unit Heads have assessed one file per lawyer/caseworker per month.

*Aspects for improvement*

- The Area has not operated the CQA system in a consistent way over the 2004-05 period. Area compliance with the scheme has been poor since its national introduction. Returns were not submitted to Headquarters, who were unable to assess casework quality due to the Area's ad hoc approach.



**13. LEADERSHIP**

**3 - GOOD**

*The Area has shared its vision and outlined priorities to its staff. Presentations to staff, backed up by the Business Plan Digest and regular team meetings ensure that staff understand the direction and priorities for the Area. The CPS is a key player in driving criminal justice forward in Leicestershire and many of the key joint initiatives are being driven by the CPS. Staff Survey results show that the Area is well ahead of national performance for issues relating to equality and diversity and dignity in the workplace. The Area has a good ethos of reward and recognition. The Area workforce is representative of the community it serves. The Area Management Team (AMT) needs to ensure that the Area utilises the case management system (CMS) fully, and gives written reasons to victims when a charge is discontinued or substantially reduced.*

**13A: The management team communicates the vision, values and direction of the Area well**

- The Area vision and direction is outlined in the Business Plan. This has been complemented by Area presentations to all staff where the CCP and the Area Business Manager outlined targets, priorities, CPS strategic direction and Area priorities for the coming year. Staff were also praised for the hard work in the previous year and reminded about the need to comply with the Direct Communication with Victims (DCV) scheme and utilisation of CMS. In addition the creation of the Business Development Group, where all operational managers meet, and regular team meetings within units give further opportunity for Area priorities to be communicated.
- Units have also produced vision statements as part of the Unit Business Plans. Staff were fully involved in this process. The vision (and objectives) for units are consistent with and complement the overall direction and vision of the Service and Area. Personal job objectives show a clear link to the plans.
- After the last inspection the AMT decided that it wanted to examine how the senior team operated as a cohesive group. The AMT attended a facilitated two day event. This workshop looked at how the team worked together and produced roles and responsibilities, as well as ground rules for behaviour. Support was also given on influencing situations and tackling conduct and performance issues. The AMT have the right balance between unit and Area performance.
- The CPS is a key player in driving criminal justice initiatives, including the charging programme, the Effective Trial Management Programme and the No Witness No Justice project. There is evidence of constructive working relationships with a desire to improve performance.

*Aspects for improvement*

- Very low compliance with the DCV scheme and utilisation of CMS in the Criminal Justice Units indicate that staff are not addressing two key CPS national priorities. Area managers need to ensure that they send a clear message that performance needs to improve and that not complying is unacceptable. Managers are aware of this and clear and unambiguous messages have now been given. Performance had not improved since the last inspection and follow-up.
- The Area results in the 2004 Staff Survey for communications were 9% less favourable than the national average. However, as referred to above the Area has addressed the lack of regular team meetings (which was recorded as 29% lower than the national average) and also has developed an internal communications strategy to complement this revised approach.

**13B: 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**

- Area results in the 2004 Staff Survey were 12% better than national average for aspects relating to dignity at work within the Area. This was one of the highest scores within the CPS. Dignity at work has been communicated and action has been taken to tackle inappropriate behaviours.
- The Area recognises and rewards good performance. Letters of personal thanks from the CCP to staff are regular and praise and thanks are evident in minutes, the newsletter and in personal email communication. The Area uses the special bonus scheme to reward exceptional performance.
- A Unit Head is the Area Equality and Diversity Champion. A recent Investors in People re-assessment praised the Area for the multi-ethnic approach and those interviewed felt that it was free from prejudice. The Staff Survey results were also positive (better than the national average) on this matter. There was evidence that the Area considers equality and diversity and that has been mainstreamed into the processes and procedures of the Area.
- The Area workforce reflects the local working population for employees of black and minority ethnic background (19% compared to the local average of 15%) and 3% of the Area work force are disabled. Female employees make up 74% of the staff compared to 48% locally.

**14. SECURING COMMUNITY CONFIDENCE**

**4 - EXCELLENT**

*There is clear commitment to securing public confidence and engaging with the community demonstrated by all senior managers. Good relationships have been forged with a large number of community groups and the Crime and Disorder Reduction Partnerships. Community engagement has led to improvements in service quality in some key priorities including domestic violence and the handling of race crime. Public confidence in the effectiveness of criminal justice agencies in bringing offenders to justice is relatively high in Leicestershire, at 6% above the national average.*

**14A: The Area is working pro-actively to secure the confidence of the community**

- The Area has a clearly defined strategy for community engagement and securing public confidence which is set out in the Area Community Action Plan 2004-05 which is linked to the Area Business Plan. This sets out what is the expectation for staff and also makes the links between understanding local needs and issues to an ability to make informed casework review decisions.
- During 2004-05, extensive stakeholder liaison has taken place, with senior managers meeting numerous community groups. Area Champions and specialists play an active role in liaison with local groups and staff at all levels have participated in numerous court open days. The work undertaken and the issues raised and lessons learned are discussed at management and unit meetings and a comprehensive report is produced in the Area newsletter. A regularly updated community engagement diary is maintained.
- The Area has made a significant effort to understand Leicestershire's demography and demonstrates a full range of consultation, participation and information giving. Using available information from other agencies, the Area has compiled a list of community groups in the Area, and has ensured that smaller, more vulnerable communities have also been included in the liaison. There is evidence of improvement in service delivery in a number of key priorities in the Area including the handling of domestic violence cases and race crime.
- The Area has been very pro-active in working with minority ethnic communities, and has carried out surveys to find out how best to build relationships and address issues of concern amongst local groups. A significant amount of positive feedback has been received, and a presentation on the work undertaken and the positive outcomes was delivered at the Senior Managers Conference in Autumn 2004.

