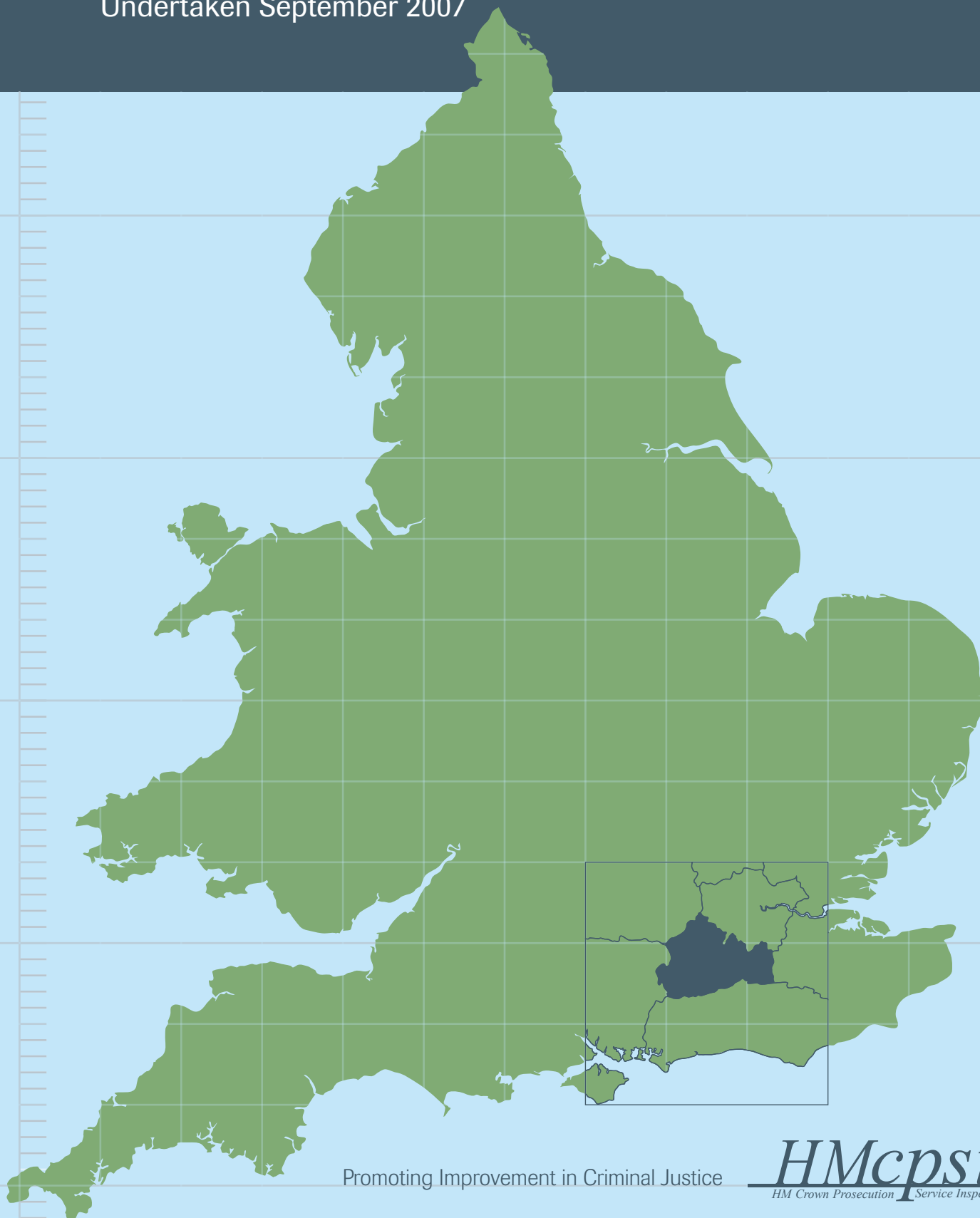


CPS Surrey

Overall Performance Assessment

Undertaken September 2007



Promoting Improvement in Criminal Justice

HMcp*si*
HM Crown Prosecution Service Inspectorate



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ABBREVIATIONS

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

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

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A INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

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

Assessments

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

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

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

The table at page 7 shows the Area performance in each category, as well as the 'direction of travel' since the previous OPA.

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

Direction of travel grade

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

Improved reflects a significant improvement in the performance;

Stable denotes no significant change in performance;

Declined where there has been a significant decline in performance.

B AREA DESCRIPTION AND CASELOAD

CPS Surrey serves the area covered by the Surrey Police. It has one office, at Guildford, that includes the Area Headquarters (Secretariat).

Business is divided on a combination of functional and geographical lines. The two Criminal Justice Units (CJUs), Reigate/Staines and Guildford/Woking, handle cases dealt with in the magistrates' courts, while the Crown Court Unit (CCU) covers those in the Crown Court. All the staff are based in the office in Guildford.

During the year 2006-07 the Area had an average of 66.4 full-time equivalent staff in post, and a budget of £3,202,877. This represents a 6.8% increase in staff, and a 12.4% increase in budget since 2004-05, the period covered by the previous overall performance assessment.

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

Pre-charge work¹

2004-05		2006-07	
Written advice	313	Decisions resulting in a charge	3,420
Pre-charge advice (where available)	3,239	Decisions not resulting in a charge ²	1,379

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	11,349	8,260	-27.2%
Other proceedings	85	30	-64.7%
Total magistrates' courts proceedings	11,434	8,290	-27.5%

Crown Court proceedings

(including cases previously subject to a pre-charge decision)			
Cases sent or committed to the Crown Court for determination	921	865	-6.1%
Committals for sentence ³	187	156	-16.6%
Appeals from the magistrates' courts ³	162	148	-8.6%
Total Crown Court proceedings	1,270	1,169	-8.0%

Backlogs at the end of the year mean that these figures are not fully reliable.

In 2006-07, 38% of offences brought to justice were the result of convictions.

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

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

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

C SUMMARY OF JUDGEMENTS

Contextual factors and background

CPS Surrey had a difficult year in 2006-07 as identified in our Area effectiveness inspection (AEI), conducted at the end of October 2006 and published in February 2007. Many of their problems stemmed from a poorly planned restructure in early 2006. Subsequent failures in the administrative processes had a significant knock-on impact. This adversely affected other aspects of work including case progression at court; Crown Court casework; the increased number of court sessions, which impacted upon the Area's budget; and standing with criminal justice partner agencies. These problems were exacerbated by high sickness levels. There were some changes in the management team, including the temporary appointments of a new Chief Crown Prosecutor (CCP) and Area Business Manager in early 2007. A substantive CCP subsequently took up post in July 2007, but the lack of continuity has had some implications for finding long term solutions and for building long term relationships with criminal justice partners.

In February 2007 the new Area management team, with some assistance from CPS Headquarters, embarked on a recovery process. An Area Improvement Programme (AIP) was drawn up that aims to tackle the 13 recommendations in the AEI and progress has already been made against most of the weaknesses identified in the report. Whilst there are grounds for optimism, the sustainability of actions now being taken has yet to be tested and only time will tell if they will secure long term improvements.

Summary

This assessment is based on, but not confined to, the quantifiable performance in the financial year 2006-07 which was a challenging time for CPS Surrey. Some of the individual ratings have been difficult to make in light of the significant changes from February 2007 onwards. Where it can be clearly identified that remedial actions in the AIP have been fully implemented and can be shown to be effective, we have taken account of these improvements in this report. However some actions were so recent that it was not possible to make a realistic assessment as to the effectiveness of the changes. Therefore, whilst these changes are expected to bring some benefits in 2007-08 they have not been taken into account in the scoring for this OPA, although we may mention them in the text. We comment further on recent progress in the 'Direction of travel' section of this report.

Whilst the Area's overall high level strategy was clear at the start of 2006-07, there was a lack of clarity as to how it was to be achieved. When the problems occurred following the restructure, there was a lack of direction and leadership from senior managers. A blame culture developed and relationships with partner criminal justice agencies became strained. Progress has been made since February 2007 and there is now a more cohesive approach to planning and problem solving. Further leadership training was provided to managers in July 2007.

The management of change was weak in 2006, and contributed to the significant problems faced by CPS Surrey following the restructure. Area plans generally lacked the necessary clarity as to how objectives would be achieved. Links between initiatives were not properly established. The lack of performance and development reviews inhibited formulation of appropriate training plans. The position in 2007 is much improved and the AIP has been subject to more appropriate change management techniques and controls. Most staff now have performance and development reviews, some of which have been taken into account in training plans for 2007-08.

