

CPS Merseyside

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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 (HMCP*SI*) overall assessment of the performance of the Crown Prosecution Service (CPS) in Merseyside and represents a baseline against which improvement will be monitored.

Assessments and judgments have been made by HMCP*SI* based on absolute and comparative assessments of performance. These came from national data; CPS self-assessment; HMCP*SI* 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 6 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 Merseyside serves the area covered by the Merseyside Police. It has five offices, three at Liverpool, the others at Birkenhead and Crosby. The Area Headquarters (Secretariat) is based at the Liverpool office.

Area business at the time of this assessment was divided on functional lines between magistrates' courts and Crown Court work. The Criminal Justice Units handled cases dealt with in the magistrates' courts. The Trials Unit handled cases dealt with in the Crown Court. The Area has recently restructured and is now divided on geographical lines.

During the year 2004-05, the average number of staff in post in the Area was 251.6 full time equivalents.

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

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	11,414	20.9	20.9
Advice	2,777	5.1	5.1
Summary offences	22,585	41.4	46.9
Either way and indictable only	16,714	30.7	26.7
Other proceedings	1,013	1.9	0.4
<b>TOTAL</b>	<b>54,503</b>	<b>100%</b>	<b>100%</b>

## C. SUMMARY OF JUDGMENTS

CPS Merseyside was the subject of a full inspection in November 2003 when the Area was undergoing a period of substantial change, restructuring into co-located units with the police and implementing a shadow charging scheme. Inspectors found then that the Area was performing well in most aspects of its work. The quality of casework review and case handling was generally good and there was a robust approach to performance management and good control of the budget at Area level. Recommendations made included implementation of trial checks in the magistrates' courts, monitoring of advocates and development of a strategy for community engagement.

A follow-up inspection was undertaken in February 2005, four months after the present Chief Crown Prosecutor (CCP) took up his post. The previous CCP had transferred to another Area in July 2004 and one of the Unit Heads had acted as CCP in the intervening period. The follow-up inspection reported that generally good progress had been made towards implementing the recommendations.

The Area has been involved in planning a number of national pilots and initiatives over the last two years. Some of them, including the No Witness No Justice (NWNJ) project were not fully implemented in 2004-05, the period to which this report relates. Nevertheless, a great deal of progress has been made in these initiatives since April 2005 and performance in a number of aspects has seen significant improvement.

The Area continues to add value to the local criminal justice system. Statutory charging commenced in October 2004 and there are currently six charging centres. Arrangements for cover at these centres are continually reviewed to ensure that resources are deployed efficiently. Although the quality of pre-charge advice is monitored, not all anticipated benefits have been realised and discontinuance rates are poor.

The Effective Trial Management Programme has now been implemented in the magistrates' courts and the Crown Court. In addition to the pre-trial checks in the magistrates' courts already referred to, CPS Case Progression Officers liaise with counterparts in the Crown Court to ensure cases are ready to proceed. Reviewing lawyers must complete a certificate of trial readiness, although compliance is not full in this respect and some certificates refer to outstanding actions. Cracked and ineffective trials in the magistrates' court and in the Crown Court are analysed and discussed with other agencies.

The Area has made significant efforts in some aspects of monitoring its performance, although progress to improve the level of successful outcomes has been slow and the Area failed to meet its target in 2004-05, albeit narrowly.

Sensitive cases are handled well. The Area has a network of champions and specialists who deal with or supervise sensitive cases and provide advice and guidance to other lawyers. Area performance in respect of unused material is good and above the national average. Training delivered by Area champions to prosecutors and to the police has been a key factor in improving performance. There are some problems in the Area's ability to deal properly with secondary or continuing disclosure caused largely by late service - and in some instances

non-service - of defence statements. The Area custody time limits (CTL) system was revised following two monitoring failures in 2004-05. The system needs to ensure, however, that cases involving a remand in custody following a breach of bail conditions are properly recorded.

The service provided to victims and witnesses is generally positive. Performance in respect of notifying victims of significant changes or the dropping of charges is generally good in terms of numbers of letters which are sent but improvements can be made in respect of timeliness. The Area commenced planning to implement the NWNJ initiative in 2004-05 and proposes a single Witness Care Unit (WCU) serving the whole of the county. The unit will not have access to the CPS paper file but will rely on police and CPS IT systems. A shadow WCU opened in Crosby in March 2005 which later incorporated the new arrangements. The move to a single unit will commence in October 2005.

Cases are prosecuted in the magistrates' courts and the Crown Court by prosecutors, agents and counsel of appropriate experience and expertise. Area systems ensure that prosecutors have sufficient time to prepare cases properly. They are expected to attend court in sufficient time to discuss issues with court staff and the defence, and to engage with witnesses. Newly appointed agents receive an agents' pack and spend time in the CPS office to familiarise themselves with policies and procedures. Although file endorsements are monitored, improvements are not obvious and they continue to be a source of frustration for administrators updating cases.

The Area has a systematic approach to change management and change is generally co-ordinated and implemented well. Joint planning with other criminal justice agencies has been, in most respects, successful. Management of risk is improving and training is also generally well managed. The Area makes efforts to manage its budget and control expenditure and its resource planning is sound. The Area budget was overspent by 0.7% in 2004-05, although prosecution costs were overspent by 14.9%. The use of Higher Court Advocates (HCAs) and Designated Caseworkers could be improved although savings resulting from HCA sessions were high. Sickness levels are higher than the national average.

The Area has access to significant amounts of performance data, although it needs to develop better systems of analysis to use the data more effectively to identify and inform performance improvements. Performance is, however, beginning to improve in a number of aspects. The effectiveness of the Area's involvement with its criminal justice partners is variable but improving. Leadership in the Area is good and the Area Management Team show a cohesive and corporate approach. There is a clear commitment to communication although the frequency and effectiveness of this has varied. Area managers are heavily involved with criminal justice partners in taking initiatives forward.

The Area has a strategy for engagement with the community and staff at all levels are involved in a wide range of activities. The focus, however, tends to be on special interest groups such as those representing victims of domestic violence. Although this is clearly an important aspect, the strategy should reflect engagement with the wider community.

The overall performance assessment for CPS Merseyside is **FAIR**.

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

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

### 1. PRE-CHARGE DECISION-MAKING

3 - GOOD

*The Area implemented the statutory charging scheme in October 2004. Both the police and CPS have a Charging Project Manager but the scheme is jointly managed on a day-to-day basis by CPS team leaders and police commanders at a local level. Experienced prosecutors provide pre-charge decisions at six centres. Decisions are usually recorded on the case management system (CMS) on-site. Systems are in now in place to ensure accurate recording and counting, although failures in the past to use police unique reference numbers (URNs) has led to some misrecording. The quality of advice is monitored both formally and informally by line managers. Some of the benefits anticipated by implementation of the scheme have not been realised. Discontinuance rates in the magistrates' courts and the Crown Court are poor. Guilty plea and attrition rates are below the national average.*

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

- The Area rolled-out statutory charging in October 2004. The move from the shadow to the statutory scheme was well managed and continuing management remains effective. Timely pre-charge advice and decisions are provided at each of the six charging centres. Coverage is provided from 9am until 5pm five days per week at five centres. Coverage is provided three days per week at Southport and telephone advice is available at other times. The Area provides an additional lawyer on stand-by each afternoon for the busiest charging centre. Charging rotas are produced monthly and try to ensure that centres are staffed by lawyers from the Branch in which the centre is based, whilst also ensuring that lawyer resources are distributed fairly. The arrangements for provision of advice are constantly under review to ensure that resources are deployed according to demand.
- A joint inspection of the criminal justice area in May 2005 identified problems with the arrangements for police attendance at the busiest centres which led to queuing and long waiting times. These have been jointly addressed and largely resolved by reviewing arrangements for cover at charging centres and providing additional resources at the busiest. An appointments system has also been introduced at some centres for certain cases to relieve pressure on duty prosecutors and to cut down police waiting. The Area hope to extend this arrangement to all centres in due course.
- Area recording and counting systems are generally improving. There have been issues in respect of the correct use of police URNs which have resulted in a number of cases appearing in reports as "undefined" and less than accurate performance data. These issues are now being addressed. All duty prosecutors (DPs) have been trained to record advice on the case management system (CMS) whilst at the charging centres. Each DP maintains a daily log of all pre-charge decisions which is returned to the Branch with the relevant record of advice (MG3). Monthly ongoing case reports are used to ensure that cases charged or finalised have been the subject of a pre-charge decision.



