

CPS Nottinghamshire

Overall Performance Assessment

Undertaken October 2005

March 2006

Promoting Improvement in Criminal Justice

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A. INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

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

Assessments and judgments have been made by HMCP*SI* based on absolute and comparative assessments of performance. These came from national data; CPS self-assessment; HMCP*SI* assessments; and by assessment under the criteria and indicators of good performance set out in the Overall Performance Assessment (OPA) Framework, which is available to all Areas.

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

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

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

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

B. AREA DESCRIPTION AND CASELOAD

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

Area business is divided on functional lines between magistrates' courts and Crown Court work. The Criminal Justice Unit handles cases dealt with in the magistrates' courts. The Trials Unit handles cases dealt with in the Crown Court.

During the year 2004-05, the average number of staff in post in the Area was 157.8 full-time equivalents.

Details of the Area's caseload in the 12 months to 31 March 2005 are as follows:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	10,110	27.4%	20.9%
Advice	1,402	3.8%	5.1%
Summary offences	13,915	37.6%	46.9%
Either way and indictable only	11,513	31.2%	26.7%
Other proceedings	15	0.0%	0.4%
TOTAL	36,955	100%	100%

C. SUMMARY OF JUDGMENTS

The Area inspection of Nottinghamshire was published in August 2003. It made five recommendations about the disclosure of unused material, the monitoring of advocacy, performance monitoring and reporting, the deployment of staff and the supporting role of the Secretariat. There were 35 aspects for improvement. The follow up report in May 2004 indicated that good progress had been made on four of the recommendations but that performance in relation to disclosure of unused material was still an issue. Good overall progress had been made on most of the aspects for improvement, although no progress had been made on some aspects of disclosure and of deployment of Higher Court Advocates.

Statutory charging, introduced in July 2004, has been generally successfully implemented. Benefits were seen in the outcomes for discontinuance, guilty pleas and the attrition rate in 2004-05, although there has since been a slight downturn. Training has been given to charging lawyers. They are generally of sufficient expertise and are supported by easy access to Area specialists. Monitoring of the quality and timeliness of decisions could be more systematic and greater use should be made of the case management system (CMS) both to input the MG3 (the decision form) and in quality assuring the work. Outstanding issues about the expected contents of the files following charge need to be resolved.

The Effective Trials Management Programme (ETMP) has been rolled-out, building on similar well-established systems. The agencies are working well together to resolve issues that remain before the full benefits of the programme can be realised. In the magistrates' courts sufficient time is allowed to prepare cases thoroughly but nevertheless, some adjournments for the prosecution are still required.

In 2004-05 the overall rating for the use of the CMS was approaching the national average. Since March 2005, recording on CMS has improved but it could still be used more effectively, particularly for recording the pre-charge decisions, reviews and the flagging of sensitive cases.

Crown Court cases are routinely reviewed and prepared promptly so that most are ready to proceed at each hearing. The quality and timeliness of instructions to counsel are good. Targets for confiscation orders made under the Proceeds of Crime Act were not reached.

Case outcomes are generally good. Most show improvement over the previous year and improvement throughout the year.

Area champions for sensitive cases (domestic violence, homophobic, racist and religious crime, child abuse/child witnesses, rape, fatal road traffic offences and Anti-Social Behaviour Orders) work pro-actively to keep staff up-to-date and liaise regularly with others in the development of inter-agency work. CPS policy is applied to these cases and there is planned implementation of recommendations from HMCPsi thematic reviews. Most cases are handled by specialists and results are monitored.

The Area had one custody time limit failure in 2004-05. Immediate remedial action was taken and there was a full review of the Area system which found that, for the first half of the year, the system was defective and staff that were not aware of the procedures. New instructions and comprehensive training were given. Our reality checks show that endorsements and systems are now good and are monitored at team level; although Unit Heads should assure themselves that the systems continue to be operated effectively at all levels.

The handling of disclosure of unused material remains unsatisfactory. There has been extensive training. As a result, there has been some improvement in the recording of decisions by lawyers. There is evidence of strict adherence to the disclosure regime in some cases but others showed a continuance of the long-standing culture of general disclosure i.e. not applying the statutory tests. The use of disclosure logs and the order of disclosure papers on the file must be improved.

Implementation of the No Witness No Justice (NWNJ) initiative has been problematic. Two Witness Care Units were established by May 2005, although at the three-month review a number of minimum requirements had not been met. The units are mainly staffed and managed by the police. The compliance with the Direct Communication with Victims scheme (written explanation is sent to a victim if the case is discontinued or the charge reduced) is low and timeliness is variable. The systems that have led to success on one team have not been replicated on the other teams. The Area is proactive in its work on Speaking Up For Justice. Witnesses are treated well in court and relationships with the Witness Service are good.

The Area has been through considerable change with the introduction of the three major national initiatives: statutory charging, (NWNJ) and ETMP. Business planning has been good both within the Area and with its criminal justice partners. Area and unit plans are appropriately focused to deliver change and are regularly reviewed. More involvement of non-managerial staff in the planning process, particularly in the development of unit and team plans, would enhance their engagement and ownership of plans.

The Area is amongst those agencies leading the initiative to improve case progression in court. Prosecutors of appropriate skill and experience deal with cases in court. There is good induction training for new in-house prosecutors and for agents. New prosecutors are monitored but there is no formal monitoring of more established lawyers, although comprehensive, updated instruction packs are provided.

The Area's budget was overspent by 0.2% in the financial year 2004-05. Managers are taking steps to achieve value for money with improved accounting procedures and additional training. The monitoring of prosecution costs has improved and agent use has been curtailed. However, sickness levels remain very high and limited savings have been achieved by the use of Higher Court Advocates in the Crown Court and designated caseworkers in the magistrates' courts.

Performance management processes have improved considerably since the last inspection. Comprehensive data at Area, unit and team levels is provided by the Area Performance Officer and meaningful reports are produced regularly for the Chief Crown Prosecutor to inform the performance reviews. Appropriate objectives are set for all staff which are supportive of the Area's key objectives. The Area works well with its criminal justice partners and the Local Criminal Justice Board to achieve the Public Service Agreement targets. The Management Information System has been used to good effect by a limited number of managers. The Casework Quality Assurance scheme is not applied robustly and needs to be applied more consistently to provide a useful tool.

During the year 2004-05, the period of this assessment, the Area benefited from a stable senior management team after a considerable number of changes and constraints in the previous year. The Area's identity and corporacy has been reinvigorated and its vision and values are clear. The Area's managers fully participate in the drive to implement new initiatives, and promote an open and constructive approach in their work with criminal justice colleagues.

Managers and staff are committed to the Area's strategy to engage effectively with the community. Staff maintain good contact with a number of relevant community organisations. It has a particularly proactive approach to engaging and dealing with the media. Greater evaluation of individual events and initiatives would inform effective future activity.

Nottinghamshire has exceeded its shared target for Offences Brought to Justice increasing the numbers by 13.8% against the 2001-02 baseline. The ability of the CPS to influence this particular target is limited, because it includes offences dealt with by non-prosecution disposals. The CPS's contribution comes through managing cases to keep discontinuances and unsuccessful outcomes low, good decision-making and case management. The Area discontinuance rate of 10% is below (better than) the national average (12.5%) and its unsuccessful outcome rate (15.6%) is better than the national average of 19.6% and the national target of 21%.

The timeliness target for dealing with persistent young offenders from arrest to sentence in 71 days was met in only one month in 2004-05, and timeliness deteriorated to 77 days for the rolling three month average to February 2005. The figures indicate that delays are most prevalent in the time from arrest to the first hearing and an independent review has been commissioned to look into this. The ineffective trial rate in the magistrates' courts was 26.3%, and although within the Area target, was higher than the national average, as was the cracked trial rate. Conversely, in the Crown Court the ineffective trial rate at 13.7% was better than the national average (19.6%). Extensive work is done both within the Area and with criminal justice partners to analyse the reasons for ineffective and cracked trials.

