

CPS Sussex

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# Overall Performance Assessment

Undertaken October 2005

March 2006

Promoting Improvement in Criminal Justice

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## **A. INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS**

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

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

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

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

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

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

## B. AREA DESCRIPTION AND CASELOAD

CPS Sussex serves the area covered by the Sussex Police. It has four offices, at Brighton, Chichester, Crawley and Eastbourne. The Area Headquarters (Secretariat) is based at the Brighton office.

Area business is divided on functional lines between magistrates' courts and Crown Court work. The Criminal Justice Units at Brighton, Eastbourne and Crawley are co-located with the police and handle cases dealt with in the magistrates' courts. The Trials Unit at Brighton handles cases dealt with in the Crown Court. There is a combined unit at Chichester which deals with magistrates' courts and Crown Court cases in the west of the county.

During the year 2004-05, the average number of staff in post in the Area was 122 full-time equivalents.

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

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	10,893	31.1	20.9
Advice	705	2.0	5.1
Summary offences	13,798	39.3	46.9
Either way and indictable only	9,422	26.9	26.7
Other proceedings	238	0.7	0.4
<b>TOTAL</b>	<b>35,056</b>	<b>100%</b>	<b>100%</b>

## C. SUMMARY OF JUDGMENTS

The inspectorate carried out an inspection of CPS Sussex in July 2004 and the report was published in November 2004. Since that time the Area has generally maintained the overall quality of its casework. The Area has continued to work hard to reduce significantly the level of ineffective trials in the magistrates' courts, although performance is still below the national average.

The Area provides pre-charge advice at all relevant charging centres, however coverage had to be reduced temporarily owing to insufficient resources. Although working to a tight timetable, the Area is confident that it will meet the target date of November 2005 for the roll-out of statutory charging. Further work is required to address the discontinuance rate in the magistrates' court and in the Crown Court, and to improve the attrition rate in the Crown Court, all of which are poor.

The Area's ineffective trial rate in the magistrates' courts in 2004-05 was poorer than the national average performance, although it improved significantly throughout the year and continues to improve in 2005-06. The percentage of vacated trials is also much higher than the national average, which is in part due to the court's practice of only listing one effective trial in a court room and vacating any other trial ready cases. Since our inspection, the Area has appointed Case Progression Officers for all but one of the magistrates' court centres. They are working well with their counterparts in the other agencies to ensure that there is pro-active case management of summary trials.

The Area still has a number of cases that should have been committed for trial, but which were discharged because they were not ready. There is a protocol with the police on the action to be taken in such cases, although police compliance with instructions to reinstate cases could be more closely monitored. Whilst the number of discharged committals is declining, the timeliness of the submission of files from the police still needs to be improved.

The timeliness of processing cases involving persistent young offenders has slipped. The Area, in conjunction with its partner agencies, has identified the causes of the decline but needs to take urgent remedial action.

CPS Sussex shares an Offences Brought to Justice target with its criminal justice partners. This aspect of performance is mainly police driven, although there is scope for the CPS to influence it. The target has been met consistently and performance is impressive. The Area brought 27,294 offences to justice in 2004-05 against a target of 24,773.

The ineffective trial rate in the Crown Court is better than the national average and, once committed, cases are progressed effectively. The timeliness of committal preparation however, had slipped in 2004-05 compared with 2003-04, with a number of cases being discharged because the prosecution was not ready to proceed. The quality and timeliness of instructions to counsel could be improved in some cases. Adverse case reports are completed in relevant cases and the findings discussed in Prosecution Team Performance Management meetings.

Champions have been appointed for all categories of serious and sensitive cases, although the ambit of their roles could be improved by setting out terms of reference. They, or specialists within the units, are consulted before a serious or sensitive case is discontinued, although this safeguard was not embedded in respect of cases where no further action was advised at the pre-charge stage. The relevant CPS policy was applied in most cases.

The Area needs to review its processes for monitoring custody time limits (CTL) as a matter of priority and, in particular, to develop an effective back-up procedure should the manual diary recording of CTLs fail. There was one CTL failure in 2004-05.

Handling of the disclosure of unused material is good, and timeliness has improved since our inspection. The Area Disclosure Champion, in conjunction with other lawyers, has contributed significantly to joint training with the police. The Area has also reinforced to defence representatives the need to comply with the revised requirements for defence statements.

The Area has made good progress, in conjunction with its partner agencies on the Sussex Criminal Justice Board in improving the care of victims and witnesses. CPS staff are due to be appointed to the Witness Care Units, which should assist in dealing with witness issues and increasing victim and witness satisfaction. The timeliness of letters sent out under the Direct Communication with Victims scheme needs to be improved as does the identification of cases where a letter is required.

The Area is developing the use of its Higher Court Advocates cadre and plans to extend their involvement in more serious casework. The Area's designated caseworkers undertake the full range of case presentation and have recently increased their coverage of youth court cases. However, the monitoring of agents in the magistrates' courts needs to be reviewed to assure the consistent quality of their performance. The Area does not currently monitor counsel in the Crown Court. This issue is, however, being taken up by CPS Headquarters with the leader of the South East Circuit.

The Area Business Plan demonstrates an understanding of value for money and there is a systematic approach to resource planning which is subject to regular review. Staff deployment is planned and balanced against Area workload using internal methods which the Area believe account more appropriately for the disparate nature of the courts and the Area's rurality. There are twice-yearly reviews in addition to monthly monitoring.

The timeliness of graduated fee payments to counsel does need to be improved and suitable monitoring methods need to be employed. Further work is also required to reduce the incidence of staff sickness and to reduce agent usage.

The Area has developed a planning cycle which is effective for strategic planning, but requires further attention to ensure compliance by managers at unit and project levels. The approach to change management was still largely reactive, but there had been improvements in forward planning which took account of training needs.

The Area has demonstrated a commitment to performance management, and has invested time and effort in developing its approach. The Area Management Team (AMT) meets monthly and aspects of performance are discussed, based on information supplied through the Area performance report and unit and key initiative reports. The Chief Crown Prosecutor (CCP) and the Area Business Manager (ABM) hold quarterly meetings with Unit Heads on a one-to-one basis to review unit issues.

The Area's objectives are clear and strategic planning was satisfactory. Performance reporting is well-developed at unit and Area levels. There is effective communication of Area-wide issues through a variety of representative fora and demonstrable willingness to work with criminal justice partners on national initiatives.

Whilst the Area's commitment towards engaging with the local community is positive, there is a need to review the structure of this aspect of the Area's work to ensure that maximum value is obtained from the resources expended.

In the light of the above therefore, our overall assessment of Sussex's performance is **GOOD**.