**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**

- All lawyers providing advice have appropriate expertise and experience and have a full understanding of the operation of the Area scheme, and all local and national guidance. They have access at each charging centre to legal texts and national policy guidance, electronically and in hard copy.
- Individual performance in relation to the quality, appropriateness and timeliness of pre-charge advice and decisions provided is monitored by Prosecution Team Leaders (PTLs) formally under the CPS Casework Quality Assurance scheme (CQA) and informally as they allocate cases or prosecute in the magistrates' courts. All decisions to alter substantially or discontinue a charging decision require approval by a PTL or above.

*Aspects for improvement*

- Although the Area has systems in place to monitor the quality of advice cases, there was no effective system in place during 2004-05 for reviewing and analysing cases submitted for a pre-charge decision which resulted in no further action being taken. Such cases were, however, analysed jointly by the police and CPS in a more recent review.
- There has previously been little sharing of performance data with the police in respect of pre-charge decisions. However, joint meetings which include discussion on performance issues, are now being held and efforts need to be made to ensure that they are used effectively.

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

- The statutory charging scheme is supervised by a CPS Charging Project Manager and police counterpart. Day-to-day responsibility has been devolved to PTLs who are responsible for individual Basic Command Units (BCUs) and liaise with the BCU Commander. The recent restructuring of the Area is designed to facilitate individual file ownership from pre-charge decision to finalisation.
- There is regular liaison with the police on the operation of the scheme. Police compliance is monitored by police evidence review officers who check pre-charge decision cases before submission to ensure that they are complete and are appropriate for advice. Appropriate cases bypassing the system are few and are picked up by prosecutors preparing courts and referred for action.

- The Area liaises regularly with CPS Direct to ensure that pre-charge decisions are prompt and accurate and that arrangements for provision of out-of-hours advice operate smoothly. A recent issue which arose in respect of police arrangements for contacting CPS Direct was resolved in this way.

*Aspects for improvement*

- The Area has not yet realised fully the benefits of pre-charge decision-making. Performance in respect of discontinuance is particularly poor. The magistrates' courts rate is 17.6% against a national target of 11% and national average of 16.3%. The Crown Court rate is 16.7% compared with the national average of 14.6% and a target of 11%. The guilty plea and attrition rates in the magistrates' courts and the Crown Court are worse than the national average in each instance, although the magistrates' courts guilty plea rate at 67.1% is higher than the national target of 52%. The Crown Court guilty plea rate is 59.9% against a target of 68% and national performance of 66%. Similarly, although the magistrates' courts attrition rate of 24.9% is better than the target of 31%, it is worse than the national average of 22.7%. The Crown Court attrition rate is 33.4%, well above (worse than) the target of 23% and the national average of 23.8%. Problems with witnesses in cases of violence, particularly domestic violence, are a significant issue which the Area is seeking to tackle in a number of ways.

**2. MANAGING MAGISTRATES' COURTS CASES**

**2 - FAIR**

*Area systems generally ensure that cases are ready to proceed at each hearing and there has been an overall rise in the numbers of cases disposed of at the first hearing. The Effective Trial Management Programme (ETMP) incorporates a number of measures, including the use of Case Progression Officers, designed to ensure speedy progress of cases and effective case management. Youth cases are dealt with by specialist prosecutors and the Area is meeting the national target for case finalisation within 71 days. There remain, nevertheless, significant problems overall in dealing promptly with cases in the magistrates' courts. The ineffective trial rate is gradually reducing, although the Area is having some difficulty in achieving its target for a reduction in cracked trials. Cracked and ineffective trials are monitored and analysed and the results discussed internally and with criminal justice partners. The use of the case management system (CMS) to record decisions and case actions is encouraged and the number of full file reviews recorded on CMS is increasing.*

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

- Magistrates' courts cases generally are reviewed and prepared promptly. The Area, with the co-operation of the courts, has adjusted timescales between charge and first appearance to ensure that files can be thoroughly reviewed, advance information made available to the defence and further information can be obtained where necessary. Cases are ready to proceed at the first hearing. Although in the past, there has been a culture of adjournment, the CPS and the courts have worked together to increase the number of disposals at first hearing. These have increased over two years from 32% to 42% against a current target of 40%. Timeliness overall, however, remains a significant issue.
- The Area and its criminal justice partners have worked together to implement ETMP, although Area managers acknowledge that the initiative has not led to significant improvements to date. ETMP in Merseyside comprises a comprehensive package of measures to ensure that cases progress speedily through the courts and are ready to proceed at each hearing. These measures relate not just to case progression in court but to complementary processes such as file build and case review systems. Once a not guilty plea is entered, directions are made by the court and the file is passed within CPS to a Case Progression Officer (CPO). A certificate of readiness for trial must be submitted to the court by each of the parties in every contested case. Pre-trial reviews are held for most cases.
- All youth cases are dealt with by specialists in each team. Liverpool has a dedicated team of youth specialist lawyers and police officers working together handling youth cases which has been particularly effective in progressing

cases quickly through the courts and has led to improved performance. Youth cases are tracked and monitored and cases involving persistent young offenders (PYOs) are discussed at regular meetings with the courts and police to ensure they progress quickly. Although performance has fluctuated during 2004-05, to the extent that the Area in the early part of the year was not meeting the target of dealing with PYOs within 71 days from arrest to sentence, performance has improved and the three month rolling average to February 2005 was 69 days.

- The quality of casework is monitored by Prosecution Team Leaders (PTLs) formally under the Casework Quality Assurance scheme (CQA) as well as informally as they prosecute courts and when they are consulted on individual cases. In some instances, the use of CQA could be more robust in highlighting strengths and areas for improvement, although feedback is provided to individual lawyers when necessary.
- There have been no wasted costs orders in the magistrates' courts.

#### *Aspects for improvement*

- In the magistrates' courts the proportion of cases which achieve the target of 59 days set for initial guilty plea is 82% against the national rate of 83%. The Area's performance in respect of the trials target (143 days) at 46% is worse than the national average of 66%. The target of 176 days for trials in youth courts is achieved in 84% of cases against the national performance of 87%.
- Although the Area made significant improvements towards the end of the year, the incidence of discharged committals in 2004-05 was more than three times the national average (1% against 0.3%). The number of discharged committals which have been subject to a pre-charge decision account for 8% of the national total. The Area now pays particular attention to discharged committals which are monitored by a special team.

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

- The ineffective trial rate is gradually reducing and the Area has met its target of 27.2% against a target of 28%, although it is still higher than the national average of 24.8%. The proportion of trials which are ineffective due to the prosecution is 8.2%. The majority of these (5%) are due to civilian witnesses failing to attend the trial hearing. PTLs and casework managers analyse all cracked and ineffective trials on a monthly basis. Results and any lessons to learn are discussed in team meetings. They are also discussed at local delivery board meetings and local delivery groups account for their performance at Merseyside Criminal Justice Board (MCJB) meetings.

- The MCJB has set a target of 40% for cracked trials but the Area has had some difficulty in consistently meeting this. The overall rate for 2004-05 was 42.1% although performance in March 2005 was below target at 39%. Late guilty pleas and new offers of plea to alternative offences account for 20.7% of all cracked trials. Prosecution witnesses' failure to attend court accounts for 8.3%.

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

- The Area is encouraging the use of CMS. Most pre-charge decisions (MG3s) are recorded on CMS by lawyers in the charging centres. Those which are not recorded are subsequently input on CMS by administrators. Lawyers complete 66.8% of full file reviews on CMS. The Area wants to improve this performance and all lawyers have been set personal objectives in this respect. Unit Heads check usage reports to ensure that staff are using CMS effectively. Line managers use the outstanding tasks list on CMS to address performance issues and take appropriate action.
- The Area has created a number of CMS/Management Information System (MIS) reports and is using them to assist in specific usage and monitoring issues. Area templates have been added to the MIS system.