Nottinghamshire's key figure in the latest British Crime Survey for public confidence in the effectiveness of local criminal justice agencies in bringing offenders to justice is 37%, compared with 43% nationally. This figure may have been affected by adverse national media coverage about high levels of gun crime in Nottingham rather than by specific issues of detection and prosecution.

In light of the above, the overall performance assessment of the Area is **FAIR**.

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

OVERALL ASSESSMENT	2 - FAIR
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D. DEFINING ASPECTS

1. PRE-CHARGE DECISION-MAKING

3 - GOOD

The Area implemented statutory charging in July 2004 at all five charging centres as agreed with the police. Until recently the Area's performance, as shown in the charging benefits realisation data, was good but there has been a recent downturn. The use of data analysis in the Area to review performance is very good but there could be a more systematic approach to quality assuring the decisions taken to charge or advise where no further action is needed. A system should be developed to monitor the provision of files and evidence as advised.

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

- Statutory charging was implemented in July 2004. Timely pre-charge decisions are provided on a face-to-face basis at all five charging centres as agreed with the police, although one centre operates on a "surgery" basis which means that it is covered for only two days a week from 9am to 5pm; on other days work from this station is directed by phone to another charging centre. There are plans to implement a further surgery at a new charging centre, opening this year.
- Lawyers and designated caseworkers will identify at the first hearing those cases that were not submitted for advice as required under the scheme. Procedures are in place to log these and refer them back through senior managers to the police charging lead. The Area is confident that non-compliance is now rare. Since March 2005, custody officers complete a charge decision form to explain why they are charging which assists in identifying areas of misunderstanding.
- The Area has recently begun to analyse data on CPS Direct cases and in July 2005 held an initial meeting with CPS Direct and the police to discuss issues arising. This proactive liaison is continuing.
- The unique reference number (URN) for a defendant's case has always been supplied by the police when advice is requested. Recent changes to the URN format, to comply with national data collation requirements, may have led to some duplication as files which are resubmitted will have a new URN. The Area is aware of this problem and has introduced a check for duplicated cases to be identified prior to registration. This may explain the comparatively high proportion of pre-charge advice cases shown in the table at page three.

Aspects for improvement

- At the busiest charging centre, officers often have to wait to obtain advice after having come from some distance. An agreement with the police to manage officer attendance or the electronic submission of the MG3 form prior to the face-to-face meeting, may prevent these delays.

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

- Area lawyers are of sufficient experience and expertise to deal with charging decisions and have received initial training. Further intensive training is due to be delivered by December 2005. The busiest charging centre has two lawyers assigned each day, one of whom is an experienced Trial Unit lawyer. There is always a youth specialist and a duty prosecutor at one of the centres who can be contacted, and duty prosecutors are encouraged to contact Area champions and the Area specialists for assistance as necessary.
- There is a system for referral for any disagreement to the Unit Head or Chief Crown Prosecutor although this procedure is rarely used and disagreements are resolved within the charging centre.
- Monitoring of timeliness, quality and appropriateness of the advice provided has not been systematic. There has been no regular monitoring of pre-charge advice but the Prosecution Team Leader (PTL) who has been responsible for charging has maintained close contact with the initial team of seven lawyers and viewed their work throughout the year. Feedback from adverse cases reports has been given to the relevant lawyer and a change of charge form has been used for monitoring purposes on an exception basis.
- The data from each charging centre is analysed within Area and team performance reports to identify trends, and this information has been passed to lawyers involved through a charging update bulletin. This information is shared with the police.
- In April 2005 the charging PTL examined 50 files to create a baseline for performance and to inform training needs. A template for good practice in MG3 completion has been produced. The team managers are now managing and reviewing their own relevant charging centre performance, and are asked to maintain close liaison and monitor charging decisions. In future, the Area will undertake analysis of no further action decisions, as some disparity has been noted. The police are hoping that this will lead to consideration of alternative charges or disposals.

Aspects for improvement

- There has been no specific monitoring of discontinued or no further action cases. Quality assurance checks carried out by the Chief Crown Prosecutor, Area Business Manager and the Criminal Justice Unit (CJU) Head have produced some feedback on the quality of advice given. A system should be put in place to monitor the quality of advice provided or decisions to take no further action to ensure consistency and good practice.
- Examination of a sample of pre-charge decision cases on the case management system (CMS) showed that very few MG3 forms are completed electronically and the advice is often marked on the system as "see paper file". Three out of six forms that we saw had gender and ethnicity data entered and the Area stated that this information is not always supplied by the police.

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

- Statutory charging was implemented in line with the agreed programme. The initial arrangements for coverage by the CPS using a dedicated team of seven lawyers for the six charging centres was replaced in March 2005 by all suitably experience lawyers from the CJU being deployed as part of the Area weekly rota, as this allows for greater flexibility. The Area is reorganising units in line with the charging centres to ensure that the lawyers advising will retain those files until they are completed.
- Amongst the statutory charging Areas, Nottingham has performed well. Benefits realisation measures on discontinuance, guilty pleas and attrition rates improved throughout 2004. However there was a slight downturn in performance in January to March 2005. Concern that the discontinuance rate was increasing and that the number of cases marked for no further action was falling (indicating a possibility that scrutiny was less rigorous), led the Area to believe that this correlated with decisions being made by a wider group of lawyers. The Area has monitored this trend and notes that figures are now improving. The benefits realisation data (set out in Annex A of this report) shows that the discontinuance rate in the magistrates' court is poor but of the five other indicators, two are good and three are excellent.

Aspects for improvement

- The Area has a number of cases where advice was given to charge or provide further information but these have not been returned to CPS as advised for some time. Many of these have been marked by the police for no further action without further referral to the CPS and thus have remained on CMS. Until recently these cases would be automatically administratively finalised. Checks began after April 2005, with the police, to clear these cases from CMS. Discussions are now taking place to develop a system to ensure that lawyers make these decisions. This work is important to ensure that charging benefits are realised and that data is valid.
- There had been some misunderstanding about the content of files requested by the CPS following charging advice. The charging action plans should list and clarify what the officer is being asked to obtain. Care must be taken to ensure these requests are appropriate. The requests, and the police compliance with them, need to be monitored. Effective liaison at the Charging Steering Group has fallen away. The Area recognises that this should be re-established to resolve such issues.

2. MANAGING MAGISTRATES' COURTS CASES

2 - FAIR

Sufficient time is given to prepare cases, but adjournments are sometimes required because the prosecution is not ready. In 2004-05, timeliness targets were not met. The Effective Trials Management Programme (ETMP) has been introduced but its full benefits have not yet been realised as some issues between agencies need to be resolved. The 71 day target between arrest and sentence for cases involving persistent young offenders (PYOs) was not met and performance is getting worse. The ineffective trial rate was not as good as the national average, but is improving. The cracked trial rate was also slightly above the national average. The reasons for ineffective trials are analysed in detail both within the Area and with criminal justice partners. The use of the case management system (CMS) is improving but fuller review records should be kept and the task list should be used more effectively.

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

- Efforts are being made to review and prepare magistrates' courts cases promptly, and to undertake follow-up work when necessary, Lawyers are given sufficient time to prepare cases and the criminal justice unit is piloting a duty lawyer scheme to deal with urgent issues when other lawyers are in court or absent. In 2004-05, however, timeliness targets were not met. The percentages of cases that met these targets (to initial guilty plea, to trial and to committal) were all not as good as the national averages and cases were sometimes adjourned due to the prosecution not being ready.
- There were no wasted costs orders made against the Area in the magistrates' courts in 2004-05.

Aspects for improvement

- There is some liaison with criminal justice partners and case progression meetings are held. ETMP was introduced in the area from October 2004 to January 2005. CPS Case Progression Officers (CPOs) were in place from November 2004, albeit that at first this was not their only work. The courts appointed CPOs by March 2005 but the police did not have dedicated officers until June 2005. A number of issues have still to be resolved before there can be truly effective systems and action has been taken to address them. For example, there remain disagreements or misunderstandings about when full evidence should be provided. Dedicated pre-trial review courts, held by legal advisors, list only specifically defined cases which amount to only some 20% to 30% of trials. The majority of pre-trial reviews are in the general list where there is little time to consider the issues and control the cases effectively.
- The timeliness target of 71 days from arrest to sentence for PYOs was met only once in 2004-05. In the three months to February 2005 the figure was 77 days compared with the national average of 67 days. More recent figures do not show improvement. The percentages of youth cases that met the timeliness targets to initial guilty plea, to trial and to committal were very similar to the national averages, which may indicate that the delays are in the time from arrest to the first hearing and in sentencing. An independent review has been

arranged by the Local Criminal Justice Board to look into the delays at the initial stages of all cases. The Area has raised a question of the accuracy of the figures. The CPS youth team attends regular meetings with other agencies to track these cases.