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

<b>OVERALL ASSESSMENT</b>	<b>3 - GOOD</b>

## D. DEFINING ASPECTS

### 1. PRE-CHARGE DECISION-MAKING

### 2 - FAIR

*The Area provides pre-charge advice at all relevant charging centres, although coverage had to be reduced initially owing to insufficient resources. A new formulation for coverage has now been initiated which comprises face-to-face coverage most days of the week with a telephone service on other days. Area self assessments and reviews by the Headquarters Charging team have identified operational weaknesses which have been discussed with the police and addressed. Although working to a tight timetable, the Area is confident that it will meet the statutory charging target date of November 2005. There is some indication of benefits realisation in regards to guilty pleas and attrition rates in the magistrates' courts, and in respect of Crown Court guilty pleas. A protocol with the police needs to be agreed before the commencement of the statutory service and more focussed effort is required to reduce erroneous data which may be masking true performance, specifically in regard to undefined outcomes and the volume of no further action decisions arising from missing legal elements. Further work is required to address the discontinuance rate in the magistrates' courts and in the Crown Court, and to improve the attrition rate in the Crown Court, all of which are poor.*

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

- The Area provides pre-charge advice at all relevant charging centres, however coverage has not always been as agreed with the police. Initially, charging advice was provided 9am to 5pm on a face-to-face basis at all locations. However, this was too demanding in resource terms and the Area pulled back temporarily from the commitment. In moving towards statutory charging the Area re-established face-to-face advice at all six police charging centres on the 3 October 2005.
- Charging activities are subject to periodic quality reviews either through CPS/police self-assessment or formal reviews by the CPS Headquarters Charging team. These reviews identified that cases were being referred inappropriately by the police and also that some advice was being given without a supporting MG3. Following discussions with the police, case director and bail manager roles were established to provide better police stewardship, and case filtering is now taking place.
- Pre-charge advice cases are monitored by Unit Heads through an analysis of all adverse cases and these are reported on a monthly basis via unit reports and at joint meetings with the police.
- The police case directors and bail managers ensure action plans are complied with before further advice is given.



- Lawyers utilise the case management system (CMS) to record decisions on the MG3.
- The Area has managed the roll-out of statutory charging in accordance with nationally agreed timescales and is confident that it will meet the deadline of November 2005.

*Aspects for improvement*

- The CPS and police need to formalise working arrangements and agree a protocol confirming respective responsibilities before the commencement of the statutory scheme.
- Work is required to reduce the number of advice outcomes being classified as undefined, as the present rate of over 20% makes meaningful analysis and action planning difficult.
- MG3s supplied by the police need to capture defendant ethnicity details.

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

- Unit Heads look at the quality of advice as part of the Casework Quality Assurance scheme. This self-assessment indicates a high level of compliance with the Code tests, which our file examination confirmed.
- The Area has had a number of training sessions which have been supplemented by written guidance. As new duty prosecutors are brought on stream, they are mentored in small groups by the Chief Crown Prosecutor (CCP) and the Charging Project Manager.
- A dispute resolution system is in place with the police based on the charging model guidance.
- Unit heads review adverse outcomes in pre-charge advice cases. These analyses are also reviewed by the CCP and raised at Area fora, and issues are taken up locally by Unit Heads with their lawyers. The Casework Quality Assurance scheme is also used to monitor the quality of advices.
- Unit Heads undertake dip sampling of Early Administrative Hearing cases to identify non-compliance with the scheme, and liaise with the police prosecution team managers in the relevant division.

*Aspects for improvement*

- The Area needs to develop appropriate referral mechanisms to ensure that when giving pre-charge advice in sensitive and hate crime cases non-specialist lawyers consult where necessary with more experienced prosecutors.

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

- The Area is confident that they are able to meet the schedule for rolling-out the statutory scheme in November 2005 and have an action plan identifying outstanding work. There are some risks, including the viability of coverage arrangements and the timing of supplementary training for lawyers and police.
- The Area commenced a full statutory scheme pilot on 3 October 2005, which will be reviewed at the end of the month.
- Currently there is only limited realisation of benefits. The guilty plea rate in the magistrates' courts is only 58.8% compared with 68.8% nationally. The attrition rate is 29.7% against 22.7% nationally. The guilty plea rate in the Crown Court is 59% against a national average of 66.7%.

*Aspects for improvement*

- The Area commenced formal joint reviews with the police through Prosecution Team Performance Management meetings in August 2005 and these have yet to become fully effective.
- A high proportion of cases (35%) are classified as no further action owing to a legal element missing. This indicates that training with the police and/or operating procedures need to be more effective.
- Further work is required to address the discontinuance rate of 22.3% in the magistrates' court which is poor compared to the national average (16.3%) and likewise in the Crown Court where the rate is 16.5% compared with 14.6% nationally. The attrition rate in the Crown Court is 28.2% which again, is poor when compared with national performance (23.8%).

**2. MANAGING MAGISTRATES' COURTS CASES**

**2 - FAIR**

*The Area has worked effectively with the other criminal justice agencies to introduce the Effective Trial Management Programme (ETMP). Case Progression Officers (CPOs) operate in three of the four units that cover magistrates' court cases. Part of their duties include submitting certificates of readiness to the court in contested cases and working with their counterparts in the other agencies to determine when applications need to be made to vacate trials. The ineffective trial rate is improving, with the Area achieving a rate of 26.4%, although this did not meet the local target of 24% or the national average of 24.8%. The cracked trial rate is 35.1% which is better than the national average (37.1%). There are effective processes for monitoring and analysing the reasons for cracked and ineffective trials. The timeliness of processing cases involving persistent young offenders (PYOs) has historically been good, but is declining. The three month average to February 2005 was 69 days, but a subsequent further decline meant that the Area no longer meets the target. In conjunction with its partner agencies, the Area needs to address this aspect of performance urgently. The use of the CPS case management system (CMS) for undertaking full file reviews is improving but is still low compared with the national average. There are, however, significant variations across the Area and evidence that some full file reviews are being recorded under the wrong review section on CMS.*

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

- The Area has appropriate systems for ensuring that cases are routinely reviewed before the first date of hearing. The level of review required is determined by whether the case has been subject to pre-charge advice. Work has been undertaken with the police to improve their monitoring of requests for further information.
- Since our inspection the Area has appointed CPOs for each of the Criminal Justice Units (CJUs), with the exception of Crawley. There are plans to increase the CPO complement to cover this unit and provide additional resource at the Eastbourne office. The CPOs use spreadsheets to record key dates, for example when the full file is due.
- The CPOs have regular liaison meetings with their criminal justice partners, with performance improving as a result. Recurring issues and trends are discussed with the police in Prosecution Team Performance Management meetings.
- The PYO target was met for the rolling quarter ending February 2005. The average processing time was 69 days against the target of 71 days. The overall timeliness of initial guilty pleas in youth cases was satisfactory, with 88% of cases being dealt with in the target time, compared with 87% nationally.
- There were no wasted costs orders in the magistrates' courts in 2004-05.

### Aspects for improvement

- The vacated trial rate was 24.2% which was worse than the national average (16.3%). This does not, however, indicate a lack of preparation in all cases. The principal reason for the high vacated trial rate was the practice agreed under ETMP of only listing one effective trial per court room. Where more than one listed trial was ready to proceed, the others would be vacated according to priority guidelines. Whilst this helped to reduce the ineffective trial rate, it could lead to a waste of court and prosecutor resource when the one listed trial cracked or was ineffective. We were told that this practice was to change, with some cases for trial being double listed.
- Whilst the PYO target was met, the Area's performance (69 days) was not as good as the national average (67 days) for the same period. Furthermore, the performance trend has been one of decline. In 2003 the average processing period was 56 days, compared to 67 days in 2004. Since our inspection there has been a further sharp deterioration to the point where, for the rolling quarter May to June 2005, the Area was the worst performing in England and Wales, with a performance of 98 days. However, the Area believes this downward trend is now being reversed. Additionally, the overall timeliness of youth trials was below the national average, with only 84% meeting the target time compared with 87% nationally.
- A number of factors have been identified as contributing to the drop in performance in youth cases, including an increase in Crown Court PYO cases and cases being adjourned to tie-in with other proceedings. The Area needs to take urgent remedial action with its partner agencies to restore performance to its previous good level.

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

- There is regular and formal analysis of all cracked and ineffective trials, and appropriate action is taken in all cases where the prosecution has been at fault. Meetings are held with the magistrates' courts Senior Legal Advisors which help to ensure that the correct reasons are recorded when a trial is ineffective. These meetings also assist in identifying those ineffective trials which are not CPS prosecutions.
- When defendants fail to attend their trial, prosecutors are instructed in appropriate cases to apply to the court to hear the case in their absence. If the court decides that it is in the interests of justice to adjourn the case, the fact that an application has been made to deal with the case in the defendant's absence is endorsed on the monitoring form.

