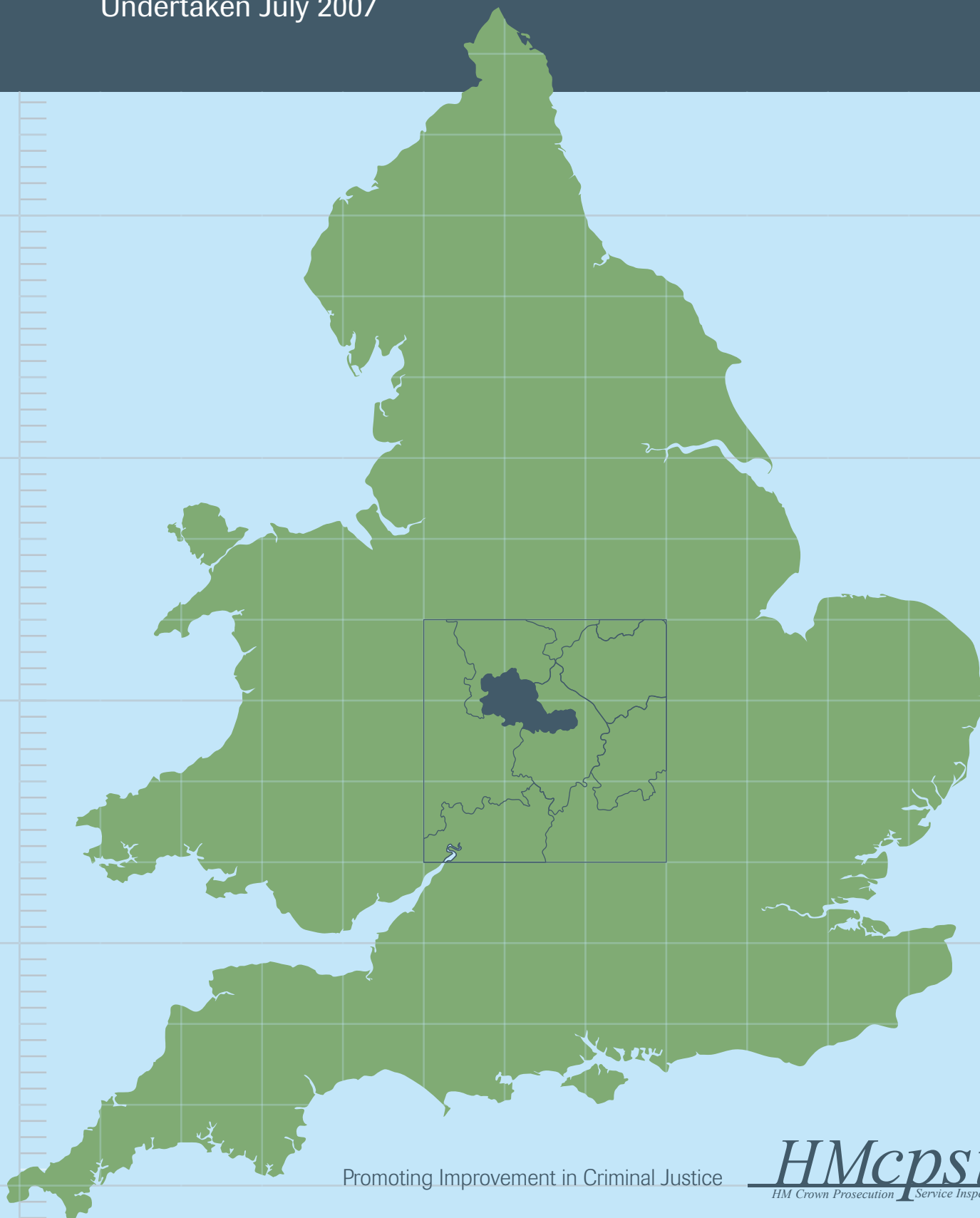


CPS West Midlands

# Overall Performance Assessment

Undertaken July 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 (HMCPSI) overall assessment of the performance of the Crown Prosecution Service (CPS) in the West Midlands 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 HMCPSI based on absolute and comparative assessments of performance. These came from national data; CPS self-assessment; HMCPSI'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 West Midlands serves the area covered by the West Midlands Police. It has four Sectors with staff based at ten locations: **Birmingham Central** - Colmore Gate; **Birmingham Outer** - Colmore Gate, Bournville Lane; **Black Country** - Walsall, Wolverhampton, Brierley Hill, West Bromwich, Halesowen, Smethwick (Warley); **Coventry and Solihull** - Coventry, Solihull. The Area Headquarters (Secretariat) is based at the Colmore Gate office.

Business is divided on a mix of functional and geographical lines between magistrates' courts and Crown Court work. The Birmingham Central and Outer Sectors deal with casework along geographical lines. The Black Country and Coventry and Solihull Sectors have a functional split with the Criminal Justice Units handling cases dealt with in the magistrates' courts and the Trials Units based at Wolverhampton and Coventry covering Crown Court work. Additionally there is a Complex Casework Unit based in Birmingham which deals with cases throughout the Area.

During the year 2006-07 there was an average of 484.2 full-time equivalent staff in post and a budget of £19,915,196. This represents a 2.6% increase in staff and a 13.7% 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 work<sup>1</sup>

2004-05		2006-07	
Written advice	1,708	Decisions resulting in a charge	21,969
Pre-charge advice (where available)	21,692	Decisions not resulting in a charge <sup>2</sup>	20,275

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05	2006-07	Percentage change
Magistrates' courts prosecutions	72,800	56,779	-22%
Other proceedings	631	1,536	+59%
<b>Total magistrates' courts proceedings</b>	<b>73,431</b>	<b>58,315</b>	<b>-20.6%</b>

### Crown Court proceedings

(including cases previously subject to a pre-charge decision)			
Cases sent or committed to the Crown Court for determination	8,034	6,919	-13.9%
Committals for sentence <sup>3</sup>	1,235	1,284	+4.0%