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

- The ineffective trial rate in 2004-05 was 26.3% and is reducing. The Area met its local target but the rate was worse than the national average of 24.8. In June 2005 a rate of 23% was achieved. The cracked trial rate was 39.9%, against not as good as the national average of 37.1%.
- There is formal analysis of all cracked and ineffective trials. Each unit has a detailed monthly performance report which includes these figures. The Unit Head examines the cases and provides a report to the Senior Management Team (SMT). In 2004-05 the percentage of cases where the prosecution was at fault was slightly above the national average (8.6% compared with 6.8%). Issues are clearly discussed in the SMT but there appears to be less emphasis in team meetings. Appropriate action is taken both by raising issues with individuals and by disseminating casework issues through the Area's "Lessons to be Learned" bulletin.
- Some work has been undertaken with criminal justice partners. Detailed performance data is produced and analysed at all levels of meetings and action has been taken and communicated.

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

- The Performance Manager has created CMS/Management Information System reports tailored to the Area's needs and some Area templates have been added to the system.

Aspects for improvement

- Although CMS is being used, not all staff are recording key events in cases. Some lawyers in particular do not use it to the full and objectives to improve usage have been included in their forward job plans. In the 12 months to March 2005, full file reviews were recorded on CMS in 30.1% of cases compared to the national average of 27.1%. By June 2005 this figure had increased to 60%, although our check of ten files indicated that the record on CMS was cursory in most cases. Further, the MG3 was on CMS in only two cases (one of these being a CPS Direct decision).
- There is some evidence of usage being monitored, and of appropriate action being taken to improve. It is almost impossible to monitor work effectively using the outstanding tasks facility, as tasks are not removed from the system when they are completed. In all except the youth team, there are large numbers of overdue and escalated tasks some of which date back to the beginning of last year.

3. MANAGING CROWN COURTS CASES

3 - GOOD

Cases are routinely reviewed and prepared promptly and the Area has successfully implemented the Effective Trial Management Programme (ETMP) with significant liaison with its criminal justice partners. The quality and timeliness of instructions to counsel are good. The Area did not achieve the target for the number of confiscation orders made under the Proceeds of Crime Act. Targets for cracked and ineffective trials were achieved and continue to improve. The case management system (CMS) is used well for the building of indictments, but review could be better recorded.

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

- Crown Court cases are routinely reviewed and prepared promptly, with follow up work undertaken where necessary so that most cases are ready to proceed at each hearing. The timeliness of service of papers on the defence could be better. The Area has used a case progression system similar to ETMP for some five years and this was reviewed in May 2004 to make the necessary adaptations to introduce ETMP, particularly ensuring that work was focused through the Case Progression Officers.
- Most instructions to counsel include an analysis of the issues and acceptability of pleas. Performance on timeliness of delivery of instructions to counsel is 95% compared to the national average of 85%.
- There is significant liaison with criminal justice partners. There are weekly meetings of the Case Progression Officers from each agency and the Area works closely with the police Financial Investigation Unit (FIU). At all levels there are meetings with other agencies where, amongst other matters, case progression and procedures are discussed, issues identified and usually resolved.
- There were no wasted costs orders made against the Area in the Crown Court in 2004-05.

Aspects for improvement

- The Area achieved 50 confiscation orders under the Proceeds of Crime Act (POCA) against a target of 63 orders. Measures were taken to achieve the new target of 58 orders amounting to £1,489,287 in 2005-06. Meetings have been held with the police Criminal Investigation Department and the charging lawyers to raise awareness of POCA. Training has been given to all Trials Unit lawyers and will be given to others and guidance is available on the Area's shared computer drive. The Area is developing a core of lawyers and counsel with expertise in this work. More recently a multi-agency enforcement group has been formed with representatives from the CPS, the police, the FIU, Revenue and Customs, the judiciary and the magistrates. Planned action will be reported to the SMT quarterly.

- The timeliness target of 71 days from arrest to sentence for persistent young offenders was met only once in 2004-05. Some long-running cases in the Crown Court affected these figures. The youth team deals with all grave crimes except murder and rape which are handled by Trials Unit lawyers. There are fast-track arrangements in the Crown Court for youth cases but there can be considerable delays post conviction. Multi-agency tracker meetings are held regularly.

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

- In 2004-05 the ineffective trial rate in the Crown Court was 13.7% against the national performance of 15.8%. These figures continue to improve. The cracked trial rate (38.2%) was slightly better than the national average of 39.2%. Figures are produced and analysed in each unit and a report with comments is provided to the SMT and circulated to staff. Cases where the prosecution has been at fault are analysed and appropriate action is taken.
- Significant work has been undertaken with criminal justice partners. There is regular and formal analysis of all cracked and ineffective trials at all levels of joint agency meetings. Issues about witnesses, disclosure and the provision of CCTV evidence have been identified as the main reason for those which are the responsibility of the prosecution. Discussion is assisted by forms provided by the Crown Court which give detailed analysis and reasons for the cracked and ineffective trials. Performance is improving as a result.

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

- Managers are creating their own CMS/Management Information System reports and some Area templates have been added to the system. Regular reports are provided to the SMT.

Aspects for improvement

- Although CMS is being used, not all staff are recording key events in cases, particularly for review. The average in 2004-05 for CMS use for building indictments was 84.5% compared with the national average of 81.5%. Considerable improvement was seen over the year which started with a low of 50% and had achieved above 90% by the end. Usage is monitored but is hampered by the number of outstanding tasks that should have been removed from the system.

4. ENSURING SUCCESSFUL OUTCOMES
3 - GOOD

The Area has generally good outcomes that show improvement since the previous year and throughout the year, although judge directed acquittals in the Crown Court and acquittals after trial in the magistrates' courts have not improved. The Casework Quality Assurance (CQA) system is not robust but good work is done in analysing the reasons for failures through data collected. Senior managers regularly review a sample of files to assess performance. Adverse outcome reports are completed, analysed and lessons disseminated.

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

- There is some formal assessment of the quality of review and case handling. The Chief Crown Prosecutor (CCP) and the Area Business Manager (ABM) conduct a review of 25 to 30 cases from across the units every six months. Feedback is given through line managers to individuals. Their findings inform team action plans and these are monitored through quarterly performance meetings with the Area Performance Officer. Relevant data for the unit is provided by the Area Performance Officer which is used to identify further necessary work.
- Since September 2004 the Criminal Justice Unit (CJU) Head has carried out a review of files from each of his teams in order to provide a baseline for performance. Some issues that he found were fed into the unit action plan and to individuals.
- The Area has implemented some regulation of discontinuance. Pre-charge decision cases that are discontinued after charge where there was no change of circumstances and those identified as not having been decided by a lawyer, must be referred back to the Prosecution Team Leader (PTL) or the Unit Head for consent. Some analysis of pre-charge decisions has been done to assess training needs. Discontinued cases with a racial element are examined by the CJU Head as part of the monitoring procedure, and he disseminates any lessons learnt.
- Adverse outcome forms are completed by all involved in appropriate cases and clearly set out the reasons for acquittal. Issues arising from these are analysed, circulated to all staff and shared with some outside agencies in a bi-monthly "Lessons to be Learned" document.
- The number of cases finalised as judge directed acquittals (JDAs) and no case to answer (NCTA) are validated by managers to check that they are correctly categorised.
- The Area uses a discharged committal form and a log to monitor these cases (the rate of which is equal to the national average) and the CJU Head decides if they should be reinstated.
- All Area outcomes are better than, or equal to, the national average except JDAs in the Crown Court and acquittals after trial in the magistrates' court.
- The annual average for discontinuance and judge ordered acquittals has improved from the previous year. Other outcomes are worse, but showed an improvement throughout the year with the worst figure being in the first or second quarter.