- The cracked trial rate is 35.1%, which is better than the national average (37.1%). The percentage of cases where the defendant enters a late guilty plea or the CPS drop the case on the day of trial are also both better than the national performance.
- The CPOs are working with their counterparts in HM Court Service to reduce the number of ineffective trials caused by either over listing or lack of court time.

*Aspects for improvement*

- Whilst performance is improving, the Area failed to meet its target for reducing the rate of ineffective trials. Against a local target of 24%, the Area achieved 26.4%. The Area is, however, confident that it will meet the target in 2005-06.
- The main prosecution reason for ineffective trials was witness non-attendance which occurred in 4.7% of cases compared with 4.5% nationally. Further significant causes were lack of court time and over listing.
- In two of the CJUs, the CPOs check the accuracy of the reasons endorsed on the cracked and ineffective trial monitoring form. These checks indicate that, in some cases, the prosecutor is not endorsing their view of the reason why the case was ineffective or cracked. Additionally, the reason recorded may not accord with what is endorsed on the CPS file.

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

- The CPOs use CMS to identify which trials are pending, which assists in checking whether they are trial ready.
- In those cases where the full file review was done on CMS, we found them to be detailed and indicative of a thorough analysis of the issues.

*Aspects for improvement*

- The overall usage of CMS for full file reviews is improving, although it is still significantly below the national average. In 2004-05 a full file review was carried out on CMS in 18.6% of cases, compared with 36.4% nationally. The Area had undertaken a review of this aspect of performance and had identified that some full file reviews were being recorded wrongly as ad hoc reviews. Our file examination confirmed this had happened in a number of cases. The correct recording of the type of review should assist in improving performance data.

**3. MANAGING CROWN COURT CASES****3 - GOOD**

*Responsibility for case progression in the Crown Court rests with the caseworkers. They liaise with the Crown Court Case Progression Officers (CPOs) on a case-by-case basis. A manual diary system is used to record and monitor directions given at case management hearings. The CPS case management system (CMS) is usually used to prepare committal papers. Whilst the timeliness of committal preparation and the delivery of instructions to counsel could be improved, the ineffective trial rate is excellent when compared with the national average. Unit Heads undertake a comprehensive analysis of cracked and ineffective trials which is shared with the Area's criminal justice partners through the Effective Case Management sub-group of the Sussex Criminal Justice Board (SCJB).*

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

- Crown Court cases are routinely reviewed and prepared promptly, with follow-up work undertaken where necessary. Most cases are ready to proceed at each court hearing. Our file examination indicated that there was a good working relationship between caseworkers and the Crown Court CPOs. There was timely compliance with the directions made at case management hearings in all but one of the files we examined. In the one case we were satisfied that the delay was not the fault of the CPS.
- The Area's Casework Quality Assurance checks indicate that 85% of cases met the necessary case preparation quality standard for the period April-September 2004, rising to 97% for October-December 2004.
- The Area produces detailed performance management information, broken down by unit, on the timeliness of delivery of instructions to counsel.
- There is significant liaison with the Area's criminal justice partners through the Effective Case Management sub-group of the SCJB. Although there are no specific meetings with the Crown Court Case Progression Officers, caseworkers liaise on an individual basis.
- There is a Service Level Agreement with the police on the handling of cases involving restraint and forfeiture proceedings. The Area champion has issued guidance to prosecutors. In 2004-05 a total of 35 confiscation orders, to a value of £897,308, were made against a local target of 27 orders.
- There were no wasted costs orders made against the Area in the Crown Court.

*Aspects for improvement*

- Performance in respect of the timely preparation of committal papers has declined in 2004-05, compared with 2003-04. The target was met in 78% of cases, compared with 87% in the previous year.
- The quality of instructions to counsel needs to be improved. In three of the six Crown Court cases we examined the analysis of the issues was poor. The Area's own performance assessment shows that acceptability of pleas is not addressed in all relevant cases. Additionally, the timeliness of delivery of instructions to counsel could be improved, with only 80.5% meeting the time target, compared with 85% nationally.
- The Area had identified that an increase in Crown Court cases involving persistent young offenders was contributing to its decline in performance, and that in some there had not been adherence to the agreed procedures.

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

- The ineffective trial rate in the Crown Court for 2004-05 was excellent, with 14% of cases being ineffective against a local target of 17%, and compared with 15.8% nationally. Only 5.2% of cases were ineffective due to the prosecution, compared with 6.6% nationally.
- The cracked trial rate at 35.1% was also better than the national average (39.2%). As with ineffective trials, the percentage which cracked due to the prosecution was better than the national average (12.9% compared with 15.2%).
- There is a detailed analysis of cracked and ineffective trials which is shared with the other partner agencies through the SCJB Effective Case Management sub-group.

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

- Unit business managers monitor outstanding tasks on CMS and undertake remedial action where necessary. The use of CMS to prepare indictments was very good throughout 2004-05 and in some months reached 100%. The average for the year was 96.2% compared with 81.5% nationally. This indicates that CMS is being used to prepare committal papers in almost all cases.

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

The use of the CPS Casework Quality Assurance (CQA) scheme is robust, with detailed analysis of casework performance, including those cases subject to pre-charge advice which are subsequently discontinued. The proportion of committals discharged because the prosecution is not ready is declining, although there remain issues over the timeliness of police files. Overall, the level of unsuccessful outcomes is good and just below the national average, although they could be improved in respect of Crown Court performance. The Area, in conjunction with the police, has significantly bettered its target for increasing the number of Offences Brought to Justice (OBTJ). Against a target of 12,236 offences, the Area brought to justice 14,926.

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

The Area's overall performance is illustrated in the following table:

OUTCOME	AREA FIGURE	NATIONAL AVERAGE
<b>Magistrates' courts</b>		
Discontinuance & bindovers	13.8%	12.5%
No case to answer	0.3%	0.3%
Dismissed after trial	1.9%	1.5%
Discharged committals	0.3%	0.3%
Overall conviction rate	80.9%	80.8%
<b>Crown Court</b>		
Judge ordered acquittals	14.3%	14.2%
Judge directed acquittals	2.0%	2.0%
Acquittals after trial	8.2%	6.3%
Overall conviction rate	73.5%	75.8%

- There is regular and formal assessment of the quality of review and case handling, with appropriate action being taken when necessary. The Area uses the CQA process consistently. Individual CQA forms indicate that a detailed file examination is carried out by managers, with learning points identified and discussed with individual lawyers. Copies of the assessment forms are provided to the relevant lawyers.



- Adverse outcome forms are completed in appropriate cases and clearly set out the reasons for acquittal. Additionally, pre-charge advice cases that are subsequently discontinued are reviewed by the Unit Head, with a summary report submitted to the Chief Crown Prosecutor (CCP). Monthly unit reports are submitted to the CCP and findings are shared with the police in Prosecution Team Performance Management meetings.
- In the magistrates' courts 19.1% of cases resulted in an unsuccessful outcome, which was marginally better than the national average (19.2%). In the Crown Court 26.5% of cases resulted in an unsuccessful outcome, compared with 24.2% nationally. Overall, the Area was very close to the national average (19.6%), with 19.7% of cases resulting in an unsuccessful outcome.
- CPS Sussex shares an OBTJ target with its criminal justice partners. This aspect of performance is mainly police driven, although there is scope for the CPS to influence it. The target has been met consistently and performance is impressive. The Area brought 27,294 offences to justice in 2004-05 against a target of 24,773. This represented a percentage increase of 21.5% against a target of 10.2%.
- The percentage of committals discharged because the prosecution is not ready is the same as the national average (0.3%). This equated to 24 cases and is a significantly better level of performance than in the previous year. There is a protocol with the police on the procedures to be followed when a committal is discharged. Decisions about whether to recharge are timely, although the systems for monitoring whether the police have carried out the necessary actions could be strengthened.

