

CPS Derbyshire

Overall Performance Assessment

December 2005

Promoting Improvement in Criminal Justice

CONTENTS

	PAGE
A. INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS	2
B. AREA DESCRIPTION AND CASELOAD	3
C. SUMMARY OF JUDGMENTS	4
D. DEFINING ASPECTS	8
1. Pre-charge decision-making	8
2. Managing magistrates' courts cases	10
3. Managing Crown Court cases	12
4. Ensuring successful outcomes	14
5. Handling sensitive cases and hate crimes	16
6. Custody time limits	18
7. Disclosure	19
8. The service to victims and witnesses	21
9. Presenting and progressing cases at court	24
10. Delivering change	26
11. Managing resources	29
12. Managing performance to improve	31
13. Leadership	33
14. Securing community confidence	35
ANNEX A PERFORMANCE DATA	36

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 Derbyshire 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 Derbyshire serves the area covered by the Derbyshire Constabulary. It has one office at Derby, where the Area headquarters (Secretariat) is also based.

Area business is divided on functional lines between magistrates' courts and Crown Court work. The criminal justice units (North and South) handle 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 Area number of staff in post was 109 full-time equivalents.

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

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	8,166	28.9	20.9
Advice	493	1.7	5.1
Summary offences	11,789	41.7	46.8
Either way and indictable only	7,829	27.7	26.7
Other proceedings	19	0.1	0.4
TOTAL	28,296	100%	100%

C. SUMMARY OF JUDGMENTS

A full inspection was conducted in February 2003 (report published in May 2003) against a background of the Area having put considerable effort into introducing the CPS case management system (CMS) and implementing the shadow charging scheme. Revised managerial arrangements were subsequently introduced, with senior managers focusing on strategic issues and other managers concentrating on operational matters. The recommendations from that inspection were included in the subsequent Area Business Plan (ABP) but, by the time of the follow-up progress review, many of the aspects for improvement identified had not been addressed. Inspectors had general concerns at that stage about the length of time that was being taken to form conclusions and put new arrangements in place.

It is apparent from this OPA that performance improvements have been achieved, that considerable change has been implemented and that progress is being maintained.

Visible and accessible managers have communicated a clear vision and the Area has collaborated successfully with criminal justice system partners in progressing No Witness No Justice (NWNJ), the Effective Trial Management Programme (ETMP) and the statutory charging scheme. Corporacy is promoted and appreciated. Senior managers readily express their appreciation for good work and encourage staff to involve themselves in improvement activity. There is a clear commitment towards achieving fairness and equality of opportunity, which was reflected in the recent positive staff survey.

The Area adopts appropriate accounting procedures and has actively pursued value for money. Managers have been cautious in light of uncertainties about potential staffing levels and, as a result, have underspent. However, there has been only an average use of agents despite a 15.2% fall in staff numbers in 2004-05 and high sickness absence levels. Some aspects of casework performance have been unsatisfactory (for example, compliance with the unused material disclosure regime and committal preparation) and increased agent usage might have enabled the Area to meet expected standards, although the Area itself believes that it would have had difficulty in instructing sufficient numbers of suitable agents.

Area performance in avoiding unsuccessful outcomes is better than the national average. A contributory factor has been the effective analysis of adverse outcomes with the police to learn lessons and improve future performance. Sanction detection rates are good and the Offences Brought To Justice (OBTJ) performance came quite close to the target.

The Area has made a positive contribution to the implementation of ETMP and is progressing cases more expeditiously. Cases are generally prepared promptly but untimely or inadequate preparation of some committals is affecting performance in the Crown Court. Structured systems are in place for monitoring and learning from cracked and ineffective trials where the prosecution could have done more. The rates are reducing in the Crown Court and the proportion attributable to prosecution failings is now closer to

national levels. Performance in finalising persistent young offender (PYO) cases expeditiously has slipped however and the Area average was 79 days compared to the national average of 67 days and national target of 71 days. The Area has put forward evidence of double-counting in some PYO cases instigated since November 2004 which it believes will lead to a reduction in the published figure for 2004 - 2005.

Generally, sensitive cases are handled appropriately, with Area champions providing valuable support and guidance. However, the Area does not formally monitor hate crime and the highlighting of racially aggravated cases is unsatisfactory.

The Area has custody time limit (CTL) systems in line with national guidance, although there were two failures during 2004-05. A new protocol should improve joint monitoring.

The unsatisfactory level of compliance with the disclosure regime has been addressed and some progress has been made, although some issues remain. Training has been given to prosecutors and further internal training is planned. However, common training with the police has been limited and there remain aspects of joint performance on disclosure that require attention.

Generally, timely and accurate notification is provided to witnesses that they are required to attend court and also to ensure that protective measures are sought where appropriate. Advocates generally provide relevant information to witnesses at court and the establishment of Witness Care Units (WCU) has improved the overall level of service provided. The quality of Direct Communication with Victims (DCV) letters explaining decisions is good but the Area is not identifying a significant proportion of cases in which letters should be sent.

Concerns about performance management at the time of the last inspection and follow up review have been largely addressed. The monthly unit performance reports are commendably comprehensive and there are now positive trends with good staff involvement. The casework quality assurance scheme (CQA) has been used effectively to address general casework issues but has not yet focused on important local concerns, such as disclosure. CJS performance management with local counterparts is well established, although further work is required to meet shared targets in avoiding ineffective trials (the magistrates' courts rate was 27.3% against 24.8% nationally and the Crown Court rate was 20.1% against 15.8%).

Efforts are progressing to address outstanding issues with the police leading up to implementation of the statutory charging scheme (in January 2006). Experienced lawyers are operating the shadow charging scheme and making good use of CMS. Tangible benefits are beginning to accrue but the discontinuance rate in magistrates' courts cases in which the CPS made the pre-charge decision to proceed is higher than the national target.

Monitoring of prosecution advocacy has been focused, rather than extensive, but performance issues have been addressed. Prosecutors are now more likely to receive papers in time to prepare adequately although instructions to counsel are not always timely.

A wide range of community engagement activity is pursued and further beneficial action is identified where appropriate. Implementation of NWNJ was enhanced through consultation with the NSPCC about the needs of child witnesses.

In the light of our findings that the Area has achieved good or fair performance across all aspects (with the majority fair), we have assessed the Area's overall performance as **FAIR**.