- The discontinuance rate of 10% is lower (better than) the national average of 12.5%. The combined unsuccessful outcome rate in magistrates' courts and Crown Court cases was 15.6% compared to a national average of 19.6% and a national target of 21%. The rate improved throughout the year and the annual average is better than the previous year.
- Criminal justice partners in Nottinghamshire have not met their target of achieving an increase of 10.2% in offences brought to justice above the 2001/2 baseline figure. Performance in March 2005 was 1.5% above the baseline and it has remained at about the same level since March 2004. The overall target for offences brought to justice is a shared one and the ability of the CPS to influence this is limited because it includes offences dealt with by non-prosecution disposals. The CPS contribution comes through managing cases to keep discontinuances and unsuccessful outcomes low, good decision-making and case management. CPS Nottinghamshire's caseload has fallen during 2004-05 by 13.4% in the magistrates' courts but the conviction rate as a proportion of the caseload increased by 3.4%. The contribution attributable to CPS convictions has improved.
- The Area figures for the key measures, compared to the national averages are shown below:

OUTCOME	AREA FIGURE	NATIONAL AVERAGE
Magistrates' courts		
Discontinuance & bindovers	10%	12.5%
No case to answer	0.3%	0.3%
Dismissed after trial	1.9%	1.5%
Discharged committals	0.3%	0.3%
Overall conviction rate	84.7%	80.8%
Crown Court		
Judge ordered acquittals	10.7%	14.2%
Judge directed acquittals	2.5%	2.0%
Acquittals after trial	3.9%	6.3%
Overall conviction rate	80.8%	75.8%

Aspects for improvement

- There is some baseline assessment by senior managers of the quality of review and case handling, but this is not ongoing and is separate from the CQA scheme. Further, there has been no regular review of cases that have been through the charging process even though the discontinuance figures are worse than those for discontinuance as a whole.

5. HANDLING SENSITIVE CASES AND HATE CRIMES
2 - FAIR

The Area has champions and specialists for sensitive and specialist casework who work proactively to keep staff informed of the current law and issues and who regularly liaise with other agencies in the development of inter-agency work. They take CPS policy and HMCPsi reports into account. Most of these cases are handled by the specialists. Managers review and monitor cases through the routine, general assurance checks. Cases are not always flagged on the case management system (CMS).

5A: The Area identifies and manages sensitive cases effectively

- The Area has appointed champions and specialists for sensitive cases (domestic violence, homophobic, racist and religious crime, child abuse, rape, fatal road traffic offences and Anti-Social Behaviour Orders) who disseminate information to prosecutors and caseworkers, and provide guidance and mentoring. They provide training to CPS staff and other agencies and liaise with those agencies in the development of inter-agency work. Sensitive cases are allocated to and handled by prosecutors with the appropriate specialist skills and knowledge. The Area has a specialist team which deals with all youth cases and, until recently, a street crime unit which dealt with all robbery cases. For prosecutions in court, the Area has a "must do" system which ensures that appropriate lawyers prosecute sensitive, complex or high profile cases.
- The Area takes CPS policies and HMCPsi thematic reviews into account when devising Area practice. For example, it has acted upon the recommendations of the reports on rape and on race crime.
- The Area systematically undertakes an analysis of hate crime cases in which a reduction or change of charge, or an agreed basis for plea, reduces or removes the 'hate element' from the offence. The champion for race issues sees and reports on all these cases and there is sound evidence that action is taken as a result. The attrition rate of these cases in June 2005 was 36% compared to the Area overall rate of 17%. Cross-checks are made with the police figures to verify the number of racist incidents.

Aspects for improvement

- Sensitive cases are not always flagged on CMS. We checked 21 cases in various categories and seven were not appropriately flagged.
- There is some assessment of the review and handling of sensitive cases through the Casework Quality Assurance system, but this is not robust. Other dip sampling is carried out by the Heads of Units and by the Chief Crown Prosecutor with the Area Business Manager, although not specifically for sensitive cases. Individual feedback is given of both good and less good performance. Issues from these cases are disseminated to others through a bulletin which includes a "Lessons to be Learned" section.

6. CUSTODY TIME LIMITS

2 - FAIR

Following a custody time limit (CTL) failure in October 2004, the Area undertook a review of the CTL system and that found that for the first half of 2004-05 the system was defective and that staff were not aware of procedures. New instructions and comprehensive training have now been given. Reality checks showed endorsements are now generally good and monitoring is carried out carefully. The B1 manager on each unit checks that the system is being operated correctly by A2 staff but senior managers should assure themselves that the system continues to be operated effectively.

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

- The Area had a custody time limit (CTL) failure on a serious case in October 2004 where the time spent by a youth remanded in custody by the youth court, was not taken into account when awaiting trial with an adult in the Crown Court. The defendant was released from custody. Following this, a thorough review was conducted to establish why the failure had occurred and this revealed a number of serious deficiencies in the system, which included a lack of understanding, training and clearly defined responsibility.
- The Area audited all custody cases immediately to ensure that they were entered correctly into the monitoring system. A thorough training programme began when the new set of CTL instructions, following the recommendations of the review, was agreed in May 2005. These complied with national guidance. This was some time after the failure but actions were progressed from the review and an interim set of desk instructions were used to improve monitoring. Training has now been completed for most staff.
- There is no written protocol with the courts but they have an understanding that lawyers are to agree the CTL expiry dates in open court to allow the court to note the date on its file. Prosecutors are to endorse that this has been done.
- Review of the system is carried out through a CTL action plan that is updated and the Area intends to carry out a review of the system in October 2005.
- Our reality checks indicate that there is now generally good practice. The files that we examined were comparatively recent. Endorsements were of a high standard on most of these cases. Evidence is now seen of lawyers calculating expiry dates, agreeing these in open court and the dates being certified as correct when the file was returned to the office. Timely applications were made and outcomes noted. Expiry dates were calculated correctly and noted on the file and in the diary. Regular checks using the case management system (CMS) and the diary were done with good annotations of results and extensions applied for. Two examples were seen

where endorsements were not good, but the administrators had dealt with these correctly.

Aspects for improvement

- The checks carried out by the B1 manager on the CTL system are overseen by the B2 manager but in reality this relies on the B1 reporting problems, such as poor lawyer endorsements. Instructions suggested that a system of dip sampling cases by the Unit Heads was to be done, but this has not yet been implemented.
- The Trial Unit and youth team retain copies of the CMS printouts that show a history of regular checks but the other teams do not retain these once the checks have been done. Senior managers could use these printouts to assure themselves that the system was being maintained and provide an audit trail to show that actions had been carried out as agreed.

7. DISCLOSURE

1 - POOR

Disclosure was one of the main concerns of the previous inspection report and the follow up report. The Area has an active Disclosure Champion who has done a considerable amount of work to try to improve performance and adherence to the disclosure regime. Training has been delivered and continues, and the Area has participated in some training for the police and has given them guidance. Our check of files revealed a little improvement but there were a number of examples of continuing poor performance. The Area's assessment system has not properly identified the issues in the handling of disclosure by lawyers.

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

- All sensitive material schedules and any sensitive unused material are usually stored securely. Our reality check showed that sensitive material was properly handled on most relevant files.
- The Area has appointed a Disclosure Champion, who disseminates information to prosecutors and caseworkers, and provides guidance/mentoring. The champion has been particularly active in liaising with the police, defence solicitors, the bar and the judiciary in order to assist an understanding of the stance that the lawyers are now expected to take when making decisions about disclosure. Historically the culture has been one of making all material available irrespective of whether it falls within the statutory tests. This is not a proper discharge of the prosecutor's obligation.
- Most prosecutors and caseworkers have received training on the disclosure provisions of the Criminal Justice Act 2003 and the CPS/ Association of Chief Police Officers (ACPO) Disclosure Manual, and further training has been agreed.