*Aspects for improvement*

- The Area's performance is erratic in a number of aspects, particularly in respect of the discontinuance rate for cases that have been subject to pre-charge advice. The overall discontinuance rate (including bind overs) in the magistrates' courts is worse than the national average, as is the percentage of cases dismissed after full trial. The other indicators are the same or very close to national performance.
- In the Crown Court, the overall acquittal and conviction rates are worse than the national average.

<b>5.      HANDLING SENSITIVE CASES AND HATE CRIMES      3 - GOOD</b>
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*The Area applies the CPS domestic violence policy robustly in most cases and, where appropriate, will witness summons the victim to give evidence. It has developed a local process for monitoring criminal Anti-Social Behaviour Orders. There are Area champions for sensitive cases, and specialists in most of the units. The handling of sensitive cases and hate crimes is monitored through the Casework Quality Assurance (CQA) scheme and adverse case outcome reports. Whilst the relevant champion or unit specialist must be consulted before a sensitive case or hate crime is discontinued, the process is not embedded in respect of cases where no further action is advised at the pre-charge stage. There are some concerns that not all racist incidents and homophobic cases are being identified correctly by the police at the time of initial file submission.*

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

- Sensitive cases are generally flagged on CMS. Their review and handling is formally assessed under the CQA scheme, and there are procedures to ensure that the relevant champion or unit specialist is consulted before a sensitive case is discontinued.
- The minutes of the Area Management Team meetings indicate that Area policies and practices are considered in the light of HMCPsi thematic reviews, and action plans drawn up where necessary. For example, the Area has developed an action plan to improve the handling of rape cases.
- Our file examination, and other evidence, indicates that the CPS policy on cases involving allegations of domestic violence is usually followed. Where appropriate, the victim is summonsed to court to give evidence. In one case in our file sample, however, there was no evidence that the prosecutor had considered proceeding in the absence of the victim.
- Each unit's domestic violence co-ordinator checks all relevant cases to ensure that there is compliance with CPS policy.
- The number of hate crime cases prosecuted by the Area increased from 111 in 2003-04 to 131 in 2004-05. The Area undertakes an analysis of hate crime cases in which a reduction or change of charge, or an agreed basis of plea, reduces or removes the 'hate element' from the offence. A spreadsheet is produced which is shared with the appropriate local interest groups.
- The Head of the Brighton Criminal Justice Unit sits on the Sussex Racial Harassment Forum and Hate Crimes Steering Group.
- The Area has an Anti-Social Behaviour Champion who is developing systems to improve the provision of performance management information on this aspect of casework, particularly in respect of criminal Anti-Social Behaviour Orders which are made as part of the defendant's sentence.

*Aspects for improvement*

- We examined ten racially or religiously aggravated cases on CMS and found that only eight had been correctly flagged. We also found in our file sample a case of domestic violence involving same sex partners which had not been flagged.

**6. CUSTODY TIME LIMITS**

**2 - FAIR**

*Whilst the Area has a system for monitoring custody time limits (CTLs) which is set out in a manual, this does not appear to be actively used by staff engaged in the CTL process. The Area does not use the case management system (CMS) as a back-up to their manual diary entries. There is a need to review the monitoring systems to ensure consistency across the Area. There was one CTL failure reported to CPS Headquarters in 2004-05. More use could be made of the expertise of the CTL Champion to update and remind staff about issues surrounding CTLs.*

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

- The Area has a CTL manual on their shared computer drive which is updated by the Area Performance Manager to reflect changes to the Area system in respect of either processes or monitoring procedures. These changes are notified to lawyers and administrative staff by e-mail. The Area's CTL manual complies with national guidance.
- The CTL Champion carried out an audit in Brighton and Eastbourne Criminal Justice Units and the Brighton Trial Unit in August 2005 to check compliance with national and Area guidance.

*Aspects for improvement*

- The Area's CTL manual is not a practical, user-friendly document, and there are no simplified desktop instructions for staff to assist them in ensuring a consistent approach to the process, calculation and monitoring of CTLs. This has resulted in staff on the units devising their own personal aids, which are not necessarily linked to Area procedures.
- The Area is not using CMS consistently as an automated back-up system together with a manual system as recommended in the national guidance for CTL systems. Although from April 2005 there was an identified issue relating to the monitoring of some cases sent to the Crown Court, this did not impact adversely on the use of CMS to monitor CTLs in other case categories.
- Whilst the Area has agreed a protocol with the local magistrates' courts to ensure that CTLs are correctly calculated and monitored, our systems checks indicate that, although there is a local point of contact with the court, they are not in practice involved with the CPS in the calculation and monitoring of CTL expiry dates.

- In our inspection report in 2004 it was noted that three CTL failures occurred in 2003-04, and a further failure was reported in 2004-05. There is limited evidence that the system has been strengthened following a review of those failures. There is evidence that actions have been recommended and reference made to the CTL failures in unit meetings. However, it is not apparent that the actions to be taken following these reviews were disseminated to all staff in the Area or that revised instructions were given by unit business managers and Unit Heads, in order to prevent future failures.
- Formal CTL training was last provided to staff in January 2004. Additional CTL training is not identified as a key business requirement in the 2005-06 training plan. The 2004-05 and 2005-06 Area Business Plans do not identify CTL failures as a risk.
- The Area needs to reconsider the August 2005 CTL audit to confirm the soundness of its conclusions. The Area appears to be operating multiple schemes with some units having manual diary systems with manual back-up (a spread sheet log), while others have a manual system plus automated monitoring through CMS. The significance of these differences seems not to have been appreciated and the Area needs to simplify its arrangements and move to automated back-up monitoring using CMS across the Area.
- Senior managers are aware of any failures and are involved in investigating the causes. However they are not generally involved in assuring themselves on a regular basis that the Area system is functioning effectively and should ensure that they are familiar with the CTL process.
- We examined seven CTL files to determine whether there was compliance with the Area's CTL systems. We found an inconsistent approach and some examples of poor practice. Expiry dates were not clearly indicated in the relevant boxes on the front of files, extension dates were not always noted on the front of the file, nor was the number of days spent in custody before the defendant was released on bail. The file endorsements on some files were difficult to follow and lacked proper instruction about the extension of CTLs.

**7. DISCLOSURE**

**3 - GOOD**

*The inspection report in 2004 highlighted concerns over the timeliness of the disclosure of unused material, but found that the level of decision-making at all stages was better than the national average, particularly in respect of secondary disclosure. Our file examination showed that timeliness has improved. The Area has set out clearly to defence representatives the revised standard of defence statement required before secondary disclosure will be considered. Whilst some training is still outstanding in respect of the revised guidance on the disclosure of unused material, the Area champion has issued instructions to staff on points to note and contributed to a number of police training programmes.*

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

- In our 2004 inspection report we found that primary (now initial) disclosure was handled properly in the magistrates' courts in 75% of cases, compared with 71.6% nationally. In the Crown Court this rose to 85.7%, compared with 79.9% nationally. Performance in respect of secondary disclosure was impressive, with 80% of cases being dealt with properly, compared with 59.4% nationally.
- Overall, disclosure was handled properly in 80.2% of cases compared with 70.3% nationally.
- Prosecutors' performance in relation to disclosure is formally assessed through the Casework Quality Assurance scheme (CQA), with appropriate action taken where necessary. In addition to quality, the timeliness of decision-making is also considered.
- We examined ten magistrates' courts files and six Crown Court files to determine whether the Area had maintained its good performance. We found that primary disclosure had been dealt with correctly in 15 of the 16 files, and secondary disclosure in all relevant cases. Additionally, disclosure was timely in all cases. The quality of the disclosure schedules provided by the police was good. However, the one file on which we were not satisfied related to a case where no schedule had been provided and the prosecutor did not request one. Although the offence was relatively minor, nevertheless the statutory requirement to consider the disclosure of unused material arose.
- In both the magistrates' courts and the Crown Court, the percentage of ineffective trials caused by prosecution failures to deal with disclosure issues is better than the national average.