Appeals from the magistrates' courts <sup>3</sup>	737	903	+22.5%
<b>Total Crown Court proceedings</b>	<b>10,006</b>	<b>9,106</b>	<b>-9.0%</b>

In 2006-07, 56.5% 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**

West Midlands has one of the largest caseloads in the CPS. In 2006-07 it finalised over 106,000 cases in the magistrates' courts, the third highest in the country and nearly 9,000 Crown Court cases, again the third highest in the country. In some parts of the Area there is a significant level of serious crime, some of which involves the use of firearms. It has also had to contend with the consequences of some large scale disturbances.

There has been little change in the composition of the senior management team since the last OPA. Some restructuring was undertaken in 2006-07 and more is planned in 2007-08, specifically in relation to Birmingham, and will include the creation of a Higher Court Advocates unit.

### **Summary**

Face-to-face pre-charge decisions (PCDs) are provided at 21 charging centres. The quality of the advice provided is good and most of the action plans are sufficiently detailed. The percentage of cases where prosecutors decide that there should be no further action is significantly higher than the national average, but the discontinuance rate of cases that have been subject to PCD are also significantly worse than the national averages, although there is an improving trend. The absence of police 'gatekeepers' at some charging centres influences the effectiveness of the management of cases.

Despite performance improvements, the rate of discontinuance of magistrates' and Crown Court PCD cases remains worse than the national average. Performance is discussed in detail with the police.

The proportion of magistrates' courts cases which result in a successful outcome has increased since the last OPA, although there was no substantive change in performance in 2006-07 compared with 2005-06. The number of discharged committals remains unacceptably high, but the process for reinstating these cases is well managed.

The proportion of effective trials is declining and is worse than the national average due to a rise in the number of cracked trials. In 2006-07 only 38.5% of trials were effective compared with 39.4% in 2005-06. The ineffective trial rate was 19.9% in 2006-07 compared with 18.9% nationally. Ineffective trials attributable to the prosecution were on or about the national average.