### 3. MANAGING CROWN COURT CASES

3 - GOOD

*The Area structure and systems support effective Crown Court case management, allowing lawyers to review and prepare cases properly. The quality of instructions to counsel is generally good and briefs are delivered promptly. Case Progression Officers (CPOs) check files to ensure that all actions are carried out before trial and lawyers must sign a certificate of trial readiness. The Area is monitoring Proceeds of Crime Act (POCA) cases, although it did not meet its target for confiscation orders, and is taking steps to ensure that all appropriate cases are captured and dealt with under the provisions of the Act. Youth cases are monitored in the Crown Court. The Area met its target for ineffective trials but efforts to reduce cracked trial rates are not as effective as the Area would like. Use of the case management system (CMS) is increasing with most indictments being prepared on CMS and the completion of full file reviews being well above the national average.*

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

- Crown Court cases are generally reviewed and prepared promptly. At the time of this assessment, the Area had a single Crown Court Branch. Lawyers had restricted court commitments which enabled them to concentrate on reviewing and managing the more serious cases. The restructuring in October 2005 aims to improve the level of complete file ownership in adult cases.
- Instructions to counsel generally include an analysis of the issues and views on acceptability of pleas. Although lawyers are encouraged to analyse the issues rather than simply repeat the evidence, some analysis is fairly basic. The quality of briefs is monitored under the Casework Quality Assurance scheme. Feedback is provided to lawyers where appropriate. The quality of briefs is also discussed at annual meetings with heads of chambers. The Area continues to monitor timely delivery of briefs and meets its target of 91% delivered within time guidelines.
- The Area liaises with its criminal justice partners in order to ensure that cases progress quickly. Case progression measures in the Crown Court commenced in February 2004 in advance of the formal roll-out of the Effective Trial Management Programme. CPOs check files before trial and the reviewing lawyer should sign a certificate of readiness, although there have been some issues relating to compliance in this aspect. In some instances, a case will be listed for mention if there are outstanding matters impacting upon trial readiness.
- The Area is monitoring POCA cases though it has some concerns that it may not be capturing all appropriate cases. However, it is addressing this in a variety of ways. Desktop instructions for lawyers and the police have been placed in all charging centres and lawyers have been advised to consider confiscation issues at the earliest possible stage. All Area lawyers have been given appropriate training and further training is planned for prosecutors in the magistrates' courts. Regular meetings are held with the police Financial Investigation Unit to identify and discuss issues of compliance. In the year

2004-05, the Area was set a demanding target of 138 confiscation orders, the highest in the country. It obtained 102 orders representing £2,545,487 which was the sixth highest sum recovered and 4.1% of the national total.

- The PYO target is being met overall. However, though there are few of these cases in the Crown Court, the time taken for dealing with PYOs is 160 days. No trends or apparent reasons have been identified and cases are monitored and discussed at monthly meetings of the Crown Court Delivery Board (CCDB).

*Aspects for improvement*

- There were two wasted costs awards against the Area in 2004-05 in the Crown Court. The total for all 42 Areas was 35.

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

- The Area analyses cracked and ineffective trials and discusses them in CCDB meetings. The CCP meets with the Resident Judge each month to discuss ineffective trials. Team leaders review all adverse results and discuss them in team meetings and in meetings with the police.
- The Area met its target for ineffective trials in 2004-05 (13.3% against the target of 18%). The proportion of trials which are ineffective due to the prosecution is 5.4% which is below the national average of 6.6%. Witness problems account for 3.1% which is again below the national average.

*Aspects for improvement*

- The Area cracked trials rate is 45.7% against the national average of 39.2%. The proportion of cracked trials due to the prosecution is 18%, the principal reasons being acceptance of pleas to lesser charges (8.5%) and offering no evidence at trial (9.3%).

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

- Line managers monitor usage of CMS. Lawyers are reminded to complete the full file review on CMS and have personal objectives to this effect. Prosecutors prepared 95.9% of all indictments using CMS in 2004-05, which is well above the national average of 81.5%. The number of full file reviews in Crown Court cases recorded on CMS is well above the national average. In the year 2004-5 (excluding March 2005), the Area completed 74% of full file reviews using CMS against the national average of 26.5%.
- As with magistrates' courts cases, the Area uses its own CMS/Management Information System reports to monitor usage.

## 4. ENSURING SUCCESSFUL OUTCOMES

2 - FAIR

*Despite significant efforts in some aspects of monitoring, progress in improving the level of successful outcomes is gradual in Merseyside. The Area narrowly failed to achieve its target in 2004-05 and performance is still in the lower quartile of the 42 CPS Areas. There are some good examples of remedial actions to improve performance, but it is not always evident how data is used to drive improvement activity. Joint work with other agencies has been in place for some time, although the effectiveness of the work is variable; some is very good and some requires development. The criminal justice agencies in Merseyside have comfortably exceeded their target in respect of Offences Brought to Justice (OBTJ).*

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

- There is formal assessment of the quality of review and case handling. This includes a check on cases that have been discontinued. Special attention is given to those cases subject to pre-charge advice, and particularly those where the reasons for discontinuance indicate evidential issues. Formal reports for these cases are issued on an individual basis and consolidated monthly. For other types of discontinuance there was limited evidence of analysis.
- Adverse cases, including judge directed acquittals (JDAs) and cases dismissed as no case to answer (NCTAs), are identified and analysed. Reports are drafted on a monthly basis and feedback given to individuals on any learning points.
- There was some evidence of discussion on unsuccessful outcomes with the police, although this was not always done in a systematic way. Examples were provided of actions taken to improve performance, for instance work to reduce discharged committals. The Prosecution Team Performance Management reports offer an opportunity to develop further the concept of inter-agency co-operation in identifying and implementing remedial actions to reduce unsuccessful outcomes.
- Feedback to individuals is given when learning points are established from any quality assurance activity. There was less evidence of relevant information being cascaded to a wider audience.
- Although not quite meeting its unsuccessful outcomes target, there is evidence of a slight improvement in overall performance outcomes. The Area's rate of unsuccessful outcomes was 20.4% against a target of 20%, the national average was 19.6%.



- The target for 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 criminal justice agencies in Merseyside have comfortably achieved their target with an 18.4% increase over their baseline figure against a target of 13%. The success in meeting the target is attributable primarily to a large increase in the number of fixed penalty notices and formal warnings issued by the police. A recent dip sample of unsuccessful cases suggested that there is scope to increase the number of offences brought to justice through more careful consideration of alternative charges/disposals at the pre-charge advice stage.

OUTCOME	AREA FIGURE	NATIONAL AVERAGE
<b>Magistrates' courts</b>		
Discontinuance & bindovers	13%	12.5%
No case to answer	0.4%	0.3%
Dismissed after trial	2.1%	1.5%
Discharged committals	1%	0.3%
Overall conviction rate	80.2%	80.8%
<b>Crown Court</b>		
Judge ordered acquittals	15.9%	14.2%
Judge directed acquittals	1.4%	2.0%
Acquittals after trial	8.6%	6.3%
Overall conviction rate	72.6%	75.8%

*Aspects for improvement*

- The level of unsuccessful outcomes is slightly worse than the national average (see table above). The discontinuance rates are improving but most of the other categories of adverse outcomes are not, albeit it is accepted that they represent a small percentage of overall caseload.
- The percentage of cases subject to pre-charge advice that result in a conviction is worse than the national average. In the magistrates' courts, the Area rate is 75.1% against 77.3% and in the Crown Court the rate is 66.6% against 76.2%. There has been some improvement in Crown Court figures in more recent months.

<b>5. HANDLING SENSITIVE CASES AND HATE CRIMES</b>	<b>3 - GOOD</b>
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*Sensitive cases are usually identified as such on the file jacket and on the case management system (CMS). The Area has champions and specialists who deal with or supervise specialist cases and provide training and guidance to other lawyers. All prosecutors have received training in the law and policy relating to specialist cases, and guidance and desktop instructions are provided. Area policy and practice takes into account CPS policy and HMCPSI thematic reviews. Action plans to implement recommendations are reviewed and updated by the appropriate champion or specialist. A recent conference on rape offences has led to further contact between CPS specialists and doctors to improve the way in which medical evidence is presented.*

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

- The Area has appointed champions and specialists for sensitive cases which include, racially and religiously aggravated offences, homophobic crime, domestic violence, fatal road accident cases, rape offences, child abuse cases and Anti-Social Behaviour Orders (ASBOs). The role of the specialist or champion varies according to the subject but all of them provide training and disseminate information to other prosecutors and caseworkers. In some instances, numbers of cases mean that the specialist or specialists can review and handle all appropriate cases. In others, specialists will supervise cases and provide advice and assistance to other suitably experienced prosecutors. Cases are allocated according to the experience and expertise of prosecutors.
- Prosecutors have received training in the law and CPS policy relating to specialist cases including ASBOs, domestic violence, hate crimes and street crime, and desktop guidance is provided to assist in the handling of some of these. The handling of domestic violence cases and ASBOs is regulated by multi-agency protocols. A specialist domestic violence court has been operating for some months at Birkenhead. Street crime has been dealt with by a specialist unit in Liverpool.
- All prosecutors in the Crown Court Branch are rape specialists. In February 2005, a rape conference was held in Liverpool attended by CPS lawyers and others representing various interest groups. This led to a separate meeting with doctors to discuss evidential requirements when making statements and giving evidence in rape cases.
- The Area takes into account CPS policies and HMCPSI thematic reviews (for example in relation to race crime, rape and road accidents involving a fatality) when devising Area practice. Action plans dealing with recommendations of thematic reviews are updated by the appropriate

champion or champions. A checklist has been prepared for lawyers handling fatal road accident cases in the magistrates' courts to ensure they are handled properly and consistently. The Unit Head or a Team Leader sees all advice in such cases before action is taken.