- Area systems ensure that all sensitive material schedules and unused sensitive material are stored securely. In addition, the Area and the police have joint procedures to prevent inappropriate levels of detail being put on the sensitive material schedules. The Area Disclosure Champion has been on an informant controller's training course to assist the Area in disclosure issues in respect of informants.
- The Disclosure Champion has disseminated information to prosecutors and caseworkers, and provides guidance on new legislation and procedures. Staff have been provided with desktop instructions and points to note when considering what material should be disclosed. The champion, together with colleagues, has provided input to a number of police disclosure training programmes, including the criminal investigation department.
- Most prosecutors and caseworkers have received training on the disclosure provisions of the Criminal Justice Act 2003, and further training is planned on the revised CPS/Association of Chief Police Officer's Disclosure Manual.
- Since our inspection the Area has met with the representatives of counsel's chambers to reinforce the need for them to be alert to the scope of orders for disclosure made at case management hearings. Where it is considered that the proposed order is too wide, they are required to draw this to the attention of the court.

#### *Aspects for improvement*

- Whilst the level of decision-making was high, we found that prosecutors, particularly in magistrates' courts cases, did not always complete the disclosure log. The Area confirmed that CQA had identified this as an aspect for improvement.

**8. THE SERVICE TO VICTIMS AND WITNESSES**

**2 - FAIR**

*The Area has made good progress, in conjunction with its partner agencies on the Sussex Criminal Justice Board (SCJB), in improving the care of victims and witnesses. CPS staff are due to be appointed to the Witness Care Units (WCUs), which should assist in dealing with witness issues and increasing victim and witness satisfaction. The timeliness of letters sent out under the Direct Communication with Victims (DCV) scheme needs to be improved, as does the identification of cases where a letter is required.*

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

- Witness warning procedures are generally effective and pre-trial checks are carried out to ensure that the necessary witnesses have been warned. There is regular liaison with the police to ensure the timely supply of witness details to the Witness Service although, in some cases, not all the relevant information is contained on the form.
- The No Witness No Justice initiative has been implemented in the Area which has assisted in reducing the level of ineffective trials. WCUs have been established and Victim and Witness Co-ordinators are in place which was one of the recommendations in our last inspection report. Victims and witnesses now have a central point of contact and some benefits are being realised.
- However, with the exception of the Brighton Trials Unit, the WCUs are presently only staffed by the police, although the Area is in the process of recruiting witness care officers for the units.
- The Area Victim's Champion is a member of the Victim and Witness sub-group of the SCJB and the Victim Support Area Committee. This involvement is assisting in ensuring that those victims who require special measures to support them at court, are identified. Additionally, when giving pre-charge advice, prosecutors discuss with the police those witnesses who would benefit from special measures. Our file examination indicated that these cases were generally being dealt with appropriately, although in one case an application for the witness to give evidence from behind a screen was made at the last minute.
- The Chief Crown Prosecutor has been a director of the Sussex Victim Support Board since January 2004.
- Liaison with the Witness Service and Victim Support occurs on a regular basis and forms part of the remit of the SCJB Victim and Witness sub-group, on which there is CPS representation.

- Prosecutors and caseworkers introduce themselves to witnesses at court and keep them updated on the progress of the case. There has been positive feedback from the Witness Service on this aspect of performance.
- The Area, in conjunction with the police, has taken steps to ensure that any instance where a police witness fails to attend court is investigated thoroughly. Appropriate action is taken where necessary.
- There is clear analysis of cracked and ineffective trial data on an Area and SCJB basis, and efforts are being made to secure a reduction in the number of cases where this occurs as a result of witness issues.
- There is monthly monitoring of compliance with the DCV scheme by the unit co-ordinators. Performance information is passed to the Area Champion and the Area Performance Manager, and issues are discussed at Area Management Team meetings.

#### *Aspects for improvement*

- The timeliness of letters to victims and identification of cases under the DCV scheme is improving, although performance is not consistent across the Area. The target for Sussex is to identify and send letters in 95% of cases to which the scheme applies, with 80% being timely. Our examination of ten cases involving victims on the case management system showed that an identifiable victim was flagged in eight, with a letter being sent in six. Our file examination also identified two further cases where a letter should have been sent. Proxy target data provided by CPS Headquarters indicates that letters were only being sent in 47% of cases. Additionally, the quality of some letters could be improved.



**9. PRESENTING AND PROGRESSING CASES AT COURT 3 - GOOD**

*Most in-house prosecutors are monitored at least once a year and, in addition, information on the performance of junior counsel used as agents in the magistrates' courts is shared with the Trial Units to assist them in the selection of counsel. Where possible, contested cases are conducted by the allocated lawyer. Steps have been taken to improve the progression at court of cases involving persistent young offenders (PYO). The Area's designated caseworkers (DCWs) undertake the full range of case presentation and have recently increased their coverage of youth court cases. The monitoring of agents in the magistrates' courts needs to be reviewed to assure the consistent quality of their performance. Additionally, the Area needs to reach an agreement with the local bar on the monitoring of Crown Court advocates.*

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

- The Area's selection of advocates is undertaken with due consideration for their experience and expertise. Where possible, prosecutors conduct contested cases in which they are the allocated lawyer. Most in-house prosecutors are monitored at least once a year and feedback is given.
- Information on the performance of junior counsel used as agents in the magistrates' courts is shared with the Trial Units to assist them in the allocation of instructions.
- All advocates and caseworkers attend court promptly before the scheduled start time. Any concerns about performance generally are raised at local court user group meetings. Individual performance issues are dealt with through line management.
- The Area follows the CPS national policy, and ensures that prosecutors in the youth court have received appropriate training.
- The Area has allocated a small group of prosecutors to conduct cases involving PYOs. This assists in ensuring consistency in decision-making and also ensures that the advocates are familiar with the case history, including the status of any related cases.
- All the Area's DCWs have completed the training necessary for them to take on the enhanced remit. They are, within the constraints of the court sitting patterns, fully engaged in DCW work. The Area has recently been able to extend their involvement in youth court case presentation.
- The Area has produced a reference pack for agents which they regularly update with information on new initiatives or policy directives.

- The Area is working towards papers being provided to agents, counsel, and in-house prosecutors at least two to three days in advance of the court hearing, to enable all advocates to prepare thoroughly for court.
- The quality of endorsements at court is monitored through the Casework Quality Assurance scheme and the monitoring of adverse case outcomes. Our file examination indicated that the quality of file endorsement in the Crown Court was of a good standard.

*Aspects for improvement*

- The monitoring system for agents in the magistrates' courts needs to be regularised. Additionally, the Area does not undertake any formal monitoring of counsel in the Crown Court. This has been under discussion with the local bar for some time but an agreement has yet to be reached, as the Area is awaiting the outcome of CPS Headquarters negotiations with the South East circuit.
- The quality of some court endorsements in magistrates' court cases could be improved. In particular it was difficult to determine from the face of the file why trials were vacated, although this information was in the body of the papers.