CRITICAL ASPECTS	Level 2 - FAIR
Pre-charge decision-making	2 - Fair
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	2 - Fair
Handling sensitive cases and hate crimes	3 - Good
Custody time limits	2 - Fair
Disclosure	2 - Fair
Presenting and progressing cases at court	2 - Fair
Delivering change	3 - Good
Managing performance to improve	3 - Good
Securing community confidence	3 - Good

OVERALL ASSESSMENT	2 - FAIR
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D. DEFINING ASPECTS

1. PRE-CHARGE DECISION-MAKING

2 - FAIR

The Area's shadow charging scheme was planned for in a constructive manner, but issues remain with police understanding and implementation of some aspects of its operation. Work is in hand to address these prior to the roll out of statutory charging in January 2006. The CPS case management system (CMS) is being used effectively and experienced lawyers staff the charging centres. Monitoring is embedded and most of the expected benefits are being realised, but work still needs to be done on reducing discontinuance rates in the magistrates' courts.

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

- Timely pre-charge advice and decisions are usually provided at all relevant Area charging centres. Shadow charging is in place at four centres, with advice being given by senior lawyers. Planning for the scheme was effective, but there are issues that remain to be addressed with the police to ensure its successful operation.
- Area recording and counting systems are generally accurate and the use of CMS for the recording of advice and decisions is embedded. A check on CMS of ten cases subject to pre-charge advice showed that in all ten, the form for recording that advice (the MG3) was stored electronically and the cases were flagged appropriately.

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 generally of sufficient experience and expertise to deal with pre-charge decision (PCD) cases and there is widespread understanding of the local and national scheme and all relevant guidance. The Area supplies duty prosecutors with a comprehensive guidance pack and specific guidance on particular offences or issues.
- The Area has monitoring systems in place to assure the quality and timeliness of advice and decisions provided but not all categories of case and outcomes (for example, cases where no further action (NFA) is recommended) are included in the monitoring. The Area is reliant on the grievance procedure for the police to raise any issues with NFA and conditional cautioning cases and carries out no specific monitoring. However, monitoring of charged cases is well established and all proposed discontinuances are reviewed by a unit head.

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

- Migration to the statutory scheme is being implemented broadly in accordance with the schedule. However, it was deferred due to issues that the police needed to resolve. Several reviews of progress to date have been carried out and there is a joint police/CPS action group working on the issues identified. A risk register has been drawn up and an action plan will be distilled from this to inform the continued progress towards roll out.
- On PCD cases, expected benefits are being realised in the Crown Court. The Area's data for magistrates' court guilty pleas (68.2%) is very close to the national rate (68.8%), but magistrates' court attrition is 25% (compared to 22.7%). Performance against Crown Court benefits measures is good; discontinuances are 9.9% (compared to 14.6%), guilty pleas are 74.6% (compared to 66.7%) and attrition is 19.9% (compared to 23.8%).

Aspects for improvement

- There is regular liaison with the police on the implementation and operation of the scheme but some persistent issues need further work to resolve. Resolution of these issues by the Area with the police would assist in the smooth migration to the statutory scheme. Despite the CPS having undertaken extensive training with the police, there remains a degree of misunderstanding on the part of some police officers as to the role of the CPS duty prosecutors, the police Investigation Support Officers and the appeals process.
- More needs to be done to monitor cases on which further work is needed, and there are issues with the number of times suspects are bailed back to the police station.
- The Area has not yet realised the benefits from PCD in the rate of discontinuances in the magistrates' court. The rate, 15.8%, is noticeably higher than the national target of 11%, although it is slightly better than the national average (16.3%).

2. MANAGING MAGISTRATES' COURTS CASES

2 - FAIR

The Area has structured systems for monitoring cracked and ineffective trials and for learning the lessons from those cases where the prosecution could have done more. Case progression has been introduced and there is good liaison with other partners in the criminal justice system. Effective use is made of the IT systems. More work needs to be done on reducing ineffective and cracked trials and on performance in finalising persistent young offender (PYO) cases expeditiously.

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

- Magistrates' courts cases are routinely reviewed and prepared promptly, with follow-up work undertaken where necessary and most cases are ready to proceed at each court hearing. Timeliness data indicates that the Area has outperformed the national average on service of papers on the defence (84.9% compared to 79.4% nationally), adult trials (73% compared to 66%) and youth trials (93% compared to 87%). Trials are subject to pre-trial checks to establish readiness, with action being taken to address any deficiencies.
- There is liaison with criminal justice partners and regular case progression meetings, with performance improving as a result. The Case Progression Officers (CPOs) are in regular contact with their counterparts in the court and the police Support Unit. CPOs have a specific job description and desk instructions and their role forms part of the continuing implementation of the Effective Trial Management Programme (ETMP), which is being rolled out across the Area, starting in North Derbyshire. The roll out of ETMP is being informed by sound planning and clear objectives and targets.
- The Area no longer has formal joint performance monitoring, but unit managers and CPOs liaise regularly with their police counterparts and issues are discussed. In addition, the police have been running a quality assurance exercise, with which the Area has been fully engaged.

Aspects for improvement

- There were two wasted cost orders made against the prosecution in the magistrates' courts during the relevant period which were specifically attributable to the conduct of the CPS and therefore recorded by it. However, CPS Derbyshire differs from most Areas in that there are arrangements in place for the police to pay wasted costs where the cause is attributable to them, and these are not then recorded as wasted costs by the Area. Direct comparison cannot therefore be made between CPS Derbyshire and other Areas; it would be necessary for that purpose to include all cases, irrespective of whether fault lay within the police service or CPS.

- The PYO target is not being met and timeliness is not improving. For the relevant period, the Area's average was 79 days for finalisation of PYO cases, as against a target of 71 days and a national average of 67 days. Performance has deteriorated in this aspect since mid-2004. The misidentification of PYO cases is impacting on performance and the Area has now instituted measures to try to rectify this. The Area has also put forward evidence of double-counting in some PYO cases instigated since November 2004 which it believes will lead to a reduction in the published figure.

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

- There is formal analysis of all cracked and ineffective trials and appropriate action is taken where the prosecution has been at fault. The data from the court is analysed and individual cases checked. The analysis is included in unit monthly reports, and is also discussed by the senior management team on a regular basis. We deal in Aspect 8 (page 20) with the data for cases where witness issues have been responsible for cracked and ineffective trials, as these exceed the national rates.
- Some work has been undertaken with criminal justice partners and action has been taken and communicated. The LCJB and the relevant sub-group regularly discuss and analyse cracked and ineffective trials and the discussions are supported by full performance reports.