The coverage and most of the processes used to provide pre-charge decisions are generally sound. However, a few key processes were unsatisfactory; very little face-to-face advice was given; large backlogs of incomplete files have built up; and decision-making needs to be more robust and consistent. The recent introduction of an appointments system, leading to higher levels of face-to-face advice, is to be welcomed.

The key outcomes in magistrates' courts cases were not strong in 2006-07. The level of unsuccessful outcomes, timeliness of handling cases involving persistent young offenders, effective use of the case management system, and the level of ineffective trials were all worse than national averages. Ongoing review and case progression was weak, primarily due to problems with administrative processes.

Results in most categories of Crown Court outcomes in Surrey were satisfactory, with the notable exception of jury acquittals which were the highest in the country. More work is needed to analyse adverse outcomes generally and acquittals in particular. The rate of effective, cracked and ineffective trials are all better than the national average. Nevertheless, case progression systems were inconsistent and timeliness of complying with court orders and directions needs to be improved.

The progression of cases at court was poor in the magistrates' courts in 2006-07. Missing files were a regular feature and in too many cases relevant actions were not undertaken between court hearings. The handling of correspondence needs to be improved. The recent work to clear the administrative backlogs has had a positive impact, but has rendered some data unreliable. The situation was better for Crown Court cases.

There is a need to strengthen the handling and management of sensitive casework. The roles of champions and specialists need to be more clearly defined and the analysis of unsuccessful outcomes requires improvement. The level of successful outcomes was in the lowest quartile of national performance.

Compliance with the prosecution's duties of disclosure is inconsistent, particularly in respect of continuing disclosure. The Area still does not use the national disclosure record sheet for recording purposes.

Custody time limit systems had been effective in the past with no failures for a number of years. However, there was one failure in the Crown Court in 2006-07 and a further case was identified in our 'reality' checks. Management checks need to be more robust and take account of the risks that will have arisen from the administrative problems in 2006.

A lot of effort has gone into improving the service to victims and witnesses, but progress was hindered by the problems in administrative systems within the CPS. A combination of workarounds and reductions in backlogs should lead to improved timeliness in 2007-08. Compliance with the Direct Communication with Victims scheme has improved but requires further work. Victim and witness issues are addressed in multi-agency meetings.

Outcomes in respect of managing resources were poor and consistently among the worst in the CPS in 2006-07. Surrey has overspent its budget in each of the last four years and failed to implement a coherent advocacy strategy in 2006-07. Agent usage was the highest of the 42 CPS Areas and Higher Court Advocate deployment was significantly below target. Further work is required to understand the high prosecution costs in Surrey. The use of designated caseworkers improved significantly from July 2006 onwards and is now strong. Some improvements in deployment generally are evident in 2007-08.

Gradual progress is being made in managing performance, although use of the national casework quality assurance system was weak in 2006. Area managers contribute to joint performance management which is slowly becoming more effective. There is clearer accountability at Unit Head level now and more focus on performance.

Limited progress has been made in securing the confidence of, and engagement with, the community in 2006-07 partly due to the need to focus on the operational problems. Some positive work was undertaken with Neighbourhood Panels in conjunction with other agencies. Nevertheless, the level of public confidence in the effectiveness of the criminal justice agencies to bring offenders to justice, at 46%, is among the best in the country.

Direction of travel

There is no doubt that 2006 was a difficult year for the CPS in Surrey and performance in a number of aspects of work was poor. Ratings compared to the last OPA fell in seven aspects and improved in only one. The Area Improvement Programme is being implemented and progress is clearly being made in respect of a number of the weaknesses identified in the AEI and this OPA. Others are less advanced and, by their nature, are likely to take longer to translate into sustained improved outcomes. The improvement in administrative systems should, if maintained, prove to be a catalyst for improvements in many aspects of work. There is, however, still much to do and the ongoing commitment of managers and staff will be necessary if the Area is to reap the benefits of its recent efforts. If they can maintain the recent momentum, a number of aspects are likely to achieve better ratings in future assessments and a higher overall rating is achievable.

In the light of our findings, Surrey's overall performance is **POOR**. In essence this reflects the decline in performance from the time of the last OPA until February 2007. The current direction of travel from February is one of improvement from this position.

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

D DEFINING ASPECTS

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

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

- The Area has satisfactory arrangements for the provision of pre-charge decisions (PCDs) between 9am and 5pm at the four charging centres in Surrey. Lunchtimes are staggered to ensure that a prosecutor is always available to make decisions. The charging centres deal with all cases under the scheme except those involving a fatality, multiple rapes and complex frauds, which are dealt with at the CPS office. There are appropriate arrangements for prosecutors at charging centres to seek advice from specialists for sensitive cases or a prosecutor within the CCU in respect of other complex or serious cases.
- The provision of face-to-face PCDs was very low in 2006-07 and needed to improve significantly. Overall, only 22.5% of PCDs were delivered face-to-face, compared with 63.5% nationally. Since the AEI in October 2006 there has been progress in increasing the number of face-to-face decisions, although our file checks indicated that some written advice is still being provided. An appointment system has now been implemented across the county and this has led to the majority of cases now having face-to-face consultation at the outset, albeit national data indicates that for the first quarter of 2007-08 only just over 40% of PCDs were recorded as face-to-face at the point of final decision.
- Our AEI indicated that pre-charge consultation was not taking place on all cases that come within the Director of Public Prosecutions' Guidance as requiring a decision by a crown prosecutor, and this situation persists, although the number of such cases has reduced. Prosecutors are alert to notifying managers of cases where there has been a contravention of the scheme and remedial action is taken. Where advice is sought, it is early on in the case.
- In approximately 28% of cases the decision was that there should be no further action (NFA) as opposed to charge or other disposal. This is better than the national average and indicates that the police 'gatekeepers' are effective in ensuring that only appropriate requests for a PCD are made.
- There are appropriate mechanisms for the referral of cases where there is a disagreement between the police and the charging lawyer. Whilst the level of referrals is low, in some cases the decision has been changed following police disagreement with the original decision.
- Our checks indicated that there are nearly 700 PCD cases on which there has been no activity recorded for more than eight weeks. These cases included persistent young offenders, young offenders and prolific and priority offenders. In a number of cases the PCD was that there should be NFA. We raised this as a matter of concern at the time of our AEI, and whilst some very old cases have been removed from the system these cases still need to be considerably better managed. In particular there is a need to ensure that where the initial PCD is that further evidence is required, but this is not obtainable, the case is resubmitted for a final decision.

- There are systems for monitoring compliance with action plans, and prosecutors are now more alert to the need to draw non-compliant cases to the attention of Unit Heads. The systems did not always work in 2006 as evidenced by the ongoing cases mentioned in the previous paragraph, although not all of those cases would have had action plans. Specific instances of non-compliance are drawn to the attention of police supervisors, although there is no analysis of any trends.
- Our AEI indicated that the recording of ethnicity on the MG3 (the forms used by police to submit the case to the CPS and by the crown prosecutor to record the advice to the police and the decision re: the charge) was patchy and our file checks confirmed that this was still the case. The recording of gender was satisfactory. The proportion of decisions that are properly recorded is improving and exceeds the target.
- The Area is in regular contact with the relevant CPS Direct regional manager, and any concerns about the quality of decision-making by CPS Direct prosecutors are discussed.
- Conditional cautioning was not in force in 2006-07. It was rolled-out at the Reigate charging centre in June 2007.

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

- Proactive Prosecutor Programme training has been delivered to most lawyers and there are plans to deliver it to lawyers who have joined recently. Our file checks indicated that relevant aspects of policy were not considered in all cases. As in many Areas, cases involving allegations of domestic violence are problematic, with a significantly higher proportion of these cases discontinued when compared to the overall discontinuance of PCD cases.
- The Area relies on the casework quality assurance scheme (CQA), adverse case reports, complaints and Unit Head court attendance to ensure that PCDs are in accordance with the various criteria. However, the CQA scheme was not operated robustly in 2006-07 and our file checks indicated that the quality of decision-making needed to improve. In two of the ten cases we examined, proceedings were discontinued by another prosecutor subsequent to the PCD without there being any change of circumstances. In one of them the decision to charge did not comply with the Code for Crown Prosecutors' evidential test. Some adverse case reports also indicated erroneous decisions to charge. The Area needs to assure itself that all prosecutors undertaking charging sessions are sufficiently experienced.
- Overall the MG3s we examined indicated that prosecutors considered most of the relevant issues at the PCD stage, in particular those relating to special measures for vulnerable and intimidated witnesses. There was a need, however, to be more alert to cases where there was a possibility of assets being restrained and a confiscation order made.
- There is no structured monitoring of cases where the PCD is for there to be NFA. Cases will only be considered by CPS managers if the police challenge an NFA decision. All conditional cautioning decisions (which are currently few in number) are reviewed by the relevant Unit Head. The Area needs to be alert to any perception that an ability to pay compensation can unduly influence the decision to offer a conditional caution.