The cracked trial rate was 41.6% (37.3% nationally). The percentage of late guilty pleas by the defence to the original charges and discontinuance by the CPS on the day are both worse than performance nationally. In addition, a significantly higher proportion of vacated trials arise because proceedings are discontinued by the prosecution (43.1% in 2006-07 compared with 30%).

West Midlands exceeded its 2006-07 target for Offences Brought to Justice (OBTJ), bringing 76,100 against a target of 70,000. The proportion of convictions that support the OBTJ target was 56.5% which was higher than the national average of 48.8%.

Performance against the timeliness target of 71 days from arrest to sentence for persistent young offenders declined to 81 days in 2006 compared with 64 in 2005. However remedial action is leading to improvements and for the rolling quarter to March 2007 performance had improved to 68 days overall.



The proportion of Crown Court cases which result in a successful outcome has increased since the last OPA, although there was no substantive change in performance in 2006-07 compared with 2005-06. Performance for 2006-07 was 77.8% which was slightly better than the national average (77.7%).

There has also been an improvement in the percentage of cases which are dropped by the prosecution. At the time of the last OPA there was a judge ordered acquittal (JOA) in 20.1% of cases, which had improved to 15.5% in 2006-07, although this remained worse than the national average (13.1%). Similarly the rate of judge directed acquittals (JDAs) had improved from 1.1% to 0.9%. The percentage of cases that result in a jury acquittal has been consistently better than the national average. JOAs and JDAs are analysed thoroughly and the findings shared with staff.

In 2006-07 the Proceeds of Crime Act target of 185 confiscation orders was exceeded, with 201 being obtained. The value target for 2006-07 of £2,557,041 was also exceeded, with confiscation orders of £4,473,495 obtained. The Area plays a significant part in ensuring the targets are met.

Some aspects of Crown Court case progression can be problematic, although there are processes to engage with HM Courts Service in respect of this aspect of performance.

In 2006-07 the Crown Court effective trial rate was 43.4% compared with 48.2% nationally. The cracked trial rate was 47.7% compared with 39.5% and the percentage of cases which cracked due to the prosecution was worse than the national average. The ineffective trial rate was only 8.9% compared with 12.4% nationally, with fewer trials ineffective attributable to the prosecution than the national average. Issues arising are discussed regularly with the judiciary.

Some cases - in particular committals - need to be progressed more effectively at court, although the Criminal Justice: Simple, Speedy, Summary initiative at Coventry Magistrates' Court has reduced the average processing time for cases by 45 days. Overall timeliness in the magistrates' courts across the Area is very good and improving, although the proportion of vacated trials due to the prosecution needs to be improved. In-house prosecutors conduct their own complex trials in the magistrates' courts and the number of trials conducted by Higher Court Advocates rose substantially in 2006-07.

Sensitive cases are dealt with appropriately and Area champions are fully involved in multi-agency work, including attending Local Safeguarding Children Board meetings. There is effective analysis of hate crimes, including racist incidents. Training is provided regularly in key aspects of performance, including domestic violence.

The handling of the disclosure of unused material has improved significantly since the last OPA. Our checks indicated that initial disclosure was dealt with correctly in each case and continuing disclosure in 80% of relevant cases. Managers undertake a number of quality checks, which were noted on the files we examined, and performance is monitored closely.

Some aspects of the handling of custody time limit (CTL) cases had declined since the last OPA. Systems were not being complied with fully in every unit and prosecutors were not calculating the expiry dates in court. There were two CTL failures in 2006-07 and more remedial action should have been taken across the Area.

The overall service to victims and witnesses is good, with the Witness Care Units achieving a high level of performance. There was a need, however, to improve the identification and timeliness of cases to which the Direct Communication with Victims scheme applied.

The processes for delivering change have improved. Responsibility for delivery of the business plan is set out clearly, and senior managers participate in a number of Local Criminal Justice Board (LCJB) delivery boards. The Area now has a Business Development Manager who provides a link between specific projects and the Area Strategic Board.

