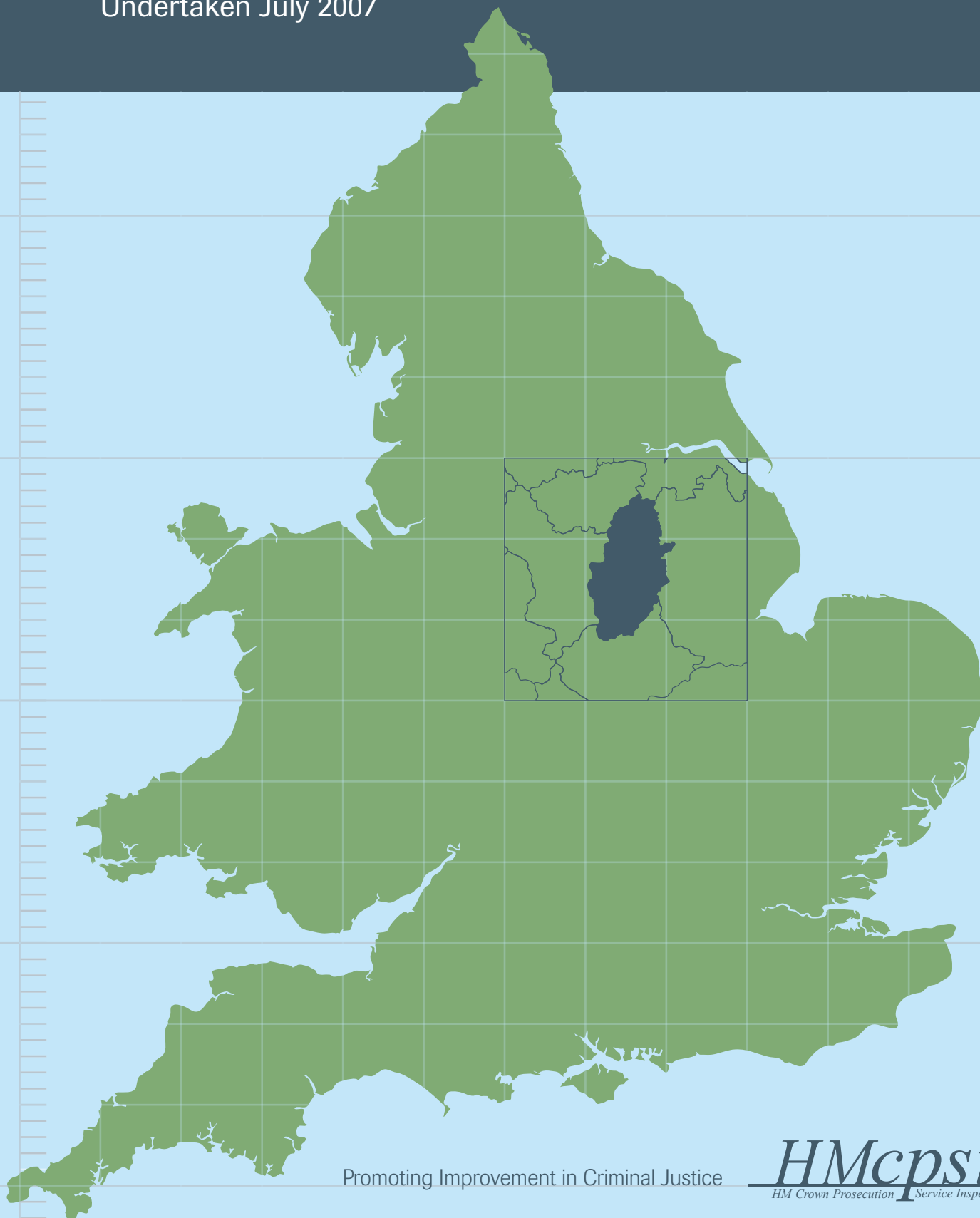


CPS Nottinghamshire Overall Performance Assessment

Undertaken July 2007



Promoting Improvement in Criminal Justice

*HMcp*si**
HM Crown Prosecution Service Inspectorate



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ABBREVIATIONS

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

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

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A INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

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

Assessments

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

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

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

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

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

Direction of travel grade

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

Improved reflects a significant improvement in the performance;

Stable denotes no significant change in performance;

Declined where there has been a significant decline in performance.

B AREA DESCRIPTION AND CASELOAD

CPS Nottinghamshire serves the area covered by the Nottinghamshire Police. It has two offices, one at Nottingham and the other in Mansfield. The Area Headquarters (Secretariat) is based at the Nottingham office.

Most Area business is divided on geographical lines with three combined units each handling both magistrates' courts and Crown Court work. There is also a central youth team and a complex case unit that handle relevant cases on an Area-wide basis.

During the year 2006-07 the Area had an average of 154.8 full-time equivalent staff in post, and a budget of £6,378,522. This represents an 8.1% decrease in staff, and a 5.1% increase in budget since 2004-05, the period covered by the previous overall performance assessment.

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

Pre-charge work¹

2004-05		2006-07	
Written advice	1,402	Decisions resulting in a charge	7,202
Pre-charge advice (where available)	10,110	Decisions not resulting in a charge ²	6,204

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	23,733	20,976	-11.6%
Other proceedings	15	9	-40.0%
Total magistrates' courts proceedings	23,748	20,985	-11.6%

Crown Court proceedings

(including cases previously subject to a pre-charge decision)			
Cases sent or committed to the Crown Court for determination	1879	1890	+0.6%
Committals for sentence ³	645	491	-23.9%
Appeals from the magistrates' courts ³	207	183	-11.6%
Total Crown Court proceedings	2,731	2,564	-6.1%

In 2006-07, 51.8% of offences brought to justice were the result of convictions.

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

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

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

C SUMMARY OF JUDGEMENTS

Contextual factors and background

Nottinghamshire's caseload has reduced year-on-year over a seven year period. This has resulted in a reduction in funding, although the Area received a budget underpin to allow it to manage this reduction in an effective manner. This was one of the driving factors for the restructure and plays an important part in their advocacy strategy. A significant amount of effort was devoted to the restructure, most of which was implemented in the first quarter of 2006-07. The absence of two senior managers for the first half of 2006-07 has adversely impacted on performance and there were a number of changes to the management team during the restructure.

Summary

The Area has changed considerably since the last overall performance assessment (OPA) and 2006-07 was a year of transition in Nottinghamshire. It has built a solid foundation from which it can improve, albeit the track record on translating opportunity into improvement has been mixed in the past.

There is a need to improve the service provided by the statutory charging scheme, particularly for magistrates' courts cases. The co-operation of the police will be required to progress some matters. Issues to be resolved include proper provision of a 'gatekeeper' function; premature charging with insufficient evidence; management of backlogs (appointments and outstanding cases); and reduction in the level of discontinuance.

Unsuccessful outcomes in magistrates' courts cases remain above national averages, particularly in respect of discontinuance. File preparation delays are adversely affecting the ineffective and vacated trial rates and improvements are required to ensure timely review is carried out. The ineffective rate (24.2%) is the second worst of the 42 CPS Areas. Effective joint analysis of timeliness and quality of police files with the police, and vacated and ineffective trials with the court, needs to be introduced. Performance against the persistent young offender (PYO) timeliness target is very good and at 52 days for the year is the second best in the country.

In the Crown Court, performance in respect of successful outcomes is good and improving. Failed cases are analysed and where appropriate this information is shared with other agencies. The level of ineffective trials is good, although this may be influenced by the high level of vacated trials. Overall case progression could be improved to ensure timely compliance with directions and orders.

There are still too many occasions in both courts when hearings do not proceed as the prosecution is not ready – particularly pre-trial reviews in the magistrates' courts. The recent CPS-led introduction of the early provision of advance disclosure and pre-court progression meetings in the magistrates' courts should see overall improvements in readiness. Trial readiness forms have not been completed in a timely fashion, although improvements have been made recently.

The handling of sensitive cases is very good. The proportion of unsuccessful outcomes has decreased in hate crime cases and performance is improving in domestic violence cases; however, results are still worse than the national average. Witness issues persist and hamper performance in all hate crime. Area champions are proactive and their work is beneficial to CPS staff and external stakeholders. The formation of the public protection team is a positive step and is beginning to improve performance.

Handling of the disclosure of unused material shows some improvement, particularly in latter months. Progress is more obvious in serious and sensitive cases and there is still a need for improvement in volume casework to ensure that disclosure is at the required level. Timeliness needs to be improved in magistrates' courts cases. Recent activity augurs well for the future.

There is a comprehensive and effective custody time limit (CTL) system that incorporates national guidance and elements of good practice. The Area has reviewed and improved its systems and processes since the last OPA. Reality checks confirm the effectiveness of the revised system.

