

CPS Lincolnshire

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# Overall Performance Assessment

December 2005

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 Lincolnshire 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.

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

The table at page 6 shows the Area performance in each category.

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

## B. AREA DESCRIPTION AND CASELOAD

CPS Lincolnshire serves the area covered by the Lincolnshire Constabulary. It has two offices, at Lincoln and Grantham, with the Area Headquarters (Secretariat) is based at the Lincoln office.

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

During the year 2004-05, the average Area number of staff in post was 64.07 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	2,617	10.5	20.9
Advice	2,743	11.1	5.1
Summary offences	14,596	58.9	46.9
Either way and indictable only	4,820	19.4	26.7
Other proceedings	36	0.1	0.4
<b>TOTAL</b>	<b>24,812</b>	<b>100%</b>	<b>100%</b>

## C. SUMMARY OF JUDGMENTS

At the time of the inspection in May 2004 the Area had faced some considerable challenges as there had been disruption (due to circumstances out of their own control) to the senior management team. As a result there were some aspects of performance which required improvement. In the main these aspects were coupled with the lack of a collaborative approach within the local criminal justice environment.

With the return of the Chief Crown Prosecutor (CCP) and a more stable senior team there has been renewed impetus in the Area to 'settle down' and deliver. Difficulties have been faced and some challenging decisions made. Some of these, with hindsight, have had a detrimental impact on performance; for example the compliance with and timeliness of, the Direct Communication with Victims (DCV) scheme.

Area casework results speak for themselves; impressive rates for ineffective trials in both the magistrates' court and the Crown Court; excellent rates for successful outcomes; persistent young offenders (PYO) performance (which can be erratic due to the small number of cases) is well below the national average; enforcement targets for 2004-05 have been exceeded.

Partnership working has improved since the time of the last inspection. Closer working relationships through charging and a more formalised joint approach to file quality and timeliness are beginning to show improvements. The Area has narrowly failed to meet its Offences Brought to Justice target (255 short against a 11,571 target), but a renewed focus on performance at the Local Criminal Justice Board (LCJB) should bring about improvements.

There are still some issues around court listing that need to be tackled to ensure that the Area can get best value for money from its resources and effectively plan its staffing strategy. A 'softly-softly' approach has pervaded too long. A recently commissioned consultancy report on court listing and related matters (proposed by the CCP - sponsored by the LCJB) must be used to improve the overall effectiveness of resources in the Area.

The Area is working towards implementing statutory charging by November 2005. Plans are well advanced and issues raised during the final assurance check are being progressed. The Area recognises that they need to analyse, assess and review charging outcomes and performance. Pre-charge decision-making results are erratic and need to be analysed more effectively. Performance systems within the Area need to be enhanced to allow for better monitoring and to ensure that decisions can be taken quickly and on the right information.

Area performance in resource management needs to be improved; there must be no repetition of the overspending of the last two years on administration costs and prosecution costs. The Area recognises this and has put systems in place to manage resources more effectively.

A more coherent approach to change management would benefit the Area. An approach which identifies inter-dependencies between projects and ensures that these are part of the regular planning cycle will counter what, on first sight, seems to be a partially reactive approach to managing change.

To reduce the pressure on resources the senior management team made a number of conscious decisions to focus diminishing Area funding on the priorities of charging, planning and implementing the Witness Care Unit and servicing courts. This approach led to the loss of the Victim Information Bureau (VIB) and a drop in the good performance of the direct communication with victims scheme. Implementation of the No Witness No Justice project, which includes the formation of a Witness Care Unit at Lincoln, is beginning to produce a better service for witnesses. However, the Area needs to focus on re-instating the good work of the VIB.

The Area adds value to the local criminal justice system by taking good quality decisions and, for the most part, efficiently progressing its casework. The case progression officer and summary trial review lawyer in the Criminal Justice Unit are starting to show positive results and tangible benefits in the reduction of the ineffective trial rate. Although the Witness Care Unit in Lincoln is only a recent addition, initial feedback to the Area from victims and witnesses has been positive and gives some assurance that the expected benefits will be realised.

In the light of these findings the Area's overall performance assessment is **FAIR**.

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

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

### 1. PRE-CHARGE DECISION-MAKING

### 2 - FAIR

*The Area has established a single face-to-face charging centre, which is adequately staffed, and has introduced video-conferencing for the rest of the county. Lawyers of sufficient expertise are being utilised, and there has been some realisation of benefits. There are a number of issues to address before the Area will be ready to move to the statutory scheme. Compliance by the police with the scheme and monitoring that compliance is still required. Additionally, the Area needs to undertake a systematic analysis of its data.*

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

- Timely pre-charge advice and decisions are provided at all relevant Area charging centres. The Area began by staffing three charging centres, Lincoln daily, and Skegness and Grantham one day a week, but this proved problematic. Charging was consolidated at Lincoln, which is staffed according to agreed requirements and video conferencing has been introduced to service the other locations. This link works effectively and has been welcomed by the police.