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

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	16.4%	15.1%	11.0%	13.1%	14.0%	9.6%
Guilty plea rate	52.0%	69.2%	60.1%	64.7%	68.0%	66.5%	51.7%	60.6%
Attrition rate	31.0%	22.0%	25.0%	24.0%	23.0%	22.2%	31.6%	26.6%

- Overall, three of the six expected benefits are being met, although the discontinuance rate in magistrates' courts cases and the attrition rate in Crown Court cases need to improve significantly. Performance improved in respect of all the expected benefits in 2006-07 compared with 2005-06, although the rate of performance improvement did not match that found nationally. The discontinuance rates for magistrates' courts and Crown Court cases deteriorated in the first quarter of 2007-08.
- There was little structured analysis of performance data in 2006-07, although the position has improved considerably in 2007-08 with monthly performance packs being issued. Some aspects of analysis need to be improved further, for example the reasons for unsuccessful PCD cases.
- Arrangements for Prosecution Team Performance Management (PTPM) were not fully effective throughout 2006-07, although the regularity and effectiveness of local PTPM meetings improved in early 2007-08. PTPM data packs are being developed, although the integrity of the data is still not fully assured.
- There is some joint analysis of the operation of the scheme, although during 2006-07 this tended to rely on data produced by the police, for example in relation to sanction detection rates. As with other aspects of performance, there has been a better focus at team meetings in 2007-08 on key aspects of the scheme, but this aspect was less than satisfactory in 2006-07.

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

2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	9.4%
No case to answer	0.2%	0.4%
Dismissed after trial	1.9%	2.7%
Discharged committals	0.2%	0.01%
Warrants	2.6%	4.2%
Overall conviction rate	84.3%	83.3%

- Overall the proportion of successful outcomes was 83.3% which is not as good as the national average of 84.3%. This represents an improvement against 2005-06 results, although performance declined throughout the year and continued to decline in the first quarter of 2007-08 (possibly a symptom of backlog clearance).
- The rate of acquittals after trial by magistrates was comparatively high. The Area had only one committal discharged because it was not ready to proceed in 2006-07. Recorded performance was significantly worse than the national average where the outcome in trials was that magistrates found there was no case to answer (NCTA). However our AEI identified issues over the accuracy of the recording of case outcomes which might affect adversely the NCTA rate. Analysis of the adverse case reports indicates that some NCTAs should have been avoided, either by discontinuing the proceedings or better charge selection. We also noted that some adverse case reports indicated that the outcome was that there was NCTA, when it was clear from the analysis that the proceedings had been discontinued.
- The proportion of all cases discontinued is improving and performance is better than the national average. To assist in improving the discontinuance rate, the Area is moving towards 'cradle-to-grave ownership' of cases, although our file checks indicated that there is some way to go before this is achieved.
- The authority of a Unit Head is required before hate crime and domestic violence cases can be discontinued. Authority is not required to discontinue other types of cases, whether or not they have been subject to a PCD. The monitoring of the quality of the decision to discontinue these cases is done only through dip sampling and feedback from police supervisors.

- Our AEI found that unsuccessful outcomes were not subject to a thorough analysis for trends and lessons to be learnt. It also found that there was a backlog in finalising adverse case reports. Our OPA checks indicated that the appropriate report was still not being completed in all relevant cases. There is some analysis of unsuccessful outcomes with criminal justice partners, although most of this has developed in 2007-08.
- In the absence of a thorough analysis of unsuccessful outcomes, lessons are not learnt or disseminated effectively to staff, although some work has been done to ensure prosecutors deal properly with domestic violence cases.
- Surrey criminal justice area exceeded its 2006-07 target for offences brought to justice (OBTJ), bringing 19,043 against a target of 17,385. The OBTJ target is a shared one with criminal justice partners. The CPS contribution comes through managing cases to keep unsuccessful outcomes low, and the Area was successful in this respect. The proportion of convictions that support the OBTJ target was 38%, which was lower than the national average (48.8%).
- In 2006 the average processing time for persistent young offenders (PYOs) was 73 days against the national target of 71 days, compared with 52 in 2005. In common with many criminal justice areas performance declined significantly throughout 2006 and has continued to fall in 2007. The average processing time for the rolling quarter to May 2007 was 81 days. The Surrey Criminal Justice Board currently has a high notional arrest to charge figure of 13 days. However, despite the declining performance the agencies work together to try and improve performance, and the minutes of the regular youth case progression meetings show that there is a detailed awareness of individual PYO cases and the reasons for delay.

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

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	50.8%
Cracked trial rate	37.3%	29.7%
Ineffective trial rate	18.9%	19.5%
Vacated trial rate	22.5%	13.9%

- In 2006-07 there was no system to ensure that all files received from the police accorded with the CPS/ACPO (Association of Chief Police Officers) Manual of Guidance. Greater use is now being made of the form TQ1 to assess the quality and timeliness of police files, although the rate of returns needs to be improved significantly before any meaningful data can be produced. The police and the CPS also need to agree how the data is used effectively to analyse and improve performance.

- Our AEI noted that cases were unreviewed for the first hearing and there was an absence of continuing case ownership, which meant that if further evidence was received it would not be reviewed by the original prosecutor. This wasted time and other resources. Some adverse case reports highlighted the failure to review as contributing to the unsuccessful outcome. Designated caseworkers were better prepared than lawyers.
- The arrangements for case progression were not effective in 2006-07, mainly due to the difficulties with administrative processes and systems that occurred following the restructure. Necessary actions were not being carried out between hearings, including requests for full files and the notification of witness requirements. Correspondence was not handled well with frequent delays in responses. These inefficiencies all contributed to a higher than average number of ineffective hearings and wasted and duplicated effort. Our file checks indicated that there has been some improvement, although there remained a need in some cases to address issues at an earlier stage. The Area has now appointed a case progression officer although it is too soon to determine what performance improvements have resulted.
- Criminal Justice: Simple, Speedy, Summary (CJSSS) was not in place in any part of Surrey in 2006-07. Plans have been developed and the Area should 'go live' in September 2007. Additional funding was received from the Government's Office for Criminal Justice Reform to help clear trial backlogs before the go live date.
- Performance in respect of youth cases is better than for adult cases, with more time allowed for case preparation and better continuity of prosecutor. The Area is also increasing the number of youth specialists. The overall timeliness of youth cases is satisfactory (except for PYOs) and where there are sufficient cases to be statistically significant, the data shows that performance is usually better than the national average.
- The effective, ineffective and cracked trial rates deteriorated in 2006-07 compared with 2005-06, although effective and cracked trial performance was better than the national average in both years. However, the processes for reaching a state of trial readiness needed to be improved substantially. The rate of ineffective trials (19.5%) is only a little worse than the national average (18.9%), but further necessary actions were not being undertaken before the pre-trial review (PTR), resulting in multiple listings for PTRs (and other hearings). The vacated trial rate improved and remains significantly better than the national average. The proportion of trials which are ineffective for prosecution reasons is worse than the national average, but conversely the proportion which crack or are vacated for prosecution reasons is better than found nationally.
- The Area undertakes, in conjunction with its criminal justice partners, a regular analysis of all cracked and ineffective trials by court centre. Discussion of performance is well minuted. Key issues and performance data is disseminated at unit team meetings. There is now more focus on ensuring the correct reasons for ineffective trials are recorded in court.
- In 2006-07 only 55.6% of magistrates' courts cases had a full file review on the electronic case management system (CMS), and performance was declining. This level of performance was confirmed by our file checks. Only 11.5% of cases were finalised within the target time of one day, and only 14.3% of hearing outcomes recorded within a day. There have been efforts to improve the use of CMS and timeliness of recording case outcomes, but Area systems do not support a 24 hour turnaround. There has been some performance improvement in the first quarter of 2007-08, but it remains erratic overall.