Whilst there is some improvement in victim and witness care, inconsistencies remain in the level of service. For a variety of reasons victim and witness issues are impacting adversely on performance. The Area is not meeting all the minimum standards of the No Witness No Justice (NWNJ) initiative.

Some change projects have been implemented successfully in 2006-07, whereas national initiatives implemented in previous years have not developed as expected. The review of plans to ensure progress could be strengthened. The Area has not always been able to translate commitment and plans into consistent delivery and results. Joint work with partner agencies needs to be more effective.

The Area has done well to bring spend in line with its budget allocation. Controls of finance are generally satisfactory but could be sharper. Significant progress has been made in the deployment of designated caseworkers (DCWs) and Higher Court Advocates (HCAs).

Managers are developing their performance management skills and there were indications of a better grasp of performance issues towards the end of 2006-07. The understanding and analysis of data can be improved. Joint performance management with other agencies needs to be more focused.

Managers have developed their leadership skills following feedback from staff surveys and a mock Investors in People (IiP) assessment. There are clear expectations of staff and managers in terms of values and behaviours. Communication between managers and staff has been improved. Managers are involved and lead in inter-agency work.

The Area has shown a committed approach to community engagement in 2006-07. The balance between provision of information and consultation and participation has moved in the right direction. The level of public confidence (38.4%) in the ability of the criminal justice system in Nottinghamshire to bring offenders to justice is improving gradually, but still below the national average (42.3%).

Direction of travel

Against the last OPA, four aspects show improvement whereas another four have deteriorated. The Area has the capacity to improve its rating if it can build on improvements implemented in the latter months of 2006-07; spread good practice from serious casework to volume crime; translate effort and plans into better results; and improve joint working on charging.

In the light of our findings, Nottinghamshire's overall performance is rated as **FAIR**.

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

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

D DEFINING ASPECTS

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

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

- Duty Prosecutors (DPs) provide face-to-face pre-charge advice and decisions from 9am to 1pm and from 2pm to 5pm Monday to Friday in the six charging sites. Complex and specialist pre-charge cases are dealt with appropriately through the complex case unit and public protection team. Case surgeries are held for child abuse and youth cases.
- The Area monitors the number of advices given at each charging site and by each DP every day, although the accuracy of some of the data was questionable. Analysis of this data has yet to be conducted to inform a decision as to whether the level of cover at each site is appropriate.
- There is not an effective police gatekeeping function in place and this needs to be resolved jointly with the police. The Area relies on files being signed off by the officer in the case and their supervising sergeants who themselves are often inexperienced officers. This results in cases being referred to DPs that are inappropriate. They are often not ready to be referred for advice and result in cases being sent away for further evidence to be obtained. This can lead to missed follow-up appointments if officers have not collected the additional information in time.
- An appointments system is in place which is managed by the police sergeants and is controlled better in the county units than in the city. The system is not fully effective and it is not unusual for appointment slots to be wasted through police non-attendance. There are backlogs and in one centre and it can take up to four weeks to get an appointment. There is limited capacity to deal with custody and urgent cases and, occasionally, defendants in custody who could be charged have been released on bail for an appointment to be made with a DP for charging advice.
- The Area has implemented actions to address the backlogs in the system. The CPS and police jointly funded the cost of increased agent usage over a two month period. This created capacity for additional DP coverage and assisted in reducing the backlogs. At the end of each day the Duty Inspector and the DP now jointly complete a short report on the effectiveness of the appointments that day. The Area through its preparations for the introduction of the Criminal Justice: Simple, Speedy, Summary (CJSSS) scheme has agreed that in the county unit extra supervisory sergeants are to be appointed. The Area also intends to utilise video conference facilities to increase the flexibility of DPs to cope with surges in demand for pre-charge advice.
- There is an appropriate procedure to allow police to appeal against the decision of a duty prosecutor. The number of appeals and their success rate is not currently monitored for quality assurance purposes.

- Cases that are inappropriately charged by the police are identified by prosecutors or DCWs at the first hearing when the error is rectified or the case is discontinued. Such cases are reported to the District Crown Prosecutor (DCP) who provides the information to the Divisional Detective Chief Inspector for remedial action.
- There is evidence of the Area conducting effective 'cradle-to-grave' prosecutions in serious cases, for example the test-purchase drug operation, Operation Glacier.
- The ongoing cases report, available on the CPS case management system (CMS) is used to monitor cases. The Area has attempted to address the backlog of outstanding cases and this has resulted in a large number of them recently being cleared from the system. Some of the cases had been duplicated in CMS. More effective systems need to be put in place to monitor and manage outstanding ongoing pre-charge cases, although progress has been made.
- The DPs have access to CMS in the charging centres to enable them to record pre-charge consultations and MG3s (the formal advice document). In 2006-07 91% of pre-charge consultations were recorded on CMS. In 83% of these cases the MG3 was properly recorded. 'Reality checks' confirmed this good performance. Ethnicity was also recorded in 80% of cases (in the other 20% ethnicity details had not been supplied).
- Appropriate liaison arrangements are in place between the Area and CPS Direct (CPSD). Monthly CPSD reports are provided to DCPs for monitoring purposes. Quarterly meetings are held with the CPSD liaison manager.
- At the time of this assessment conditional cautioning had only been introduced in Mansfield in June 2007. It is too early to assess the effectiveness of the scheme.

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

- The Area ensures that all lawyers providing charging advice and decisions have a full understanding of the operation of the Area scheme and are aware of national policy. All DPs have undertaken the first part of the Proactive Prosecutor Programme and have been provided with a local charging reference pack. DCPs provide individual feedback to lawyers, and the local legal bulletin (NICE) for lawyers, caseworkers and DCWs is circulated to spread good practice throughout Nottinghamshire on a monthly basis. DCPs have recently started attending charging sites on a regular basis to provide supervision and coaching to DPs. This is having a positive impact.
- There is evidence that DPs sometimes advise charge before all key evidence has been provided. This results in adjournments at court for that evidence to be obtained and can lead to discontinuance. This is confirmed by the reality checks where we considered that three of the ten cases should not have been charged on the available evidence. One case was discontinued at first hearing and another was discontinued prior to committal. There is also evidence that when the threshold test is used that the deadline for full file review is not followed up in a timely manner resulting in adjournments and late discontinuances. The Area has been addressing this in recent months.
- Prosecutors consider the confiscation and restraint of assets and other ancillary orders in relevant cases.

- The DCPs undertake a number of monitoring checks which include the examination of the quality of decision-making. All MG3s and all no further action (NFA) cases were considered though recently this has been reduced to dip-sampling. Particular attention is now being given to domestic violence cases, as in the past some have been charged inappropriately. The casework quality assurance (CQA) system has been utilised more robustly and effectively in recent months after earlier weaknesses. Feedback, including examples of both good performance and areas for improvement, is provided. DCPs also check all adverse outcomes each month. The implementation of this performance management regime is an improvement since the last OPA.

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

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	19.1%	18.9%	11.0%	13.1%	15.3%	12.3%
Guilty plea rate	52.0%	69.2%	64.0%	66.0%	68.0%	66.5%	72.0%	72.5%
Attrition rate	31.0%	22.0%	25.8%	24.5%	23.0%	22.2%	21.5%	19.0%

- Performance against the six key performance indicators has improved since 2005-06 and the Area now meets four of the six national targets, albeit for cases destined for the magistrates' courts, performance is in the lower quartile nationally. As with many other CPS Areas, they have struggled to meet the discontinuance target for both courts. The magistrates' courts discontinuance rate was poor at 18.9%, outside the national target and 3% below the national average. Discontinuance in the Crown Court was better than the national average but outside the national target. The overall conviction rate at 76.6% was below the national average of 78%.
- The CPS, in conjunction with the police, is making use of Prosecution Team Performance Management (PTPM) reports. This is done on a Divisional basis although there was limited consideration of performance at Area-wide level. There is no summary or commentary prepared for the data and the police feedback is that they do not fully understand PTPM. The review of the information is therefore not fully effective. All four DCPs act as local Charging Champions but no-one has overall Area responsibility. This is something the Area may wish to review to ensure that issues can be collated at an Area-wide level and then addressed to the Strategic Board.
- Undefined outcomes and unit non-allocation on registration are both higher than desirable. Both these figures affect the ability to analyse charging trends accurately and need to be addressed (in conjunction with the police where appropriate).
- Meetings of the Joint Prosecution Team Strategic Board take place quarterly. These deal with wider issues than charging and should be more focused on charging and pre-charge file building. Key issues, such as gatekeepers, have remained unresolved in spite of efforts by the CPS management team to progress the matter. The Area is confident that recent changes will lead to improvements in tackling such issues.