- A senior manager chairs the 'Fair Treatment Group' which is a subgroup of the Local Criminal Justice Board, which covers all aspects of the fair treatment of witnesses and defendants, along with the fair treatment in recruitment and employment within the criminal justice system. The group has done extensive work to promote the consistent application of bail conditions across different communities and in promoting awareness in young people in the work of the criminal justice system.
- The confidence of the local population in the effectiveness of criminal justice agencies in bringing offenders to justice has improved throughout 2004 from 44% in December 2003 to 49% in December 2004. (The national average is 43%).

**ANNEX A**

**PERFORMANCE DATA**

**ASPECT 1: PRE-CHARGE DECISION-MAKING**

<b>MAGISTRATES' COURTS CASES</b>								
<b>Discontinuance rate</b>			<b>Guilty plea rate</b>			<b>Attrition rate</b>		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	16.3%	17.0%	52%	68.8%	68.3%	31%	22.7%	21.9%
<b>CROWN COURT CASES</b>								
<b>Discontinuance rate</b>			<b>Guilty plea rate</b>			<b>Attrition rate</b>		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	14.6%	18.2%	68%	66%	69.3%	23%	23.8%	25.0%

**ASPECT 2: MANAGING MAGISTRATES' COURTS CASES**

<b>INEFFECTIVE TRIAL RATE</b>			<b>OVERALL PERSISTENT YOUNG OFFENDERS PERFORMANCE (ARREST TO SENTENCE)</b>		
National Target	National Performance 2004-05	Area Performance 2004-05	National Target	National Performance (3-month rolling average Feb 05)	Area Performance (3-month rolling average Feb 05)
24.5%	24.8%	26.2%	71 days	67 days	73 days

<b>TIME INTERVALS/TARGETS FOR CRIMINAL PROCEEDINGS IN MAGISTRATES' COURTS CHARGED CASES ONLY (MARCH 2005)</b>						
	<b>Initial Guilty Plea Target 59 days</b>		<b>Trials Target 143 days</b>		<b>Committals Target 176 days</b>	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	83%	6,152	66%	2,698	89%	992
Area	76%	92	73%	48	82%	17

<b>TIME INTERVALS/TARGETS FOR CRIMINAL PROCEEDINGS IN YOUTH COURTS CHARGED AND SUMMONSED CASES (MARCH 2005)</b>						
	<b>Initial Guilty Plea Target 59 days</b>		<b>Trials Target 176 days</b>		<b>Committals Target 101 days</b>	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	87%	5,185	87%	3,309	91%	190
Area	82%	87	97%	58	100%	5

**ASPECT 3: MANAGING CROWN COURT CASES**

<b>INEFFECTIVE TRIAL RATE</b>		
National Target	National Performance 2004-05	Area Performance 2004-05
18.5%	15.8%	18.9%

**ASPECT 4: ENSURING SUCCESSFUL OUTCOMES**

<b>UNSUCCESSFUL OUTCOMES (AS A PERCENTAGE OF COMPLETED MAGISTRATES' COURTS AND CROWN COURT CASES)</b>		
National Target	National Performance 2004-05	Area Performance 2004-05
21%	19.6%	18.7%

<b>OFFENCES BROUGHT TO JUSTICE</b>		
	CJS Area Target 2004-05	CJS Area Performance 2004-05
Against 2001-02 baseline	+8.1%	+20.5%
Number	20,604	22,973

**ASPECT 7: DISCLOSURE**

<b>DISCLOSURE HANDLED PROPERLY IN MAGISTRATES' COURTS AND CROWN COURT CASES PERFORMANCE IN THE LAST INSPECTION CYCLE</b>		
	National Performance	Area Performance
Primary test in magistrates' courts	71.6%	84.2%
Primary test in Crown Court	79.9%	84.6%
Secondary test in Crown Court	59.4%	66.6%
Overall average	70.3%	78.5%

**ASPECT 11: MANAGING RESOURCES**

<b>NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE (END OF YEAR RANGES)</b>	
2003-04	2004-05
103.6% overspend	98.2% underspend

<b>DCW DEPLOYMENT (AS % OF MAGISTRATES' COURTS SESSIONS)</b>			<b>HCA SAVINGS (PER SESSION)</b>		<b>SICKNESS ABSENCE (PER EMPLOYEE PER YEAR)</b>		
National Target 2005-06	National Performance 2004-05	Area Performance	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target	National Performance 2004	Area Performance 2004
11.6%	8.3%	10.9%	£224	£92	8 days	8.7 days	8.2 days

**ASPECT 14: SECURING COMMUNITY CONFIDENCE**

<b>PUBLIC CONFIDENCE IN EFFECTIVENESS OF CRIMINAL JUSTICE AGENCIES IN BRINGING OFFENDERS TO JUSTICE (BRITISH CRIME SURVEY)</b>	
CJS Area Baseline 2002-03	Most Recent CJS Area Figures In 2004-05
44% (December 03)	49% (December 04)



**NOTES**



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