Aspects for improvement

- Disclosure was one of the Area's main weaknesses in the last inspection when a recommendation and three aspects for improvement were made. Primary disclosure was properly handled in the magistrates' courts in 64.3% of the files (compared with 71.6% nationally) and in the Crown Court in 55% (compared with 79.9%). Secondary disclosure was handled properly in only 25% of Crown Court files (compared with 59.4%). The Area thus had an overall average compliance rate of 48.1% compared with the national average of 70.3%. The follow-up inspection in May 2004 indicated that, despite some training being delivered, there had been no improvement. For the purposes of this assessment, the Area's starting point was therefore poor.

- Some work has been undertaken and a little improvement can now be seen, although good performance remains very patchy. A more realistic approach to assessment by managers is needed in order to identify what further action should be taken.
- Our reality check of ten files showed that problems continue in the handling of unused material. The files remain in disorder, there was no completed disclosure log on any file and disclosure documents were filed separately on only two files. This made it difficult to ascertain what had happened and when. Most of the files showed that lawyers were now properly considering the material on the disclosure schedules, but the overall compliance figure (from our small sample) is now even lower than before. Primary/initial disclosure was dealt with properly in six out of the ten cases but secondary/continuing disclosure was not handled properly on the four relevant files.
- There is some evidence of prosecutors' performance in relation to disclosure being assessed. This is done through the Casework Quality Assurance (CQA) system and through the Area's other methods of dip sampling. The latest CQA figures indicate that the handling of disclosure was correct and timely in 93.1% of cases, which we consider an unrealistic figure.
- On several files there was evidence that defence solicitors make direct contact with the police about disclosure, making it more difficult to control. There is evidence that action is being taken to change the culture of general disclosure without consideration of the statutory tests and to ensure that the provisions of the Criminal Justice Act 2003 and the guidance in the CPS/ACPO Disclosure Manual are strictly followed, but the Area has a long way to go.
- Some work has been undertaken with the police who now recognise that further training is required to ensure proper compliance and timeliness, but resulting improvement in performance has been slow.

8. THE SERVICE TO VICTIMS AND WITNESSES

2 - FAIR

The provision and timeliness of Direct Communication with Victims (DCV) letters varies between teams, although the quality of the letters that are sent is good. The Area is proactive in its work on Speaking Up For Justice (SUFJ) and special measures applications are regularly made. The treatment of witnesses at court is good and liaison with the Witness Service is effective. There have been some initial difficulties in the implementation of the No Witness No Justice (NWNJ) Witness Care Units (WCUs) but the Area is working with the police to meet the minimum requirements. Analysis of the cracked and ineffective trial data in relation to witness issues is carried out at inter-agency level and at Area and unit level but the improvements from NWNJ have not yet been fully realised.

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

- Under the DCV scheme the CPS writes to victims when cases are discontinued or charges reduced. The quality of DCV letters when sent is good. The tone of most of the letters was personal and explained clearly what had happened. Compliance with the scheme is very good in the County CJU team, but variable across the Area.
- The Speaking Up For Justice (SUFJ) initiative is seen as a priority in the Area. There are two Area champions who take an active role in liaising with other agencies to establish good practice. The Area commissioned a review of special measures implementation and developed an action plan that included training for the police in child video use and in the identification of relevant cases. Regular guidance and updates are issued to lawyers and applications are routinely made. A cross-agency strategy is being developed with the City Council to improve witness protection and protocols have been agreed with the police, the courts and the Witness Service. The CPS is represented on a number of local groups involved with the care and protection of vulnerable young and adult witnesses.
- The provision of information about witnesses to the WCUs is monitored. Details from the police are often missing and are now checked by the duty prosecutors at an early stage. Monthly meetings are held between police managers on the WCU and CPS managers in the units to discuss operational issues.
- Most prosecution advocates and staff introduce themselves to witnesses at court. The Area commissioned a witness survey in 2004 to follow on from one carried out in 2002. This showed an improvement in witness' experience and recognition of the CPS role at court. The Area also commissioned an ethnic population survey and has successfully recruited Witness Care Officers from the black and ethnic minority community.

- There is regular and effective liaison with the Witness Service and Victim Support at all levels. The lists of witnesses to attend court are provided promptly and they contain details of any special requirements. The Area has good liaison with the vulnerable witness co-ordinator who is based at the Nottingham WCU.
- The Area has regular liaison with the courts at cracked and ineffective trial meetings, and witness issues are analysed and discussed. Data on cracked and ineffective trials is broken down for each unit and is included in the monthly unit performance reports. The Crown Court provides the ineffective and cracked trial forms on a weekly basis to gauge any lessons to be learnt and to consider if the reason is correctly recorded. The ineffective and cracked trial rates in the magistrates' courts are worse than the national average and a higher percentage of these are due to prosecution witnesses failing to attend than is seen nationally.

Aspects for improvement

- Compliance with the DCV scheme is not consistent across the units. Letters are not routinely sent and the Area achieves 62% as calculated by CPS Headquarters on a proxy basis. Timeliness for the sending of letters is variable. In the quarter to March 2005, the County team of the Criminal Justice Unit sent 99% of letters within five days whereas the other teams sent only 37.8%. The Area is aware of this discrepancy and acknowledges that the County team performs well due to the initiative of an administrator in setting up a monitoring system and operating it efficiently. An attempt to use the same system in the other units was not successful.
- Implementation of NWNJ is problematic with some deadlines being missed, but the Area is working with the police to improve the system. Two WCUs were opened by May 2005. Implementation was overseen by the NWNJ steering group, lead by the Chief Crown Prosecutor. A local implementation team was established. The WCUs remained staffed and managed by the police but with the CPS witness liaison officer joining them. The three-month implementation review of the Nottingham unit was generally positive but a number of minimum requirements were not met. Some minimum requirements have been met since the review but the Area has decided to wait until their unit staff are fully established before implementing an initial needs assessment.

9. PRESENTING AND PROGRESSING CASES AT COURT 3 - GOOD

The Area is amongst those agencies leading the initiative to improve case progression in court. Papers are provided in good time and courts are allocated to advocates of appropriate experience and skill. Complaints are investigated and dealt with appropriately. There is a good mentoring system for new CPS lawyers and agents receive initial training. Counsel are monitored informally but there is no monitoring of established CPS lawyers or agents. Comprehensive, updated instruction packs are provided to agents and counsel.

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

- The Area is amongst those agencies leading the initiative to improve case progression in court. Case Progression Officers were appointed for the Crown Court in 2003 and in the magistrates' courts early in the Effective Trial Management Programme process. Area staff participate fully in joint work.
- Papers are provided to agents, counsel and in-house prosecutors promptly. Rotas and daily lists are available in good time and administrators use the court computer link facility to prepare lists in advance. The court may sometimes move cases between courts but prosecutors will ask for time to read the cases. Deployment of designated caseworkers (DCWs) in court was very low during 2004-05. More are now available and the Area is liaising with the magistrates' courts to agree more DCW courts. It is also negotiating to obtain block listings in the Crown Court to achieve maximum value from the Area's Higher Court Advocates.
- The selection of prosecution advocates for all courts is undertaken with full consideration of their experience, expertise and qualifications. Suitably trained prosecutors cover most specialist courts. The youth team covers most youth courts and has a list of agents to use if in-house lawyers are not available.
- A Trial Unit duty lawyer attends the Crown Court on a daily basis to have decisions referred to them when other Area lawyers are not available. They can review files in detail and speak to witnesses. In the magistrates' courts, Early Administrative Hearing courts are dealt with by dedicated lawyers, as pre-trial review may be held if the full file is ready. Experienced lawyers are used in order to ensure that decisions are made promptly and that there is consistency. Early First Hearing cases are usually available to prosecutors in good time to prepare for court. The Area has achieved 80% in-house coverage.
- The quality of file endorsements is monitored by management file reviews and feedback is given. Administrative staff are asked to provide information about any failures, especially in relation to custody time limit issues. Endorsements that we saw were mostly clear. The Area began devising a good housekeeping policy for its files in March 2005 and this has now been implemented, although some files were still untidy.