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

2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	12.6%
No case to answer	0.2%	0.2%
Dismissed after trial	1.9%	1.8%
Discharged committals	0.2%	0.3%
Warrants	2.6%	1.5%
Overall conviction rate	84.3%	83.6%

- The rate of successful outcomes in 2006-07 was 83.6% which was a slight decline on the previous year. There was no specific target for magistrates' courts cases in 2006-07, but Nottinghamshire achieved both the national and Area target for combined successful outcomes. Performance was, however, slightly below the national average.
- The discontinuance rate has deteriorated from 10% in 2004-05 to 12.6% in 2006-07, against national performance which has improved from 12.5% to 10.8% over the same period. Other types of unsuccessful outcomes are similar to national averages, albeit discharged committals are a little high.
- It is of some concern that 3.1% of all committals heard are discharged in comparison to the national rate of 2.5%. The Area considers that the rate is as a result of lawyers allowing cases to be discharged rather than discontinued prior to committal, and delays in preparation in one team; there was also one discharged case that involved eight defendants. These problems are being addressed by the DCPs. All discharged committals are referred to the DCPs and consideration is given to re-instituting proceedings.
- All unsuccessful outcomes are monitored and analysed by the DCPs. The system introduced in 2005 had to be strengthened in the second half of 2006-07. The reasons for these outcomes are identified, lessons are learned, and disseminated to lawyers. This takes place through feedback to individuals, to the police at PTPM meetings and through the Area legal bulletin. DCPs are held to account for performance through monthly unit meetings and the quarterly unit performance reviews.

- The criminal justice agencies achieved 101.7% of their joint Offences Brought to Justice (OBTJ) target in 2006-07, with 51.8% convictions. It has also met the PYO target with the average time between arrest and disposal having improved to 52 days, the second best performance nationally. This has been achieved through the work of the dedicated youth team and the monthly PYO case-tracking meetings that are chaired by the CPS.

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

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	37.9%
Cracked trial rate	37.3%	37.9%
Ineffective trial rate	18.9%	24.2%
Vacated trial rate	22.5%	24.5%

- The Area has concerns over the late receipt of police files but has no effective system to monitor the timeliness (or quality) of the files. Therefore it is difficult to work effectively with the police to secure improvements. Individual cases are discussed at joint performance meetings. Police feedback was that late review of files leads to late requests for additional information thereby putting unreasonable demands on officers. The Area has attempted to improve police response times to CPS requests by implementing a system whereby non-compliance with time-bound requests for information is treated as a proposed notice of discontinuance; this has not had the desired effect. The Area is in the process of implementing a system whereby senior lawyers will review all full files prior to police preparation to ensure that timely requests are made for all outstanding evidence.
- Timeliness of progressing cases was not good at the time of the last OPA in 2004-05. Efforts are made to review and prepare cases but these are not always successful and can still be a problem. Reality checks indicate late review; late service of documentation and late discontinuance continue to be a problem in some cases. In all four magistrates' courts trial files examined preparation had not been carried out prior to the pre-trial review (PTR).
- The quality of lawyers' full file reviews is monitored by the DCPs utilising CQA and by checking adverse outcomes. Checks show that full file reviews are not always completed on CMS nor endorsed fully on the files. The Area relies on Advice on Evidence (AOE) forms as a full file review mechanism. This form details witnesses required, disclosure to be made, likely defences and acceptable pleas. Reality checks of a small number of files showed that not one AOE was endorsed with the lawyers' decision that the Code for Crown Prosecutors had been met, albeit in some cases the information was recorded on the MG3.

- Case progression officers (CPOs) in each unit are responsible for ensuring that the Final Review Forms (FRF) are completed by a lawyer 15 days before trial and forwarded to the appropriate court. In the early part of 2006-07 compliance was not good but had improved in the latest month to a 98% return rate. Weekly case progression meetings have been held for domestic violence cases but these have not had the desired or anticipated effect. The Area is changing direction and plans to roll-out this system to other types of cases in the future. Case progression is not yet effective as evidenced by the low return of FRFs for much of the year, the high ineffective and vacated trial rates and the number of ineffective PTRs.
- Although the proportion of effective trials has improved from 36.8% in 2005-06 to 37.9% in 2006-07, it still remains below the national average of 43.8%. Ineffective trials have improved from 27% to 24.2% over the same period but are not as good as the national average of 18.9%. The vacated trial rate has worsened from 17.3% in 2005-06 to 24.5% in 2006-07, although in some cases this is as a result of more proactivity by the CPS.
- The Area monitors ineffective trials and has identified that there are discrepancies in the reasons for ineffective trials on the forms produced by the court. The Area lawyers rarely endorse or sign the forms. Proposals are in hand that all relevant parties should agree the reasons and sign the forms at court (as per the national agreement) – when implemented, this should improve the integrity of the data. The reasons for ineffective trials are forwarded to DCPs and these are discussed at monthly meetings with the Chief Crown Prosecutor (CCP). There are some multi-agency meetings that jointly analyse the reasons for ineffective trials, but they are not fully effective. The Area has addressed the issue of non-attendance of police witnesses but needs to address the other main reasons for ineffective trials.
- CJSSS is to be rolled-out later in the year. The Area has already commenced the early provision of advance disclosure to the court and early indications are that there has been an increase in the number of guilty pleas at first hearing, although it is too early to assess progress fully. It is hoped that CJSSS will improve timeliness of plea to trial times and charge to finalisation times. No Area-wide agreement has yet been reached in relation to the level of police file build at pre-charge stage and this could be a major issue for the Area in light of previous police reluctance to improve file build at pre-charge stage.
- There is a specialist youth team led by a DCP who disseminates relevant information to staff on a regular basis and represents the Area at monthly meetings on youth related issues. Timeliness targets are met on youth guilty pleas in 92% of cases and for youth trials in 97% of cases, both above the national average.
- The rate for recording of reviews on CMS (43.7%) has improved but is still below the national average for magistrates' courts full file reviews (the second lowest nationally). The timeliness of recording hearing outcomes and finalisations also needs to be improved. The Area is reviewing its administration systems and seeking to improve lawyers' IT usage to address these issues. Reality checks showed that the task lists need to be managed more effectively.
- Unit business managers, the performance officer and some of the Area champions and specialists use some CMS reports to monitor different aspects of performance and casework.

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

3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals	13.1%	12.3%
Judge directed acquittals	1.4%	1.0%
Acquittals after trial	6.5%	4.5%
Warrants	1.3%	1.4%
Overall conviction rate	77.7%	80.8%

- The quality of review and decision-making is generally good. The rate of successful outcomes in the Crown Court for 2006-07 was 80.8% which was significantly better than the national average of 77.7% and the general trend since 2005-06 is one of improvement.
- The judge ordered acquittals (discontinuance) rate in 2006-07 was 12.3% which was better than the national average and shows an improvement on the Area rate in 2005-06 when the figure was 13.3%. Other unsuccessful outcomes rates are generally better than national figures.
- Historically, Area policy required DCPs' authorisation to discontinue cases which had been the subject of pre-charge decision-making. This proved problematic, involving delays at court in some cases and the Area has now relaxed this requirement. HCAs endeavour to obtain the necessary authority, however, they discontinue appropriate cases when this proves impractical.
- Adverse outcome forms are prepared in appropriate cases and DCPs submit adverse outcome reports which are circulated to the CCP and other DCPs. These reports are analysed at monthly senior management team meetings and there is discussion of issues and trends at quarterly management team meetings. The majority of unsuccessful outcomes are due to unwilling witnesses and the Area is tackling this by heightening lawyers' awareness of the need to consider witness issues at the pre-charge stage.
- The DCP analysis of unsuccessful outcomes is circulated to the prosecutors in the team and lessons learnt are discussed. Issues relating to the performance of individual prosecutors arising from the monthly analysis and from CQA checks are discussed at one-to-one meetings where appropriate.
- Copies of the analysis of unsuccessful outcomes are also provided to the police at PTPM meetings, and additional joint work may be undertaken on specific cases.

- In relation to the Proceeds of Crime Act (POCA) the Area under performed in 2006-07, achieving 82 confiscation orders against a target of 87. The combined value of the orders was £1,180,019 against a target of £1,741,116. The Area needs to consider ways of increasing the value of orders made and this will inevitably include the raising of awareness with charging lawyers and police colleagues. It is currently considering a joint approach to the issue with the police and the courts at both Area and Local Criminal Justice Board (LCJB) levels. It has worked effectively with other agencies in drafting an Action Delivery Plan.
- A POCA Champion has been appointed and is the dedicated point of contact for advice on confiscation and enforcement queries. The Area has recently completed its training on the new MG17 form that places a shared duty on the police and the CPS to identify POCA issues.