##### *Aspects for improvement*

- The recording and counting of pre-charge decision cases are hampered by the lack of police-allocated unique reference numbers. The Area needs to ensure that it has a system which can link cases effectively where pre-charge decision has been given. Historically the use of the case management system (CMS) for recording of pre-charge decisions was good. However, with the change of staffing at Lincoln additional computer access is required. Despite a number of requests (to Headquarters) a second terminal at the charging centre has not materialised. As a result lawyers are producing hand written advice which should be transferred to the system by a typist. Of a sample of files checked, 6 out of 18 had no charging decision record, which indicates that the manual entry of charging decisions is not fully effective.

#### 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 pre-charge decision cases. The Area ensures that only experienced (C2) lawyers give pre-charge advice and have appropriate knowledge to deal with pre-charge advice.



*Aspects for improvement*

- There is not widespread understanding of the local and national scheme and all relevant guidance. In particular, the Area has yet to address adequately issues of case referral by the police and non-compliance with pre-charge advice. Lawyers are giving conditional charging advice, and there is not a robust mechanism to ensure that follow up action/recommendations have been addressed prior to charge. Some records of pre-charge decision-making lack detailed case analysis.
- The Area has no effective system for monitoring pre-charge cases, or those cases where the advice is not to charge. There was little or no monitoring, and any checks that were done were ad hoc. From April 2005, a more formal approach has been adopted. The Area still has work to do to strengthen its monitoring processes.

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

- The guilty plea and attrition rates in the magistrates' courts are excellent, and the guilty plea rate in the Crown Court is fair.

*Aspects for improvement*

- The final assurance check for the Area's preparedness to implement the statutory scheme highlighted a number of key issues which the Area has plans in place to address. These include conditional charging, the roles and training of key personnel, and the monitoring of police compliance with the scheme. The Area recognises that there is still some way to go.
- Although there has been some realisation of benefits, the attrition rate in the Crown Court is poor, and the discontinuance rates in both magistrates' and Crown Court for cases which have received pre-charge advice are noticeably poorer than those for the Area as a whole. Given this, and the erratic nature of some of the performance indicators, the Area needs to undertake a systematic analysis of its pre-charge data.
- There is limited joint working and analysis with the police at some levels. There was little evidence of systematic monitoring of the scheme. To ensure that police file submissions were appropriate, a gatekeeper role was introduced in August 2004. Compliance with the scheme amongst the police has been patchy, but is improving.

**2. MANAGING MAGISTRATES' COURTS CASES**
**3 - GOOD**

*The Area has effective measures in place to ensure that trials are ready, and utilises a trial review lawyer and a case progression officer to good effect. This approach has resulted in a reduction in cracked and ineffective trials with performance being below the national averages. There is good liaison with the criminal justice partners which has resulted in improved performance. The Area has improved its performance on persistent young offenders. The Area has work to do on the timeliness of other cases, file endorsements and the case management system (CMS) usage.*

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

- After some difficulties, aggravated by the small number of cases involved, the Area's work on persistent young offenders has paid off, and the target is being met. At 58 days, the Area is well under the national average of 67 days and national target of 71 days.
- Readiness for trial is assisted by the Area's use of a trial review form, which addresses all relevant issues, such as witness requirements, disclosure of unused material, and any other trial preparation needed. The form includes sections for administrative staff to endorse when they have carried out the tasks indicated.
- There is significant liaison with criminal justice partners, and regular case progression meetings, which have resulted in improvements in performance. The Area has introduced a trial review lawyer and a full time Case Progression Officer (CPO) in the Criminal Justice Unit (CJU) at Lincoln. The CPO attends pre-trial reviews and youth case progression hearings, and multi-agency case progression meetings. The CPO also ensures that any directions given by the court are documented and carried out. Trials are checked about 10-14 days before the trial date to ensure that all work needed has been done.

*Aspects for improvement*

- Efforts are being made to review and prepare magistrates' courts cases promptly, and to undertake follow-up work when necessary, but an issue with the quality of endorsements on files is hampering the efforts to ensure readiness at all hearings.
- The Area has recently put in place a revised system to assess and address the quality of the files submitted by the police. The Area's monitoring is being used to support joint liaison. Early indications show improvement in both quality and timeliness but work needs to be maintained to ensure that improvement is embedded.

- The timeliness for persistent young offenders is good, but that for youth cases in general is not as encouraging. The timeliness for all cases for guilty pleas and for trials is also not as good as the national average. The Area accepts that their focus on timeliness could have been sharper, and is starting to address this.
- The number of wasted costs orders is over the national average. The Area had 3 orders in 2004-05. The Area needs to review its performance and learn from these.

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

- The cracked and ineffective trial rate is reducing and the Area has met its target. Performance is also below national average; Area performance 23.9%, national average 24.8%. There is formal analysis of all cracked and ineffective trials and appropriate action is taken where the prosecution has been at fault. The cases are also discussed in some detail in the CJU monthly reports, which are circulated to staff. The Area's rates for cases that are cracked or ineffective due to the prosecution are both below the national average.
- Regular meetings have been held with criminal justice partners to discuss cracked and ineffective trials. The Area takes individual files to the meeting, and there is evidence of detailed discussion of relevant issues.