- Each unit has a specialist in hate crimes (racially and religiously aggravated and homophobic) and training has been delivered to all lawyers and caseworkers. A quarterly performance report on hate crimes is produced which is included in the Area management information pack. Cases in which consideration is being given to removing the particular aggravated aspect of the offence, are referred to a specialist or Unit Head. Where this occurs, a report on the case is prepared and discussed.

#### *Aspects for improvement*

- Sensitive cases are not always flagged up on CMS. Although there is a special stamp for sensitive cases, file covers are not always appropriately marked. Staff are regularly reminded in a number of ways, including posters and staff bulletins, to ensure that sensitive cases are identified.

**6. CUSTODY TIME LIMITS****2 - FAIR**

*The Area has written custody time limits (CTL) guidance, which has been revised following two failures in 2004-05. Good progress has been made with the courts to obtain their involvement in agreeing CTL expiry dates in court. There are regular quality assurance checks of CTLs which are reported to senior managers and the case management system (CMS) is used effectively to support the monitoring of CTLs. The management of the CTL system can be improved in some aspects.*

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

- There were two CTL failures in the last financial year. The Area identified that, although both failures were essentially the result of human error, there were disparities in some aspects of the monitoring system. As a result, the system was reviewed and changed, where necessary, to prevent future failures. The amended written CTL system complies for the most part with national guidance and has been issued to staff.
- The Area has spoken to the local courts to gain their involvement in the accurate calculation of the CTL, and in monitoring the expiry dates. There is an agreement that legal advisers and court clerks should agree the CTL expiry date when a defendant is remanded into custody and this should be noted on the court file. Prosecutors are expected to ensure that this is carried out and the prosecution file should be endorsed that it has been agreed. Managers are confident that there is strong compliance and the Area intends to agree a formal protocol with the local courts on the advent of the unified court.
- The Area system has been reviewed and changes were made following HM CPSi's thematic review of custody time limits in March 2003. When the CTL failures occurred, the monitoring system and guidance were further re-evaluated and modified. This will be re-assessed once CPS Merseyside's restructure is complete.
- All staff have been trained in both the local system and the relevant law. In addition, refresher training was provided when the Area's written system was changed.
- Managers examine CTL files on a weekly basis to ensure the accuracy of expiry dates, the quality of file endorsements and the appropriateness of any application for a CTL extension. They are also required to reconcile CMS entries with the diary entries. The analysis of CMS indicates that the CTL task lists are satisfactorily managed.

- Senior managers require regular assurances that the CTL system is effective and up-to-date. The operational managers report to the Unit Heads on the soundness of the CTL system. Subsequently, a monthly assurance report is submitted to the Chief Crown Prosecutor. CTLs are also monitored as part of the Casework Quality Assurance scheme. Issues concerning CTLs are discussed at Branch Management Team meetings.
- The Area CTL Champion is a member of the Area management team (AMT). Changes in CTL procedures are communicated at AMT meetings and an email is circulated to the Branch Crown Prosecutors for dissemination within their branches. Those responsible for overseeing CTLs in each of the units are briefed in relation to the changes.
- Five cases subject to a CTL were examined during this assessment. The expiry dates were correctly calculated in all but one case (which is referred to below). There was some evidence of poor file endorsements but otherwise files confirmed compliance with the Area system.

#### *Aspects for improvement*

- Cases where a defendant is remanded in custody following a breach of bail conditions are not always immediately identified and monitored. Area systems do not always immediately link the breach file with the file for the original offence and the situation is often exacerbated by the breach being dealt with in another court. We looked at one case in which the CTL was calculated and monitored from a date one week later than the initial remand in custody, apparently because of a failure to tie up the breach file with the original one.
- We found evidence of some poor file endorsements. Remand hearing endorsements did not always clearly show the custody or bail status of the defendant. The file endorsements did not support the fact that CTL expiry dates had been agreed with Legal Advisers or Court Clerks at court.

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

*Area performance in respect of disclosure is good. Performance is assessed formally by line managers using the Casework Quality Assurance scheme (CQA) and informally as part of their routine duties and responsibilities. Any performance issues are addressed with individuals if necessary, and general lessons are promulgated more widely. Disclosure schedules are properly reviewed although disclosure record sheets are not routinely completed. There have been some problems in dealing with secondary or continuing disclosure because of failure in some cases by the defence to provide defence statements, despite action and reminders by prosecutors. This can lead to late disclosure and even vacated trials. Sensitive material is stored securely but is rarely kept on CPS premises. There has been extensive training of staff by Area disclosure champions on all aspects of disclosure including the new provisions of the Criminal Justice Act (CJA) 2003. Area champions are also heavily involved in training and assisting with training police officers which has helped to improve performance.*

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

- Area performance in respect of disclosure is generally above average in all aspects. Area performance measured in the last cycle of HM CPSI Area inspections was 77.7% overall as against 70.3% nationally. Prosecutors' performance in relation to disclosure is regularly and formally assessed using the CQA scheme, with appropriate action being taken where necessary in respect of individuals or on a wider basis by disseminating lessons to learn. In addition, all unsuccessful cases and ineffective trial data are analysed by Team Leaders and any problems with disclosure are identified and dealt with. Team Leaders also review disclosure performance as they handle files during the course of their routine duties.
- Disclosure is still handled well by the Area although disclosure record sheets which should provide an immediate overview of disclosure management, are not always completed. However, schedules of unused material are properly reviewed and show the lawyer's detailed instructions on how material should be dealt with. Despite Area lawyers' continual efforts in individual cases, some difficulties have been experienced in obtaining defence statements from defendants' solicitors. This has resulted in late consideration of disclosure issues in some instances, as well as vacated trials. We saw examples of cases in which defence statements were not submitted at all.

- Area systems ensure that all sensitive material schedules and unused sensitive material are stored securely. It is rare for such material to be kept in the CPS office. The majority has, in the past, been handled by the Crown Court Unit and will be dealt with by the Organised and Complex Crime section in the new structure. Draft guidance on the handling of sensitive material has recently been submitted to the Area Management Team for approval.
- Training has been the key component in the Area's strategy for dealing with disclosure of unused material and driving up performance. Disclosure champions have taken the lead in this respect. Lawyers and caseworkers have been trained in the disclosure provisions of the CJA 2003 and the new Disclosure Manual. Area champions have received advanced disclosure training which they are now preparing to deliver locally.
- The Area champions are also heavily involved in developing training with the police as well as delivering training to officers at different levels and in different forums. Recently arrangements have been made to train all police training officers on disclosure to ensure that a consistent message is delivered to all operational officers. The Area's efforts in this respect have brought about benefits in increased awareness amongst the police of disclosure issues generally and has led to the preparation and submission of better and more detailed schedules.