3B Effective case management and decision-making enables cases to progress at each court appearance

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	46.2%
Cracked trial rate	39.5%	44.5%
Ineffective trial rate	12.4%	9.3%

- Where possible Crown Court cases are allocated to the prosecutor providing pre-charge advice. There are different arrangements for allocation of sensitive, serious and complex cases, which are discussed elsewhere in this report.
- The Area monitors the quality and timeliness of continuing review of Crown Court files by dip-sampling and through the CQA scheme, although checks were not sufficiently robust for much of the year.
- Our reality checks of Crown Court files show that review takes place in accordance with the Code for Crown Prosecutors although direct reference to the specific Code tests is sometimes missing. For those cases in our check, full file reviews were recorded on CMS; however national data suggests that there is scope to improve recording of reviews.
- Case progression systems are in place internally, and weekly case progression meetings with criminal justice partners are held to discuss specific cases in the warned list. Trial readiness forms are submitted 19 days before trial and those seen in the reality checks were completed thoroughly, although timely completion of the forms was an issue earlier in the year. There is also evidence of non-compliance with court orders, although this is sometimes attributable to delays obtaining information from the police. The Area understands that it needs to improve the management of this aspect of case progression.
- Performance in respect of vacated trials rates has been poor in recent months and concern was expressed by the Crown Court. The Area undertook detailed analysis of vacated trials which identified issues in respect of witness information and civilian witnesses' availability. It continues to monitor performance for vacated trials and reports that rates are improving.

- Our reality check showed that communications between caseworkers and the reviewing lawyer are usually evident on the file, and it is clear that they operate well together to ensure that appropriate and timely actions are carried out. The average Crown Court case takes 2.3 hearings to final disposal against 2.7 nationally.
- The Area monitors the progress of youth cases through inter-agency tracker meetings. There are a limited number of youth cases in the Crown Court and PYO timeliness is very good.
- The effective trial rate in the Crown Court for 2006-07 at 46.2% was worse than the national average of 48.2%. The ineffective trial rate at 9.3% was significantly better than the national average of 12.4%. The cracked trial rate, however, was 44.5%, which was worse than nationally (39.5%). The Area has implemented measures to address this, including the use of an additional designated CPO to enable more proactive management of cases.
- Area performance in respect of cracked and ineffective trials is discussed with other criminal justice agencies at the LCJB Performance Board and at sub-group level. Divisional issues are fed down to the local joint performance management meetings. There is some evidence that data and any lessons learnt are available to CPS staff through the quarterly unit performance reports. However, the quality and consistency of the analysis needs to be developed.
- The use of CMS has improved since the last OPA when staff were not recording key events in cases, particularly for review. In 2006-07 62.9% of Crown Court reviews were recorded on CMS against the 90% target. Considerable improvement was seen over the year which started with a low 30.1% in April 2006 and achieved 82.4% in March 2007. However, more remains to be done if the target is to be achieved consistently.

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

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

- Reality checks showed that there continues to be a significant number of ineffective PTRs in the magistrates' courts, often due to the late service of trial documentation by the CPS. Aspect 2 outlines some of the issues that contribute to this problem.
- The Area serves advance information promptly on the court and defence before the first hearing. In magistrates' courts cases 82% of guilty plea cases are dealt with within 59 days of the charging decision being made. This is lower than the national average of 85%. Overall, the average magistrates' courts case takes 1.82 adjournments against 1.71 nationally. There is no monitoring scheme to assess the number of adjournments in each case, although the level of ineffective trials and the ratio of case finalisations to receipts are used as proxy measures. There is no evidence of any in-depth analysis of case progression or evidence that performance improved significantly in 2006-07 in the magistrates' courts.
- The Area has recently initiated pre-court case progression meetings in the magistrates' courts. These start half an hour before the official court start time and involve the prosecutor, defence and the court clerk. They are intended to iron out any problems and to ensure swifter case progression.
- It has been the practice that prosecutors would sometimes need to refer to a colleague, rather than make a decision themselves in court. This disrupts the progress of the case and was the source of frustration to court staff. The Area has issued its advocates with instructions relating to proactivity in progressing cases. The courts are also taking measures to ensure that their staff are robust.
- Magistrates' courts provide their lists well in advance which allows for early preparation of rotas and ensures suitable prosecutors are placed in each court. There is no formal protocol with the magistrates in respect of listing or the movement of files and there are a number of court changes and closures during the week. The Area provides an administrator in the City Magistrates' Court to complete a number of tasks including the smooth transfer of work between the courts.
- Papers are generally provided to in-house prosecutors in good time. The timeliness of instructions to counsel is monitored and the Area is achieving 93.3% of the timeliness target against 78.7% nationally. The quality of instructions is monitored by CQA and reality checks confirmed they were generally good, although information on acceptability of pleas can be improved.
- The Area has increased the number of plea and case management hearings (PCMHS) covered by HCAs who are able to make prompt decisions whilst present in court. Reality checks suggest that cases proceed more promptly in the Crown Court where PCMHS are normally effective.
- The advocacy of DCWs and new lawyers is monitored by the DCPs at least twice each year. DCPs visit court rooms on an ad hoc basis to monitor experienced lawyers and feedback is sought from the Deputy Clerk and the District Judge as to their performance. The feedback has generally been good and isolated examples of negative feedback have led to remedial action.

- The standard of counsel and agents is monitored through feedback from lawyers and caseworkers. The Area regularly liaises with the two main chambers in Nottingham to discuss performance, listing, returns and the completion of Bar Standard forms. The HCA manager allocates cases based on experience, workload and advocacy skills.
- The Area has been involved in discussion over magistrates' courts listing issues through the quarterly strategic meeting with the Justice's Clerk. This has resulted in an 11% reduction in lawyer courts and an increase in DCW courts. The CPS attends weekly case progression meetings with the Crown Court.
- The CCP asks for a report on any wasted costs orders and an Area log is maintained. Six wasted costs orders have been made in 2006-07 to the value of £2,942 (this includes one case from December 2006 not paid until April 2007). During 2007-08, four orders have already been made to a value of £1,325; there are no specific trends with orders being granted in either the magistrates' courts or the Crown Court.

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

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

- There are effective arrangements to ensure that sensitive cases are reviewed by prosecutors with appropriate skills and knowledge and the standard of decision-making is high. The Area has created a virtual public protection team (PPT) across the four units. The PPT's remit is wide including child, internet and vulnerable adult abuses and disability hate crime. This is a positive step and has improved the handling of these difficult cases, including an increase in the issuance of Public Protection Orders. Serious and complex cases, including murder and human trafficking are referred to the serious and complex case work unit.
- At the charging stage, hate crimes and sensitive cases (other than serious and complex or PPT casework) are generally advised upon by duty prosecutors, who have access to specialists when appropriate. There is a cradle-to-grave policy that aims where possible to enable duty prosecutors to conduct continuing review and advocacy. Regular charging advice surgeries are held by the PPT and youth specialist prosecutors for child abuse and youth cases. The Area has given the police details for out-of-hours assistance for cases which are exceptionally serious and sensitive. There are local protocols for handling road traffic cases which involve a fatality and for dealing with third party disclosure in child abuse cases.
- The Area has restructured into combined units resulting in the transfer of responsibility for sensitive cases to DCPs who were unfamiliar with Crown Court casework. In order to monitor the progress of these cases, the Area's case management panel has extended its remit to include monthly reviews of all serious and sensitive casework throughout the Area.
- The standard of review and handling in sensitive cases is monitored using CQA. In addition, DCPs review all failed cases and sensitive and hate crimes are consistently logged and monitored. Data on the outcomes of hate crime cases is monitored through the performance management system with full analysis of those where a reduction or change of charge, or agreed basis of plea, reduces or removes the hate element of the offence.
- The Area maintains a media log ensuring effective handling of cases of local concern and engagement with the media. Policy is to initiate and maintain contact with the media rather than adopt a reactive approach and to ensure that there is co-ordinated engagement with the media when other criminal justice agencies are involved.
- The Area undertakes checks to ensure that some sensitive cases are identified on CMS. Reality checks showed a total of 15 out of relevant 17 cases (88.2%) being flagged with appropriate sensitive case flags. We noted that flagging of cases involving identified victims was less consistent with 19 out of 25 marked up correctly.