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

3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals	13.1%	9.0%
Judge directed acquittals	1.4%	1.9%
Acquittals after trial	6.5%	12.0%
Warrants	1.3%	0.6%
Overall conviction rate	77.7%	76.5%

- Overall the proportion of successful Crown Court outcomes improved slightly in 2006-07 compared with 2005-06, although performance was worse than found nationally in both years. Performance has improved significantly in the first quarter of 2007-08.
- Performance is affected substantially by the very high jury acquittal rate; one of the highest in the country and numerically Surrey has more jury acquittals than some Areas with much larger caseloads. The judge ordered acquittal rate is better than the national average, and checks on the relevant adverse case reports indicate that nothing more could have been done to avoid them.
- Unit Head authority is required before cases involving allegations of rape can be discontinued. Other case categories do not require authority and, whilst adverse case reports are compiled, some were not sufficiently detailed.
- The Area does not undertake a thorough analysis of all unsuccessful outcomes, although some individual cases are discussed with criminal justice partners. Our examination of a sample of Crown Court adverse case reports indicated that some appeared to be wrongly recorded, and potential learning points were not always identified. There has been no analysis of the reasons behind the high jury acquittal rates.
- The systems for learning casework lessons and disseminating them to staff need to be improved.
- In 2006-07 the Area obtained 31 confiscation orders under the Proceeds of the Crime Act (POCA) against a target of 18. The value target for 2006-07 of £1,508,676 was not met, with £1,331,081 being obtained. There was a need to improve the mechanisms for identifying cases where confiscation might be appropriate.
- The Area's involvement in the enforcement of POCA confiscation orders is starting to develop and there is some liaison with the other agencies.

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

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	60.7%
Cracked trial rate	39.5%	27.4%
Ineffective trial rate	12.4%	11.9%

- The Area relies on the CQA scheme and the monitoring of adverse case reports to ensure the quality of review, endorsement and preparation. However, neither of these mechanisms was fully effective in 2006-07.
- Caseworkers progress their own cases, and the increasing use of Higher Court Advocates (HCAs) should assist in increasing even more the number of effective Crown Court hearings. The timely compliance with court orders and some applications is variable, which our file checks confirmed. In addition we noted that correspondence from the defence was not always actioned in a timely manner.
- The ineffective trial rate is better than the national average and the effective and cracked trial rates are significantly better. The proportion of cracked and ineffective trials due to the prosecution is also significantly better than found nationally. However, our file checks indicated that there could be some delay before reaching a state of trial readiness, although the position was generally more satisfactory than for magistrates' courts cases.
- Analysis of the reasons for cracked and ineffective trials is undertaken by the Surrey Criminal Justice Board and discussed at the Board performance group meetings. Similar discussions now take place at local performance group meetings, although this has only happened recently.
- Cracked and ineffective trial performance is discussed at team meetings, but other lessons learnt are not disseminated to staff as effectively.
- The Area has very few cases involving PYOs that are dealt with in the Crown Court. Early plea and case management hearings (PCMHs) are held in these cases, although it is difficult to prioritise trials because of the lack of courtrooms and the need to deal with defendants in custody.
- The proportion of cases where CMS is used to record the Crown Court review is consistently above target and our file checks indicated that most were detailed and covered all relevant issues. Our checks of CMS indicated that other tasks are not always cleared off the system in a timely manner, for example the completion of adverse case reports.

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

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

- Mechanisms for ensuring that magistrates' courts cases proceeded at the first and subsequent hearings were inadequate in 2006-07. Necessary actions were not being carried out, leading to multiple adjournments. This led to more hearings and sessions were increased to accommodate them, leading to a vicious circle whereby more work was generated, adding to the pressure on administrative systems, and continuing failure to cope. Only 53.8% of committal papers were served on time. Crucial performance issues are being addressed through the administrative backlog workstream and there were indications that the position was improving in the first quarter of 2007-08.
- Instructions to counsel are timely and the quality is assessed through CQA, although this was not sufficiently robust in 2006-07. Our file checks indicated that the quality was variable. Some referred counsel to the full file review, and were therefore dependent on the quality of that review, and the issue of the acceptability of pleas was not always addressed. Surrey uses a substantial number of agents in the magistrates' courts to prosecute trials. Our file checks indicated that they do not receive specific instructions on relevant issues that need to be addressed and often receive files from the CPS late, leaving little time for preparation of cases.
- Delays in finding files for court, and some concerns over the timeliness of the provision of court lists, have resulted in files going out late. Some agents pick up their files on the morning of court, which gives insufficient time to prepare or deal with any last minutes issues. HCAs conduct the PCMH in all but the most serious cases. Whilst this has beneficial resource implications, it means that trial counsel (if not an HCA) is only instructed after the PCMH.
- The Area relies on feedback from other agencies and court users to assure itself that staff attendance at court is timely and that there is appropriate liaison with other parties, including victims and witnesses.
- The Area has been unable to ensure prosecution advocates are proactive in contributing to case progression at all hearings. Our AEI noted that a lack of time in the office meant prosecutors had little opportunity to prepare their files or undertake any remedial work. Cases go through multiple pre-trial reviews before they are ready for trial.
- There is a listing protocol between the CPS and HM Courts Service which sets out the expectations of both parties in respect of magistrates' courts hearings. There are informal agreements to assist in the listing of HCA cases. The provision of urgent material required by the court has been problematic with the prosecutor at court, on occasions, unable to contact anyone in the office. Initiatives such as a single administrative point of contact and a court liaison prosecutor were used in 2006-07. Other agencies found these useful, although the arrangements were not always effective.

- Some Crown Court PCMH hearings are transferred to courtrooms that are not covered by caseworkers. If these are non-HCA cases the caseworker has to rely on counsel to inform them of any directions issued.
- The timeliness of Crown Court cases is discussed at court user group meetings. Some Crown Court cases are now routinely dealt with at a court outside the county to assist in improving overall timeliness. Overall the timeliness of magistrates' courts cases is similar to that found nationally, although locally produced data indicates that there are approximately double the number of adjournments per case than found nationally, reflecting the lack of progress between hearings.
- The Area does not keep a record of the number of wasted costs orders, although it believes that there were three, all in the magistrates' courts, in 2006-07. The overall amount awarded was £1,454.

5 SENSITIVE CASES AND HATE CRIMES	OPA 2005	OPA 2007	Direction of travel
	Fair	Poor	Declined

5A The Area identifies and manages sensitive cases (including hate crime⁴) effectively

- There are systems for ensuring rape cases are appropriately reviewed, handled and endorsed, although for other categories of sensitive cases and hate crimes Unit Heads rely on CQA.
- Champions have been appointed for the various categories of sensitive cases. There has been some effective work around the handling of cases involving anti-social behaviour orders (ASBOs) and the rape co-ordinator is developing quality assurance processes. The roles of the others are still developing, although the Disclosure Champion has delivered training to the police. Overall their involvement in relevant performance analysis needs to be increased. There is less clarity about the role of specialists, with prosecutors asked to self-nominate which aspects of casework they consider themselves to be specialists in.
- Our AEI identified that there had been a lack of appropriate training for specialists and this was reflected in some failures to apply the relevant policy, particularly in domestic violence cases. The Area has a commitment to deliver domestic violence policy training by the end of 2007-08 and the Domestic Violence Champion is to go on advanced training.
- There was some effective handling of local cases, including high profile ones arising out of serious offences at Heathrow Airport. However plans to develop a Casework Committee to provide an Area oversight and promulgate relevant guidance have not been advanced.
- Whilst managers should check whether sensitive cases are identified and flagged correctly on CMS, our AEI and reality checks indicated that performance was less than satisfactory. Spot checks during the AEI indicated that 20% of racially aggravated offences had not been properly flagged, and file checks during the OPA indicated that some domestic violence cases examined were not flagged. The absence of this could affect adversely the level of successful outcomes recorded.
- Effective mechanisms were not in place in 2006-07 to ensure that Area practice was consistent with CPS policies and HMCPSI thematic reviews. A more structured approach was being developed in 2007-08.
- All reductions in charge or discontinuance of cases involving allegations of racist or religious crime or domestic violence require the authority of a Unit Head. The rates of attrition in these categories of case are discussed at senior management level, but there is no indication that there was any analysis of them, or specific action taken to improve performance. Early indications are that a more structured approach is being taken in 2007-08, with detailed performance information being produced on the reasons for unsuccessful outcomes.