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

*Aspects for improvement*

- Although CMS is being used, not all staff are recording key events in cases. There is limited monitoring of outstanding tasks, and the Area has not yet maximised the use that could be made of the management information system reports to aid monitoring. The Area has included an objective in staff forward job plans to assist in addressing the usage of CMS.

### 3. MANAGING CROWN COURT CASES

2 - FAIR

*The rate for ineffective trials is excellent, and there is good work being done by the Area with the court to manage cases. A case progression officer has recently been appointed, which will bring more structure to case management. Timeliness of preparation needs more focus to improve. Instructions to counsel have improved, but there are still problems with the inclusion of detailed analysis or acceptability of pleas. The usage of the case management system (CMS) management information could be improved.*

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

- There is good liaison with the court to monitor cracked and ineffective trials. The Area has secured funding to appoint a case progression officer who will focus on case progression in the Trials Unit
- There is a local service level agreement in place between the CPS, police and courts on restraint and confiscation of assets, and the Area met its target for Proceeds of Crime Act confiscation orders in 2004-05.
- Briefs are delivered to counsel in a timely manner.
- The Area has very few youth cases in the Crown Court. Those that they do have are referred to, and receive individual attention from, the Court's listing officer. The Crown Court Manager also attends meetings regarding persistent young offenders.
- The number of wasted cost orders is below the national average in the Crown Court, in fact the Area had none.

#### *Aspects for improvement*

- The Area has had significant difficulties with the preparation of committals and sent cases, largely due to the abstraction of lawyers to cover charging. These difficulties had resulted in the Resident Judge writing to the Chief Crown Prosecutor to highlight concerns and action was taken. Work to improve the timeliness of committal preparation has been implemented, and careful monitoring by the Unit Head has been instituted.
- Not all instructions to counsel include an analysis of the issues and acceptability of pleas. The Area relies on the casework quality assurance scheme to monitor performance. A reality check of files on-site revealed that half the briefs seen had inadequate instructions regarding acceptable pleas. The Area needs to review how it monitors its performance.

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

- The rate for ineffective trials is excellent, at 13.3% as against a target of 18.5%, and the rate for trials which are ineffective due to the prosecution is below the national average. There is regular and formal analysis of ineffective trials, and appropriate action is taken in all cases where prosecution has been at fault.

*Aspects for improvement*

- Cracked trial rates are running slightly higher than national averages. The Area is also performing less well in trials cracking because the prosecution offer no evidence or accept a lesser charge. The Area has started to address the issues locally which have been contributing to this.

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

- The rate of usage of the case management system for case review, preparation of committals and indictments was consistently high throughout 2004-05 with 100% for indictments being recorded in October 2004 and a yearly average of 94%.

*Aspects for improvement*

- The Area could do more to utilise the CMS management information system reports to aid monitoring and as an analytical tool to improve performance.

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

*Most of the Area’s data shows excellent or good results. The exception, judge directed acquittals, needs further work to analyse the causes. More use could be made of the comprehensive reports prepared monthly by the Unit Heads.*

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

OUTCOME	AREA FIGURE	NATIONAL AVERAGE
<b>Magistrates’ courts</b>		
Discontinuance & bindovers	10.3%	12.5%
No case to answer	0%	0.3%
Dismissed after trial	1.4%	1.5%
Discharged committals	0.1%	0.3%
Overall conviction rate	86.7%	80.8%
<b>Crown Court</b>		
Judge ordered acquittals	13.8%	14.2%
Judge directed acquittals	2.8%	2.0%
Acquittals after trial	5.8%	6.3%
Overall conviction rate	76.8%	75.8%

- Adverse outcome forms are completed in appropriate cases, and clearly set out the reasons for acquittal. There is some assessment of the quality of review and case handling via the casework quality assurance scheme. The Unit Heads prepare detailed reports, which are circulated to staff and discussed at team meetings.
- The Area has met its target in relation to unsuccessful outcomes and its performance is significantly better than the national rate (13.7% against 19.6% national average and 21% national target).

- The discontinuance, bind over, judge ordered acquittals, no case to answer, judge directed acquittals, and acquittal rates are reducing and some are lower than the national average. The percentage of charge cases resulting in a conviction is above the national average and is increasing in the magistrates' court.
- The target for offences brought to justice is a shared target set by reference to the criminal justice agencies. 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 discontinuance and unsuccessful outcomes low. The Area OBJ target has been met, mainly due to an increase in police cautions during the latter part of year.

*Aspects for improvement*

- The judge directed acquittal rate is worse than the national average, and this anomaly has not received sufficient attention from the Area.
- A discontinuance protocol has been agreed with the police, but the data-gathering to support monitoring of the effectiveness of this appears to have lapsed. There is a proposed system for referral to a senior (Level D) lawyer where the police disagree with a proposal to discontinue a case which received pre-charge advice, but this process is not always being complied with.