**8. THE SERVICE TO VICTIMS AND WITNESSES**
**2 - FAIR**

*The Area's performance in sending letters to victims when a charge is dropped or reduced under the Direct Communication with Victims (DCV) scheme is generally good. The trend in the latter part of 2004-05, however, showed a decline in the timeliness of sending DCV letters. There is an excellent relationship with Victim Support and the Witness Service as a result of regular and effective liaison with them. Planning for the No Witness No Justice (NWNJ) project began during 2004-05 and the Area has decided upon a single Witness Care Unit (WCU) for the whole of the county as the best way of delivering a consistent service to witnesses. A pilot WCU commenced operation in March 2005 and has incorporated the new arrangements. The single WCU will begin a phased implementation in October 2005 and will subsume the existing unit.*

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

- DCV and Speaking Up For Justice (SUFJ) are generally embedded throughout the Area with effective monitoring and dissemination of lessons learnt. Meetings with victims or their families take place when requested. A procedure is in place to capture cases with identifiable victims at the start of the prosecution process and there is strong compliance with the use of the case management system (CMS) in highlighting them. CPS Headquarters have set proxy targets for the number of DCV letters that each of the CPS Areas are required to send each month by reference to the size and mix of caseload. The most recent figures show that CPS Merseyside is achieving 87% of this target, which is in the upper quartile nationally.
- Each unit carries out a dip sample of DCV letters each month to check the quality of letters, the results of which are addressed at the branch quarterly reviews with the Branch Management Team (BMT). Our own analysis of a sample of letters established that the standard of the letters is generally good.
- Most lawyers and caseworkers have been trained in SUFJ. Timeliness and appropriateness of special measures applications are monitored in the Crown Court Branch. A caseworker attends weekly meetings with the court, police and Witness Service to consider cases listed the following week to ensure appropriate applications have been made in relevant cases. Although there is no formal monitoring system in the magistrates' courts branches, nominated youth specialists deal with such applications in youth cases. Any special measures applications that are not granted are referred to the Prosecution Team Leader for analysis.



- Pre-trial checks are usually carried out and the process has been reinforced since the introduction of Case Progression Officers (CPOs). There is timely supply of witness details to the Witness Service.
- The Area ensures that all prosecution advocates and CPS staff at court undertake their responsibilities in respect of victims and witnesses. Staff have been trained and the Witness Service provides feedback on the conduct of prosecution advocates and CPS staff. Managers are confident that there is strong compliance with this aspect.
- There is regular and effective liaison with the Witness Service and Victim Support at all levels. Furthermore, the Area provides training to new Victim Support and Witness Service. A representative from the Witness Service attends court user group meetings and it is intended that one will be based in the WCU.
- Planning for NWNJ began during 2004-05 and is being implemented in accordance with the delivery plan with most of the deadlines being met within the relevant period. The police and CPS have decided upon having a single WCU to cover the whole of the county, based in a single location in Liverpool. The Area considers this approach to be the best way of using its resources and providing a consistent standard of care to witnesses.
- A principal feature of the scheme is that the unit will not have access to the CPS paper file and will rely completely on CPS and police IT systems to manage the process. A recent joint inspection of the Merseyside criminal justice area identified this approach as high risk because the full range of information about the case and witnesses would not be available to the unit. It was recommended that the Merseyside Criminal Justice Board (MCJB) review the IT systems supporting the unit to ensure their effectiveness, and undertake an impact assessment of the processes involved. This has been done and the Area is receiving extra assistance, by way of additional IT support, from the NWNJ National Implementation Team. A pilot WCU opened at Crosby in March 2005 dealing with cases in two magistrates' courts. The pilot was extended to Crown Court cases originating from these two centres in June 2005 and later incorporated the new arrangements. Police and CPS believe the pilot is operating satisfactorily and plan to move to the single WCU, which will subsume the arrangements at Crosby, over a six week period commencing in October 2005.
- There is clear analysis of cracked and ineffective trial data on an Area and MCJB, and efforts are being made to secure a reduction in the number of cases where this occurs as a result of witness issues. The proportion of trials which are ineffective because of witness problems in the magistrates' courts is 5% out of an overall rate of 27.2%, and 3.1% in the Crown Court

out of an overall rate of 13.3%. The Area rate for cracked trials in the magistrates' courts was 42.1%, 8.3% being due to witnesses failing to attend. There are a number of fora where performance on witness issues is discussed, including meetings with the Recorder of Liverpool and the Local Delivery Board.

#### *Aspects for improvement*

- Compliance with the DCV scheme is not consistent throughout the Area in relation to identifying those cases where there has been an alteration to charges at court.
- DCV co-ordinators in each unit monitor the timeliness of letters sent to victims. Each unit is set individual targets and performance is addressed at each quarterly review with the BMT. Performance data in the latter part of 2004-05 shows that the Area did not meet its own overall target and that, in general, timeliness in sending DCV letters worsened from 72% to 65% over the last two quarters. The Area is making efforts to increase the volume and timeliness of DCV letters and the first quarter of 2005-06 saw a slight increase to 67%.
- Whilst witness warning procedures in relation to the provision of the List of Witnesses Attending Court form are generally effective, analysis of cracked and ineffective trials revealed that there were issues with warning procedures in one part of the county. Poor communication with witnesses was identified as a factor for the ineffective trial rate in the Crown Court. A recent joint CPS and police review was undertaken and, as a result, the police changed their system for warning and contacting witnesses.
- Performance data as at November 2004 demonstrates that witness waiting times were worse than the national average and had deteriorated for both the magistrates' courts and the Crown Court.

**9. PRESENTING AND PROGRESSING CASES AT COURT 3 - GOOD**

*Case progression in court is generally sound. Prosecution advocates have sufficient time and expertise to prepare for and present their cases, and the timeliness of brief delivery is excellent. The Area targets its advocacy monitoring on new advocates and designated caseworkers (DCWs) and does not conduct formal monitoring of its agents and counsel. Training is available for new agents and instruction packs are provided. The late transfer of cases can lead to some files being sent to the wrong court. Despite regular monitoring, the quality of file endorsements remains a concern.*

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

- The Area is working with its criminal justice partners in implementing the initiative to improve case progression in court. The Effective Trial Management Programme (ETMP) is in operation in both the magistrates' courts and the Crown Court. Case Progression Officers ensure pre-trial checks are carried out. Certificates of readiness should be submitted to the courts in every case for trial, although we have referred earlier in this report to instances where this is not done.
- Rosters for the magistrates' court and court lists are issued in advance to allow advocates and DCWs sufficient time to prepare. Papers are provided to agents on the afternoon prior to the day of hearing, and to counsel promptly, enabling all advocates to prepare thoroughly for court. The Area monitors the timeliness of brief delivery and the Area figure for 2004-05 was 91% against the national average of 85%. Issues concerning returned briefs are discussed at annual meetings with heads of chambers.
- There are no panels of specialist counsel used by the Area in the Crown Court for specific cases, but selection of prosecution advocates for all courts is regularly undertaken with full consideration of their experience, expertise and qualifications. In-house advocates prosecute the more complex and sensitive cases in the magistrates' courts. Each branch has lawyers with individual specialisms as well as youth, domestic violence and hate crime co-ordinators. Suitably trained prosecutors cover the street crime court in South Sefton and the vulnerable victims' court in Wirral.
- Staff are expected to arrive at court in plenty of time to liaise with court staff, police, witnesses and defence solicitors. Court staff will report any poor performers. In the Crown Court, advocates log their daily commitments on the court computer, which is checked by court staff. Team leaders conduct spot checks when they are in court.

- No formal complaints about the conduct or performance of prosecutors in court have been received in the last 12 months. Managers gave their assurance that any complaints would be thoroughly investigated, and timely action would be taken if appropriate. An issue which arose informally in one part of the Area was dealt with positively.
- The Area concentrates its advocacy monitoring on new advocates, DCWs and lawyers seconded into the Crown Court Branch against the CPS National Standard for Advocacy. The remaining advocates are informally monitored, although advocacy monitoring of all in-house prosecutors is undertaken at least once a year, with feedback being given at the time, and objectives set and performance further monitored if necessary.
- New agents are invited to spend a week at the CPS office for training. Agents are given full instruction packs and are trained on new initiatives by the local bar and have, on occasions, joined the training provided by the CPS.
- The listing and transfer of cases in the magistrates' courts is governed by a listing protocol. This is being revised to ensure the best use of DCWs and to develop improved trials' listing. Extensive consultation with the courts in recent months has resulted in a reduction of over-listing of trial courts. The Area considers that the late transfer of some trials in the magistrates' courts is still an issue and can result in some files being sent to the wrong court.

#### *Aspects for improvement*

- Agents are not monitored and counsel are only monitored for re-grading purposes. However, caseworkers are encouraged to provide feedback on counsel and any issues with performance are immediately addressed with the head of chambers. Counsel's performance is also discussed at the annual meeting with the heads of chambers.
- The quality of file endorsements is monitored regularly by Team Leaders as part of the Casework Quality Assurance scheme. Despite the efforts of managers to improve compliance with this aspect, there is still cause for concern and we found evidence of very poor endorsements.