⁴ For the avoidance of doubt all references in this aspect to sensitive cases includes all those involving hate crime (disability hate crime, domestic violence, homophobic, racist and religious crime) child abuse/child witnesses, rape, fatal road traffic offences and anti-social behaviour orders (ASBOs).

- Overall, successful outcomes across the range of sensitive cases increased from 57.2% in 2005-06 to 63.9% in 2006-07, although performance remains worse than the national average. For the same periods successful outcomes rose nationally from 62% to 67.2%. However performance in Surrey declined in the first quarter of 2007-08 to 59.7%, which was the worst in the country.
- Performance in respect of domestic violence cases and racially and religiously aggravated offences was particularly poor, although the level of mis-recording of the latter may have adversely affected the data. Performance continued to decline in the first quarter of 2007-08. In contrast the Area was one of the best performing in respect of homophobically motivated crimes.
- The attrition rate in cases involving allegations of rape was significantly worse than the national average, although the one case in our file check which proceeded to trial was particularly well handled. In a further case involving four suspects, where the decision was that there should be no prosecution, there was a detailed and considered advice.
- The 2006-07 Area Business Plan contained a commitment to promulgate the CPS policy on prosecuting cases involving children and young people as victims and witnesses and associated guidance to staff by May 2006; this commitment had not been met. The 2007-08 Business Plan contains actions to help safeguard children, but involvement with the Local Children Safeguarding Board has fallen into abeyance and needs to be resumed. In contrast there was a good level of liaison with the NSPCC in respect of child witness cases.

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

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

- Our AEI did not involve a detailed analysis of compliance with the prosecution's duties of disclosure, but identified concerns about some aspects of handling, including a failure on two occasions to disclose undermining or assisting material (neither case resulted in a conviction). Our OPA file checks indicated that initial disclosure was dealt with correctly in four of the five magistrates' courts cases and all the Crown Court cases.
- Performance in respect of continuing disclosure was much less satisfactory. There was only one magistrates' courts case where there was a further duty to consider continuing disclosure, and this was not dealt with correctly. Continuing disclosure was handled correctly in only three of the five Crown Court cases examined. In one case there was no further disclosure certificate from the police after receipt of the defence statement, and no indication that the material was further considered. In the other, whilst the material in the possession of the CPS was considered, the police were not asked to certify that there was no further undermining or assisting material.
- There were also a number of other aspects of concern, including sensitive material schedules, which did not appear to have been considered by the prosecutor, a failure to review amended schedules which the police submitted with additional items, and blanket endorsements of schedules which made it unclear whether the prosecutor had reviewed all the material. We also noted that on some magistrates' courts files the disclosure schedules were mixed in with general correspondence.
- The Area has not worked with the judiciary to ensure compliance with the Crown Court protocol on the handling of unused material. We noted that, contrary to the protocol, inadequate defence statements were still being accepted without challenge. In contrast, the Area has undertaken specific work with the magistrates' courts on the handling of unused material in advance of the implementation of CJSSS.
- In spite of adverse comment in our last OPA and AEI - and contrary to national guidance - disclosure record sheets have still not been introduced, and there is no clear audit trail setting out the reasoning behind the prosecutor's decision-making. Disclosure material is kept separately on Crown Court files, but not in those for magistrates' courts cases.
- There are appropriate arrangements for the secure storage of sensitive material and those schedules which contain sensitive material on the face of the document.
- There is a Disclosure Champion who has been involved in the provision of training to the police, some of which has been delivered jointly to the police and prosecutors. There has been some internal training, but this has not been reflected in any substantive improvement in performance. Unit Heads use a variety of mechanisms to assess quality, including CQA. However, we note later (Aspect 11) the limited effectiveness of the CQA scheme in CPS Surrey. In addition the overall assessment of compliance with the duty of disclosure is more favourable than found during our file checks, and appears to lack robustness.

7 CUSTODY TIME LIMITS	OPA 2005	OPA 2007	Direction of travel
	Fair	Poor	Declined

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

- There is a written custody time limit (CTL) system, although it does not comply fully with national guidance. This should be reviewed to ensure it complies with the latest CPS national guidance. In addition staff have desk top guides which set out the key steps that need to be taken to ensure compliance.
- There were no CTL failures in 2005-06, but one in the Crown Court in 2006-07. This occurred as a result of the incorrect recording of the custody status of the defendant, although the breach did not result in the defendant being released from custody. This failure was reported to CPS Headquarters promptly, although limited remedial action was taken. Whilst management checks were carried out on Crown Court files following the breach, this was a one-off exercise.
- A new CTL Champion has recently been appointed and is planning to undertake a full review of the system. Some work, which was precipitated by the CTL failure, has been undertaken since our AEI.
- However, in the course of our file checks we discovered a further CTL breach in early 2007-08 that had gone unnoticed by the Area, despite an endorsement on the file that should have alerted staff. The CTL expiry date had been calculated incorrectly as a result of the incorrect recording on CMS of the first remand date. This resulted in the defendant spending a number of days in custody beyond the CTL expiry date.
- On the other relevant files the expiry dates were calculated correctly, although in one case it was unclear whether the defendant had spent a short period of time in custody to the magistrates' court before being committed to the Crown Court for trial. As a minimum this should have been clarified with the prosecutor before CMS was updated. Review dates are not endorsed on the file, although they are set out clearly in the Crown Court CTL diary, but not the corresponding diary for the magistrates' courts.
- Applications to extend CTLs were dealt with effectively, although some of the chronologies setting out how the prosecution had acted with due expedition lacked detail.
- The CPS does not have a protocol with the Courts Service governing the calculation and monitoring of CTLs, although the Crown Court operates a back-up system. A protocol with the magistrates' courts could have avoided the breach which we discovered.
- Management checks were not being carried out consistently in 2006-07 and there was some complacency, in part due to the fact that there had not been a CTL failure for a number of years. The robustness of the current system of management checks needs to be reassessed. The CMS CTL report is used to check expiry dates in conjunction with the diary system.

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

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

- Compliance with the Direct Communication with Victims (DCV) scheme was generally weak in 2006-07. The CPS has a commitment to write to any identifiable victim in relation to any charge which is dropped or substantially reduced in order to explain the reasons for this. The Area failed over a sustained period to meet the targets in respect of the volume and timeliness of letters sent to victims. In only one month in 2006-07 did it achieve more than 50% of the proxy target for the volume of letters; and timeliness (ie to send a letter within five days of the decision) averaged only 39% of target during the year. The quality of letters was variable – some were excellent, others were unsatisfactory. The Area has reviewed its processes for completing letters with Witness Care Unit (WCU) staff now assisting on occasions, and reports available from CMS and the Management Information System (MIS) are used to monitor relevant cases. Compliance has improved but is still short of the target. Awareness of the new Victims' Code screen in CMS needs further development.
- During the period of administrative backlogs there were problems with the timeliness of applications for special measures. As the backlogs have reduced so performance has improved. Systems have been reviewed and a service level agreement has been drawn up that details the responsibilities of prosecutors, administrative staff and WCU staff in applying special measures. A case progression officer has recently been appointed and will monitor compliance in designated cases.
- Timeliness of updating victims and witnesses on the progress of the case was severely and adversely affected by the delays in administrative work in 2006. Performance has improved as the backlogs have reduced. To ensure clarity of responsibilities the WCU has developed a service level agreement and a victim contact protocol. The Area introduced the concept of a 'floating' witness care officer whose role is to ensure the timely completion of tasks of any absent staff.
- To help minimise delays caused by the CPS backlogs, a process was agreed with the magistrates' courts whereby a copy of the pre-trial review form was sent directly from the court to the WCU. CPS administrative staff were also sent to some courts on a temporary basis to try and ensure that urgent tasks were identified and actioned. These helped the witness care officers with the timeliness of witness warning, as did the new system whereby staff from the CPS Crown Court Unit send the list of witnesses to attend court to the WCU electronically. The incidence of 'missing' civilian prosecution witnesses causing ineffective trials was higher in Surrey than the national average, although a variety of factors could have caused this.
- Managers have attended local courts regularly in 2006-07 and during their visits they can check that staff are complying with the requirements of the Prosecutors' Pledge in respect of witness care. Reminders have been sent to staff about the importance of the pledge. Feedback is also received from the Witness Service with whom the CPS has a positive relationship.