**5. HANDLING SENSITIVE CASES AND HATE CRIMES**
**2 - FAIR**

*The Area reflects CPS policies in its practice, and has specialists and champions for sensitive cases. Some aspects of sensitive casework are monitored, but there is scope for improvement. The flagging of sensitive cases and the adherence to Area policy regarding the reduction or discontinuance of racially or religiously aggravated offences needs to be communicated and implemented more effectively.*

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

- The Area takes CPS policies and HM CPSI thematic reviews into account when devising Area practice and the HM CPSI thematic report on rape led to significant activity in the Area to reflect the recommendations made. The Area has also worked closely with the police on video-interviewing for rape complainants.
- The Area has appointed champions and specialists for sensitive cases, who disseminate information to prosecutors and caseworkers, and provide guidance where appropriate. Sensitive cases are handled by prosecutors with the appropriate specialist skills and knowledge, and steps have been taken to ensure that pre-charge cases are seen by an appropriate specialist where possible. All cases involving a fatality are reviewed by the Chief Crown Prosecutor.

*Aspects for improvement*

- Sensitive cases are not always flagged up on the case management system (CMS) and in a reality check on the case management system, 2 out of 5 racially aggravated offences were found not to have been flagged appropriately. The Area is now planning to use more stringent monitoring to ensure compliance with this aspect.
- There is evidence of the review of racially or religiously aggravated offences, and of domestic violence cases, and relevant cases are reported in the Units' monthly reports. There is little evidence that any issues or trends are identified from these reports, that they are reviewed at a senior level in the Area, or that learning is disseminated as a result.
- There is limited analysis of child abuse and homophobic casework and of anti-social behaviour orders. The data available from the CPS' case management system on the handling of sensitive cases is not being fully utilised at present, although the Area plans to address this.
- The Area has in place a system for ensuring that aggravated cases are not reduced or discontinued without first going to a Level D lawyer, but accepts that the policy is not fully complied with.



**6. CUSTODY TIME LIMITS**

**2 - FAIR**

*The Area has a satisfactory custody time limit (CTL) system in place, which was fully reviewed in 2004. Key staff are aware of the importance of CTLs and any process issues are raised regularly at team meetings. Whilst the Area experienced one CTL failure in the last financial year this was effectively addressed. The Area needs to ensure that there is written system within the Trial Unit (TU) so that, all staff, including any new starters can fully understand their responsibilities. We would also encourage the Area to negotiate further with magistrates' courts to attain an increase in their involvement with CTLs.*

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

- The Area has a written CTL system within the criminal justice unit (CJU), which complies with national guidance. Although there was a CTL failure in 2004-05, there is evidence that the learning points from the failure were disseminated to all staff. The Trials Unit (TU) CTL system at present consists of only written instructions to administrative staff and team minutes.
- Communication has occurred between the TU and Lincoln Crown Court to gain the court's involvement in the accurate calculation of CTLs, and in monitoring the expiry dates. This arrangement is working effectively. The same cooperation has not been achieved between the Criminal Justice Unit and the magistrates' courts.
- The Area CTL system was reviewed in 2004 and changes are made when new case law or procedures are brought in. Business managers (B grade) regularly consider CTL processes and discuss issues during team meetings.
- CTL training has been provided to key staff. Relevant administrators have been sent on nationwide training and there are administrative desk instructions in place in both the CJU and TU.
- Senior managers are made aware of any failures and are involved in ensuring that the Area system is functioning effectively. Following the one CTL failure we saw that comprehensive management action had been taken.
- The reality check of five CTL files indicates generally good practice. All review and expiry dates were correct and there was evidence in appropriate cases that timely consideration of extensions was occurring. Prompt administrative action in the TU could be better supported by timely consideration of extensions by the TU lawyers, however, the Area is aware of this and taking action to rectify the problem.

*Aspects for improvement*

- The TU would benefit from introducing a formalised written system to ensure not only administrators but lawyers, caseworkers and new starters fully understand their responsibilities. In the TU CTL file sample there was no documented evidence of CTL calculations being double checked and whilst appropriate management checks were in place, the case management system was not being used effectively.
- No local agreements have been reached with the magistrates' courts regarding the agreement of expiry dates in court or the courts' involvement in monitoring expiry dates. However, lawyers at court have accepted their responsibility and are recording the review and expiry dates for administrative staff.

**7. DISCLOSURE**

**2 - FAIR**

*The standards of file maintenance, secondary disclosure and handling of sensitive unused material are high. Some work has been done to address performance since the last inspection, but this has yet to yield a marked improvement in performance on primary disclosure in particular. A more stringent monitoring system and greater involvement with the police are required.*

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

- Area systems ensure that all sensitive material schedules and unused sensitive material are stored securely. The Area’s lawyers are making timely and appropriate decisions in relation to secondary disclosure and sensitive unused material in those cases where it is found.
- The housekeeping on files is of a good standard, with unused material being kept in a separate folder in the vast majority of cases, and with the disclosure record sheet being properly endorsed in the majority of cases.
- The Area has appointed disclosure champions, who disseminate information to prosecutors and caseworkers, and all prosecutors have received training on the disclosure provisions of the Criminal Justice Act 2003 and the CPS/police agreed Disclosure Manual. Training is planned for caseworkers.