**10. DELIVERING CHANGE**

**2 - FAIR**

*CPS Sussex has developed a planning cycle which is effective for strategic planning but requires further attention to ensure compliance by managers at unit and project levels. The Area's approach to change management was still largely reactive but there had been improvements in forward planning which took account of training needs. There were inadequate links between staff forward job plans (FJPs) and Area priorities, and the Area had not identified available performance data for evaluation of the role of Case Progression Officers (CPOs) in implementing the Effective Trial Management Programme (ETMP) initiative. Key training activity was planned and had clear links to Area priorities. Individual circumstances were accommodated in line with the Area human resources strategy when training courses were planned.*

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

- The Area set out its aims and objectives in its annual Area Business Plan (ABP), which mirrored the CPS national priorities. The plan clearly identified operational tasks, responsibilities and key milestones. There was a business planning cycle which commenced following the publication of national CPS aims and objectives. The Area's senior and middle managers held Area planning days to decide how to contribute to the achievement of these objectives.
- Minutes of monthly Area Management Team (AMT) meetings showed that all key objectives in the ABP were discussed. There were logs identifying actions to be taken to address problems identified with each initiative, however, it was not clear how the Area ensured it was on target for delivery of other objectives.

*Aspects for improvement*

- Each unit had a business plan with links to the ABP. However, there was no consistency in the content of the unit plans, with most failing to include any demonstration of how unit success would be monitored and measured. Staff FJPs were not linked to Area objectives.
- There was some evidence of joint planning with partners on the Sussex Criminal Justice Board (SCJB) for national initiatives, such as No Witness, No Justice (NWNJ) and ETMP. However, although implementation of the SCJB plan commenced during 2004-05, this is not taken into account in the 2004-05 ABP. The Area's plans for the roll-out of statutory charging included tasks allocated to police partners, but did not include arrangements for formal oversight by, or progress reporting to, a joint project board.

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

- There was some evidence of successful change implementation. The Area commenced implementation of the ETMP initiative and completed its shadow charging roll-out during 2004-05. Charging benefits realisation data was routinely monitored and Case Progression Officers (CPOs) were recruited for three of the Area's four Criminal Justice Units. However, apart from the monitoring of ineffective trial rates, the Area had not identified available performance data for evaluation of the role of CPOs in implementing the ETMP initiative.
- The 2004-05 ABP contained some evidence that key elements of change management were considered, including review and analysis of training needs and the identification of anticipated benefits. The Area's plans could be strengthened by the inclusion of a clear community strategy identifying responsibility, regularity, interested stakeholders, and direction of performance information.
- The Area undertook a self-assessment of its shadow charging arrangements in February and August 2005 as required by national protocol. Aspects identified for improvement from this exercise and from the external charging reviews, were collated in an issues log along with solutions to address these issues. A similar review had been carried out in respect of NWNJ, and the 2005-06 ABP includes implementation of the outstanding minimum standards required.
- The 2004-05 ABP included an effective business Risk Register identifying key risks affecting the delivery of the Area's business objectives, targets and commitment to Public Service Agreement targets.

### *Aspects for improvement*

- ABPs for 2004-05 and 2005-06 identified the roll-out of statutory charging as having a high likelihood of failure and high risk of negative impact. However, whilst the Charging Champion was mandated to lead the project, arrangements for oversight by CPS and police sponsors were not formalised. The AMT received charging progress reports as part of its routine monthly performance updates. Unit business planning did not demonstrate appropriate levels of risk management by managers.
- The 2005-06 training plan took account of Area projects and priorities including the delivery of training to staff on charging, ETMP and NWNJ. However, the establishment of standardised procedures was less evident. Charging guidance had been provided to police following the February 2005 charging review however, the CPOs who had been in post since November 2004, had no standardised procedures.

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

- The Area's training needs were clearly identified in the ABP and training plan. The plan identified key training requirements for lawyers, caseworkers and administrative staff. It also identified the need to provide briefings covering a range of legislative and procedural changes that were aimed at non-legal staff.
- Where necessary, plans for the delivery of training took account of individual needs such as travel and domestic arrangements, and the Area's human resources strategy had guidelines to ensure equality of access to training. All staff had received training on relevant diversity issues.

*Aspects for improvement*

- Whilst the range of training courses planned for 2005-06 was comprehensive, there was no evidence that the training available had been developed by reference to any analysis of the Casework Quality Assurance scheme or other checks. The training plans did not include any objectives to improve areas of performance by any specified measure.
- Management information on the delivery of training, in particular that related to induction programmes, could be improved. The 2004 Staff Survey indicated that only 35% of staff reported having had an effective induction when they joined the Area (compared to 45% nationwide), which represents a 9% drop from the findings of the 2002 survey.

**11. MANAGING RESOURCES**
**3 - GOOD**

*The Area Business Plan (ABP) demonstrates an understanding of value for money and there is a systematic approach to resource planning. The Area Management Team (AMT) receives a monthly financial update which builds on information supplied in unit reports. Additional funding has been allocated to case progression and charging, and the Area can demonstrate performance improvements associated with these deployments. Effective control was exercised over the non-ring fenced administrative budget with the Area spending 99.9% of its allocation in 2004-05. Prosecution spend was contained at 103% of allocation which was markedly better than the national average of 118%. Staff deployment is planned and balanced against Area workload. There are twice-yearly reviews with monthly monitoring. The deployment of Higher Court Advocates (HCAs) was effective with savings above the national average. The Area's designated caseworkers (DCWs) utilise their powers and covered 8.3% of magistrates' court sessions in line with the national average. The timeliness of graduated fee payments to counsel needs to be improved and suitable monitoring methods need to be employed. Further work is required to reduce the incidence of staff sickness and to reduce agent usage.*

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

- The 2004-05 ABP sets out clearly the Area's value for money objectives for the year.
- The Area has a systematic approach towards planning resources, supported by evidence, that link workload with staff numbers and grades, and is complemented by regular review.
- Budgets are devolved to units and Unit Heads report on spend against budget in their monthly reports. The AMT considers spend every month and receives an Area monthly budget update from the Area Business Manager, with supporting text highlighting issues and likely projections for the full year. Committed spend is reconciled by units, a task carried out by the Secretariat for more general items.
- Funding was identified for Case Progression Officers in three of the Criminal Justice Units and they were deployed in November 2004. Since then, the Area's effective trial rate has improved from 39.3% to 45.6% in March 2005 and similarly, the ineffective trial rate has reduced from 24.3% to 20.1%. Further funding for charging has enabled the Area to increase face-to-face session coverage from 597 sessions in April 2004 to 1011 in April 2005.
- The Area's budget outturn for 2003-04 was 98.4%. For the financial year 2004-05 the outturn was 101.1%, but after making an allowance for a one-off payment of £60,000 that was a Headquarters liability, the actual Area outturn was 99.9%.
- High cost cases are managed effectively with staff having been trained in negotiations and in the production of cost plans.

- The Area contained the prosecution cost overspend at 103% against a national average of 118%.

*Aspects for improvement*

- Payment of graduated fees to counsel attending the Crown Court is not timely and often payment occurs several months after the completion of the case. Performance has been persistently below the national average throughout 2004-05 and needs firm action, with formal monthly monitoring and reporting.