**10. DELIVERING CHANGE**

**3 - GOOD**

*The Area has a systematic approach to managing change with dedicated resources to run and manage most significant projects and initiatives. Change is generally well co-ordinated and implemented in Merseyside. There has been a lot of joint planning with other criminal justice agencies, most of which has been successful. Plans have improved, although in some cases the identification of performance outcomes and measures could be strengthened. Change undertaken and plans are reviewed in Merseyside but improved record keeping of the reviews and resulting remedial actions is desirable in some instances. Risk management is improving but requires further work. Training is managed well overall, albeit evaluation and induction would benefit from some attention.*

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

- The Area has a clear sense of what it wants to achieve and this has been communicated to staff. In 2004-05 the priorities were the implementation of statutory charging, the roll-out of the Effective Trial Management Project (ETMP) and the setting up of the Witness Care Unit (WCU). The key issues for 2005-06 have been identified and include the restructure, the implementation of a specialist Community Justice Centre, the introduction of an Area-wide WCU, budget compliance and Higher Court Advocate (HCA) usage.
- Relevant pertinent plans are in place reflecting the aims of the Area. The Area Business Plan (ABP) clearly sets out lead responsibility for delivery of individual objectives. The plan for 2004-05 included milestones and expected outcomes, albeit some of the outcomes could have been more specific and measurable - this has improved in 2005-06. The plan for the current year has been aligned closely to the key national and government targets. In addition to overall plans, there are individual planning documents for the major national and local initiatives being implemented.
- In 2004-05 the ABP was supplemented by Branch plans. There was clear linkage to the main plan although, in some documents, ownership of objectives was less clear. In 2005-06, the Area has appended a number of other specialist plans to the ABP; it also has a clearly defined summary of the key performance targets. In the sample of Forward Job Plans seen, there was alignment between Area and individual objectives.
- There is significant pro-active planning activity between the CPS and other criminal justice agencies in Merseyside. At an operational level there has been good co-operation with the police in implementing statutory charging. Similarly there has been some good inter-agency work in planning for ETMP and No Witness No Justice (NWNJ). This has been made more difficult at a strategic level due to changes in personnel at the Merseyside Criminal Justice Board. Consequently, this contributed to a lack of clarity in some of the structures and responsibilities of the board and its sub-groups in 2004-05. However, improvements have been made for 2005-06 after this was revisited.

*Aspects for improvement*

- The Area should improve the record keeping in respect of any updates and reviews undertaken. There was evidence of updates to the Inspectorate Action Plan and to the 2005-06 Risk Register, but not, for example, to the ABP. Managers assured inspectors that reviews had been undertaken, but some of the objectives in the plan were no longer relevant or up-to-date as circumstances had changed.
- CPS managers need to continue discussions with the magistrates' courts to deliver effective listing strategies to support deployment objectives.

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

- There is evidence that change has been successfully implemented in Merseyside. The Area has placed a lot of emphasis on effective communication of the change programme. The implementation of initiatives demonstrates good commitment to managing change, accompanied by a sound operational approach. There is scope to improve the identification of appropriate performance measures at the planning stage. This would assist in the review process and should help ensure that the Area is able to translate effort into improved outcomes.
- There is a change management programme in place. Updates on individual initiatives are provided for each Area Management Team meeting; there is a dedicated session at each meeting for discussing ongoing projects. The Area has a dedicated Change Delivery Manager who leads personally on some projects and liaises with individual project managers on others. Since the start of 2005-06, there has been greater clarity in the respective roles. Specific individuals have been designated as leaders on all major initiatives, and most significant change projects have a local implementation team (LIT).
- We were satisfied that the approach to change management in Merseyside ensures that appropriate linkages between individual strands of work are normally identified. Training activity is aligned to the main initiatives.
- Reviews of initiatives have been conducted, both as part of national review regimes and on a local basis. For the most part, reviews are identifying systems that are working well and those that need improvement. We saw evidence that some remedial actions are identified and implemented. The review of the co-located unit in Merseyside identified many potential improvements and an action plan was drawn up. The LITs have an ongoing responsibility to monitor progress in initiatives such as ETMP and the use of the case management system (CMS).

*Aspects for improvement*

- High level risks are generally identified satisfactorily and in accordance with CPS guidelines. However there is a need to improve the management of risk at a more detailed level. Some of the major initiatives have a substantial list of risks with no systematic way of managing any counter-measures at a detailed level. The Area could also do more to identify the expected outcomes of any counter-measures that are implemented. The approach to implementing NWNJ in Merseyside would benefit from more formal risk analysis.

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

- In 2004-05 there was a clear link between training and the Area's objectives through the Staff Development Plan. A significant amount of work has gone into planning training on legal issues brought about by new legislation and initiatives. Merseyside has a training group who meet quarterly and issue updates to the AMT. In 2005-06 the Area restructure will have a significant impact on staff training. A substantial amount of work has already been undertaken to identify roles, responsibilities and training requirements of staff in the new environment. All managers have completed a skills audit that will result in an individualised personal development plan for the new structure.
- Training plans cover the needs of legal and administrative staff, although the primary focus in more recent times has been on key legal training. There are opportunities for a wide range of staff to obtain more general skills training, particularly based around human resources issues.
- Access to training is managed through line manager approval. We saw no evidence to suggest that there was any inequity in the process. The Area has recognised the importance of training and development in the wider context and uses coaching and mentoring to develop staff, in addition to formal courses. The Area works in co-operation with neighbouring CPS Areas in developing a regional training programme.
- The Area has made steady progress in the provision of key mandatory training to staff. Courses have continued into 2005-06 to cover those outstanding and new joiners. Diversity training is provided by the on line e-learning module.

*Aspects for improvement*

- The Area could do more to evaluate the effectiveness of training provided. In the past, training records have been incomplete, and plans to improve the system have been identified for 2005-06. The induction process would benefit from some attention.

**11. MANAGING RESOURCES**
**2 - FAIR**

*The Area is conscious of its responsibility to manage budgets and considerable efforts are made to control payroll expenditure. Area plans for 2005-06 indicate the need to monitor spend carefully in light of revised future budget allocations as a result of falling caseload. Some budget responsibilities, particularly in respect of the use of agents, have been devolved to units. Controls on committed expenditure could be improved. Payments to counsel under the graduated fees scheme are handled well. Issues in respect of staff deployment are variable: designated caseworkers (DCWs) need to cover more court sessions; higher court advocates (HCAs) have covered fewer courts than in previous years but have done very well in maximising savings from sessions undertaken; sickness levels are improving but remain above the national average; and, there were no clear guidelines on in-house deployment prior to the planning for the restructure. The Area outturn was within budget in 2003-04 but 0.7% overspent in 2004-05.*

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

- Some indications of value for money activity are evidenced, both in terms of reducing general administration costs, and by seeking to deploy staff more effectively. Efforts are ongoing as there is scope for further savings to be made. Area managers anticipate that the restructure in October 2005 will deliver further efficiencies.
- Regular financial information is considered by management. Monthly reports are issued by the Resource Manager in the Secretariat that includes data on an Area and unit level. Each unit has a devolved budget, with the primary responsibility in the criminal justice units being control of expenditure on agents. In 2004-05, high level budget data was included in the Area's Business Information Pack; this will be reinforced during 2005-06 by the inclusion of finance in the new quarterly performance reviews.
- Prosecution costs are controlled well in respect of payments under the graduated fees scheme (GFS). There is a centralised specialist fees team within the Trials Unit whose performance has consistently been much better than the national average.
- The Area has developed local controls to enable them to manage their payroll budget. There is a significant difference between the Area's own predicted outturn and that shown in CPS Headquarters projections. The Area's returns to Headquarters are based on straight line expenditure, whereas they have local data that gives a more accurate projection. Careful attention is paid to staff movements that affect the salaries budget and data provided by Headquarters is reconciled. Evidence on controls of other expenditure was less forthcoming. There is opportunity to improve the management of committed expenditure and year end accruals. The Area was 1.4% under its non-ring fenced running costs budget in 2003-04 and 0.7% overspent in the last financial year.



*Aspects for improvement*

- Overall the prosecution costs budget was overspent by 14.9% which was higher than had been predicted. This outturn is within the upper (worse) half of national performance, although the reason (a high proportion of cases falling outside GFS) was beyond the Area's control to an extent.