*Aspects for improvement*

- There is some evidence of prosecutors’ performance in relation to disclosure being assessed, although this is based on a very small sample, and the issues raised in this aspect may warrant further monitoring. Some work has been undertaken to improve performance since the last inspection, but the internal checks carried out by the Area indicate that these are not having the desired impact, and a more systematic approach is required.
- More could be done to ensure that schedules of unused material are correctly endorsed by the lawyer at the primary disclosure stage, and to clarify the practice among lawyers and criminal justice partners on blanket disclosure (commonly known as ‘courtesy’ disclosure in the Area).
- Until recently there has been little work undertaken with the police to improve performance on disclosure. A few officers have attended the training for lawyers on the new Disclosure Manual.

**8. THE SERVICE TO VICTIMS AND WITNESSES**
**3 - GOOD**

*Overall the Area provides a good level of service to victims and witnesses; however, Area performance on direct communications with victims (DCV) is weak. No Witness No Justice (NWNJ) is being effectively implemented throughout the Area. Lincoln Witness Care Unit has recently opened and the Area is due to open a final unit at Grantham later this year. Speaking Up For Justice (SUFJ) is generally embedded throughout the Area and there is effective liaison with the Witness Service. The Area is attempting to address outstanding witness issues but as a priority needs to ensure increased DCV compliance.*

**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 is embedded throughout the Area although historically special measures applications have not always been timely. With the implementation of the NWNJ project and opening of the Lincoln Witness Care Unit (WCU) this is beginning to be addressed. Improved liaison with the police has resulted in better compliance by officers in recording witness details. This early identification of special measures is further enhanced by the role of the WCU.
- Witness warning procedures are effective. The Lincoln case progression officer (CPO) attends pre-trial review courts and provides witness information to the WCU and administrators in the Criminal Justice Unit at an early stage so that prompt action can be taken. There is also timely supply of witness details to the Witness Service. Two further case progression officers are to be employed, one in the Trial Unit and the other in Grantham Criminal Justice Unit, and this along with the opening of the final WCU at Grantham should ensure a consistent approach is applied to witness warning procedures.
- The Area ensures that all prosecution advocates and CPS staff at court undertake their responsibilities in respect of victims and witnesses. Clear instructions are provided to agents. Counsel at Crown Court are advised appropriately if issues arise.
- There is regular and effective liaison with the Witness Service and Victim Support. Lincoln WCU has a member of Victim Support attached and this staffing strategy will be repeated at Grantham WCU.

- NWNJ is being implemented in accordance with the delivery plan and deadlines have been met within the relevant period. The second unit (Grantham) is planned to go live prior to the final national roll out date. As the Lincoln unit was only recently launched it is too early to say whether the expected benefits are being realised, though early qualitative information is positive and appropriate performance measures are in place.
- The Area conducts detailed clear analysis of cracked and ineffective trial data on an Area basis and efforts are being made to secure a reduction in the number of cases where this occurs as a result of witness issues. The WCU Manager has recently jointed the cracked and ineffective trials group meetings for magistrates' court and Crown Court.

*Aspects for improvement*

- Compliance with the DCV scheme is inconsistent throughout the Area and monitoring systems are not fully effective. Area performance has been significantly impacted by the closure of the Victim Information Bureau. The Area recognised this and re-emphasised to lawyers the importance of compliance with the scheme. Formal guidance to lawyers has been issued and there is evidence that compliance and timeliness of letters have improved. The Area needs to consider and implement a systematic approach to ensure the identification, timeliness and quality of DCV letters is being met.

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

*The Area ensures that the majority of cases are ready to proceed at first hearing and is addressing difficulties through liaison with police. There is effective use of the Case progression officer (CPO) in Lincoln and this practice is to be adopted throughout the county. The Area has the right calibre of expertise and experience for in-house prosecutors and agents, and counsel. The Area performs poorly in monitoring of in-house prosecutors and agents. There is some monitoring of counsel though this needs to be increased. Improved and more systematic training needs to be offered to all prosecutors.*

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

- The Area is working with the police and courts to lead the initiative to improve case progression in court. The Area has a CPO in Lincoln who ensures pre-trial review courts are effective and orders are complied with. The CPO role is being extended to Grantham and the Trial Unit.
- Selection of prosecution advocates for all courts is undertaken with full consideration of their experience, expertise and qualifications. The Area regularly uses the same experienced agents and counsel, and courts are covered by suitably trained prosecutors.
- Complaints about prosecutors are investigated and action is taken if appropriate. We saw evidence that action had been taken following a complaint concerning counsel.