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

- In our reality check we examined four sensitive Crown Court cases and found the standard of review and case handling was high. Care and sensitivity had been exercised in the decision-making at the pre-charge advice stage and at subsequent reviews. There has been rigorous analysis identifying outstanding evidence to strengthen the case and early consideration of unused material.
- Prosecutors have applied CPS policy and guidance appropriately, obtaining more support for the victim including special measures. Policy and guidance on sensitive cases is circulated to staff in the Area's legal bulletin, disseminated in team meetings and, where appropriate, training is delivered. Mechanisms are in place to ensure that practice is consistent with CPS policies and HMCPSI thematic reviews, for example, written reports are now required from counsel in all rape acquittals.
- Champions and specialists have been appointed for the various categories of sensitive cases, including forced marriage, internet abuse and vice. They provide assistance and guidance to other prosecutors and caseworkers and engage with community groups representing their specialism, meeting regularly with groups such as Women's Aid and the Multi-Agency Public Protection Arrangements (MAPPA) project.
- Although there are regular casework reviews and a strong focus on inter-agency working and witness care, performance in hate crimes has been hampered by witness issues. In 2006-07 the overall level of unsuccessful outcomes for hate crimes has improved, but is still worse than the national average (Nottinghamshire has improved by 2.6% but nationally performance has improved by 5.2%). Domestic violence cases receive significant attention and a specialist domestic violence court is operating. Although performance in domestic violence cases has improved by more than 5% in 2006-07 it is still well below the national rate. There is confusion for some duty prosecutors between Code tests and CPS policy, resulting in some cases being charged incorrectly.
- Safeguarding children is an aspect of casework which the Area has been keen to develop. Reference to this work is contained both in the business plan and other supporting plans. The Area has established strong links with the Safeguarding Children Board. Although the CPS is not a statutory member of this Board, the PPT lead on safeguarding children attends a number of associated meetings and monitors Area compliance with policy in this important aspect of work.

6 DISCLOSURE	OPA 2005	OPA 2007	Direction of travel
	Poor	Fair	Improved

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

- Disclosure performance was the Area's main weakness at the last OPA when six aspects for improvement were identified. Substantial work has been undertaken since then including a number of measures to ensure that prosecutors have the requisite knowledge and skills to comply with their obligations under the Criminal Procedure and Investigations Act and to improve performance. A significant amount of training and education has taken place for CPS and police staff that should result in further improvements.
- The Area has produced a policy document setting out disclosure standards. Compliance with disclosure is assessed in a variety of ways, including monitoring of dropped cases (which includes an assessment of compliance with disclosure obligations) and review and analysis of vacated or ineffective trials due to disclosure issues. Any trends or issues are fed back to individuals, teams and to the Area management team for action to be taken.
- In October 2006 the Area undertook a disclosure audit in order to establish the level of performance. Twenty-four files were examined. The findings showed compliance with initial disclosure in the magistrates' courts was 67% (compared to 64.7% at the 2005 OPA). In the Crown Court the rate for initial disclosure was 87% (compared to 55%), and for secondary/continuing disclosure was 67% (against 25%). File housekeeping had improved considerably, however, late receipt of disclosure documents from the police in magistrates' courts cases was an issue and has contributed to the lack of preparedness at PTRs. Non-compliance in the Crown Court centred on the lack of review and chase up with the police once a defence statement had been received and only 50% of Crown Court cases had a completed disclosure record sheet (DRS) providing a full audit trail.
- Monitoring of disclosure compliance occurs through CQA. The latest figures indicated that the handling of disclosure was correct in 90.9% of cases. The Area acknowledges that the CQA monitoring in respect of disclosure has overstated its performance during 2006.
- Our own reality check of recent files indicated that all five Crown court cases were handled properly, as were three of the four relevant cases in the magistrates' courts. However in all four magistrates' courts cases timeliness was an issue and the Area was not ready for the PTR due to late service of disclosure. This should not be the case as the joint disclosure standard states the position in respect of automatic revelation and outlines what prosecutors should have access to at the charging centres. The Area needs to ensure that it is capturing such issues and feeding them into any analysis of charging and file quality.
- Where defence statements are received they are sent promptly to the police for consideration, although there is not always an effective follow-up system when a timely response is not received. The Area needs to ensure that systems are revised for the timely response to defence statements in the Crown Court.

- The Area audit and our reality check identified the inconsistent use of the DRS. File housekeeping had improved, with the separation of the disclosure material from the main body of the paperwork; however, in the magistrates' courts files there was room for further improvement. In contrast, Crown Court files were orderly. The standard of police schedules and the descriptors of items scheduled were generally good and the Area reports that prosecutors more readily challenge the standard of police schedules and defence case statements. Prosecutors' endorsements on schedules were in accordance with the Disclosure Manual.
- Sensitive material schedules are stored in the disclosure folder and all prosecutors and caseworkers have been trained in handling such material. More confidential material is generally considered during meetings with the police. Arrangements are in place to store sensitive material securely. Public interest immunity applications have to be referred to a DCP for prior approval and are logged in each unit. Our reality check showed that sensitive material was handled satisfactorily in all relevant files.
- The CPS works closely with the police and local authority in compliance with the third party protocol responding appropriately to issues arising and ensuring that the protocol is the subject of regular reviews. Our reality check confirmed that prosecutors involved in public protection casework identified potential third party material considerations at the pre-charge advice stage and were proactive in progressing cases in accordance with the protocol.
- The Area has had discussions with the Crown Court regarding the disclosure protocol. HCAs and counsel are instructed to ensure compliance with the protocol in all cases, and to resist any requests for inappropriate disclosure. Any issues relating to non-compliance are raised at case progression meetings.
- Since October 2006 the Disclosure Champion has initiated and managed a training programme for all lawyers and caseworkers. He has delivered briefings at team meetings, advising on the completion of the DRS and disseminating lessons learnt. He provides advice and guidance to colleagues and there is regular and effective liaison between him and the police. For example, the champion has advised the police and had input into their internal matters, such as text handling and guidance on covert intelligence sources, to ensure that they reflect good practice on disclosure. In addition, the champion undertakes a quality assurance role.

7 CUSTODY TIME LIMITS	OPA 2005	OPA 2007	Direction of travel
	Fair	Excellent	Improved

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

- The local written CTL standard complies with national guidance. It is regularly reviewed and updated when appropriate. Following a failure in 2005-06 the Area undertook a complete review of its CTL processes and systems and refresher training was provided to all staff during 2006-07. There were no failures in 2006-07 or the current year. The last full revision took place in July 2006 following the Area restructure. Any changes are circulated to staff and implementation of change is monitored through the CTL quarterly audits. The standard is available to all staff as desk instructions. Daily checks are carried out by use of both CMS and the CTL diaries and this is confirmed by reality checks.
- The Area introduced formal internal quarterly audits for each unit in April 2006. The audit documents are discussed by the CCP and Area Business Manager (ABM) at the quarterly unit reviews. Lessons learned from the audits and improvements to be made are fed back to each unit at team meetings. Any poor file endorsements by lawyers are referred to the relevant DCP and these are raised with individuals as a performance issue. Reality checks confirmed that the level of lawyer file endorsement is good.
- The Area is satisfied that all appropriate staff have been trained in both the local standard and the relevant law. A legal and administration CTL Champion are both in post and they ensure that all developments relating to law and procedure are passed on to staff. Each team also has a lawyer and administration champion in place. All new staff receive mandatory CTL training.
- The quarterly audits are quality assured through an Area Secretariat quarterly review of CTLs. This is done by dip-sampling a number of files from each unit. As a result of these a further review of the CTL files took place in November 2006. The reality checks conducted by inspectors showed consistently good practice. Although there is no multi-agency protocol between the Area and the Court Service, reality checks clearly show that expiry dates are agreed in both the Crown and the magistrates' courts and endorsed on the file by lawyers. The Crown Court also notify the CPS in writing 14 days before a Crown Court CTL is due to expire.
- There is an effective system in place for dealing with review of CTLs and applications for extensions. Relevant individuals have clear objectives with regard to the management of CTLs and it is listed as a priority for all units in their business plans.

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

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

- Staff understand the importance of the service provided to victims and witnesses and are trained in the requirements of the Prosecutors' Pledge and the Victims' Code. Systems are in place to monitor compliance to most aspects of these commitments. However, the level of service provided has been inconsistent.
- At the previous OPA the provision and timeliness of Direct Communication with Victims' (DCV) letters was inconsistent across the units and in 2005-06 the timeliness of letters was 58%, which was significantly worse than the national average of 65%. Performance improved in 2006-07 with 70% of DCV letters being sent within five days, however, the rate remains worse than the national average of 73%. Performance against the proxy target for the number of letters sent is 58.3% for the rolling quarter to March 2007 compared to national performance of 73.8%.
- The CCP and the ABM monitor DCV quality, taking a sample of ten letters prior to quarterly reviews. The recent HMCPSI audit of the DCV scheme found the overall quality of the Area's letters was satisfactory; however, there was no system to ensure that cases involving vulnerable and intimidated witnesses were recorded as such and prioritised.
- The Area is working to ensure that the needs of victims and witnesses are met. Police officers discuss any special needs requirements with individual witnesses when they make a statement and Victim Personal Statements are obtained. Our reality checks indicated that duty prosecutors take these into account along with impact of the decision upon the victim when the charging decision is made, and this is generally evidenced on MG3s when appropriate. Applications for special measures are generally made in appropriate cases, however, they are not always timely.
- Performance for the timely provision of witness warning forms (lists of witnesses attending court known as LWACs) was inconsistent prior to when Nottinghamshire 'went live' in December 2006 supplying LWACs to the Witness Care Units (WCUs) and Witness Service electronically, following a successful pilot. This change has brought about a significant improvement in performance for the supply of LWACs within five days of the PTR from 67% in September 2006 to 95% in March 2007 for magistrates' courts cases and 92% for Crown Court cases. Witness warning procedures are now generally effective and pre-trial checks are carried out in magistrates' courts cases by CPOs and by caseworkers for the Crown Court.
- Witness needs are identified using initial and full needs assessments by WCU officers. However, full assessments have not been undertaken on all victims due mainly to the heavy caseloads carried by WCU officers, which has resulted in the prioritisation of vulnerable and intimidated victims. Other examples of the impact of heavy caseloads include cases where victims have been informed of key hearings only and notification of results has not always been timely.