- The level of satisfaction of victims and witnesses is monitored via the national Witness and Victim Satisfaction Survey (WAVES). This shows a strong performance, with 87% satisfied with their treatment by criminal justice agencies. Work is ongoing to ensure that child witnesses are given the best possible support. The Area does not send caseworkers to cover cases that have been moved to Kingston Crown Court, and relies on CPS London and the Witness Service to assist with victim and witness care. Managers need to monitor whether this situation is operating satisfactorily.

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

- No Witness No Justice is a project to improve witness care; to give them the support and information they need from the inception of an incident through to the conclusion of criminal prosecution. It is a partnership of the CPS and the police and also involves Victim Support and the Witness Service. A jointly staffed Witness Care Unit was introduced in 2005 to provide the support and information. The NWNJ 'sign-over' review by the national team indicated the unit in Surrey was fully meeting ten of the 16 measures in the 14 minimum requirements. Steady progress has been made in addressing the outstanding issues of non-compliance with the minimum standards of the NWNJ scheme. At the time of the AEI the Surrey Criminal Justice Board assessed that six issues required additional work. The timeliness of contact with victims and witnesses is now the main outstanding challenge.
- The Area conducts regular monitoring of compliance with the Victims' Code by dip sampling over 100 police and WCU files per month. The latest check indicates eight objectives/measurements are categorised as good ('green') and four need some more work ('amber'), again mainly relating to issues of timeliness of actions.
- The WCU manager runs the relevant reports from MIS to show performance against primary and secondary measures. Witness attendance rates are generally good and improving, although the level of ineffective trials in the magistrates' courts attributable to prosecution witness issues (4.4%) is still above the national average (3.2%). Concerns over the accuracy of some of the data have been reported to CPS Headquarters. WAVES and ineffective trial data is also used to monitor performance.
- The WCU is represented at the four joint local performance groups where discussions take place on targets and performance. The unit completes a form for any ineffective trial caused by witness non-attendance, which outlines whether the appropriate systems and checks had been carried out to try and ensure attendance. In the light of concerns over witness attendance in cases involving domestic violence, some further analysis of all ineffective trials in the period September 2006-February 2007 was conducted. The resulting information has been used in formulating listing policies for domestic violence cases and will inform the drafting of the Victims of Domestic Violence Action Plan which is work in progress.
- The WCU manager attends the LCJB victim and witness care sub group where performance information is sometimes discussed. She has also been involved in the planning for the CJSSS initiative to ensure that strategies take account of the needs of victims and witnesses.
- The Area has continued to monitor its action plan drawn up at the time of the NWNJ handover report. They have concentrated their efforts on those that were only being partially achieved and most have now progressed. Information is shared with staff at the regular team meetings and performance information is circulated to staff and placed on notice boards.

9 DELIVERING CHANGE	OPA 2005	OPA 2007	Direction of travel
	Fair	Fair	Stable

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

- At the beginning of 2006-07 the Area had set its priorities to enable progress towards implementing the Director of Public Prosecutions' vision. Whilst the high level strategy was clear, planning at the detailed level was weak and this contributed to subsequent difficulties. The poor planning of the restructure had a significant impact on performance for much of the year. When the difficulties arose there was a lack of direction from managers to enable the Area to recover in a timely manner. It was not until February 2007, following intervention and assistance from CPS Headquarters, that the Area began to formulate plans to bring about improvements. Since then, progress has been achieved over a wide range of issues, albeit this has not as yet always translated into improved outcomes.
- The Area Business Plan (ABP) for 2006-07 was satisfactory in terms of determining ownership for individual objectives and there was reasonable alignment to the national performance management framework. The detail of how objectives would be achieved and the anticipated impact of some actions on outcomes was less clear. Appended action plans in respect of the 'Poor' aspects from the OPA in 2005 were weak. The Business Plan for 2007-08 is significantly different and places a much greater focus on local issues, particularly those identified during the inspection in October 2006. The high level plan is supplemented by a much more detailed Area Improvement Programme (AIP) that shows objectives and key actions for key workstreams. Each of the workstreams has been allocated to a 'lead' who is responsible for managing their nominated strands of the programme.
- The ABP was reviewed in July and September 2006, but the work undertaken was not particularly effective. For the most part reviews simply led to an extension of target delivery dates. Where any remedial actions were identified, they were of variable quality. The position has improved and the AIP is subject to more thorough and frequent reviews with frequent updates from project leaders. Remedial actions are managed and monitored more carefully now, increasing the chances of successful implementation. There is still scope to improve the effectiveness of some proposed remedial actions to ensure that the root cause of problems are identified and addressed.
- There were no unit plans in 2006-07 although they have been put in place for the current year. Very few staff had forward job plans or appraisals, and therefore there were no links between high level aims and individual or team objectives. This has been remedied for 2007-08, albeit there is scope to make the objectives less generic in the future.
- Some good work was undertaken with the magistrates' courts to enable better deployment of designated caseworkers (DCWs). There was also some joint planning on community engagement. On the other hand feedback from external agencies suggested that the CPS were not always collaborative or proactive in terms of joint planning. The decision to withdraw from co-location at police stations could have been handled better and was cited as a prime example of unsatisfactory joint planning. More recent feedback suggests that the CPS is now considered more responsive by partner agencies. Because of the problems in 2006, there is still work to do before the CPS has the full confidence of other agencies.

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

- Surrey has not been at the forefront in implementing initiatives, being amongst the last of the CPS Areas to move to statutory charging and never having actually fully implemented the Effective Trial Management Programme. Whilst a number of national and local initiatives have been implemented, they did not deliver the anticipated benefits in the expected timeframes in 2006-07. It is possible that more progress might have been made had it not been for the problems encountered with administrative work following the restructure in April 2006. In 2007-08 progress has been made in introducing conditional cautioning and planning for CJSSS is well advanced.
- There was not an effective, systematic approach to introducing change in 2006. Whilst the senior management team maintained some oversight of projects, the controls were inadequate and did not keep projects on track. The position is considerably improved in 2007.
- There was limited evidence of appropriate links being made between projects, procedures and training. Failure to identify effective working procedures following the restructure was at the heart of the subsequent difficulties experienced. There is an improved approach in 2007 and the AIP shows some consideration of dependencies between the various workstreams.
- Most initiatives were the subject of formal reviews although there was limited evidence of this leading to timely improvements in performance in 2006. Reviews did not lead to the identification of appropriate and effective remedial actions. At the time of the inspection in October 2006, some managers and staff believed that the Area had lost its way and planning was considered 'knee jerk' or based on 'trial and error'. There is evidence of a more proactive approach in 2007 with regular reviews of progress against milestones and objectives.
- Risk management was weak in 2006; many of the eventual problems of the restructure could have been anticipated and prevented or minimised, counter-measures in the risk register were not very effective, and important issues such as budget compliance were omitted from the register. The system has been strengthened to some extent in 2007, although we consider that it would benefit from review to take account of the latest position.

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

- The planning of training was not fully developed in 2006 and was severely hampered by the lack of forward job and personal development plans. The Investors in People (iP) report of June 2006 raised concerns over the planning and provision of training. A separate training plan for administrative staff was drawn up in October 2006 which was too late to be fully effective. However, this has now been progressed and a more multi-skilled team has been developed. Plans for 2007-08 are generally better and take account of some individual training requirements.
- Equality and diversity training is covered as part of induction and through completion of the e-learning module. There is no specific training planned on racially aggravated or homophobic crime.
- Area managers are aware of the need to ensure equality of access to training and a number of courses are held on multiple occasions to enable attendance of all staff.

- Most key mandatory training has been delivered or planned. The final phase of the Proactive Prosecutor Programme training is planned for October 2007 and domestic violence training is scheduled for November. There is an induction pack and all new staff are given the relevant training.
- There was evidence of some evaluation of training in 2006-07 albeit in a somewhat ad-hoc manner. The Training Plan for 2007-08 includes a column that identifies the evaluation to be used for each training requirement. Over-reliance on CQA may prove not to be the most effective system for evaluating if training has led to necessary improvements being achieved.