Aspects for improvement

- Whilst performance has improved since 2003-04, there is still work to be done on improving performance on the rate of cracked and ineffective trials. The rate for ineffective trials is 27.3% as against a target of 26.5% and national performance of 24.8%. Of these, 9.4% are ineffective due to the prosecution, whereas the national rate for this is 6.8%. Cracked trials account for 37.6%, which is 0.5% over the national rate. The Area has an ongoing issue with the accuracy of categorisation by the magistrates' courts, and is working to address this.

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

- CMS is routinely used to record key events in cases, and attempts are being made to monitor outstanding tasks and chase them up where appropriate. CMS usage is generally monitored and appropriate action is taken to improve usage. Unit business managers use CMS task lists to check case progression and usage generally is monitored and reported on in the monthly unit performance reports. The Area makes good use of the information available on the Management Information System (MIS) and has adopted its own templates in certain instances. The Area's rates for usage of CMS for full file reviews and for the overall rating are better than the national averages; for full file reviews this is 43.3% as compared to a national rate of 27.1%, and for overall usage, the Area rate is 76.5% whereas the national rate is 69%.

3. MANAGING CROWN COURT CASES

2 - FAIR

Generally, casework is prepared promptly and cases are progressed effectively. However, the Area has a significant issue with the preparation of committals, which is hampering its performance in Crown Court cases. Cracked and ineffective trials are reducing, but have yet to meet target; of these, however, there is very little difference between Area and national rates for those attributable to prosecution failings. Monitoring of casework and liaison with criminal justice partners are embedded, and use of the casework management system (CMS) is good.

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

- Crown Court cases, apart from committals, are routinely reviewed and prepared promptly, with follow up work undertaken where necessary. Most cases are ready to proceed at each court hearing. The Area has had no wasted costs orders made against it in the Crown Court, which is indicative of good preparation.
- Good work has been done with criminal justice partners, and there are regular case progression meetings, with performance improving slightly as a result. The Area has case progression officers (CPOs), who meet with their counterparts in HM Courts Service and have clear and practical desk instructions available to them. There is also a listing protocol in place between the court, police and CPS. The Effective Trial Management Programme (ETMP) is being rolled out across the Area.
- The Area is monitoring POCA cases and has met its target for confiscation orders (79 orders realising a sum of £2,346,308). Briefs to counsel include specific instructions regarding restraint and confiscation and the Area has also produced an informative and useful awareness pack for lawyers.
- Most instructions to counsel include an analysis of the issues and acceptability of pleas.
- The Area is out-performing the national average for timeliness in youth trials (93% compared to 87%).

Aspects for improvement

- Efforts are being made to review and prepare committal cases promptly, but cases have to be adjourned due to the prosecution not being ready and some are being discharged. In 2004-05, the committal was discharged in 42 cases in which the CPS made the pre-charge decision to proceed. That represents 5.6% of the national total (745). This is an issue that has been prevalent within the Area for some time and more work remains to be done, in conjunction with the police, to ensure prompt submission and preparation of these cases.

- The position as regards persistent young offenders (PYO) is covered in Aspect 2.

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

- There is formal analysis of all cracked and ineffective trials and appropriate action is taken where the prosecution has been at fault. The Area routinely includes performance data in the unit monthly performance reports and these are then analysed at senior management level. Lessons to be learned are disseminated to staff via the unit performance reports and also in team meetings or individually to staff where appropriate.
- Some work has been undertaken with criminal justice partners, action has been taken and communicated and performance is improving as a result. Regular meetings take place between the CPS and police at operational level regarding cracked and ineffective trials, and the LCJB and relevant sub-group review the data and discuss issues affecting performance. These discussions are informed by a helpful report prepared by the LCJB Performance Officer.

Aspects for improvement

- Despite the work being done to analyse performance, the cracked and ineffective trials rate, whilst reducing, is not yet at target. The ineffective trial rate was 20.1% as against a target of 18.4% and national average of 15.8%. However, the rate for ineffectiveness due to the prosecution was only 0.5% over the national average. Cracked trials accounted for 45.1% of all trials in the Area, whereas the national rate was 39.2%. Of these, cracked due to the prosecution accounted for 18% as compared to the national average of 15.3%.

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

- CMS is routinely used to record key events in cases and attempts are being made to monitor outstanding tasks and chase them up where appropriate. Unit managers monitors usage and action is taken to improve it, including the use of objectives in staff forward job plans. Unit Business Managers use CMS task lists to check case progression and usage generally is monitored and reported on in the monthly unit performance reports. The rate for usage of CMS for indictments is 88.4%, which is in excess of the national average of 81.5% and the Area's overall usage rating is 76.5% as against a national rate of 69%.
- The Area makes good use of the information available on the Management Information System (MIS).

4. ENSURING SUCCESSFUL OUTCOMES	3 - GOOD
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The Area's unsuccessful outcomes and overall conviction rates are better than the national averages, and there is good work done within the Area and with the police to analyse adverse outcomes and learn lessons from failed cases. Adverse cases reports appear robust in the narrative, but some work needs to be done to ensure that the overall assessment recorded of whether the CPS could have done more reflects that narrative. Sanction detection rates are good, and the Offences Brought To Justice (OBTJ) performance is improving.

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

- For the full year to March 2005, results compared with national averages show:

OUTCOME	AREA FIGURE	NATIONAL AVERAGE
Magistrates' courts		
Discontinuance & bindovers	8.6%	12.5%
No case to answer	0.3%	0.3%
Dismissed after trial	2.1%	1.5%
Discharged committals	0.4%	0.3%
Overall conviction rate	86.0%	80.8%
Crown Court		
Judge ordered acquittals	13.1%	14.2%
Judge directed acquittals	1.4%	2.0%
Acquittals after trial	3.8%	6.3%
Overall conviction rate	80.9%	75.8%