- Complaints about the conduct or performance of prosecutors are investigated, and timely action is taken if appropriate. Area managers believe that any problems would be notified to them by colleagues in other criminal justice agencies. An example was provided of a complaint from a magistrate that had been dealt with appropriately. Complaints about counsel are investigated and raised with chambers or with the individual before action is taken.
- Every member of staff, new or already established, was given induction packs in November 2004. All new staff are taken through an induction procedure and an induction checklist is signed when completed. New lawyers have a mentor and their induction will be signed off by the Chief Crown Prosecutor.
- Agents and counsel are given comprehensive instruction packs. New agents attend the CPS office and a Prosecution Team Leader goes through the induction pack to explain CPS policies and procedures. Guidance is given to agents and counsel on new initiatives, particularly to those who prosecute sensitive cases. Pupil barristers about to qualify have the option to work for a month in the Area's offices.
- Counsel are only monitored formally for re-grading purposes, but caseworkers give informal feedback to managers and action is taken if necessary, for example if CPS policy is not followed. If there is poor performance, managers will ask for reports from caseworkers. There are regular meetings with the frequently used chambers and CPS policies and issues are discussed.

Aspects for improvement

- The Area undertakes monitoring of new in-house prosecutors as part of their induction but there is no formal monitoring of established prosecutors. Senior managers and team leaders observe prosecutors on an ad hoc basis when they are at court and will get feedback from the judges, magistrates or court staff.
- Agents are not monitored formally once they have been through the Area's induction.

10. DELIVERING CHANGE

3 - GOOD

The Area has a clear sense of what it wants to achieve and is restructuring to improve performance. Generally good business planning processes are established, although consultation with staff has been limited. Plans are reviewed regularly with increased focus on delivering within budget. A leading role has been adopted in partnership planning and in the implementation of criminal justice system initiatives, such as charging, No Witness No Justice (NWNJ) and the Effective Trial Management Programme (ETMP). Change generally has been managed effectively with close monitoring of progress. Risks are identified appropriately together with countermeasures for contingencies. There are systematic links between change projects and staff training, and appropriate nationally driven and specific local training has been delivered.

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

- The Area has a clear sense of what it wants to achieve and has reviewed and changed its structure in order to maximise performance. The proposed establishment of divisionally aligned combined units is intended to strengthen case ownership 'from cradle to grave'. Visions and values have been developed after consultation with departmental trade unions and are published in a comprehensive Area Business Plan. They support the CPS Corporate Plan and senior managers explain them to staff on an ad hoc basis at unit, team and other meetings.
- Business planning has been strong and successful. Area, unit and team plans contain appropriate objectives for delivering change and strengthening the prosecution process, setting clear milestones and identifying links to Public Service Agreement (PSA) targets. Those objectives are reflected in individual performance appraisal forward job plans.
- Plans are reviewed regularly. Review has become more focussed of late to ensure that the Area continues to deliver CPS national objectives cost-effectively, and remain within its budgetary allocation.
- There has been success in planning with partners and the Area has been proactive in its approach. The CPS has adopted a leading role, particularly in respect of victim and witness issues and in developing an effective criminal justice system communications strategy. There was particularly close co-operation with the police over operational issues relating to NWNJ and its impact on other projects.

Aspects for improvement

- The involvement of non-managerial staff in planning and discussion of the Area's objectives and progress generally could be more structured, with greater input to the development and review of unit and team plans. This would increase levels of engagement and a greater sense of involvement and ownership.
- The Area has been less successful in delivering change in casework issues regarding disclosure, and compliance with Direct Communication with Victims across units.

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

- Arrangements for managing change are in place for planned initiatives. Good quality delivery plans establish clear responsibilities, actions to deliver targets and milestones. They are updated regularly to record any necessary changes and remedial action. Delivery status is monitored and updated using a traffic light system.
- Good progress has been made in the implementation of important criminal justice system initiatives such as ETMP and the charging initiative. Multi-agency local implementation teams have overseen changes to working practices and systems. Change management generally has been the collective responsibility of the Local Criminal Justice Board (LCJB), which is now moving away from individual steering groups to a more holistic approach. Change is co-ordinated internally by the Area Senior Management Team (SMT) at their monthly meetings, with members providing progress reports. At fortnightly business manager meetings, each manager has lead responsibility for a particular project and provides an update.
- Risks are identified as part of the planning process and countermeasures are agreed in advance to address potential contingencies. The register, completed with the Area Business Plan, incorporates key areas of risk. Planning is designed to reduce significantly the risk of such contingencies arising. Unit and team plans deal with more specific operational performance issues and identify the risks of not achieving strategic targets.
- Systematic links are made between change projects and staff training. There has been detailed discussion of training requirements and objectives for successful implementation of the charging initiative. This was informed by beneficial consultation with staff from other Areas.

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

- The Area did not produce a formal training plan in 2004-05 as it was decided instead to produce detailed guidance to clarify and simplify the process. The Area has since produced a Workforce Development Plan for 2005-06, which is designed to enhance the continuing professional development of staff and better equip them to deliver the CPS key priorities. This is supplemented and complemented by the Area Training Plan and people strategy document.
- The Area Business Manager (ABM) and the business support manager analyse individuals' forward job plans to identify training needs for all staff. In 2004-05, that information was delivered to the regional training centre for consideration when the regional training programme was being compiled. Training needs analysis is now delivered to the Area's learning and development manager to produce the Area training programme.
- A workshop has been held to clarify performance appraisal standard setting and efforts are continuing to improve management skills in relation to staff development.
- The Area has provided mandatory national training on recent legislation as required (for example, on evidence of bad character, disclosure and sexual offences) and has more planned for later in 2005. Specific local training was also delivered to support the implementation of major initiatives and address issues arising, for example, on the monitoring of custody time limits.
- The effectiveness of training is evaluated in three stages: discussion in advance about what the individual needs to learn; discussion immediately afterwards about what has been learned and how it will be put into practice; and discussion at performance reviews about the benefits and whether additional training is required.

11. MANAGING RESOURCES
2 - FAIR

The Area is taking steps to achieve value for money, having overspent its budget in the last two financial years. Accounting procedures have improved and additional training has been provided. The Area's financial position is reviewed each month and any concerns are addressed as they arise. The monitoring of prosecution costs has also improved and agent usage has decreased. Additional funding for specific projects has been used appropriately. Effective systems are in place for human resource planning. However, average sickness levels are high and well above the national average. The Area has made relatively limited savings from its use of Higher Court Advocates (HCAs) and designated caseworkers (DCWs).

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

- The Area is taking steps to achieve value for money. Area managers have been extremely conscious of spending because it exceeded its financial allocation for both 2003-04 and 2004-05. Revised systems now provide greater accounting control and a meeting of senior managers was convened specifically to identify opportunities for savings. Non-payroll costs are relatively low and the Area has recently formed links with the CPS Headquarters Business Development Directorate to support a value for money review.
- The Area's budgets are devolved to unit level with the Area Business Manager (ABM) retaining central control over training and capital cost. The ABM and the Business Support Manager review the financial profile each month and discuss any concerns with other managers, either informally or at the Senior Management Team (SMT) and business support meetings. Training has been delivered appropriately to address a lack of control within the accruals process that was leading to inaccurate financial reporting.
- The monitoring of prosecution costs has improved since the last inspection, as has the timeliness of payment of counsel's fees. The Trials Unit business manager and ABM meet every three months to discuss prosecution costs and there are now tighter controls on expenditure in instructing expert witnesses.
- Additional funding received by the Area to support specific projects (for example, the street crime initiative, the charging initiative and the Proceeds of Crime Act) has been used appropriately to recruit additional lawyers, caseworkers and administrators.

Aspects for improvement

- The Area marginally overspent its budget in 2004-05 (100.2%) following a higher overspend of 102% in 2003-04.