Financial resources are well managed and the payment of counsel's fees is timely. The deployment of in-house resources has improved and in 2006-07 83.4% of magistrates' courts sessions were covered by in-house prosecutors, compared with 80.4% nationally. Local initiatives including additional recruitment are assisting in increasing the number of sessions conducted by designated caseworkers.

The management of performance has improved since the last OPA and the Area now has a detailed knowledge of the performance of each unit. There is also detailed discussion of performance with police partners and through the LCJB, however the casework quality assurance scheme was not undertaken consistently throughout the year.

The Area has a network of meetings and there are a number of mechanisms to ensure corporacy. The 2006 staff survey indicated that there was a need to improve some aspects of performance, which resulted in the setting up of an Area Communications Group. Information is provided to staff in a number of ways and the key challenges are set out clearly.

Staff undertake a wide range of community engagement activity and some have been developed as local "community ambassadors" who undertake work in a specific community. The Area has hosted a number of large events including one for the local Muslim communities. Plans are well established to develop hate crime and domestic violence scrutiny panels.

Public confidence in the criminal justice system in bringing offenders to justice increased from 32% in 2003-04 to over 40% in 2006-07, but more recently has slipped from 43% in March 2006 to 40.4% by that December. A number of high profile incidents in the Area are seen as contributing factors. The LCJB is planning a project on the factors which influence public confidence.

### **Direction of travel**

Since the last OPA performance has improved in five aspects, declined in three and remained stable in five. The overall direction of travel is one of improvement, although the Area has been unable to sustain performance in some aspects.

In the light of our findings, West Midland's overall performance is **FAIR**.

<b>OVERALL ASSESSMENT</b>	<b>FAIR</b>
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<b>Critical aspects</b>	<b>Assessment level</b>		
	<b>OPA 2005</b>	<b>OPA 2007</b>	<b>Direction of travel</b>
Pre-charge decision-making	Good	<b>Fair</b>	<b>Declined</b>
Ensuring successful outcomes in the magistrates' courts	Fair	<b>Fair</b>	<b>Stable</b>
Ensuring successful outcomes in the Crown Court	Fair	<b>Good</b>	<b>Improved</b>
The service to victims and witnesses	Good	<b>Good</b>	<b>Stable</b>
Leadership	Good	<b>Good</b>	<b>Stable</b>
<b>Overall critical assessment level</b>		<b>Good</b>	
Progressing cases at court	Good	<b>Fair</b>	<b>Declined</b>
Sensitive cases and hate crime	Good	<b>Good</b>	<b>Stable</b>
Disclosure	Poor	<b>Good</b>	<b>Improved</b>
Custody time limits	Good	<b>Poor</b>	<b>Declined</b>
Delivering change	Fair	<b>Good</b>	<b>Improved</b>
Managing resources	Fair	<b>Good</b>	<b>Improved</b>
Managing performance to improve	Fair	<b>Fair</b>	<b>Improved<sup>4</sup></b>
Securing community confidence	Excellent	<b>Excellent</b>	<b>Stable</b>
<b>OVERALL ASSESSMENT</b>	Fair	<b>FAIR</b>	

<sup>4</sup> Although the assessment for this aspect remains unchanged there has been significant improvement within the range of performance covered by the band.

## D DEFINING ASPECTS

<b>1</b>	<b>PRE-CHARGE DECISION-MAKING: MANAGEMENT AND REALISING THE BENEFITS</b>	OPA 2005	OPA 2007	Direction of travel
		Good	<b>Fair</b>	<b>Declined</b>