- The majority of these show performance as better than or equal to national rates, and the overall conviction rate is well above the national rate. The combined rate of unsuccessful outcomes in the magistrates' courts and Crown Court (as a percentage of completed cases) improved from 17.1% in 2003-04 to 14.5% in 2004-05.
- There is formal assessment of the quality of review and case handling, with appropriate action being taken when necessary. Monthly unit performance reports give detailed analysis of cases that have not been successful, and lessons are disseminated to individuals and to the unit.
- Proposed discontinuances in pre-charge advice cases are checked by the relevant unit head before being sent to the police, to ensure that discontinuances in such cases are appropriate. The charging champion sees all pre-charge decision cases that have resulted in an unsuccessful outcome and disseminates lessons where necessary.
- Adverse outcome forms are completed in most appropriate cases, and clearly set out the reasons for acquittal. Action has been taken, both internally and with the police, and there are measures in hand to provide detailed analysis at the police divisional level to assist in improving performance.
- The Area has met its target in relation to unsuccessful outcomes and its performance is better than the national performance. In the magistrates' court, unsuccessful outcomes account for 14% of all cases, against a national rate of 19.2%, and in the Crown Court the figures are 19.1% and 24.2% respectively. The overall rate for unsuccessful outcomes is 5% lower than nationally and betters the national target by 6.5%
- The national and Area OBTJ targets have not been met but the disparity is slight and performance is improving. The Area's sanction detection rate is good and the CPS national monitoring for sanction detection shows consistently good performance from September 2004 onwards.

Aspect for improvement

- A check of the adverse case outcome forms indicates that in some instances, whilst the narrative accurately records where more could have been done to prevent an unsuccessful outcome, the box ticked on the form does not correspond and this impacts on the accuracy of the data gathered.

5. HANDLING SENSITIVE CASES AND HATE CRIMES 3 - GOOD

Generally, sensitive cases are handled appropriately, flagged correctly, and monitored, with Area champions providing support, training and guidance where appropriate. The Area has a system to check reduction or discontinuance of charges in racially or religiously aggravated offences, but otherwise, has no formal monitoring for hate crime, and flagging of racially aggravated cases is poor.

5A: The Area identifies and manages sensitive cases effectively

- Sensitive cases (all cases involving hate crime i.e. domestic violence, homophobic, racist and religious crime, child abuse/child witness cases, rape, fatal road traffic offences, issues of local concern, street crime, anti-social behaviour orders and high profile/immediate interest cases) are handled by prosecutors with the appropriate specialist skills and knowledge. Training and mentoring are provided where necessary by the Area champions. There has been no specific training on anti-social behaviour orders (ASBOs), but the champion monitors the handling of these cases by lawyers, and maintains close liaison with them, and with other criminal justice partners.
- The Area has appointed champions and specialists for sensitive cases, who disseminate information to prosecutors and caseworkers, and provide guidance/mentoring, and manage/handle cases where appropriate. Champions are given a specific objective in their forward job plans, and discuss the expectations of them with senior managers. The Area champions review CPS policies and HMCPSI thematic reviews, and circulate any necessary guidance or changes in practice as a result.
- Generally, sensitive cases are generally flagged up on CMS, and their review and handling is formally assessed, with appropriate action being taken where necessary. Learning points identified in sensitive cases, from the analysis of unsuccessful outcomes generally, are referred to Area champions to address as necessary and report back to senior managers. There is, however, an issue with the flagging and analysis of hate crime, which is dealt with below.
- The Area has produced specific guidance for counsel for various types of casework, and these are included in briefs where appropriate.

- There are protocols in place with the police for various categories of specialist or sensitive casework, including domestic violence, road traffic fatalities, and anti-social behaviour orders (ASBOs). The Area ensures that a CPS specialist is allocated to prosecute the dedicated domestic violence court to assure the quality of case presentation and decision-making (there are sufficient numbers of such specialists to deal with contingencies such as illness).

Aspects for improvement

- Flagging of racially aggravated cases on the case management system (CMS) is patchy; a reality check showed that four out of ten cases had not been flagged properly.
- The Area does not undertake an analysis of hate crimes in which a reduction or change of charge, or an agreed basis for plea, reduces or removes the 'hate element' from the offence. In such cases, the unit head is consulted before the decision is taken, but there is no formal analysis carried out, for example, of the racial incident monitoring forms.

6. CUSTODY TIME LIMITS

2 - FAIR

The Area has systems in place which accord with national standards, and structured reviews of the systems, with training and dissemination of any lessons in place. The required checks are being carried out, but these are not evidenced consistently across the Area. Two failures last year resulted from individual case failings rather than from a flaw in the system, but both were avoidable with care. A new protocol which is shortly to be signed by the courts should improve joint monitoring of custody time limits (CTLs).

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

- The Area has a written CTL system, which complies with national guidance, and there is evidence that the system is kept under review. The Area overhauled its systems after a CTL failure, and gave refresher training to staff.
- The Area system is reviewed regularly and changes are made when new case law or procedures are brought in. The Area Champion carries out refresher training approximately once a year, and reviews the system prior to that training. All new entrants are trained on the CTL system briefly in induction, and then more fully once they have more experience of their role.
- The Area has drafted a protocol on CTLs with a view to agreeing it with local courts. The protocol envisages that prosecutors will agree the CTL expiry date with the court, and it will engage the courts in monitoring expiry dates. The protocol has yet to be signed by the courts, but at the time of our visit, the courts' agreement in principle had been established.
- Senior Area managers take an active interest in the effective functioning of the system and require assurance in the monthly unit reports.. The Area Champion carries out monthly dip-samples, and unit business managers check the accuracy of recording against the diary on a weekly basis. The monthly unit performance reports contain information on CTLs, and these reports are then discussed at the senior management team meetings.

Aspects for improvement

- The Area had two CTL failures in the last financial year. Neither failure appears to be based on any systemic failing, rather on a lack of adherence to the system, or a lack of attention in the individual cases. The Area needs to ensure that such failures do not recur.
- The reality check indicates generally good practice, but there is an issue in two of the three units with failure to endorse the file jacket and CTL diary to show that the necessary daily checks have been carried out. The weekly checks are evidenced on all units.

7. DISCLOSURE
2 - FAIR

A poor level of performance at the last inspection has been addressed with some progress made. Issues remain in one unit with the endorsement of schedules, and across the Area with file housekeeping, but performance has improved on the quality of decisions on unused material and the accurate recording of those decisions. Initial training has been given to lawyers, and further training is planned, although efforts to train jointly with the police have yet to come to fruition. There is some work still to do on liaison with the police where disclosure causes delay in the case preparation for trial.