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

- Sound resource planning takes place. Reviews of staffing levels have been undertaken as exemplified by the complete overhaul of the Area structure, and the review of roles and responsibilities in the Secretariat. A significant amount of energy has gone into the planning of the restructure that is due to take place in October 2005. The Area has shown a systematic approach to the project using data to shape some of the decisions.
- The Area is generally making good savings from the use of its HCAs. By efficient targeting of the courts to be covered, the Area achieved a creditable performance in respect of counsel fees saved. They achieved an average saving in excess of £500 per session which is more than twice as high as the national average. The number of sessions covered by HCAs fell noticeably in 2004-05 as the Area implemented statutory charging. Although the Area has 13 HCAs, it decided, during the implementation of statutory charging, to deploy only two of them to deal with cases from the Robbery Unit where it felt that greatest benefits could be obtained. HCAs covered 100 sessions between them but the Area has now set a more stretching target of 450 sessions for 2005-06 involving the deployment of all HCAs. The Area has made a sound start.
- Flexible working practices are well established in Merseyside. The Area has worked hard to try to ensure that individual working patterns can be accommodated as part of the restructure.

*Aspects for improvement*

- Average sick absence is relatively high at 10.1 days per member of staff over the year 2004-05. This is a slight improvement on the previous year which was 11.6 days but is still worse than the national average.
- DCW deployment has yet to be maximised and was slightly lower than the national average in 2004-05. The Area has plans to increase the percentage of courts covered by DCWs from 8% to 11%. There are ongoing discussions regarding listing in the magistrates' courts to assist in this. The Area's 7.4 DCWs covered 1118 half day sessions in 2004-05, and unless this can be significantly increased, represents a poor return for the 10.6 DCWs now employed.

- Whilst managers have become increasingly aware of the need to manage expenditure on agents carefully, spend has been significant and above budget in some units. Overall, agents covered 26.7% of sessions which is very similar to the national average. There were no clear expectations as to the level of in-house deployment in 2004-05 because of additional demands on lawyer resources and restrictions resulting from the Area structure as it was at the time. Managers were aware, however, of the need to keep agents' usage to a minimum. The situation has now improved as a result of the restructuring project. It is envisaged that agent usage can be reduced to 15% by the end of the year.

**12. MANAGING PERFORMANCE TO IMPROVE**

**2 - FAIR**

*There is a strong emphasis on performance data in Merseyside. A significant amount of data is available, although there is a need to develop better systems of analysis to use the data more effectively to identify and inform performance improvements. The Area has recognised the situation and has recently revitalised its systems for 2005-06. Considerable effort also goes into joint performance management with other agencies, but again, the effectiveness can be improved. Performance is gradually improving across a range of measures, albeit in some cases this is from a low start point. The dissemination of key performance data can be improved, as can the accuracy of some data entry into the case management system (CMS). Generally the Area makes sound use of the Casework Quality Assurance (CQA) scheme.*

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

- Performance data is reviewed by managers at Area Management Team (AMT) meetings. A Business Information Pack (BIP) containing a large number of tables and graphs is circulated on a quarterly basis and forms the basis for discussions. The Area Performance Officer provides a small amount of commentary on the data. Other aspects of performance are discussed on an exception or ad-hoc basis as issues arise. Data is available at unit level for a number of measures, although there was limited evidence of performance being compared.
- The Area decided in early 2005 that it needed to improve its performance regime. A new system has been designed that mirrors closely the process of quarterly reviews with CPS Headquarters. This should deliver a more consistent and effective approach with greater focus on key remedial actions.
- There was clear accountability at Unit Head level for performance outcomes, but it was less clear for other levels of staff. This has been improved for 2005-06 and is reflected in new objectives. The Area has decided to extend its dedicated performance officer resource from a single person in the Secretariat to each unit having their own. Care will need to be taken to ensure that everyone is aware of each others' responsibilities.
- There are some good examples of systems being reviewed and improved. In particular a review of the collocated unit in Liverpool was undertaken, resulting in a comprehensive action plan. The custody time limit process was reviewed following a system failure.
- While the process for implementing improvements is not consistent, there is evidence that all units have made progress in some issues. There are a number of examples of staff being reminded of performance issues that require attention. The use of CMS has been improved.

- The Area has systems to deal with the rare occasions where individual underperformance is identified. The performance appraisal system was used inconsistently in 2004-05 and improvements have been identified for the current reporting cycle.

*Aspects for improvement*

- Data needs to be analysed more effectively to identify where remedial actions are required. Systems need to be developed to ensure that agreed actions are undertaken.
- The performance systems lacked focus and it was difficult to understand the benefits of some of the work undertaken. The revised system should assist in this respect.

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

- CPS managers are committed to the concept of joint performance management with partner agencies and participate in a number of operational fora where performance is discussed. The effectiveness of the various groups is variable but all have progressed some issues. The Local Implementation Teams (LITs) for national initiatives have taken the lead on some performance issues.
- There are a number of instances of performance being improved as a result of joint performance work. For example, concerns over the accuracy of cracked and ineffective trial data in parts of the Area were successfully addressed. The formation of a specialist persistent young offender (PYO) team in Liverpool has also delivered improved results.
- Senior managers are actively involved in groups that focus on the key Merseyside Criminal Justice Board (MCJB) targets. This includes involvement in the appropriate sub-groups as well as participation in the local delivery groups. Results in respect of the key measures are variable although most are improving.

*Aspects for improvement*

- There have been changes to the structure of the MCJB that have impacted on performance management. Through parts of 2004-05 there was a lack of strategic focus on managing performance to the point that the Performance Group was disbanded. This will obviously have had an effect on the performance of the CPS. Whilst there has been some improvement, greater clarity is still required, particularly with regard to the purpose of the local delivery groups.
- There were ongoing concerns with the accuracy of the data used in parts of ETMP. Earlier agreement of the specification and source of performance data could have avoided these concerns.

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

- The Area has six Management Information System (MIS) licence holders and has applied for more. There is evidence of a number of locally designed reports being run, particularly for inclusion in the BIP.
- Area managers are confident that their data is accurate, although there are limited systems in place to assure compliance, other than those found in the monitoring of unsuccessful outcomes. Reminders have been issued to staff over the importance of using the correct finalisation codes and, in some units, guidance has been issued as to the correct codes to be used.
- While there is no formal benchmarking of performance with any other CPS Areas, managers are generally aware of how their performance compares to others. Data is maintained on a unit/local delivery group level but there was limited evidence of the data being shared with others or used to identify any good practice.
- A comprehensive BIP is produced on a quarterly basis. The pack can be a useful reference document, particularly for managers. The content of the pack is reviewed by AMT to take account of changing circumstances.

*Aspects for improvement*

- There is variance in the level of skill and understanding of MIS licence holders that means the Area has yet to take full advantage of the system's capabilities. This may be addressed through the appointment of Unit Performance Officers.
- The accuracy of entries on CMS (not relating to finalisations) can be improved. This includes appropriate flagging of sensitive cases, more accurate use of 'reason codes', and the over use of 'undefined' in respect of pre-charge decision cases.
- The BIP is not the most suitable vehicle for disseminating performance data to staff in general. A more concise summary of performance is desirable, highlighting aspects where performance needs to be improved. The revised system for 2005-06 offers improved opportunities in this respect.

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

- CQA monitoring has improved over the year. Whilst not fully complying in every unit every month, on an overall basis the Area has devoted substantial effort to the scheme. Reminders have been issued to managers over completion rates.
- There was clear evidence of robust analysis of some cases with appropriate identification of learning points. There was, however, some inconsistency of approach between the teams as to the level and robustness of analysis undertaken.
- Unit based data is included in the quarterly BIP that is circulated to managers, although there was limited evidence of any overall analysis of the data. Feedback is given to individuals where learning points are identified.