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

- Unit staffing against workload is reviewed twice per year using the Area's own methods which it feels reflects the disparate court locations and rurality. Unit Heads comment on staffing issues in monthly unit reports and staffing is considered regularly at AMT meetings.
- The Area HCA complement reduced in 2004-05 owing to staff movements but, nevertheless, 125 HCA sessions were completed. An HCA unit has been established to cover the Crown Court at Lewes and Hove. This unit covers a wide range of casework, including contested hearings. The Area is looking to increase the cost-effectiveness of this work by extending the HCA involvement in more serious cases. Average savings per session were £408 which is above the national average of £224 for 2004-05, and the Area is on track to meet targets for the current year.
- The Area has 4.75 full-time equivalent DCWs who have completed additional training and exercise their extended powers in the magistrates' courts. During 2004-05 the DCWs covered 780 magistrates' courts sessions. This represents 8.3% of all court sessions which is similar to the national average. Although there is apparent spare capacity, the large number of courts and the Area's rurality makes additional sessions difficult, and the Area is concentrating on more effective listing with the courts.
- The Area supports flexible working arrangements including full-time, part-time, flexi-time and compressed hours.

*Aspects for improvement*

- Staff sickness has been high for some time with an average of 12.7 days per person in 2003 and 9.6 days in 2004 against the national averages of 9.2 and 8.7 days respectively. The Area set an unambitious improvement target of a 0.5 day reduction in the 2004-05 Area Business Plan but has now committed to a target of no more than eight days per year for 2005-06, and have taken firm action to tackle long-term sickness issues.
- Approximately 37% of magistrates' courts sessions are covered by agents against a national average of 27%.

**12. MANAGING PERFORMANCE TO IMPROVE**
**3 - GOOD**

*The Area has demonstrated a commitment to performance management, and has invested time and effort in developing its approach. Aspects of performance are discussed monthly by the Area Management Team (AMT), based on information supplied through the Area performance report and unit and key initiative reports. The Chief Crown Prosecutor (CCP) and the Area Business Manager (ABM) hold quarterly meetings with Unit Heads on a one-to-one basis to review unit issues. Area project leads periodically review the effectiveness of operational systems and make, in most cases, appropriate recommendations for improvement. Area managers collaborate with criminal justice colleagues working on the Sussex Criminal Justice Board (SCJB) improvement groups, and the agencies are exceeding some of the joint targets including Offences Brought to Justice, public confidence and proceeds of crime confiscations. The Area compares its performance with other Areas and, when relevant, benchmarks thematic activities by visiting other Areas. The Casework Quality Assurance (CQA) scheme has been fully in place for some time and is applied robustly. A performance digest would assist Area staff in their work and permit senior managers to communicate essential messages.*

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

- The Area has demonstrated a commitment to performance management and has invested time and effort into developing the performance management system. Performance is a standing agenda item at AMT meetings, informed by Area, unit and key initiative performance report. Action to improve performance is agreed at AMT meetings and an action log is maintained, with progress reviewed at each meeting.
- Relative unit performance is tracked for key initiatives and some other measures including lawyer deployment, agent usage, delivery of briefs to counsel, timeliness of committals preparation and replies to complaints.
- The CCP and ABM hold effective quarterly meetings with each Unit Head to review performance and other unit issues.
- The function of Area fora are defined in terms of reference and include responsibilities for performance.
- Area project leads conduct periodic effectiveness reviews of operational systems including charging, Witness Care Units, co-located units and custody time limits (CTLs) and, in most cases, issues are clearly identified and appropriate recommendations made for improvement.
- The Area has developed a staff recognition scheme which recognises meritorious work and, where appropriate, provides for the allocation of bonuses. The scheme also includes awards for Serving People - Serving Justice, and an Innovation Break-through award.

*Aspects for improvement*

- The CCP/ABM's quarterly unit review meetings need to include the unit business manager as well as the Unit Head, and could be improved by the production of formal minutes in which necessary actions are clearly identified.
- More Forward Job Plans (FJPs) need to include personal responsibility for the effective operation of key systems, for example CTLs.
- Terms of reference for Area champions, aligned to FJPS where applicable, need to be developed. These would cover the responsibilities of the role including, acting as single point of reference, communicating timely information to staff and, as required, systems auditing.



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

- Effort is being put into joint activity with the Area's criminal justice partners. Unit Heads and unit business managers participate in all the appropriate SCJB sub-groups.
- The Area is active in providing information to relevant groups to improve performance, in particular its analysis of pre-charge decisions which result in an unsuccessful outcome, courts sittings information and racial incidents.

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

- Relevant and accurate performance information is considered at AMT and at unit level, and there is recent evidence of consequent improvement activity in several aspects of work, for example, a reduction in ineffective trial rates and the improved use of the case management system.
- Area access to the Management Information System (MIS) is restricted to two staff in the Secretariat and a unit business manager. In the context of Prosecution Team Performance Management, Unit Heads have been trained in the types of reports available on the system which can assist in performance analysis.
- The Area compares performance against other Areas in 'league tables' produced by CPS Headquarters or through locally generated MIS reports. There have also been visits to other Areas to compare approaches and relative performance.
- Some ad hoc performance information is distributed to staff through the periodic Area newsletter and at staff "away days".

*Aspects for improvement*

- The Area, in conjunction with its criminal justice partners, needs to improve some aspects of information sharing. There have been difficulties in identifying persistent young offender cases and collating data from police Basic Command Units. The topic slipped from the SCJB agenda when quarterly reports were no longer required in November 2004. There have also been difficulties in receiving some performance information from the Area's criminal justice partners relating to Offences Brought to Justice data, sanction detection rates and the utilisation of magistrates' court rooms, all of which would assist the Area in developing plans.
- More complete performance information for priority issues needs to be circulated to staff. This would assist understanding, particularly if it showed relative performance by units with monthly trends.

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

- The CQA scheme has been fully in place for a substantial period. During 2004-05 the average submission rate was 87% against the target rate of 100% (one case per lawyer per month). The analysis of casework is robust, with performance issues raised with individual lawyers. The CCP also monitors the scheme through quarterly meetings with Unit Heads.
- The Area has rotated its Unit Heads which has assisted in the consistent application of CQA.

*Aspects for improvement*

- More systematic use needs to be made of CQA to identify trends both within and across teams, with common issues discussed and corrective action taken where necessary.

**13. LEADERSHIP**
**3 - GOOD**

*The Area's objectives are clear and strategic planning is satisfactory. Performance reporting is well developed at unit and Area levels. There is effective communication of Area-wide issues through a variety of representative fora and demonstrable willingness to work with criminal justice partners on national initiatives. The Area needs to ensure that varied operational approaches do not lead to a loss of focus on strategic objectives. The Area's equality and diversity strategy is underpinned by objectives included in the Area Business Plan (ABP). However, further effort is required to reflect this strategy in individuals' objectives.*

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

- The 2004-05 ABP included the national CPS vision, aims and objectives which the Area had adopted. All planned activity and training was linked to one or more of these aims and objectives.
- The Area organises two business planning days annually, attended by all managers, some champions and project leads. These events help promote corporacy, which is also evidenced by the monthly unit performance reports which are linked to Area objectives, and demonstrate that managers understand how their operational responsibilities impact on Area strategy.
- The Chief Crown Prosecutor (CCP) and Area Business Manager (ABM) convene working lunches with staff of the same grade from each of the units at which Area initiatives are discussed. Unit managers receive a range of performance data across all units on a monthly basis and are able to benchmark performance in comparison to others. The Area also uses a newsletter, published every two months, to circulate corporate information to staff. There are also opportunities for lawyers to move to other units on a short-term basis, enabling a better understanding of how other units operate.
- There is an Area Sounding Board (ASB) consisting of a range of staff of all grades drawn from all units. There are also regular unit meetings, the minutes of which demonstrate that they are an effective forum for dialogue between staff and managers.
- There is a significant amount of inter-agency work, and relationships are positive and constructive, particularly with the police. There is a good level of co-operation in implementing joint initiatives such as No Witness, No Justice.
- The CCP is chair of the Effective Case Management sub-group of the Sussex Criminal Justice Board (SCJB), and has been vice-chair of the Board since February 2005. Area managers and champions have roles in implementing SCJB initiatives through participation at sub-group level.