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

- Performance at the time of the last inspection (May 2003) was poor, with compliance rates well below those recorded by the Inspectorate for the CPS nationally. Primary disclosure was handled properly in only 22% of magistrates' courts cases compared to 71.6% nationally and in 66.7% of Crown Court cases compared to 79.9%. Secondary disclosure in the Crown Court was handled properly in only 16.7% of cases compared to 89.4% nationally. Overall, there was full compliance with the disclosure regime in only 35.1% of cases compared to a national performance of 70.3% and limited progress was identified at the time of the follow-up review (April 2004). However, there is evidence of some improvement.
- Prosecutors' performance in relation to disclosure is being formally assessed. A recent sample of casework quality assurance (CQA) forms indicated that there were no issues with disclosure and the file sample examined on site provided some reassurance. However, there has been limited quality assurance examination of secondary disclosure performance and checks need to be more focussed to address specific local issues.
- Unit Heads also check for any disclosure issues when reviewing adverse cases and cracked or ineffective trial files.
- Most prosecutors have received initial training on the disclosure provisions of the CJA 2003. The Area's previous disclosure champion is now with CPS Direct and a new champion has recently taken over that role. It is planned that the Area Champion will be providing further training to lawyers and caseworkers on the Act and the CPS/ACPO Disclosure Manual once she has attended the advanced training course (expected to be later in 2005).

- All sensitive material schedules and any sensitive unused material are usually stored securely. The Area has an agreed system with the police for the delivery of sensitive unused material, which is then logged and stored.

Aspects for improvement

- Although some work has been undertaken to improve performance, issues still remain with endorsements of schedules and a recent review of one unit by the CCP revealed that performance still had some way to go in this regard. Most of the files seen on site had no disclosure record sheet or systematic separation of correspondence relating to disclosure from other items on the file.
- Some work has been undertaken with the police, but this has not been systematic and the Area is not able to show any improvement in performance flowing from this initiative. There are a number of cases where disclosure issues, particularly late supply of unused material by the police, has led to a trial being ineffective (1.6% of ineffective trials in the magistrates' courts compared to 1.04% nationally and 0.3% compared to 0.4% nationally in the Crown Court). More needs to be done to address joint performance. Efforts have been made to arrange joint training, but the police have not yet been able to commit to a specific training programme.

8. THE SERVICE TO VICTIMS AND WITNESSES
2 - FAIR

Appropriate procedures are in place to achieve timely and accurate notification to witnesses that they are required to attend court and also to ensure that special protective measures are sought for vulnerable witnesses. Prosecution advocates generally introduce themselves to witnesses at court and provide relevant information. Implementation of No Witness No Justice (NWNJ) is on track, with two Witness Care units already in operation. However, whilst the quality of Direct Communication with Victims (DCV) letters is good, recent data indicates that the Area has been sending letters in only two-thirds of those cases where it should do so. The proportion of ineffective trials caused by non-attendance of prosecution witnesses is also not as good as the national average.

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

- Speaking Up For Justice (SUFJ) is embedded and applications for special measures to assist young or vulnerable witnesses are generally made at the earliest opportunity. Cases are identified either on the first needs assessment check by the Witness Care units (WCU) or by the lawyer at trial or committal preparation stage. In the criminal justice units (CJUs), a trial preparation checklist is used to assist in identifying appropriate cases.
- Witness warning procedures are generally effective and there is usually timely supply of witness details to the Witness Service. The Area has devised a leaflet providing information about what prosecution witnesses can expect at court, which is available in large print, audio and in several languages.
- Most prosecution advocates and staff introduce themselves and provide information and explanations to witnesses at court, particularly where the witness is a child or vulnerable adult and also more generally when trials do not proceed, for example, because alternative pleas are accepted.
- Liaison with the Witness Service and Victim Support occurs on a regular basis through quarterly meetings, which the unit heads attend. Variable performance in providing information to the Witness Service, particularly where cases are discontinued or adjourned, was a concern at the time of the last inspection but the Area is now much better placed to supply accurate timely information following the introduction of the WCUs.

- The Area Programme for witness care unit coverage is on target with the project achieving expected milestones. There are no significant obstacles to further implementation and the expected benefits are beginning to materialise. The project has been well managed. The implementation plan clearly identified key tasks, the spend profile, responsibilities and milestones. It was updated regularly to indicate when tasks had been completed and monthly progress reports were prepared for senior managers. The South and North Derbyshire WCUs have been in operation since February and May 2005 respectively. The Area Project team secured valuable information to assist and inform implementation through consultation with the local community and relevant agencies, for example, the NSPCC. Witness care officers liaise with witnesses in respect of cases that have been adjourned for trial and make contact, where possible, after every hearing.
- There is clear analysis of cracked and ineffective trial data, internally and through the LCJB. The Area is seeking to reduce the numbers of ineffective trials that occur as a result of witness non-attendance through enhanced witness care from the WCUs and by adopting more effective case progression procedures.
- There have been meetings with the relatives of the deceased in road traffic incidents in accordance with the commitment given by the CPS in such cases.

Aspects for improvement

- Although the Area's form MP2 embodies a checklist which should prompt staff to consider making timely applications for special measures, there is no specific monitoring to ensure that this in fact happens in all appropriate cases, although any issues may be identified through the general application of the casework quality assurance scheme (CQA).
- The general quality of DCV letters is good but compliance with the scheme is not consistent throughout the Area. Comparison with the CPS headquarters proxy target suggests that the Area is only identifying 62% of qualifying cases. Compliance is now monitored and reported in monthly performance reports and remedial action has been implemented, for example, some staff have been given an objective to ensure that all such cases are passed to the DCV monitor. If any case is found not to have been identified in the trials unit (TU), managers go through what happened with those involved to seek an explanation and bring home the importance.

- The 2004-05 Area performance for magistrates' courts ineffective trials at 27.3% was not as good as the national average (24.8%); the ineffective trial rate at magistrates' courts due to prosecution witness absence was also not as good as the national average at 5.9% (compared to 4.5%). At the Crown Court, both the ineffective trial rate at 20.1% (compared with 15.8%) and the ineffective trial rate due to prosecution witness absence at 3.9% (compared with 3.7%) were also not as good as the national averages.
- The treatment of witnesses has a direct impact on the success or otherwise of prosecutions. Average waiting times at court for witnesses in Derbyshire are increasing. Whilst this is an issue largely controlled by the courts, the CPS should be looking to exert greater influence court over listing patterns. The average for those attending the magistrates' courts was significantly better than the national comparator in June 2004 (48 minutes compared to 86) but increased to 88 minutes in November 2004, which was the same as the national average at the time. Witness waiting time in the Crown Court in June 2004 was on average 147 minutes (compared to 145 minutes nationally) but by November 2004 had risen to 180 minutes (compared to 151 minutes nationally).