**13. LEADERSHIP**
**3 - GOOD**

*Despite the challenges brought about by the change of Chief Crown Prosecutor (CCP), managers have continued to demonstrate effective leadership. There are good systems for managing the Area that should deliver a corporate approach. The Area Management Team (AMT) meetings are structured and supported by clear terms of reference. Communication was inconsistent during parts of 2004-05 but improved later in the year. Managers fulfil an active and important role within the criminal justice system in Merseyside. There are appropriate systems in place to ensure behaviour is appropriate. The Area has undertaken some work in response to the 2004 Staff Survey but there are still some issues which need to be addressed.*

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

- The Area adopted the CPS national Vision and Values statement in 2004-05. For the current year they have drafted a local Statement of Management Standards that gives a clear indication of how managers are expected to behave.
- There are clear arrangements for the corporate management of the Area and, in turn, clear terms of reference for the AMT that outline the key responsibilities of the group. This is supported by an Area Business Plan that allocates lead responsibility for delivery of specific objectives to individuals. There is a good system for monitoring actions arising out of AMT meetings that ensures that progress is tracked. Managers understand their role in implementing decisions made by the AMT.
- Senior managers and project leaders make themselves available to staff. Road shows have been carried out on a number of change programme initiatives. These create the opportunity for managers to consult staff on proposals and to update them on progress. This has been a strong feature of the restructuring project. The Area had identified a risk that the involvement of the CCP in national initiatives could have some negative impact on staff. As a result a CCP Forum was recently introduced giving a variety of staff the opportunity to meet and discuss issues directly with the CCP.
- Managers in Merseyside are committed to communicating with staff. Team meetings are now a regular feature in all the units, albeit the frequency and effectiveness varied in the early parts of 2004-05. Other forms of communication are also available including weekly newsletters, the CCP Forum and road shows. There is also regular liaison with the trade union through Whitley Council meetings. In the 2004 Staff Survey, Merseyside scored 4% above the national average for communication.
- There is significant interaction with other criminal justice agencies in Merseyside. Relationships are generally positive and constructive, although there is some variance in the levels of effectiveness of groups.

- Area managers are heavily involved with the wider criminal justice system in taking initiatives forward. The CCP chairs the Victim and Witness sub-group of the Merseyside Criminal Justice Board (MCJB) and is the champion for all victim and witness related issues. In 2004-05 the Area Business Manager led the MCJB Area Performance Group until it was disbanded. Unit Heads and Team Leaders are all involved in multi-agency work, particularly via the local delivery boards of the MCJB. The Area has committed a significant amount of time to the Community Justice Centre project that will be fully implemented in late 2005. The Change Delivery Manager is involved in a number of inter-agency projects.

**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**

- There is a growing commitment to outward looking activities, both within the criminal justice system and with the community.
- The Area has a variety of systems in place to recognise good performance, ranging from informal verbal praise through to bonus payments. Managers believe that staff in Merseyside do not look favourably on public acclamation of good performance and, therefore, it is not common for issues to be highlighted in newsletters or minutes of meetings. However, the level of staff satisfaction, expressed in the 2004 Staff Survey, with arrangements and methods of recognising good performance was extremely low (16%).
- In early 2005, the Area took part in a Home Office pilot of an Equality and Diversity self-assessment model. Whilst this was targeted at MCJB level, each agency assessed itself against all the criteria, as part of an overall Merseyside submission. The Area intended to produce an action plan in respect of the findings, although this had not been done by the time of this assessment.
- There are procedures in place to deal with any complaints or disciplinary issues that may arise, albeit very few issues have been raised. Actions have been taken with regard to a small amount of misuse of the internet. The Area has a good relationship with human resource advisers, should advice be required.

*Aspects for improvement*

- The Area developed an action plan in respect of some negative feedback received in the 2004 Staff Survey. Overall the Area scored 5% below the national average in a range of issues related to dignity at work. It was not clear if all the proposed actions in the plan had been implemented and there was limited evidence that actions taken had been evaluated. Some of the more negative results did not feature in the plan.
- Staff did not reflect the make-up of the local population in 2004-05 in terms of employees from black and minority ethnic (BME) groups. Data suggests that 1% of staff were from BME groups against a local population of approximately 3%. Managers were not confident on the accuracy of data (based on voluntary self-declaration) and believe that recruitment in the past year has improved the position. There were no specific systems in place to improve the representation of BME staff.

**14. SECURING COMMUNITY CONFIDENCE**
**2 - FAIR**

*The Area tends to concentrate its engagement with the community more on special interest groups, such as those which deal with domestic violence. Its strategy tends to be ad-hoc and engagement reactive rather than pro-active. There is, however, evidence of good foundations for community engagement on which the Area can build. The Area has up-to-date information on demographics and local community groups and has processes in place to record and analyse its activities.*

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

- The Area measures the success of its community engagement activity but more work could be done in this respect. The Area has a database with information on local demographics and voluntary and community groups on which it can build its community engagement strategy. Contact was made with the Muslim community when it was perceived as being at the greatest risk of exclusion and discrimination following a high profile media case.
- Staff are required to record community engagement activities in a log, which is analysed to identify those activities that need to be targeted. However, managers consider its use to be patchy. An audit on community engagement will be carried out as a baseline for future engagement.
- There are five Crime and Disorder Reduction Partnerships (CDRPs) in Merseyside. Unit Heads and Prosecution Team Leaders attend CDRPs and its operational sub-groups to discuss issues around persistent and priority offenders. Representatives of the CDRPs attend the local delivery boards at Basic Command Unit level.
- There is some evidence that policy and outcomes are amended in light of consultation with the community, but on a limited range of consultation activity. A list of priority offences to be dealt with by the Community Justice Centre was drawn up from community assessments. Similarly, the CDRPs and their joint action group's public meeting in a part of the county which experienced social impact crime, resulted in the application of Anti-Social Behaviour Orders (ASBOs) to tackle such offences.
- The public confidence rate in the effectiveness of the criminal justice agencies to bring offenders to justice as measured by the British Crime Survey, was 45% for the Area in March 2005, against a baseline of 43%.
- The Area has demonstrated a range of engagement activity involving staff at all levels, such as their participation in careers fairs and court open days. Conferences and workshops were arranged for community groups. For example, the rape forum was organised to highlight the launch of the CPS rape policy, which was attended by a wide range of delegates.



*Aspects for improvement*

- Senior managers have demonstrated their commitment to community engagement but the range is narrow. There is a focus on special interest groups, such as those which deal with domestic violence. Clearly this is an important issue within the Area because of the high volume of such cases. However, community engagement requires a broader base and a more structured approach.
- Whilst community engagement featured as a key priority in the Area Business Plan for 2004-05, a self-assessment of the Area was undertaken which indicated that its strategy was carried out on an ad-hoc basis and engagement tended to be reactive. A need for a clear statement of purpose, with links to outcomes was identified. A community engagement strategy has been produced for 2005-06 and the Area's Communications Manager is responsible for overseeing that the action plan is implemented.

**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%	17.6%	52%	68.8%	67.1%	31%	22.7%	24.9%
<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%	16.7%	68%	66%	59.9%	23%	23.8%	33.4%

**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%	27.2%	71 days	67 days	69 days

**TIME INTERVALS/TARGETS FOR CRIMINAL PROCEEDINGS IN MAGISTRATES' COURTS  
CHARGED CASES ONLY (MARCH 2005)**

	Initial Guilty Plea Target 59 days		Trials Target 143 days		Committals Target 176 days	
	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	79%	254	52%	125	93%	30

**TIME INTERVALS/TARGETS FOR CRIMINAL PROCEEDINGS IN YOUTH COURTS  
CHARGED AND SUMMONSED CASES (MARCH 2005)**

	Initial Guilty Plea Target 59 days		Trials Target 176 days		Committals Target 101 days	
	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	87%	169	84%	140	100%	12

**ASPECT 3: MANAGING CROWN COURT CASES**

**INEFFECTIVE TRIAL RATE**

National Target	National Performance 2004-05	Area Performance 2004-05
18.5%	15.8%	13.3%

**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%	20.4%

<b>OFFENCES BROUGHT TO JUSTICE</b>		
	CJS Area Target 2004-05	CJS Area Performance 2004-05
Against 2001-02 baseline	+13.0%	+18.4%
Number	32,162	33,696

**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%	77.3%
Primary test in Crown Court	79.9%	94%
Secondary test in Crown Court	59.4%	61.9%
Overall average	70.3%	77.7%

**ASPECT 11: MANAGING RESOURCES**

<b>NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE (END OF YEAR RANGES)</b>	
2003-04	2004-05
1.4% underspend	0.7% overspend

<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%	8%	£224	£563	8 days	8.7 days	10.1 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
43%	45%



#### LONDON OFFICE

26/28 Old Queen Street, London, SW1P 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

[www.hmcp.si.gov.uk](http://www.hmcp.si.gov.uk)

If you would like a copy of this report in large type, braille, or in another language, please contact us at:

Email: [Office@hmcp.si.gov.uk](mailto:Office@hmcp.si.gov.uk)