#### *Aspects for improvement*

- The Area undertakes little monitoring of in-house prosecutors. The limited monitoring provided concentrated on new lawyer and designated caseworkers recruits. The Area recognises the need to adopt a systematic and written approach to monitoring of all prosecutors regardless of their experience.
- Papers are provided to agents/counsel/in-house prosecutors promptly, although there are occasions when papers have been received late. Through liaison with local police the Area is addressing the lateness of Narey files from Louth and incomplete Narey files from Louth and Skegness.
- Agent performance in court is not monitored. Monitoring of counsel has been limited, and has mainly been for re-grading purposes and for cases of notable performance, whether good or poor. The regular monitoring of counsel has been included as an objective for all Crown Court caseworkers for 2005-06.
- Training is provided for in-house advocates only, and none is offered to external prosecutors, although there is an agents' instruction pack. The Area recognises the need to adopt a more systematic approach to training of all prosecutors.

**10. DELIVERING CHANGE**

**2 - FAIR**

*The Area Business Plan clearly outlines the links between national objectives, including the PSA (Public Service Agreement) targets, and local CPS specific targets and objectives and indicates responsibilities. Unit plans are clearly derived from the Area plan and key objectives, standards and individual responsibilities are outlined. Although there was some evidence that the senior management team reviewed objectives, there was a lack of clear performance information to make this review fully effective. All national projects have a local lead who is responsible for planning, implementation and delivery. The Area needs to develop a co-ordinated approach to planning all projects, ensuring that links and dependencies are identified and managed. There is evidence of effective joint planning with criminal justice partners; the Area taking the lead of many of the LCJB sub-groups. However, the Area needs to ensure that it influences any joint planning to fit with its overall business needs.*

**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 this. The business plan was developed with staff input, there are Unit plans underpinning the business plan with links to individual staff objectives. The Area re-appraised its ability to deliver all objectives in late 2004 against budget constraints; some priorities were deferred.
- There is some evidence that planning with CJS partners is successful. Joint work with the police on charging and file quality is beginning to reap benefits. However, the Area, although pro-actively pursuing many avenues with the magistrates' court, has yet to improve listing practices to fit with CPS business needs.

*Aspects for improvement*

- Although in place, some plans have elements missing. The Area Business Plan, Unit plans and most of the plans relating to the implementation of national initiatives are relevant and pertinent. The Area approach to risk and systematic review of plans needs to be formalised.

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

- Change is not yet systematically managed, with the Area tending to be reactive, although some change has been reasonably well implemented and managed. Project managers (accountable officials) have been appointed for each initiative, but there have been varying degrees of planning within these.

*Aspects for improvement*

- The Area's approach to project review and refinement needs to improve. There is evidence of good project implementation, but monitoring of success and progress post implementation is ad-hoc.
- The Area needs to introduce a change management structure to oversee the impact of all projects rather than dealing with individual projects in a piecemeal approach. This structure must ensure that project risks and dependencies are reviewed.

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

- Some Area training has been specifically linked to the Area's objectives and some relevant training has been delivered. Unit Heads and Unit Business Managers are responsible for identifying training needs using the performance appraisal system. Staff have received relevant training and mechanisms are in place to evaluate training undertaken. The Area was recently re-accredited as Investors in People.

*Aspects for improvement*

- The Area approach to training is not systematically planned or evaluated. The Area would benefit from the development of a training plan to capture all training needs, including those linked to new initiatives and project-driven change.



**11. MANAGING RESOURCES**

**1 - POOR**

*The Area has taken some difficult decisions in an attempt to limit an anticipated overspend. Some of these decisions have had impacts on performance and delivery of service. The budget is monitored and maintained, and there is tight control of spend. Sharing budget information in a more systematic way would produce a better understanding and ownership at senior management levels. Although the Area has missed the vast majority of the measures outlined in 'managing resources' there is evidence of pro-active management and decision making behind these outcomes.*

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

- There are clear indications that value-for-money activity is evidenced. The Area reduced its agent usage, increased the number of court sessions covered in-house and took decisions not to recruit and replace staff in an attempt to reduce its overspend. This action resulted in a reduction of the anticipated overspend from £200,000 to £45,000 by the final budget outturn (2004-05).

*Aspects for improvement*

- The Area has overspent its budget for the last two years. In 2003-04 there was an overspend of budget at 103.8% and in 2004-05 there was an overspend at 101.9%. Prosecution costs spend for 2004-05 were overspent at 127.9%.
- Resource planning could be more systematic. Accurate and up-to-date financial information is not always made available to the senior management team. The ABM gives a verbal update to the senior team. This approach should be more systematic to ensure that there is a full understanding and ownership of budgetary matters within the Area.

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

- The Area's agent usage was slightly above the national average at 28.1% of sessions covered by agents as opposed to the national figure of 26.9%. This final outcome was the result of active management by the Area, as the first quarter usage figure in 2004-05 had been 40.1%.

*Aspects for improvement*

- Performance against targets for designated caseworker (DCW) deployment and savings arising from higher court advocate (HCA) usage are below target. DCW usage was 7.7% (as a percentage of magistrates' court sessions against a national figure of 8.3%). DCW deployment has been improved as the Area has managed to secure additional DCW courts in the south of the county and continues to work on influencing listings in the east of the county to maximise DCW usage.
- No HCA savings were made in the final quarter of 2004-05 as the Area made a decision to use the HCA trained resources to service charging stations and courts. (£0 per session against a national figure of £224)
- Average sick absence in Lincolnshire is the highest for any CPS Area at 14.2 days per member of staff over the 2004-05 year. The Area has taken action to address this problem. All managers have been re-trained in 'managing attendance' and long term and short term sickness are monitored using different methods to tackle the issue more effectively.