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

- The Area has effective systems in place to ensure that human resource needs are systematically and continuously planned. Staff structures and numbers are reviewed regularly by the SMT and business managers also meet on a regular basis to discuss administrative needs. Discussions about staff allocation are informed by caseload and performance data.
- Management and departmental trade unions have agreed flexible working arrangements that harmonise with the business need.
- Agent usage has decreased and now compares favourably with the national picture (the average was 19.2% in 2004-05 against 26.9% nationally). The average number of half-day court sessions covered by in-house prosecutors has increased from between four and five at the time of the last inspection to six. It is considered that four office sessions for the preparation of courts is vital to ensure progress at court, although this may still be generous for Criminal Justice Unit lawyers since, under the charging initiative, most cases should be reviewed and better prepared before they get to court.

Aspects for improvement

- Average sick absence is high at 13.2 days per member of staff over the year 2004-05, compared to 8.7 days nationally and the average has increased from 7.3 days in 2003-04 (9.2 days nationally). The Area has had long-term sickness cases, which have significantly increased the average absence rate. Advice has been sought from CPS Headquarters and systems for recording and managing absences have improved.
- The Area has not maximised savings from its use of HCAs and DCWs. Savings per session from HCA deployment were slightly below the national average (£219 compared to £224). The Area has prioritised charging and HCAs covered only 19 Crown Court sessions in the last quarter of 2004-05. This is being addressed and a new HCA policy was implemented in September 2005 designed to reintroduce HCAs into the Crown Court on a gradual and staged basis.
- The Area had 3.6 DCWs who covered a total of 307 sessions in the year 2004-05. Due to transfers, long-term sickness and delayed recruitment, DCW deployment is significantly below the national average. In 2004-05, the Area's DCWs covered only 3.3% of all magistrates' court sessions, compared to 8.3% nationally. Between January and March 2005, DCWs together covered an average of only six sessions per month (2.5% of the overall total). There has also been limited progress in the negotiation of listing arrangements to maximise the number of courts that DCW can undertake in order to free up lawyer time. There are now positive signs, however, in that the number of DCWs available has increased and listing discussions with the magistrates' courts are becoming more constructive.

12. MANAGING PERFORMANCE TO IMPROVE
2 - FAIR

There is a commitment to managing performance. Area reports provide a sound basis for addressing performance issues and monitoring change. Individual and collective responsibilities are defined and staff are kept informed about performance against targets. There have been regular unit performance reviews informing subsequent improvement activity. Appropriate performance appraisal objectives have been set which are supportive of key objectives and targets, although some staff are not proactive with regard to their personal development. There has been effective collaboration with criminal justice system partners, and the Local Criminal Justice Board (LCJB) is evolving to improve its focus. The Management Information System (MIS) has been used to good effect by the Area Performance Manager but other staff now need to attain a similar level of proficiency. The national Casework Quality Assurance system (CQA) has not been applied consistently or robustly to deliver accurate and reliable information supportive of effective casework performance management.

12A: Managers are held accountable for performance

- The Area has demonstrated a commitment to performance management. The appointment of a dedicated performance officer has improved the standard of performance reporting. There is a full discussion of casework performance in the previous month as a standing item at Senior Management Team (SMT) meetings.
- Area performance reports contain relevant data and commentary. Trends are identified and performance is illustrated over the preceding six months so that comparisons can be made. They also provide an update on the implementation of initiatives, for example, No Witness No Justice (NWNJ). Individual action points to address performance issues are taken forward and reviewed at the following meeting. Existing action plans are updated and amended as necessary.
- Responsibilities for achieving continuous improvement are defined. Unit and team performance reports cover the same issues as Area reports and are discussed at unit and team meetings. The Chief Crown Prosecutor (CCP) attends these meetings on occasions to discuss performance issues. Notice boards and regular bulletins are used to inform staff of performance against targets. The focus has been on engaging and motivating staff by emphasising successful outcomes with more specific individual issues being dealt with in performance appraisal. A move towards contemporaneous monitoring of decision-making (as opposed to reviewing finalised cases) has increased its impact.
- The CCP and the Area Business Manager (ABM) also conduct performance reviews of the two units (including file examination) in which issues are checked and action is taken. The Unit Heads have carried out similar reviews of the teams and the issues arising have informed subsequent improvement activity.

- A consistency exercise has assisted managers in setting standards and personal performance appraisal objectives supportive of the delivery of the Area's key objectives and targets. The ABM monitors the quality of all performance appraisal reports and, in particular, personally recognises in writing the commitment shown by individuals towards their personal development.
- Staff have been involved in improvement activity, mainly through local implementation teams for the major initiatives and in making suggestions to improve systems.

Aspects for improvement

- There is still work to be done on encouraging individuals to take responsibility for their forward job plans and work in partnership with managers to improve their personal development.

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

- The Area enjoys good working relationships with criminal justice system partners and effective collaboration is driving up performance. Senior managers participate in a range of LCJB groups and priorities are geared around implementing joint national initiatives successfully and meeting Public Service Agreement (PSA) targets. The LCJB has reviewed its sub-group structure to improve its focus and effectiveness by ensuring that managers from each of the agencies are dealing with issues at the right level. Appropriate performance data is shared and considered.
- The Area has liaised beneficially with a view to improving its output to and input from other agencies. For example, with the LCJB to assist in the assessment of the effectiveness of No Witness No Justice (NWNJ) and with the police to improve file quality and the timeliness of scientific evidence. The Area is in the process of agreeing a range of key performance measures for the police and CPS as part of the new Prosecution Team Performance Management (PTPM) regime.

Aspects for improvement

- Progress with the magistrates' courts over the provision of courts suitable for designated caseworkers, and on the management of cases for trial, has been slow.

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

- Performance information, including MIS reports, is regularly shared with partner agencies at all levels. It is analysed to identify issues and allocate responsibility for remedial action. Progress is then assessed at subsequent meetings using a traffic light system. Performance information is provided to staff in an accessible format through bulletins and newsletters.

Aspects for improvement

- Only two of the four staff that received training to obtain the licence to use MIS have accessed the system regularly. The Area is reviewing its use of MIS and needs to establish appropriate cover for the Area Performance Manager in his absence, so that others can achieve the same level of proficiency and understanding of performance management data.

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

Aspects for improvement

- The CQA system, although generally carried out continuously, is not sufficiently robust. Individual feedback has been provided to staff but form completion and returns have been inconsistent, although there have been recent improvements. The percentage of compliance with the scheme from April to December 2004 ranged from a low of 48.1% to a high of 86.2%. The Area is one of only two in CPS which does not break down its CQA figures into units. The Area has had its own concerns about the accuracy of data, lack of detail in the analysis and the small size of the file sample. Inspectors examining operation of the system at the time of the follow-up review (in early 2004) found that they disagreed with some assessments of decision-making and that necessary actions that had clearly not been taken had been assessed as satisfactory. The position has not improved. A reality check carried out on-site for the purposes of this assessment produced almost identical findings.
- Significant amounts of case monitoring are undertaken by managers separately from the CQA system, but the work is not co-ordinated.

13. LEADERSHIP

3 - GOOD

Vision and values are clear and there are established arrangements for corporate management. The identity of the Area has been reinvigorated in the two-year period since the last inspection. Key messages are delivered to staff and corporacy is promoted. CPS managers drive forward major initiatives and work closely with criminal justice system counterparts to determine the operational requirements. However, there is relatively limited involvement of non-managerial staff in internal and external improvement activity. An Equality and Diversity Group is responsible for integrating equality measures into casework decision-making. The outcomes of the 2004 Staff Survey were generally positive and the Area achieved a higher than average satisfaction rate for the quality of communication and for the promotion of dignity at work. Flexible working arrangements are well established and the proportion of minority ethnic staff employed by the Area is equal to the local working population comparator.

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

- Vision and values are clear, focused and stated and there are clear arrangements for the corporate management of the Area. Significant progress has been achieved in response to the recommendation in the last inspection report that the identity of the Area needed to be reinvigorated. The Area has continued to invest in its management team by providing appropriate developmental training.
- Managers understand the importance of adopting a corporate approach, internally and externally. Securing their ownership of and commitment towards key objectives is a central aspect of the process leading to the agreement of the Area Business Plan. Communication with staff generally occurs at the right time and is meaningful. Key messages are identified for delivery, and managers promote corporacy through articles in newsletters and at unit and team meetings. The Area is in the process of establishing a people strategy for 2005-07 and a communications strategy for 2005-08 setting out mutual expectations for managers and staff.
- Senior managers promote an open and constructive approach with criminal justice colleagues. They collaborate with them to learn from experience and improve performance. They are proactive in driving forward major criminal justice system initiatives such as charging, No Witness No Justice (NWNJ) and the Effective Trial Management Programme (ETMP) and participate effectively, together with other Area managers and counterparts, in operational delivery.
- Good performance by staff is recognised.