9. PRESENTING AND PROGRESSING CASES AT COURT 2 - FAIR

The Area has made a pro-active and positive contribution to CJS implementation of the Effective Trial Management Programme (ETMP) and is now working towards progressing cases more expeditiously. Relevant specialisms are taken into account in the selection of advocates and good quality standing instructions are provided to agents. Monitoring of advocacy has been focused but any performance issues have been addressed robustly. Prosecutors are now more likely to receive papers in time to prepare adequately than they were at the time of the last inspection, although instructions to counsel are not always timely.

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 playing a full and active role in developing ETMP, the initiative to improve case progression in court. Case progression officers execute the instructions of prosecutors in preparing for trial and ensure that appropriate timely action is taken. Crown Court listing protocols have been agreed to assist in achieving greater consistency and certainty about when trials will take place.
- Progress has been made in negotiations with the magistrates' courts to address the issue of transfer of cases at short notice and overlisting, which can have a negative impact on the quality of preparation by prosecutors. The unit heads have also reached agreement with court clerks about the maximum number of sessions that can be undertaken within CPS and court resources.
- Selection of prosecution advocates in both the magistrates' courts and the Crown Court, by unit business managers and caseworkers, is undertaken with full consideration of their experience, expertise and qualifications and those instructed generally attend court in time for appropriate liaison with other court users.
- In the magistrates' courts, suitably trained prosecutors cover most specialist courts and there are sufficient numbers of specialists to deal with contingencies such as illness. A specialist always prosecutes the dedicated domestic violence court. Specialists cover all youth remand courts, but agents or non-specialist in-house prosecutors sometimes cover youth trials.
- CPS staff selecting barristers to prosecute Crown Court cases are familiar with the particular skills and specialisms of counsel.

- File endorsements made at court are generally accurate. Their quality is monitored regularly through casework quality assurance checks and examination of failed cases. The unit heads also undertake dip sampling.
- There is a formal procedure in place for dealing with any complaints received about prosecutors. They are fully investigated by unit heads and action is taken if appropriate. There is a close working relationship with all court users and any issues have been addressed expeditiously.
- The Area does not carry out formal systematic monitoring of in-house prosecutors, although new lawyers are subject to checks by managers. Some assessment of magistrates' courts prosecutors and HCAs has been undertaken by the CCP personally.
- There is some monitoring of counsel and agents. Prosecutors have been assigned to comment on agent advocacy and any examples of unsatisfactory performance by counsel are reported to the trials unit business manager and addressed through liaison with the relevant head of chambers. Monitoring forms completed by caseworkers provide valuable feedback, both positive and negative, for managers and chambers.
- Agents appearing in the magistrates' courts are provided with a good quality instructions pack, which includes important information about the extent of their authority, reference to CPS policies and appropriate action to be taken in commonly occurring circumstances. It also provides valuable guidance about difficult and sensitive cases as well as CPS contact information for referral for decision-making and obtaining additional information.

Aspects for improvement

- The commitments of in-house lawyers and the working practices of some agents mean that preparation time is occasionally limited. It was a concern at the time of the last inspection that papers were not being provided promptly to prosecutors affecting their ability to prepare properly. The Area has addressed this by attempting to ensure that key information is available three days in advance of hearings.
- Although the quality of instructions to counsel is generally good, there are delays in providing them to counsel and Area performance is not as good as the national average. There was timely delivery of 62.5% of briefs compared to the national figure of 85%.

10. DELIVERING CHANGE

3 - GOOD

A clear vision has been communicated to staff and there have been recent positive steps taken to raise awareness about what they can expect from Area managers. Planning has been effective, internally and in conjunction with CJS partners, in the implementation of important national initiatives such as No Witness No Justice (NWNJ), the Effective Trial Management Programme (ETMP) and the statutory charging scheme. Management of the associated risks has improved significantly. The ABM has overseen the general implementation of change and the avoidance of conflict between individual initiatives. Training activity will be more considered in 2005-06 (compared to 2004-05) with greater linkage to individual staff development.

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 staff understand it. A clear vision, now entitled 'From Crime To Justice', has been effectively communicated which supports the CPS Corporate Plan and is being pursued through the Area and unit plans. Personal objectives are tailored towards and complementary of the overall aims. This has been built upon recently with the issuing of a 'Statement of Expectation' setting out what staff can expect from Area managers and the Area Secretariat, which includes keeping staff informed of changes and developments.
- The Area business plan contains appropriate objectives for delivering change and strengthening the prosecution process, setting clear milestones and identifying links to Public Service Agreement (PSA) targets. Unit plans are supportive of strategic objectives and consistent with each other. There was, however, limited input from non-managerial staff in the formulation of the plans.
- Previously the Area Business Plan drove the unit plans but that process has been reversed and planning has been upwards allowing the units greater influence on the content. Although responsibility for the plan must remain with managers, increasing the level of non-managerial contribution input in the process would enhance this approach further.
- The CCP and ABM formally review progress against the business plan only once (at the half-year point), although progress on individual initiatives is monitored at dedicated CJS project meetings. Feedback is also sought at monthly Area management meetings. Plans are considered as living documents and regularly revised. Unit plans, which inform and drive the business plans, are reported on and revised at the periodic unit reviews.

- There has been success in planning with partners and the Area has been pro-active in its approach. A leading role has been adopted in the LCJB and its sub groups. Good progress has been made through effective collaboration in the implementation of important CJS initiatives such as NWNJ, ETMP and the charging initiative, although outstanding issues with the police in relation to the latter have delayed the move to the statutory scheme.

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

- Arrangements for managing change are in place for planned initiatives. The respective detailed implementation plans and monitoring of progress evidences effective management of the individual projects. Project managers have steered specific projects and senior managers consider the position in respect of each initiative at their monthly meetings. Action points are identified and the effectiveness of action taken is considered at subsequent meetings.
- The Area has not planned formally to co-ordinate the change management programme as a whole or appointed a specific implementation team with that purpose. Rather than deploy a specific individual as change programme project manager, the ABM has taken on an overseeing role consulting with the project managers and providing advice where necessary. He has also attended most internal and external project group meetings. Implementation of the individual initiatives appears to have dovetailed without undue conflict.
- Risk is now managed more actively and is integral to the planning process. In addition to the general Area register, specific risks have been identified and addressed during the planning for and implementation of initiatives. Each unit plan has its own risk register and mitigating action has been taken where necessary.