10 MANAGING RESOURCES	OPA 2005	OPA 2007	Direction of travel
	Poor	Poor	Stable

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

- The Area has found it difficult to operate within its allocated non ring-fenced administration costs budget and has overspent in each of the last four years. Whilst the overspend was small in the previous year, in 2006-07 the excess was 5.3%, which was the highest overspend in the 42 CPS Areas. The position for the current year is a cause for some concern, although this may be due to the profiling of the budget; recent increases in the allocation to Surrey have improved their position.
- There is no evidence that value for money principles were embedded in the Area in 2006-07. There are signs of some development in the current year, with increased deployment of in-house staff and more careful examination of expenditure on travel and subsistence and stationery.
- The systems for monitoring actual and committed expenditure were generally good in 2006-07. Plans were drawn up at mid-year to reduce the projected deficit, but they were unable to implement effectively the proposed actions. High sickness absence and inefficiencies in progressing magistrates' courts cases will have contributed to the problems.
- There remains a clear need to gain a greater understanding of prosecution costs in Surrey. This was raised during the AEI and it is disappointing to see that this is still an outstanding issue. The prosecution costs budget was overspent by more than 20% in 2006-07 and the early indications are that the position might be worse in the current year. A significant proportion of graduated fees payable to counsel derive from cases in which two counsel were instructed. Two counsel (usually Queen's Counsel plus a junior with a second advocate) are usually only necessary in contested cases which are particularly serious, complex or weighty. The Area needs to assure itself that the appointment of two counsel is only done in appropriate cases.
- In 2006-07 specific funding was received for the No Witness No Justice project and this was used to fund staff posts, with a small amount returned to CPS Headquarters at the end of the year. Additional funding in 2007-08 has been used to fund overtime to assist in the clearance of backlogs and by covering additional courts to reduce the number of outstanding trials in preparation for the implementation of CJSSS.

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

- There was a restructure in early 2006 and as part of the process co-located CPS staff were withdrawn from Guildford and Staines Police Stations. One of the key aims of the centralisation was to increase deployment of prosecutors to court, but the Area was not able to achieve the desired improvement. Subsequent plans to restructure again have been put on hold. Staffing numbers have been reviewed in 2007-08 and additional lawyer posts have been recruited to. The Area is still not sure what the optimum staffing level should be as the backlogs have distorted caseload data.

- There was an expectation that lawyers should have one day in the office per week with the rest of the time devoted to court coverage and deployment to charging centres. Area data indicates that this was not achieved, resulting in very high use of agents in the magistrates' courts. In-house lawyers covered 1,997 half day sessions in the magistrates' courts in 2006-07 which equates to just over one day per week per lawyer, although we recognise that absence and other factors mean some lawyers will have done more than this. Whilst some improvement was made towards the end of the year the annual figure for agent coverage was 53.8% of sessions, which was the worst performance of all 42 Areas. Figures for early 2007-08 have yet to show significant improvement, although recent recruitment activity and planned reductions in court sessions should help from October onwards. Reducing expenditure on agents will be vital to budget compliance in 2007-08.
- Deployment of DCWs improved significantly in 2006-07, albeit from a very low base, but still fell short of Area and national targets. This was primarily due to a slow start to the year when there were only two DCWs in post. The recruitment of an additional three enabled better performance from July onwards. DCWs covered 838 half day sessions between them, which is approximately 100 less than would be expected for the resource available (average 3.8 DCWs over the year). Performance (22.4% of sessions) for the first quarter of 2007-08 is encouraging.
- Performance in respect of HCA deployment was poor in 2006-07. Counsel fee savings of £37,512 were achieved, which was just over half of the Area target and resulted in funds being reclaimed by CPS Headquarters. This was the worst performance of all CPS Areas. HCAs prosecuted just one trial in 2006-07 although this has improved a little in the current year. Recruitment activity has increased the pool of HCAs and there is clearly a much stronger focus on their usage now. Results for 2007-08 are much improved and last year's total savings have already been surpassed.
- Sickness absence was a significant problem in 2006 and will have impacted to some extent on deployment plans. The average number of sick days per member of staff was 13.7 which was significantly above the national target (7.5 days) and achievement (8.5). Almost 63% of absence was due to long term sickness, which is higher than average. Procedures have been reviewed and training provided to enable managers to keep a firmer grip on absence.
- The Area has always shown a positive approach to flexible working arrangements, and has a high proportion of part-time workers. Whilst still recognising the importance of flexible working, managers now consider that there is a need to give greater consideration to the business needs in recruitment planning.

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

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

- Performance information is considered at senior management team (SMT) meetings over a growing range of measures, including casework outcomes and progress against the Public Service Agreement targets. Whilst information was available against most of the national initiatives and targets there were some critical local issues that were not, and still are not, monitored and managed effectively – for example sessions data and counsel fees. Recent revisions to the performance packs have made it easier to understand. Some local measures have been introduced in 2007.
- There is a need to develop the analysis of performance information to identify the root cause of problems and the most appropriate remedial action. Some progress has been made but further work is required. There is still a need to deliver improved results as evidenced by Surrey's own performance pack that showed 11 of 17 measures (which are aligned to the national targets) were rated by the Area themselves as 'red' or 'amber/red' at the time of our visit. A significant amount of effort has taken place between January-June 2007 through the development and implementation of an Area Improvement Programme. This is a more structured approach to driving improvements against previous inspection recommendations. An example of progress is the huge reduction of administrative backlogs.
- Some data is available at unit level and further improvements to such information are still ongoing. There was limited evidence of analysis or discussion of performance at unit level and this was not assisted by the lack of team meetings in 2006-07.
- Quality assurance checks of adverse case outcomes improved the accuracy of finalisations during the year. There are still concerns over the integrity of some information, some of which are related to incorrect entries on CMS.
- Managers are increasingly aware of their responsibility for operational delivery and improvements in results. The primary MIS licence holder provides reports to managers to assist them with performance. Unit Heads are now held to account for the performance of their teams, which was not the case for much of 2006.
- The performance appraisal system was not used in 2006-07 to monitor and improve personal performance. The process has been recently reinvigorated and staff now have measurable objectives.

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

- There are local performance groups based around the four police divisions. The relevant Unit Head attends the meetings as does the WCU manager. CPS participation was variable in early 2006-07 but has since improved, as has the effectiveness of the groups generally. The CPS has yet to gain the full confidence of partner agencies in their ability to deliver consistently improved performance. The joint management of the PCD scheme has been reinforced at Unit Head and Chief Inspector level. There has been increased joint work to improve the timeliness of cases involving persistent young offenders, but this had not yet delivered better results at the time of this OPA.
- The CPS provides some information to the local performance group meetings, particularly at individual case level, and also contribute to the provision of data for PTPM meetings. The Area receives data from the courts on trial effectiveness and the police provide a substantial amount of information for a variety of meetings.
- There was limited evidence of effective joint improvement strategies in 2006. Area managers have worked well with the police in recent months to increase the level of pre-charge face-to-face advice provided. A solution needs to be found to reduce the large numbers of outstanding PCD cases that have not yet been finalised on CMS. Much of the CPS focus in late 2006 was rightly on improving internal systems that had collapsed following the restructuring earlier in the year. This has given a foundation to enable work with the courts to reduce sessions.

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

- The Area did not sustain an effective approach to the national CQA scheme for much of 2006. They did not return any completed forms in two of the first three quarters and achieved 68% in the third. Most of the forms seen had been completed by the Chief Crown Prosecutor. Improvements are evident in 2007 and the target return rate has been achieved in the first six months, with the assessments being conducted by the Unit Heads.
- There is limited indication that the analysis undertaken in 2006 was robust and, where issues/ learning points were identified, it was not always clear how the information was disseminated. This has improved in 2007.
- Findings from CQA were not discussed in SMT or unit meetings in 2006. There is a stronger focus on the scheme in 2007, although most emphasis is on the volume of forms completed.
- There was no structured advocacy monitoring scheme in Surrey in 2006-07, although feedback was received from other court users on an exception basis. As Unit Heads attend court quite frequently, they have had some opportunity to monitor advocacy on an ad-hoc basis.