**12. MANAGING PERFORMANCE TO IMPROVE**

**2 - FAIR**

*Performance information is produced and used at all levels in the Area. A more focused approach to the type of performance information produced needs to be established - the Area has plans in place to address this. There are good links with criminal justice partners in managing performance to meet common targets, although the Offences Brought to Justice (OBTJ) target and public confidence targets have been missed. The Area is leading many of the Local Criminal Justice Board (LCJB) sub-groups and a re-invigorate focus on performance should produce better results in 2005-06. Analysis of performance information needs to be lifted to looking at trends and patterns rather individual cases; using the case management system (CMS) specific management information would be beneficial. The casework quality assurance (CQA) scheme is in place and results are being used to feedback on individual performance. There has also been some general guidance and training issued as a result of CQA analysis, however, this has been unit specific even though the issue was likely to have related to all lawyers.*

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

- For the most part, the Area has demonstrated a commitment to performance management. The senior management team are aware of general performance issues, and sound Unit performance reports are produced to monitor performance at a local level. There is evidence that guidance has been drafted to improve performance where deterioration or poor results have been noticed; for example, disclosure in the Trial Unit and direct communication with victims compliance and timeliness within the Area. Regular performance appraisal is used to improve personal performance.

*Aspects for improvement*

- The Area has not taken full advantage of detailed performance information available from CMS management information system. Some results and outcomes (although partly as a result of a small number of cases) would benefit from further detailed analysis.

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

- There is joint performance management with criminal justice partners that appears to be driving up performance. Police file quality, charging advice outcomes and adverse cases are all included in joint performance management, although the focus is very much on individual cases rather than trends and overall performance. A full range of performance data is provided to the LCJB performance officer and there is active involvement of senior managers from the CPS on LCJB performance sub-groups.
- Asset recovery exceeded target and performance in relation to persistent young offenders was well within target (58 days against a 71 day target).

*Aspects for improvement*

- The OBTJ target was not achieved; however a number of joint initiatives with the police, and a focus on sanction detection at the LCJB, have driven up performance (255 short of the overall target of 11,571). Public confidence was recorded at 40% as measured by the British Crime Survey and lower than the national picture of 43%.

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

- Performance information is accurate and timely and is produced for senior management team meetings and the LCJB performance officer. Summaries of performance are shared on a semi-regular basis with staff in the Area newsletter 'Impress'.

*Aspects for improvement*

- The performance information considered by the senior management team is not completely pertinent to the Area's needs. A range of performance data is produced but this is a combination of LCJB data, detailed local performance figures on casework and some nationally produced data. This needs to be more focused on key targets and objectives. The Area intends to produce performance data which will mirror the performance regime implemented by CPS Headquarters.
- Discussion of performance within units usually occurs but it can be ad hoc in nature. Unit reports are produced which outline performance against a wide range of measures and a recent change to show trends of performance has been introduced. There is evidence of some activity, which has led to improved performance; however, this is mainly on an individual case basis.

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

- The CQA system is now fully in place and one file per lawyer/designated caseworker per month is assessed. The TU Head also uses the system to produce detailed individual feedback for all files assessed. Learning points and data are produced in the Unit reports and discussed more fully at team meetings. Qualitative analysis was robust and thorough, but more could be done to improve the quantitative recording of case outcomes.

*Aspects for improvement*

- CQA results are not subjected to any further management assurance check or discussed as a measure of performance at the senior management team meeting. Feedback is limited to individual units when issues highlighted were likely to have related to all lawyers and would have benefited from Area-wide dissemination.

**13. LEADERSHIP**

**3 - GOOD**

*The Area has 'settled down' after a period of uncertainty due to a number of changes in the composition of the senior team. The return of the Chief Crown Prosecutor (CCP) after a long absence has given new impetus and direction. Active involvement by many of the senior team on criminal justice initiatives gives the Area the ability to drive and improve overall performance. Staff survey results on communication and awareness of roles and how the Area fits into the CJS and CPS are very high - this is an indication that there are effective channels of communication. The reconstitution of the Equality and Diversity group in the Area goes some way to address the shortcomings outlined in the staff survey, and early results and outcomes from the group are encouraging.*

**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 senior management team have communicated the ethos of 'Dignity at Work'. Examples of inappropriate behaviour have been tackled and additional training/awareness given. The CPS is driving key criminal justice initiatives with the CCP being the senior responsible officer for Offence Brought to Justice (OBTJ) performance, the Criminal Justice Unit head leading on Victim and Witness Group, the Area Business Manager chairing the Joined Up Criminal Justice Group and the CPS Area Equality and Diversity lead chairing the Local Criminal Justice Board Community Engagement and Diversity Group.
- Staff are involved in the work of the Area, as evidenced by a 'bottom-up' approach to business planning, the active involvement of the majority of staff at the Area 'vision days', and staff input to implementation teams. Good performance is rewarded and recognised, with praise and recognition evident in many of the Area's written communications, such as, Unit Reports, Senior Management Team minutes and the Area Newsletter 'Impress'. Communication with staff generally occurs at the right time and is meaningful, with regular team meetings in all Units. The senior management team meeting rotates between the two office locations to ensure that there is a feeling of belonging for all staff.