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

- Training is discussed during performance appraisal and in year reviews. Needs are assessed to ensure that training will improve CPS performance and develop staff. Training dates and start-finish times are arranged to ensure that all staff are able to attend. Effectiveness is monitored by post course evaluation and the impact is observed in the unit performance reports. The Area Communications Manager has developed a new induction process, which is presently being evaluated against inductees' experience.

- Relevant training has been delivered. The Area did not have a systematic training plan for 2004-05 but was able to provide mandatory national training on recent legislation. More specific local training was also delivered to support the implementation of major initiatives. The position has improved and formal Area and unit plans are being compiled for 2005-06 specifically linking into staff performance appraisal objectives and personal development.
- In the 2004 staff survey only 48% indicated that they believed that they had received an effective induction, compared to 60% in the previous survey (2002). In response, after taking suggestions about the content from staff, the Area Communications Manager has revised the induction pack. At the time of this assessment, it was being evaluated against the experience of inductees.

11. MANAGING RESOURCES
2 - FAIR

Appropriate accounting systems are in place to appreciate the budgetary position and manage expenditure. The Area has sought value for money and has underspent significantly in the last two financial years. Despite a fall in staff numbers in 2004-05, it has maintained an average level of agent use and extended its use of designated caseworkers (DCW), freeing up lawyer time in the process. Savings have also been achieved through deployment of the Higher Courts Advocates (HCAs), which should increase further during the current financial year. However, despite remedial action, sickness absence levels remain particularly high and well above the national average. Accepting local uncertainties and a natural reluctance to outsource, in hindsight, spending more on agents might have enabled in-house staff to improve performance, particularly in respect of disclosure and committal preparation.

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

- The Area has taken steps to achieve value-for-money. Derbyshire was the most underspending CPS Area in 2003-04 at 92.5% of allocation and again in 2004-05 at 95.8%. Good value contracts have been negotiated and agent usage is very similar to the national average, at 30.7% of court sessions compared to 28.9%. The Derbyshire caseload has increased (contrary to the national trend) and its staffing levels have fallen.
- The Chief Crown Prosecutor (CCP) and Area Business Manager (ABM) make key budget decisions. The ABM retains immediate control of the profile based budgeting, consulting with and advising unit heads when necessary. The Area Secretariat produces monthly management reports giving a detailed breakdown of the budgetary position, which include the year to date spend, variation on the anticipated spend, and the forecast variance from the anticipated spend at the year end.
- The monitoring of prosecution costs has improved and a report is now produced at the end of each month outlining how many fees are outstanding, so that appropriate enquiries can be made with counsels' chambers.
- Additional funding was used to implement a full shadow charging scheme across Derbyshire. Area managers decided to staff charging centres above the funding provided to ensure its success. No Witness No Justice (NWNJ) funding has been used to implement a phased introduction of witness care units, with full coverage planned by October 2005.
- The Area's budget outturn has been 92.5% and 95.8% for the last two years. A deliberately cautious approach was adopted during 2004-05 because of uncertainty about the staffing requirements for co-location and the potential return of staff (seconded to CPS Direct and from long-term sickness absence).

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. Unit structures, including staff numbers and options, are discussed at the SMT/DMT, unit and Business Development Group meetings.
- The Area is generally maximising savings from its use of HCAs and DCWs.
- Savings per session from HCA deployment in the final quarter of 2004-05 exceed the national average (£229 compared to £224). Seventy-six sessions were covered realising a net counsel fee saving of £16,293. The Area has now been able to withdraw some of the HCA commitment to the charging scheme and has set a target in 2005-06 of 125 sessions, which would realise a saving of £27,800.
- The Area has been pro-active in maximising the number of courts DCW undertake in order to free up lawyer time. DCW deployment is significantly better than the national average. The Area had an average of 3.6 DCWs during the year covering 876 half-day sessions out of a total of 6,963 magistrates' court sessions (12.6% of all magistrates' court sessions compared to 8.3% nationally).

Aspects for improvement

- We have noted earlier that there is scope for improvement in respect of important aspects of case handling. In the circumstances that were facing CPS Derbyshire there was scope for increasing expenditure on agents to allow in-house staff more time in the office to improve performance. Factors suggesting that this would have been beneficial are: the Area caseload increased during 2004-05 and its staffing levels fell by 15.2%; agent usage was only slightly above the national average (30.7% compared to 28.9%); the Area was significantly underspent at the end of the financial year; lawyers averaged 6.83 court and charging sessions per week and, therefore, typically spend three half-day sessions in the office. The Area itself does not believe that suitable agents or courts suitable for agent coverage would have been available to enable it to increase agent coverage.
- Average sick absence is high at 13.9 per member of staff over the year 2004-05, compared to 8.7 days nationally. The average has increased in recent years, from 8.3 days in 2001-02 and 12.5 days in 2003-04. The Area has had long-term sickness cases, which have significantly increased the average absence rate. The ABM has sought advice from CPS headquarters and remedial action has been taken, which is beginning to have a positive impact.

12. MANAGING PERFORMANCE TO IMPROVE
3 - GOOD

A commitment to performance management has been demonstrated and there is an established system for reporting, analysing and reacting effectively. There are positive trends in performance data and all staff are involved in improvement activity.

Collaboration with CJS partners is bearing fruit in terms of introducing positive new initiatives and improving joint performance. Internal performance appraisal is robust and closely managed. The casework quality assurance scheme (CQA) could be used more pro-actively, however, to address specific local performance issues, such as compliance with the disclosure of unused material regime.

12A: Managers are held accountable for performance

- The Area has demonstrated a commitment to performance management and appropriate structures are in place. Comprehensive performance reports are produced by reference to individual units and the charging scheme incorporating data as well as detailed analysis, from which issues, lessons and remedial action are identified and addressed. These are circulated to all managers and discussed by the Area management team (DMT/SMT), with action points being followed up at the next meeting.
- Performance is discussed at unit meetings and noticeboards are used to inform staff of performance against targets. Staff performance appraisal objectives reflect these targets.
- The Chief Crown Prosecutor (CCP) also holds performance reviews of individual units with managers, in which issues are checked and action is taken.

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

- The Area enjoys good working relationships with CJS partners and frequent 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.
- Operation of the CQA scheme and regular performance appraisal is used to improve individual performance. Personal objectives have been set to address specific issues with particular individuals. All performance appraisal reports (PAR) are considered by the ABM and Area Secretariat to ensure consistency, fairness and quality of content.