12 LEADERSHIP	OPA 2005	OPA 2007	Direction of travel
	Fair	Poor	Declined

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

- There was a lack of clarity among managers about what was expected of them to deliver local and national strategies, particularly following the difficulties that arose due to the restructuring. As a result the Area operated in 'fire-fighting' mode for much of the year and there was little by way of effective direction or leadership in identifying and implementing lasting solutions. There was a lack of corporacy evident at the time of the inspection in October and there were indicators of a blame culture (internal and external).
- A new temporary CCP joined in late January 2007 and a new Area Business Manager (ABM) in February. With some assistance from CPS Headquarters, managers have developed an Area Improvement Programme that has given much greater direction, and some encouraging progress has been made in 2007. The management team has been widened and they are now more cohesive in what they are trying to achieve. This is still work in progress but the early signs are encouraging.
- The national vision and values were adopted and incorporated into the 2006-07 Area Business Plan. However there was insufficient thought as to how the Area could implement the vision effectively.
- Communication to staff was a weakness in 2006-07. Although some of the results for communication in the 2006 staff survey were slightly better than the national average the responses to the regularity of team meetings (31% compared to 59% nationally) and the effectiveness of team meetings (49% compared to 55%) were not as good as the national averages. The primary means of cascading information was the in-house newsletter and there was little evidence of effective two-way communication between staff at different levels. Minutes of management meetings were not available to staff, contributing to a perception that there was a lack of transparency. With the exception of the Witness Care Unit and latterly the administrative unit, teams rarely held staff meetings. An all staff meeting was held in October 2006, but it appears to have had limited impact in terms of improving staff engagement. These issues are being addressed as part of the AIP and progress is being made in improving communications and developing a more open relationship between managers and staff.
- During the inspection in October 2006 it became apparent that relationships between the CPS and other agencies were tense. There was a perception that the CPS was not taking a constructive or collaborative approach to assist the criminal justice agencies as a whole to meet their objectives. This is being addressed through the AIP and feedback from police and court representatives shows that progress has been made. There is still work to do in ensuring that other agencies have a clearer understanding of the timetable and projected benefits of the AIP.
- Area managers have gradually improved their participation in inter-agency work and attendance at meetings is now more consistent. The CCP led the agencies on victim and witness issues prior to the change of personnel. At the present time CPS managers do not lead any major inter-agency initiatives or LCJB sub groups, although their participation is now more consistent.

- There were few effective systems in place during 2006 to enable managers to understand the extent or causes of the difficulties faced by staff. There were also limited systems to enable the quality of casework to be assessed or assured. It seems that the AEI report published following the inspection in October 2006 has been a catalyst for a significant change of approach. There is now an acceptance of the need for change and managers have reacted positively to the AIP process. In 2007-08, better systems are in place to understand performance at case, individual, unit and Area levels. The Area's assessments of progress against the AIP indicate that most workstreams are on track, albeit for some objectives ongoing attention will be required to ensure long term, sustained improvements.

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

- Staff morale has traditionally been high in Surrey but there was clear evidence that staff satisfaction levels were much reduced at the time of the inspection in October 2006. Among the issues raised was the perception that managers were too focused on any negative issues. Managers have responded, and there now appears to be a more balanced approach that recognises effort and progress, whilst not losing sight of the need for improvement in some aspects of work. Managers believe that, after a difficult period, morale is now increasing again.
- In the 2006 staff survey results in respect of 'Dignity at Work' issues were generally better than the national average (76% of staff satisfied). Issues arose as a result of the restructure that led to operational problems and tensions between groups. A blame culture developed and there were isolated incidents whereby staff were not always shown appropriate respect by colleagues. Managers have worked hard to address this issue and improvements have been made in 2007. Two staff members have been trained as workplace investigators and mediators.
- There has been one equality and diversity complaint made by a member of staff regarding their treatment by others. Managers have addressed some issues of inappropriate behaviour – for example timekeeping and misuse of the internet. There were a few examples noted in the October inspection whereby inappropriate language was used in communications, and there is still scope for people to be more careful with the tone of communications.
- There was an Equality and Diversity Committee in 2006 but the group has now been stood down. The ABM was the Area champion in 2006 and following his departure the role is now undertaken by the CCP. There were few links to equality issues in business plans in 2006-07.
- There was no evidence of any deliberate prejudice in the workplace, although at the time of the October inspection, some staff felt excluded in that they did not have the opportunity to contribute to plans and strategies, and they considered that they were not being kept informed. In 2007-08 the SMT has been expanded to include a wider range of staff and minutes of meetings are now available electronically to all staff.
- Staffing is representative of the local working population. The levels of black and minority ethnic staff and female employees are above the local benchmark.

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

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

- Whilst the importance of effective community engagement was recognised by senior managers, in 2006-07 there was limited drive to improve performance in this aspect of work. It is recognised that solving the Area's operational problems became the over-riding focus of attention in the second half of the year.
- In 2006-07 there was limited indication of a planned and co-ordinated approach to community engagement. There was some high level reference to engagement in the business plan and in the three-year Community Engagement Plan. In the current year all units have an objective to conduct four community engagement 'events', although there is limited detail of what this might entail. The Area also intends to refresh the three-year plan.
- Community engagement was not part of the core business of staff and most activity was the responsibility of a small group of people in 2006-07. For the most part engagement work was centred around Surrey Criminal Justice Board activity. Some useful work was done with Neighbourhood Panels in parts of the county and work has also been undertaken to raise the profile of the Witness Care Unit. Almost all activity has been targeted at increasing awareness in the community of the CPS. A member of staff now has dedicated responsibility (in a part-time capacity) for organising and recording community engagement activity. A wider range of staff will be involved in community liaison in 2007-08.
- Information is held on demographics and there is a database of some local community groups. However the database has some notable absences, for example no groups are identified in the homophobic or racially aggravated crime sections. There is no evidence that the demographic data has been used to target any activity.
- Some work has been initiated recently with groups representing victims of domestic violence and sexual assault. Work is ongoing to develop relationships with the Muslim community. There is opportunity to develop a more targeted approach to ensure that the CPS engages with those groups at greatest risk of discrimination.
- There is little evidence that engagement activity has led directly to improvements to the services provided or service changes. Awareness has been raised about some aspects of CPS work, for example dealing with anti-social behaviour, which may bring benefits in the future.
- The latest British Crime Survey figures show that confidence in the ability of the criminal justice agencies to bring offenders to justice is 46% in Surrey, whereas it stood at 48% in 2005-06. However this is still significantly better than the national figure of 41%.
- Relationships with the media are primarily reactive and tend to be focused around responding to enquiries on individual cases. A small number of press releases have been issued. Interviews have been given following a few high profile cases.

ANNEXES

A PERFORMANCE DATA

Aspect 1: Pre-charge decision-making

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Area performance		National target March 2007	National performance 2006-07	Area performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	16.4%	15.1%	11.0%	13.1%	14.0%	9.6%
Guilty plea rate	52.0%	69.2%	60.1%	64.7%	68.0%	66.5%	51.7%	60.6%
Attrition rate	31.0%	22.0%	25.0%	24.0%	23.0%	22.2%	31.6%	26.6%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	75.4%

Aspect 2: Ensuring successful outcomes in the magistrates' courts

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed magistrates' courts cases	84.3%	83.3%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	50.8%
Cracked trial rate	37.3%	29.7%
Ineffective trial rate	18.9%	19.5%
Vacated trial rate	22.5%	13.9%

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

National target	National performance 2006	Area performance 2006
71 days	72 days	73 days

Offences Brought to Justice

	CJS area target 2006-07	CJS area performance 2006-07
Number of offences brought to justice	17,385	19,056

Percentage make up of Offences Brought to Justice	National 2006-07	Criminal justice area 2006-07
Offences taken into consideration (TICs)	8.5%	6.1%
Penalty notices for disorder (PNDs)	10.3%	15.4%
Formal warnings	5.8%	4.0%
Cautions	26.5%	36.5%
Convictions	48.8%	38.0%

Aspect 3: Ensuring successful outcomes in the Crown Court

	National performance 2006-07	Area performance 2006-07
Successful outcomes (convictions) as a percentage of completed Crown Court cases	77.7%	76.5%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	48.2%	60.7%
Cracked trial rate	39.5%	27.4%
Ineffective trial rate	12.4%	11.9%

Proceeds of Crime Act orders	Area target 2006-07	Area performance 2006-07
Value	£1,508,676	£1,331,081
Number	18	31

Aspect 10: Managing resources

	2005-06	2006-07
Non ring-fenced administration costs budget outturn	100.1%	105.3%

Staff deployment	National target 2006-07	National performance 2006-07	Area performance 2006-07
DCW deployment (as % of magistrates' courts sessions)	17.2%	14.7%	13.7%
HCA savings against Area target	100%	138.4%	51.9%
Sickness absence (per employee per year)	7.5 days	8.5 days	13.7 days

Aspect 13: Securing community confidence

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

CJS area baseline 2002-03	2004-05 (last OPA)	Performance in 2006-07
44%	48%	46%

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

Police

Surrey Police

HM Courts Service

Crown Court sitting at Guildford

Magistrates' courts in Surrey

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