- The amount of time witnesses spend waiting at court is variable. In the magistrates' courts, the percentage waiting less than an hour has improved, but the overall average time has worsened. In the Crown Court, the percentage waiting less than two hours has deteriorated, but overall average time has improved.
- Caseworkers are aware of their duties in respect of witness care at court. The Area reports that prosecutors attend court in good time to liaise with the Witness Service and meet with witnesses to outline court procedures. The Area seeks feedback from other agencies on witness care at court and our checks with external organisations showed that there was general satisfaction with the treatment of victims and witnesses, and the CPS's approach to this.

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

- There are three co-located WCUs that are managed by the police. The Area is not yet meeting all the minimum requirements, although the majority are being met and progress is being made against those outstanding. Whilst the service provided for vulnerable and intimidated witnesses is well managed, high caseloads for WCU officers present significant challenges in respect of volume casework.
- Relationships within the WCUs are improving, although there have been rubbing points in the past about information flow and availability. Prosecutors have recently gained access to the electronic contact log which is maintained by WCU officers and this has served to improve information flows.
- The LCJB Victim and Witness sub-group has produced protocols to support processes and ensure that all agencies are clear about their roles and responsibilities. There are special arrangements within these protocols enabling vulnerable and intimidated witnesses to obtain entrance to the court house.
- The Area has been proactive in monitoring performance producing monthly reports which focus on strategic targets and support systems within agencies, for example, timeliness of LWACs. There is joint working and analysis of performance at LCJB meetings and sub-group level where cracked and ineffective trials are discussed. A 'traffic light' summary is produced quarterly against a wide range of targets and objectives. The WCU manager provides a useful analysis of the effect of witness issues on cracked and ineffective cases. The units produce a monthly log of cases where witnesses fail to attend. These are analysed and appropriate action is identified to improve witness attendance.
- The proportion of ineffective trials (6.1%) due to witness issues is significantly worse than nationally (3.2%) in the magistrates' courts and slightly worse in the Crown Court. The proportion of cracked trials due to witness issues is also worse than the national average in both courts. Unsuccessful outcomes on cases with traditionally high witness attrition rates, such as domestic violence, have been falling; however they are still worse than the level national average.

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

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

- Senior managers set clear high level priorities as to what they wanted to achieve in 2006-07, although it is not always clear at the detailed level how they will achieve their goals. Three of the priorities (restructure, advocacy strategy and budget compliance) were closely linked. The Area also decided to focus strongly on the most serious and sensitive casework. Progress has been made against all of these themes, although in the short term the implementation of these initiatives has had an adverse impact on other types of work, particularly the quality of magistrates' courts casework. Insufficient attention was paid to charging, magistrates' courts case progression and the DCV scheme.
- There is a comprehensive Area business plan that has been praised by CPS Headquarters. It allocates responsibility and milestones for delivery, although it could be more focused on priority issues. Most aspects are satisfactory although there is a small amount of duplication and some measures of success and milestones could be clearer. The level of milestones and objectives does not assist review. Formal reviews of the plan are not evident save for a partial assessment in the November senior management team (SMT) meeting. Managers informed us that they do review progress as part of their quarterly performance review and in monthly meetings with the CCP. Whilst it is clear that some of the headline objectives are discussed, inspectors were not assured that this gives a satisfactory level of review.
- DCPs have drawn up unit plans following the production of the Area business plan, which in 2006-07 was written by the ABM with minimal input from staff due to the focus on the restructure during the planning period. This process has been revised in 2007-08 and is now more inclusive. Unit plans do not follow the same structure as the Area plan and are based around the 15 measures from the national Area Performance Review system. They are based on a standard template with very little unit-specific action, which considering the difference between a city, youth and county team, is a little surprising. Whilst there is some alignment between Area, unit and individual priorities and objectives, a more integrated approach is likely to produce more consistent delivery of objectives. There was limited evidence of effective review.
- The Area has taken an active role in strategic planning with criminal justice partners. Most significant initiatives are planned using national templates and generally list important milestones. It is less clear how the milestones will be achieved and commitment in plans does not always lead to successful implementation. This is affected by all the agencies involved. Work is ongoing in planning for implementation of Conditional Cautioning and CJSSS. Unless the agencies can resolve the current issues around charging and case progression, the CJSSS project is likely to be at risk. CPS managers believe that there has been a change of approach to joint working, particularly by the police, and this has given rise to increased optimism about future initiatives.

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

- Partner agencies expressed some concern at the ability of the CPS to translate plans into consistent delivery and improved results.
- The Area has had a mixed year in terms of implementing and progressing initiatives. Success was achieved in the implementation of projects such as the restructure and advocacy strategy. These have made a positive contribution to budget compliance which was another priority. In addition the implementation of the Community Justice initiative was a good example of successful joint working. In 2007-08 additional funding has been granted to alleviate the backlog of trials in the magistrates' courts and the early signs are that progress is being made. However, some national initiatives, namely statutory charging, NWNJ and general case progression have not progressed well and are in need of urgent attention.
- The SMT acts as an informal change management board overseeing progress on major initiatives, although the outcomes for some projects suggest that the oversight is not fully effective. Champions and project leads are expected to update colleagues on progress on a regular basis – some updates were good whereas others were of limited value. The Area has benefited from significant levels of assistance from CPS Headquarters Business Development Directorate in developing the restructure project plan and business case.
- For the most part there are good links between training and projects and priorities. Some delays occurred in the provision of training for those taking on Crown Court casework for the first time following the restructure. It is not clear whether the impact of charging and the advocacy strategy on case review and progression were fully appreciated. Joint training was delivered effectively with the police in respect of POCA, PYOs, disclosure and serious/sensitive casework.
- There is a need to improve the process of reviewing major initiatives. In some instances this may simply be a matter of better record keeping, whereas in others there is a need to ensure that the causes of under performance are clear and to identify more effective remedial actions. Too many priority national initiatives have yet to deliver the expected benefits.
- Risk management was weak in 2006-07 but has been improved this year following feedback from CPS Headquarters. There is still a need to consider whether risks for statutory charging and victim and witness issues are adequately covered.

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

- The Area demonstrates a strong commitment to developing its staff and had a comprehensive training plan outlining the priorities for 2006-07. There is good evidence of links between objectives in plans and training activity. There is a senior lawyer who devotes the majority of her time to training and development. The Area has a balanced approach to training and uses desk side training, coaching, mentoring and job-shadowing as means of developing individuals. The recent Investors in People assessment was positive with regard to training activity.
- There is limited reference to diversity training in the plans or records of training undertaken, although this may be due to lapses in record keeping.

- We were satisfied that appropriate systems are in place to ensure equality of access to training. Multiple courses have been held on occasion to enable all relevant staff to attend.
- All prosecutors have received their Proactive Prosecutor Programme basic training and plans are in place for the advanced course. A large number of staff undertook bad character and hearsay training throughout 2006-07; this is later than most CPS Areas. Other mandatory training such as induction has been delivered, although again the record keeping of training activity could be improved.
- The Area uses a variety of means to assess the effectiveness of training. The type of assessment or the measure of success is often detailed against the individual subjects in the training plan. This includes assessment of performance outcomes, use of standard management checks in some categories and formal regular 'audits' for others.