*Aspects for improvement*

- The 2004 Staff Survey highlighted that the Area could do better in more with regard to equality and diversity and improving 'Dignity at Work' behaviours. The Area addressed these deficiencies through an action plan, and specific events with staff have been held to address concerns.

**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. Speakers from various ethnic backgrounds have been invited to the Area to share their views and insights, with the most recent visits being from a representative of the local Sikh community and representatives from the local migrant worker populations (based around Boston). The Equality and Diversity group has also been fervent in establishing contacts with hard-to-reach groups, although most of their work has been externally focused.
- Staff reflect the population served by the Area's offices.

**14. SECURING COMMUNITY CONFIDENCE**

**2 - FAIR**

*Much of the Area activity on community confidence is allied to the work of the Local Criminal Justice Board (LCJB). The CPS chair (and are actively involved in) the Community Engagement and Diversity sub-group of the LCJB which reports to the Public Confidence Group, but there is limited CPS only activity on community engagement activity. There is some good work with schools, colleges, the Race Equality Council, migrant workers groups and the local homophobic forum, but there is no process to measure the effectiveness of the community engagement activity and limited evidence that requests or work undertaken are prioritised against the business plan. The Area needs to develop a process to ensure that it turns the work it does on community engagement into service improvements.*

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

- There is a commitment from managers to engagement with the community. Talks to schools, colleges, attendance at Race Equality Council meetings and other activity all demonstrate this commitment.
- The links to the engagement work of the LCJB allow the Area to access hard-to-reach groups in a cost effective way. The Area is starting to consider how it can link its own strategy to that of the LCJB to ensure that they are consistent and deliver benefits.

*Aspects for improvement*

- The Area does not consistently measure the success of its activity, or assess the impact of the engagement activity. Some engagement activity is documented and shared with the senior management team, but most is not. There is no formal system to assess the likely benefit of the engagement against the objectives outlined in the Area Business Plan.
- There is little evidence that service improvements have been made as a result of consultation, although work with the Race Equality Council has resulted in guidance being issued on the handling of race issues in the Area.

**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%	17.9%	52%	68.8%	71.5%	31%	22.7%	21.8%
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%	18.7%	68%	66.7%	64.6%	23%	23.8%	29.2%

**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%	23.9%	71 days	67 days	58 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	76%	71	55%	31	64%	11

**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%	58	92%	24	-	-

**ASPECT 3: MANAGING CROWN COURT CASES**

**INEFFECTIVE TRIAL RATE**

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

**ASPECT 4: ENSURING SUCCESSFUL OUTCOMES**

<b>UNSUCCESSFUL OUTCOMES (AS A PERCENTAGE OF COMPLETED MAGISTRATES' COURTS AND CROWN COURT CASES)</b>		
National Target	National Performance 2004-05	Area Performance 2004-05
21%	19.6%	13.7%

<b>OFFENCES BROUGHT TO JUSTICE</b>		
	CJS Area Target 2004-05	CJS Area Performance 2004-05
Against 2001-02 baseline	+12%	+15.4%
Number	11,571	11,836*

\* Provisional figure to be confirmed by the Office for Criminal Justice Reform.

**ASPECT 7: DISCLOSURE**

<b>DISCLOSURE HANDLED PROPERLY IN MAGISTRATES' COURTS AND CROWN COURT CASES PERFORMANCE IN THE LAST INSPECTION CYCLE</b>		
	National Performance	Area Performance
Primary test in magistrates' courts	71.6%	52.6%
Primary test in Crown Court	79.9%	77.8%
Secondary test in Crown Court	59.4%	91.7%
Overall average	70.3%	74%

**ASPECT 11: MANAGING RESOURCES**

<b>NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE (END OF YEAR RANGES)</b>	
2003-04	2004-05
103.8%	101.9%

<b>DCW DEPLOYMENT (AS % OF MAGISTRATES' COURTS SESSIONS)</b>			<b>HCA SAVINGS (PER SESSION)</b>		<b>SICKNESS ABSENCE (PER EMPLOYEE PER YEAR)</b>		
National Target 2005-06	National Performance 2004-05	Area Performance	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target	National Performance 2004	Area Performance 2004
11.6%	8.3%	7.7%	£224	£0	8 days	8.7 days	14.2 days

**ASPECT 14: SECURING COMMUNITY CONFIDENCE**

<b>PUBLIC CONFIDENCE IN EFFECTIVENESS OF CRIMINAL JUSTICE AGENCIES IN BRINGING OFFENDERS TO JUSTICE (BRITISH CRIME SURVEY)</b>	
CJS Area Baseline 2002-03	Most Recent CJS Area Figures In 2004-05
43%	40%

**NOTES**

NOTES



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