Aspects for improvement

- The involvement of non-managerial staff in improvement activity is relatively limited. Although there is consultation with the departmental trade unions in the development of the Area's vision and values, communication with staff could be more structured and systematic to secure their awareness, understanding and engagement.
- The Criminal Justice Unit, holds regular meetings for all team members, but these are less frequent in the Trials Unit.

13B: Senior managers act as role models for the ethics, values and aims of the Area and the CPS, and demonstrate a commitment to equality and diversity policies

- The Area's commitment to equality and diversity policies is evidenced in a number of ways, including the personal commitment and involvement of managers. A strategic Equality and Diversity Group (chaired by the Area Business Manager) is responsible for integrating equality measures into casework, for example, in the handling of racist or religiously aggravated crime, domestic violence and homophobic crime. Good performance by individuals is recognised in Area newsletters and in personal correspondence from the Chief Crown Prosecutor. A customer care group has addressed some issues of concern in what was a generally positive 2004 Staff Survey.
- Maintaining dignity at work is promoted in pamphlets and posters. Any complaint is dealt with efficiently and effectively. There is good consultation with the trade unions and an active Whitley Council, at which various aspects of change are discussed to obtain feedback.
- The results of the Staff Survey in 2004 were positive and staff were generally content that they were treated fairly. The Area scored better than the national averages for communication (with a 50% satisfaction rate compared to the national rate of 43%) and promoting dignity at work (62% compared to 55%).
- Flexible working arrangements are in place and the proportion of minority ethnic staff employed is equal to the local working population comparator (5%). The proportion of disabled staff is below local working population levels.

14. SECURING COMMUNITY CONFIDENCE

3 - GOOD

Senior managers are committed to engaging with and securing the confidence of the local community. The community engagement strategy emphasises the importance of effective engagement and that it is the responsibility of all staff to adopt a positive approach. The Area maintains contact with a number of relevant community organisations and also with local Members of Parliament (MPs) to increase its awareness of, and capacity to respond to, local concerns. A wide range of activity has been undertaken and there has been a particularly proactive approach towards engaging the local media. Some policy changes have been effected further to consultation. The impact of individual initiatives could be evaluated to a greater extent than currently occurs, to inform the planning of future engagement activity.

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

- The commitment of managers is clear and there is wide engagement activity with the community. The community engagement strategy and action plan set out in clear terms the intention to work with and be informed by the public to increase standards of performance and confidence. It emphasises the importance and expressly calls upon staff to adopt a committed ambassadorial role towards pursuing effective engagement.
- The Area understands the demographics of its population and demonstrates an extensive range of consultation, participation and information provision. It maintains a list of community bodies, including those representing racial, religious, sexual orientation and other interest groups. The Chief Crown Prosecutor (CCP) attends meetings of the local Crime and Disorder Reduction Partnerships (CDRPs) and shares information with local MPs to build confidence in local constituencies.
- The community engagement log provides details of a wide range of activity, indicating its general impact within specific categories (for example, 'building confidence in the CPS' or 'victim and witness development'). Led by the Area Communications Manager, a particularly proactive approach has been taken towards engaging the local media evidenced by numerous positive and informative press releases. There has also been good support for press releases by the police in relation to high profile cases.
- There is some evidence that policy and systems have been amended in the light of consultation. Members of community groups attended the launch of the Witness Care Units to provide the CCP and unit managers with their insight about ways to improve service and performance.

Aspects for improvement

- The Area acknowledges that the next stage is to develop its evaluation of community engagement so that the success or otherwise of individual initiatives is analysed, to determine accurately the impact and inform planning for future activity.
- Nottinghamshire's key figure in the latest British Crime Survey for public confidence in the effectiveness of local criminal justice agencies in bringing offenders to justice is 37%, compared with 43% nationally. This figure may have been affected by adverse national media coverage about high levels of gun crime in Nottingham rather than by specific issues of detection and prosecution.

ANNEX A

PERFORMANCE DATA

ASPECT 1: PRE-CHARGE DECISION-MAKING

MAGISTRATES' COURTS CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	16.3%	16.7%	52%	68.8%	68.7%	31%	22.7%	22.8%
CROWN COURT CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	14.6%	9.6%	68%	66.7%	77.1%	23%	23.8%	16.1%

ASPECT 2: MANAGING MAGISTRATES' COURTS CASES

INEFFECTIVE TRIAL RATE			OVERALL PERSISTENT YOUNG OFFENDERS PERFORMANCE (ARREST TO SENTENCE)		
National Target	National Performance 2004-05	Area Performance 2004-05	National Target	National Performance (3-month rolling average Feb 05)	Area Performance (3-month rolling average Feb 05)
24.5%	24.8%	26.3%	71 days	67 days	77 days

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

	Initial Guilty Plea Target 59 days		Trials Target 143 days		Committals Target 176 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	83%	6,152	66%	2,698	89%	992
Area	77%	139	61%	66	58%	19

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

	Initial Guilty Plea Target 59 days		Trials Target 176 days		Committals Target 101 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	87%	5,185	87%	3,309	91%	190
Area	89%	131	88%	98	100%	2

ASPECT 3: MANAGING CROWN COURT CASES

INEFFECTIVE TRIAL RATE

National Target	National Performance 2004-05	Area Performance 2004-05
18.5%	15.8%	13.7%

ASPECT 4: ENSURING SUCCESSFUL OUTCOMES

UNSUCCESSFUL OUTCOMES (AS A PERCENTAGE OF COMPLETED MAGISTRATES' COURTS AND CROWN COURT CASES)		
National Target	National Performance 2004-05	Area Performance 2004-05
21%	19.6%	15.6%

OFFENCES BROUGHT TO JUSTICE		
	CJS Area Target 2004-05	CJS Area Performance 2004-05
Against 2001-02 baseline	+10.2%	+1.5%
Number	26,800	24,689

ASPECT 7: DISCLOSURE

DISCLOSURE HANDLED PROPERLY IN MAGISTRATES' COURTS AND CROWN COURT CASES PERFORMANCE IN THE LAST INSPECTION CYCLE		
	National Performance	Area Performance
Primary test in magistrates' courts	71.6%	64.3%
Primary test in Crown Court	79.9%	55.0%
Secondary test in Crown Court	59.4%	25%
Overall average	70.3%	48.1%

ASPECT 11: MANAGING RESOURCES

NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE (END OF YEAR RANGES)	
2003-04	2004-05
102% overspend	100.6% underspend

DCW DEPLOYMENT (AS % OF MAGISTRATES' COURTS SESSIONS)			HCA SAVINGS (PER SESSION)		SICKNESS ABSENCE (PER EMPLOYEE PER YEAR)		
National Target 2005-06	National Performance 2004-05	Area Performance	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target	National Performance 2004	Area Performance 2004
11.6%	8.3%	3.3%	£224	£219	8 days	8.7 days	13.2 days

ASPECT 14: SECURING COMMUNITY CONFIDENCE

PUBLIC CONFIDENCE IN EFFECTIVENESS OF CRIMINAL JUSTICE AGENCIES IN BRINGING OFFENDERS TO JUSTICE (BRITISH CRIME SURVEY)	
CJS Area Baseline 2002-03	Most Recent CJS Area Figures In 2004-05
43%	37%



LONDON OFFICE

26/28 Old Queen Street, London, SW1P 9HP

Tel: (020) 7210 1197, Fax: (020) 7210 1195

YORK OFFICE

United House, Piccadilly, York, North Yorkshire, YO1 9PQ

Tel: 01904 54 5490, Fax: 01904 54 5492

www.hmcp.si.gov.uk

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

Email: Office@hmcp.si.gov.uk