10 MANAGING RESOURCES	OPA 2005	OPA 2007	Direction of travel
	Fair	Good	Improved

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

- Nottinghamshire has remained within its non ring-fenced running costs (NRFRC) budget for each of the last two financial years. They have been assisted to some extent by significant underpins from CPS Headquarters over a three year period. In 2005-06 they spent 99.6% of their budget and in 2006-07 the figure was 98.8%.
- Area managers have been conscious of the need to develop value for money principles, not least of which because of their declining share of national budget allocation. The restructure and advocacy strategy have been implemented with value for money through better staff deployment as key aims.
- The budget is controlled by the Area Secretariat, although DCPs contribute through controls of agent expenditure. Overall, the budget controls are satisfactory, although there are elements that can be improved, particularly with regard to forecasting and audit trails. An oversight with regard to income from the LCJB towards the end of the year meant that the budget forecast was adrift by approximately £35,000 resulting in a larger than anticipated underspend.
- The Area recognised that controls of prosecution costs could be better and improvements were made in the second half of the year. A temporary backlog was cleared and new forms and processes were introduced. Timeliness of payments of fees is better than the national average. £150,000 was returned to Headquarters, as by the time of the mid-year review the Area realised that all funds would not be required. At the end of the year Nottinghamshire was 1.6% overspent which would place them in the upper quartile of national performance.
- Additional funding has been used for NWNJ to recruit additional staff. Delays in allocation of the budget impacted on recruitment and meant that not all the money was utilised and the Area properly returned the excess to Headquarters towards the end of the year. There is no evidence that performance has improved as a direct result of the additional funding. In 2007-08, extra funds to prepare for the CJSSS initiative have been used to reduce significantly the backlog of trials.

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

- The Area has restructured since the last OPA. There are now combined geographical units with specialist youth and complex case teams. There is also a small dedicated HCA unit which has grown throughout the year. This has led to a reduction in line manager roles and staff have been redeployed into specialist functions. The business managers keep individual unit staffing under review, taking account of caseload and absence to determine appropriate levels. The restructure has facilitated implementation of the Area advocacy strategy and streamlined the number of managers involved in meetings. Senior managers are confident that the restructure gives the right foundation from which Nottinghamshire can develop, although they also recognise that the effort devoted to the project will have impacted on performance in the short term.

- The level of in-house court coverage in 2006-07 has been increased and all prosecutors and DCWs are expected to cover at least six sessions per week (including charging sessions for lawyers). This was confirmed, with lawyer deployment in the magistrates' courts being better than the national average. As a result, agent usage in the magistrates' courts was almost halved (down to 11.8%). The reduction in agent usage was also assisted by negotiated reductions in the total number of sessions and an increase in the number of DCWs.
- Over the year the Area averaged 8.6 DCWs in post and between them they covered 1,680 half day sessions, representing 18.6% of the total. This is a significant improvement on the previous year and was the sixth highest of the 42 CPS Areas. The DCWs were not deployed to full capacity during 2006-07 and were undertaking additional tasks in their 'spare' time in the early part of the year. However, the percentage of courts covered increased throughout the year and reached 23.1% by the fourth quarter. The Area has set a target of 25% coverage for 2007-08 and is well positioned to achieve this. In some courts outside the city it is still the practice to deploy a prosecutor and a DCW at the same time, albeit the prosecutor takes additional work to be done in the time when they are not needed in court.
- HCAs have been used increasingly throughout the year. A dedicated unit was set up and has grown from two to four staff during 2006-07. They are assisted by others who are not part of the specialist unit but are qualified HCAs. Those in the core team concentrate more on contested hearings, whereas the others undertake the less complex work. During 2006-07 565 HCA sessions were covered, generating counsel fee savings of £167,361 – this is well above the target saving of £86,987. The Area has recognised that there is scope to improve the value for money aspect of sessions and greater efforts are now being made to target the most effective range of hearings. HCAs were involved in trials for more than 50 defendants in 2006-07, almost all of which were in the second half of the year.
- Whilst sick absence continues to reduce, the level (nine days per member of staff) is still higher than the national average (8.5 days) and target (7.5 days). More than half of the days lost are due to long term sickness. Procedures have recently been amended to reinforce and tighten controls. The Area has some concerns over the integrity of the data and has held recent discussions with CPS Headquarters on this matter.
- The Area adopts a constructive approach to flexible working practices, understanding the requirement to balance the needs of the individual with those of the organisation. A variety of different work patterns are supported including compressed hours and school term time working.

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

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

- The Area produces a comprehensive performance pack that includes data at unit and national level across a wide range of measures. Whilst there is evidence of discussion at SMT meetings on performance, the level of consideration varies considerably from month to month. The presence of the performance manager appeared to be the catalyst for more meaningful discussion. Much of the data is available on a rolling basis allowing for trending of performance. Good use is made of the Management Information System.
- There are quarterly meetings between the CCP and DCPs at which unit performance is discussed. Units should complete a template indicating performance against agreed measures with some analysis/commentary of key issues. Whilst more recent reports are better, there is some variance with regard to the level and quality of analysis evidenced. There is also an inconsistent approach to the level of analysis and discussion on performance at unit meetings.
- Responsibilities for operational effectiveness are defined in various documents and DCPs are aware of what is expected of them. The roles have developed since the changes introduced as part of the restructure, and managers are becoming more familiar with performance data. The performance manager and unit business managers play an important supporting role in the collation and analysis of data.
- There is scope to improve the effectiveness of remedial actions to improve performance where appropriate. Whilst management of custody time limits and disclosure are examples where changes have led to some improvements in 2006-07, there are other instances where performance has not yet improved to the desired level. There was limited evidence of analysis to identify the root cause of some problems and this reduces the likelihood of the best solution being found.
- There are checks in place to monitor some aspects of data entry. On a monthly basis units are provided with a list of adverse cases to ensure that the correct finalisation code has been utilised. There are additional checks on flagging of some specific cases on CMS, although the Area has recognised that more could be done in this area. A selection of files is regularly checked for accuracy and completeness of endorsements.
- There are some good links between Area priorities and objectives in individuals' personal development plans. Custody time limits and disclosure are examples where alignment between personal, team and Area objectives has contributed towards improvements (both have been rated higher than in the previous OPA).

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

- CPS managers are actively involved in joint performance activity, although the effectiveness of some of the multi-agency groups is variable. DCPs participate in PTPM meetings with the police, but there is recognition from both organisations that the understanding of the data needs to be improved to make meetings more effective. A multi-agency team has been introduced to look specifically at administrative issues; this is a sound concept that should bring benefits in the future. Some good work on domestic violence cases has yet to reap the rewards in terms of the level of successful outcomes.
- There is some inter-agency work on cracked, ineffective and vacated trials, although more needs to be done and the integrity of the data needs to be improved. The CPS provides performance information to the police for PTPM meetings including details of unsuccessful outcomes. There is evidence of analysis and review of individual cases but less work on trends and recurring themes. There is no system to formally review the quality or timeliness of police files, which in the absence of the appropriate charging gatekeepers represents a risk.
- Most of the major joint initiatives of the past few years are producing disappointing results in Nottinghamshire, particularly in respect of magistrates' courts cases. Pre-charge decision-making, NWNJ and the Effective Trial Management Programme all need to produce better results. A priority must be given to improving charging as this has a knock-on effect for case progression and witness issues.

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

- Compliance with the CQA scheme in terms of volume has improved since the last assessment although there has still been some inconsistency. It was noticeably better in the second half of the year, partly due to adjustments as to the number of qualifying staff.
- The Area recognised that the judgements on files examined by managers were not sufficiently robust and some work has been undertaken to improve the quality of the assessments. The head of the complex case unit conducts a regular audit check to identify any shortcomings in application of the scheme. This should lead to greater consistency, and hopefully such checks should not be needed in the future. Current CQA forms viewed by inspectors indicated that some progress is being made.
- The head of the complex case unit meets with DCPs prior to SMT meetings to discuss the findings at unit and Area level, although inspectors saw no evidence of the wider dissemination of any key findings. Managers are expected to feedback to individuals on a case-by-case basis.
- Area policy is that advocacy monitoring is restricted to designated caseworkers and new prosecutors on a risk-based approach. Newer HCAs are also observed at the outset. The formal monitoring is supplemented by feedback from other court users. There was evidence of targeted monitoring following external feedback that led to some remedial training.