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

- Relevant and accurate performance information is considered at senior management and unit level and there is evidence of consequent improvement activity in several aspects of work. Performance information, including Management Information System (MIS) reports (some prepared from local templates), is analysed to identify issues and allocate responsibility for remedial action. Progress is then assessed at subsequent meetings. Area performance against targets and updates on specific initiatives is also helpfully circulated to staff in an accessible and user-friendly Area newsletter ('Insider News').

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

- The CQA system is well established and in general used effectively but a notable gap is the absence of focus on prosecution disclosure issues, which have previously been identified as a weakness. .

Aspect for improvement

- CQA returns indicate that there has been very little examination of whether secondary disclosure is handled properly, despite this having been identified as a clear weakness in the last inspection. This is an aspect of performance that requires regular locally focused quality assurance analysis.

13. LEADERSHIP
3 - GOOD

Senior managers are visible and accessible. The Area has established a clear vision that it communicates effectively to staff, representatives of other criminal justice agencies and the local community. Corporacy is promoted strongly, both internally and externally. Senior managers regularly express their appreciation for good work by staff and encourage them to participate in change and performance improvement activity. There is a clear commitment to equality and diversity and recognition of the need to provide equal opportunities to all staff. This was reflected in the positive outcomes from the most recent staff survey.

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. The CPS has some responsibility in leading CJS initiatives. The Area has developed and effectively communicated a clear vision supported by plans.
- The importance of adopting a corporate approach, internally and when interacting with CJS counterparts or members of the local community, is stressed regularly at senior management and unit meetings. Staff members understand their personal contribution to the overall aims of the CPS. The Area vision concept is now encapsulated in the slogan 'From Crime To Justice'.
- Staff are involved in the work of the Area and good performance is rewarded and recognised. There is evidence of systematic and meaningful communication, which occurs at the right time both internally and externally. The expression of appreciation for good work by individuals and project groups is a regular feature of senior management and unit meetings.
- The issuing of the 'Statement of Expectation' for 2005-06 is a further positive development, in setting out what the staff can expect from senior managers and the Area Secretariat, including the provision of visible and coherent leadership, dealing openly with and supporting staff and being available to discuss concerns.
- The units hold regular meetings and relevant issues are discussed with staff being encouraged to involve themselves in improvement activity. It was apparent from recent minutes, however, that it is difficult to secure the attendance of all unit members, as a consistently high proportion of apologies were tendered.

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. Inappropriate behaviour is quickly addressed and staff referred to the Dignity at Work booklet. A good relationship has been developed with the trade unions and there is consultation on all significant aspects of change. Opportunities for promotion and to attend community engagement, training and work on project groups are offered to all staff. The positive impact of the Area's approach was evident in the outcomes of the most recent staff survey (see below).
- Despite receiving a largely encouraging report, the Area reacted positively to concerns raised in the most recent staff survey. Staff in Derbyshire were more satisfied with the CPS overall as a place to work compared to their national counterparts (by 12 percentage points) and compared to the last survey in 2002 (by 20 percentage points). The Area also scored better than the national averages for communication (with a 55% satisfaction rate compared to 43%) and promoting dignity at work (69% compared to 55%).
- Flexible working arrangements are in place and the proportion of minority ethnic staff is greater than the local working population comparator (6% against 5%). The proportion of disabled staff is below local working population levels (2% compared to 13%).

14. SECURING COMMUNITY CONFIDENCE
3 - GOOD

Awareness of the value and importance of securing and maintaining the confidence of its local community is now expressly recognised in the community engagement strategy and action plan. A wide range of activity is pursued involving various members of staff. The community engagement log describes each activity undertaken and identifies any further beneficial action. Implementation of the No Witness No Justice initiative (NWNJ) was influenced by consultation with the NSPCC about the needs of child witnesses.

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

- The commitment of managers is clear and evidence exists of wider engagement activity with the community. The community engagement strategy and action plan (updated June 2005) identifies key stakeholders and explains why such activity is important. It also sets out measures of success.
- The Area understands its population and demonstrates a full range of consultation, participation and information provision. It measures the impact and value of engagement. The community engagement log lists events attended providing a description of the activity, outcomes (i.e. what was gained) and any other comments, for example, any further action needed.
- Policy and outcomes are amended in light of consultation. Examples include implementation of NWNJ. Work with the NSPCC is ongoing and an information pack is being developed to assist parents of child abuse victims. A representative of the Awareness Raising Cooperative (ARC) has been invited to deliver information to staff designed to increase awareness about the impact of homophobic crime from a victim's perspective. More specific action has been taken or minor adjustments have been made following on from individual events.
- Derbyshire's key figure for public confidence in the ability of local criminal justice agencies to bring offenders to justice is 40.9%, compared with 43% nationally. The recent Witness and Victim Experience Survey (WAVES), reflecting 87 telephone interviews with victims and witnesses, revealed that 61% were satisfied with their overall contract with the Derbyshire CJS, compared to 67% nationally (June 2005).

Aspect for improvement

- The Area has had limited success in engaging with local minority ethnic communities despite having made a number of approaches. The position has improved recently, however, and the LCJB has commissioned a consultant with the aim of achieving a holistic approach across all agencies.

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%	15.8%	52%	68.8%	68.2%	31%	22.7%	25%
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%	9.9%	68%	66%	74.6%	23%	23.8%	19.9%

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%	27.3%	71 days	67 days	79 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	78%	129	73%	51	89%	20

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	76%	84	93%	58	0%	1

ASPECT 3: MANAGING CROWN COURT CASES

INEFFECTIVE TRIAL RATE		
National Target	National Performance 2004-05	Area Performance 2004-05
18.5%	15.8%	20.1%

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%	14.5%

OFFENCES BROUGHT TO JUSTICE		
	CJS Area Target 2004-05	CJS Area Performance 2004-05
Against 2001-02 baseline	+17%	+14.5%
Number	20,400	19,964

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%	22%
Primary test in Crown Court	79.9%	66.7%
Secondary test in Crown Court	59.4%	16.7%
Overall average	70.3%	35.1%

ASPECT 11: MANAGING RESOURCES

NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE (END OF YEAR RANGES)	
2003-04	2004-05
92.5% underspend	95.8% 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%	12.3%	£224	£229	8 days	8.7 days	13.9 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
42%	40.9%

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