*Aspects for improvement*

- Business planning exercises aimed at developing the Area's planning cycle have not been followed through to ensure that managers adopt the standardised planning methodology of linking objectives to individual accountability, delivering milestones, and outcomes at unit and team level.
- The failure to adopt common processes for key systems such as case progression and custody time limit management has the potential to undermine corporacy, especially as variations in quality evolve.

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

- Senior managers are involved in outward looking activities both with criminal justice partners and with community groups.
- There is a stated commitment to the CPS equality and diversity policies and this is evidenced in the Area's documented plans and strategies. There is an Equality and Diversity Committee headed by the CCP, as well as Area representation on a multi-agency Domestic Violence Group. All new staff are expected to complete an equality and diversity e-learning package as part of their personal development.
- The human resources strategy and other Area initiatives contribute to promoting dignity in the workplace. All Area premises have been assessed and found compliant with the Disability Discrimination Act 1995.
- The staff profile shows that minority ethnic group staffing levels (4.51%) in legal and non-legal posts exceed the Area's demographic profile (4%).

*Aspects for improvement*

- There was a need to improve the linkage between the Area's commitment to equality and diversity policies and individual performance by including appropriate objectives in forward job plans.

**14. SECURING COMMUNITY CONFIDENCE**
**2 - FAIR**

*Whilst the Area's commitment towards engaging with the local community is positive, there is a need to review the structure of this aspect of the Area's work to ensure that maximum value is obtained from the resources expended. Although some work has been carried out by the Communications Manager and the Area Management Team, the valuable information gathered could be used more effectively to increase awareness and improve performance. The Area has been working to build links with the lesbian, gay, bisexual and trans-gender groups especially in Brighton where this community forms a significant minority. Public confidence in the effectiveness of the criminal justice system in bringing offenders to justice stands at 43%, which is the same as the national average.*

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

- The Area has a positive commitment towards securing community confidence. A new Communications Manager was appointed in November 2004 and the role is being further developed. The Communications Manager has increased the range of community engagement activities undertaken by the Area and also sits on the relevant Sussex Criminal Justice Board (SCJB) sub-group. The Area is working to involve a wider range of staff in these activities.
- The 2004-05 Area Business Plan (ABP) sets out the necessary actions to improve public confidence, highlighting areas for improvement, milestones and measurable outcomes for CPS staff.
- The Area has been working to build links with the lesbian, gay, bisexual and trans-gender groups especially in Brighton where this community forms a significant minority.
- The Area is active in multi-agency initiatives to tackle domestic violence, and is continuing to develop a single Sussex racist incident database which can then be shared with the relevant local community groups.
- Links with the 13 Crime and Disorder Reduction Partnerships are being developed through the SCJB.
- Public confidence in the effectiveness of the criminal justice system in bringing offenders to justice rose from 39% in December 2003 to 43% in December 2004, which is the same as the national average.

*Aspects for improvement*

- The scope of the Area's community engagement could be extended, particularly in respect of minority ethnic community groups and other broad interest groups, for example Sussex Enterprise.

- The Area has not consistently measured the impact locally of its community engagement activity and there is a need to develop an up-to-date database of local groups. The recording of community engagement activities undertaken by the various units could also be improved.
- The Area's approach to community engagement could also benefit from being more structured and embedded, by focusing resources on profiled activity with perceived benefits that demonstrate direct links to other business objectives.
- There is little evidence that service improvements have been made as a result of consultation with the community. However, the 2005-06 ABP sets out the actions to improve public confidence and identifies outcomes.

**ANNEX A**

**PERFORMANCE DATA**

**ASPECT 1: PRE-CHARGE DECISION-MAKING**

<b>MAGISTRATES' COURTS CASES</b>								
<b>Discontinuance rate</b>			<b>Guilty plea rate</b>			<b>Attrition rate</b>		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	16.3%	22.3%	52%	68.8%	58.8%	31%	22.7%	29.7%
<b>CROWN COURT CASES</b>								
<b>Discontinuance rate</b>			<b>Guilty plea rate</b>			<b>Attrition rate</b>		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	14.6%	16.5%	68%	66%	59%	23%	23.8%	28.2%

**ASPECT 2: MANAGING MAGISTRATES' COURTS CASES**

<b>INEFFECTIVE TRIAL RATE</b>			<b>OVERALL PERSISTENT YOUNG OFFENDERS PERFORMANCE (ARREST TO SENTENCE)</b>		
National Target	National Performance 2004-05	Area Performance 2004-05	National Target	National Performance (3-month rolling average Feb 05)	Area Performance (3-month rolling average Feb 05)
24.5%	24.8%	26.4%	71 days	67 days	69 days

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

	Initial Guilty Plea Target 59 days		Trials Target 143 days		Committals Target 176 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	83%	6,152	66%	2,698	89%	992
Area	81%	95	60%	30	100%	5

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

	Initial Guilty Plea Target 59 days		Trials Target 176 days		Committals Target 101 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	87%	5,185	87%	3,309	91%	190
Area	88%	127	84%	90	100%	1

**ASPECT 3: MANAGING CROWN COURT CASES**

**INEFFECTIVE TRIAL RATE**

National Target	National Performance 2004-05	Area Performance 2004-05
18.5%	15.8%	14%

**ASPECT 4: ENSURING SUCCESSFUL OUTCOMES**

<b>UNSUCCESSFUL OUTCOMES (AS A PERCENTAGE OF COMPLETED MAGISTRATES' COURTS AND CROWN COURT CASES)</b>		
National Target	National Performance 2004-05	Area Performance 2004-05
21%	19.6%	19.7%

<b>OFFENCES BROUGHT TO JUSTICE</b>		
	CJS Area Target 2004-05	CJS Area Performance 2004-05
Against 2001-02 baseline	+10.2%	+21.5%
Number	24,773	27,294

**ASPECT 7: DISCLOSURE**

<b>DISCLOSURE HANDLED PROPERLY IN MAGISTRATES' COURTS AND CROWN COURT CASES PERFORMANCE IN THE LAST INSPECTION CYCLE</b>		
	National Performance	Area Performance
Primary test in magistrates' courts	71.6%	75%
Primary test in Crown Court	79.9%	85.7%
Secondary test in Crown Court	59.4%	80%
Overall average	70.3%	80.2%



**ASPECT 11: MANAGING RESOURCES**

<b>NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE (END OF YEAR RANGES)</b>	
2003-04	2004-05
98.4%	101.1%

<b>DCW DEPLOYMENT (AS % OF MAGISTRATES' COURTS SESSIONS)</b>			<b>HCA SAVINGS (PER SESSION)</b>		<b>SICKNESS ABSENCE (PER EMPLOYEE PER YEAR)</b>		
National Target 2005-06	National Performance 2004-05	Area Performance	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target	National Performance 2004	Area Performance 2004
11.6%	8.3%	8.3%	£224	£408	8 days	8.7 days	9.6 days

**ASPECT 14: SECURING COMMUNITY CONFIDENCE**

<b>PUBLIC CONFIDENCE IN EFFECTIVENESS OF CRIMINAL JUSTICE AGENCIES IN BRINGING OFFENDERS TO JUSTICE (BRITISH CRIME SURVEY)</b>	
CJS Area Baseline 2002-03	Most Recent CJS Area Figures In 2004-05
39%	43%



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