12 LEADERSHIP	OPA 2005	OPA 2007	Direction of travel
	Good	Good	Stable

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

- The Area has published its own vision and values in a variety of documents including Area and unit business plans. This has been supplemented by documents outlining expected behaviours of staff and managers which have been circulated to all staff. Following the Area management conference in September 2006 a staff update was issued which pulled together a number of strands of work relating to values, behaviour and expectations.
- Managers are increasingly aware of what is expected of them, both in respect of individual and corporate responsibilities. This is achieved through regular individual and unit performance reviews in addition to awareness of the documents mentioned above. There are examples of managers implementing policies that are not universally popular, but that have been agreed by the senior management team. Whilst there are examples of managers adopting a corporate approach, for example in distribution of staff, there are also examples where more could be done to promote an Area-wide approach. There was evidence of variable degrees of support for the formal staff recognition scheme, and there is scope for more consistent working practices across the units.
- The Area has responded to criticism in staff surveys and a mock Investors in People assessment in respect of communication. Efforts have been made to improve relationships between staff and managers and the recent IIP assessment in February 2007 indicates that progress has been made. The CCP has job shadowed a number of roles in recent months and lunch time meetings with small groups of staff are planned for 2007-08. A customer care group has been formed to address the findings of the staff survey.
- Team meetings have been held more frequently in recent months following a lapse in the earlier parts of the year. There is inconsistency of approach in terms of content, style and record keeping. Some appeared consultative with discussion on a variety of topics whereas others were more in the style of a team brief based mainly on 'downward' communication. Some showed agreed actions that could be monitored, but others did not. The Area is moving away from minute taking and prefers now to keep action notes from meetings. The Area issues a variety of regular news bulletins including Area Update, Fortnightly Focus and the legal bulletin. These contain a mixture of legal, business and social articles. An analysis of managers' attendance at various internal and multi-agency meetings was carried out by the performance manager in August 2006 with a view to some rationalisation.
- Feedback from stakeholders and our own findings during this assessment suggest that there is scope for relationships between the CPS and others to be more effective. The commitment of the CPS is not questioned but the ability to translate good intent into consistently good delivery is less evident. Whilst most interactions are open and constructive there are indications that a blame culture occasionally exists. Some positive work has been carried out to improve relationships between police and CPS staff in the WCUs.

- CPS managers are involved in a considerable amount of inter-agency initiatives and have led in several. The CCP has recently become the chair of the LCJB and is the senior responsible officer for the NWNJ and Community Justice projects. The CCP also chairs the Prosecution Team Strategic Board and represents the CPS at Community Safety Board meetings. DCPs and Area champions also participate in a number of multi-agency groups, including PTPM meetings and LCJB action groups. Again, they lead on some matters.
- There has been some change of approach with regard to learning through success and failure. Managers are now encouraged to be more robust in assessments of performance (good and bad) and to share information with a view to driving improvements where necessary.

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

- There is clear evidence that efforts are being made to recognise good performance. A formal Area recognition programme was introduced in 2006 although there is scepticism among some staff as to the value of the scheme. There has been a noticeable rise in the incidence of verbal or written praise to individuals and teams.
- The values, behaviours and expectations all include reference to the requirement to treat each other with respect. In the 2006 staff survey, Nottinghamshire scored lower than the national average and lower than its own result in the 2004 survey in issues relating to 'Dignity at Work'. The Area attributes this in part to the restructure and partly to concerns among some staff that the CPS as an organisation does not value its staff as much as it should. The recent liP assessment indicates improvement in perceptions. We were made aware of one incident of a lack of respect being shown to administrative staff, but this was dealt with swiftly and appropriately by the DCP. There were no formal complaints made by staff about their treatment by managers in 2006-07. A small number of incidents of misuse of the internet have been dealt with appropriately.
- The ABM is the Equality and Diversity Champion. There is an equality and diversity strategic group that meets quarterly. Most of the actions emanating from the group are related to outward facing activity, including a formal assessment of progress against community engagement plans. Champions issue a short briefing note for each quarterly meeting; this is a good idea/concept but the relevance of information in the reports was variable. Internal equality and diversity issues are channelled through the customer care group that also meets on a regular basis.
- The Area has integrated most aspects of equality and diversity into the core business planning processes. The main focus is on external engagement activity, although aspects such as workforce representation are covered briefly. The Area drafted a local racial equality scheme (RES) but for internal CPS use. The Area did not have information as to the make up of its workforce, although some targets had been set in the draft RES. Calculations by the ABM during the assessment and data from CPS Headquarters suggests that staff are representative of local communities in terms of ethnicity and gender. The Area is focused on maintaining existing levels and accordingly has no specific plans to change recruitment policies.

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

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

- The Area continues to make progress in its attempt to engage with the community and to improve public confidence. Commitment is demonstrated within its separate community and staff engagement plans and the Area business plan, both of which have appropriate objectives.
- The business plan includes a specific theme on community engagement and in other aspects of work, particularly those related to sensitive casework, there are links to engagement activity. An increase in public confidence is cited as the desired outcome of a number of individual objectives.
- Whilst community engagement is viewed as part of core business, it is focused via a comparatively small group of staff at the present time. The CCP and communications manager are involved heavily as are most of the Area champions. Whilst work is still underway in providing information to the public, there is an increase in the amount of consultation and participation in engagement activity. The Community Justice project has led to greater levels of consultation, and the Area continues to work closely with local schools and the universities on a diverse range of subjects. Activity is recorded in logs and there is evidence of some improvement in the evaluation of work undertaken.
- Information is held on demographics and in 2007-08 this is included in the Area and unit business plans. Managers cited examples whereby access to such information had helped them understand and tackle local issues more effectively. The Area maintains a contact database of local community groups.
- The community and staff engagement plan includes a somewhat standard list of groups at greatest risk of exclusion and discrimination. In reality, the Area has focused attention on children, those likely to be affected by homophobic crime, and victims of domestic violence. Some strong relationships have been formed with associated groups and some positive work undertaken that is contributing to higher confidence among this target audience.
- Whilst it is often difficult to establish links between community engagement and improved performance, there is some evidence of the Area making service changes as a result of consultation. Following community meetings, the scope of the Community Justice project was broadened to include residents of Mapperly, and adjustments were made to the scheduling of specialist domestic violence courts following feedback from Women's Aid.
- The level of public confidence in the ability of the criminal justice agencies in Nottinghamshire in bringing offenders to justice is lower than the national average. The latest data indicates confidence levels of 38.4% locally against a national figure of 42.3%. This is a slight improvement since the last OPA. A further poll to assess public confidence issues has been commissioned for specific wards, but results were not available at the time of this assessment.

- In 2006-07 the Area had a media plan embedded within the overarching community engagement plans. There are signs of some proactivity in respect of press releases and we saw evidence of approximately 30 releases in 2006-07. Relationships with the media appear constructive and there is a log maintained of press enquiries, which are numerous. Cases likely to attract media attention are recorded and monitored. The communications manager acts as the primary conduit between the press and other managers. The secondment of the communications manager to the LCJB in June 2006 contributed to a reduction in recorded activity over the summer months.

ANNEX A: PERFORMANCE DATA

Aspect 1: Pre-charge decision-making

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	19.1%	18.9%	11.0%	13.1%	15.3%	12.3%
Guilty plea rate	52.0%	69.2%	64.0%	66.0%	68.0%	66.5%	72.0%	72.5%
Attrition rate	31.0%	22.0%	25.8%	24.5%	23.0%	22.2%	21.5%	19.0%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	76.6%

Aspect 2: Ensuring successful outcomes in the magistrates' courts

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed magistrates' courts cases	84.3%	83.6%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	37.9%
Cracked trial rate	37.3%	37.9%
Ineffective trial rate	18.9%	24.2%
Vacated trial rate	22.5%	24.5%

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

National target	National performance 2006	Area performance 2006
71 days	72 days	52 days

Offences Brought to Justice

	CJS area target 2006-07	CJS area performance 2006-07
Number of offences brought to justice	29,432	29,930

Percentage make up of Offences Brought to Justice

	National 2006-07⁵	Criminal justice area 2006-07
Offences taken into consideration (TICs)	8.5%	3.9%
Penalty notices for disorder (PNDs)	10.3%	5.3%
Formal warnings	5.8%	3.7%
Cautions	26.5%	35.2%
Convictions	48.8%	51.8%

Aspect 3: Ensuring successful outcomes in the Crown Court

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed Crown Court cases	77.7%	80.8%

Trial rates

	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	46.2%
Cracked trial rate	39.5%	44.5%
Ineffective trial rate	12.4%	9.3%

Proceeds of Crime Act orders	Area target 2006-07	Area performance 2006-07
Value	£1,741,116	£1,180,019
Number	87	82

Aspect 10: Managing resources

	2005-06	2006-07
Non ring-fenced administration costs budget outturn	99.6%	98.8%

Staff deployment	National target 2006-07	National performance 2006-07	Area performance 2006-07
DCW deployment (as % of magistrates' courts sessions)	17.2%	14.7%	18.6%
HCA savings against Area target	100%	138.4%	192.4%
Sickness absence (per employee per year)	7.5 days	8.5 days	9 days

Aspect 13: Securing community confidence

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

CJS area baseline 2002-03	2004-05 (last OPA)	Performance in 2006-07
28%	37%	38.4%

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

Police

Nottinghamshire Police

HM Courts Service

Nottingham Crown Court

Nottingham Magistrates' Court

Victim Support

Victim Support Nottinghamshire

Community Groups

Outburst

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