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

- Face-to-face PCDs are provided from 9am-5pm at 21 charging centres across the West Midlands. Duty prosecutor rotas are drawn up which ensure cover is maintained in the event of sickness or an emergency. Separate arrangements have been agreed with the British Transport Police to provide face-to-face advice in PCD cases. There is an enhanced PCD scheme for serious and complex cases, with the police encouraged to contact their local CPS office, where lawyers are available during office hours to provide advice and guidance. In serious or complex cases, prosecutors are often consulted by the police at an early stage of the investigation.
- Steps have been taken to ensure PCDs are made on all relevant files. In 2006 the CPS, jointly with the West Midlands Police (WMP), arranged a stock take review of charging following publication of the national review. This confirmed the Area was delivering the scheme in accordance with the Director of Public Prosecutions' Guidance and that officers were seeking early advice. Instructions are posted in charging centres and on the Area computer network detailing the minimum file standards expected from the police.
- The police have developed a gatekeeper role, which in 2006-07 was in place at 15 of the 21 charging centres, whereby officers check whether the case is one on which a PCD must be sought. Police custody IT systems are being reconfigured to interface with the CPS case management system (CMS) and enable gatekeepers to supervise the progress of cases before and after the PCD. The development of the role has meant that the Area generally receives few inappropriate referrals where it is in place. WMP have subsequently introduced gatekeeping in five of the remaining six centres, but no timescale for has been set for its introduction at the one remaining centre at Solihull.
- There are very few disagreements between the police and charging lawyers. Arrangements are in place for disputes to be escalated to Assistant District Crown Prosecutors (A/DCPs) in the first instance. A pilot scheme in the Wolverhampton charging centre aimed at introducing proportionate file building has provision for any disagreement to be referred to a District Crown Prosecutor.
- Lawyers are encouraged to agree timed action plans with police. A/DCPs are expected to carry out reviews on outstanding cases and ensure they are followed up. This has been less successful at charging centres where there is not a police gatekeeper in place, with far more entries on the inactive case lists than at those centres that have gatekeepers.
- All charging decisions are expected to be recorded on a form MG3 directly onto CMS.

Systems have been agreed with the police to ensure that a case retains the same unique reference number throughout. A/DCPs conduct spot checks of the previous days' MG3s to ensure they are complete and accurate. Feedback is provided to individual prosecutors where appropriate.

- The Charging Champion monitors cases involving CPS Direct (CPSD) and holds quarterly meetings with the CPSD liaison officer at which any issues are discussed.
- Conditional Cautioning has been piloted at the Bournville Lane charging centre. In the year to 31 March 2007 a total of 34 conditional cautions were issued. The CPS believes the pilot has been successful, but WMP would prefer to pilot the scheme at a further three sites.

**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**

- All prosecutors who provide PCD have attended the Proactive Prosecutor Programme and arrangements are being made for follow-up training to be provided. Updates to, and changes in, local and national policy are circulated to all prosecutors via A/DCPs as well as being posted on the notice boards in charging centres and available on the computer network.
- All prosecutors have been provided with a compendium of desktop instructions which are also available electronically. These provide instructions and guidance to lawyers on completing the MG3 and include a practical guide to PCD for both investigators and prosecutors.
- The quality of charging decisions, including those cases where there is to be no further action (NFA), are assessed through checks conducted by A/DCPs who check MG3s from the previous day to confirm the quality of the advice and that effective, time-bound case action plans are provided. Feedback is provided to individual lawyers where appropriate. Our file checks indicated that the quality of advice was good, recorded on the MG3 and that most of the action plans were sufficiently detailed.
- Cases where the decision is that there is to be NFA or where proceedings are subsequently discontinued are discussed at meetings with police crime managers and, where relevant, at local criminal justice group (LCJG) meetings. All PCD cases that are discontinued require the prior authorisation of an A/DCP. The NFA rate, at 40.4%, is significantly higher than the national average of 31.9%. The rate is higher than the Area average in five of the six charging centres that do not have gatekeepers.

**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%	16.8%	17.4%	11.0%	13.1%	17.0%	15.7%
Guilty plea rate	52.0%	69.2%	64.8%	66.1%	68.0%	66.5%	67.8%	68.7%
Attrition rate	31.0%	22.0%	24.8%	23.9%	23.0%	22.2%	23.1%	21.9%

- Overall the Area is achieving four of the six expected benefits. The discontinuance rate for Crown Court and magistrates' courts PCD cases is worse than the national average despite improvements since the last OPA and the Area is failing to meet the national target.
- Notwithstanding that West Midlands is performing worse than the national average in four out of the six performance indicators, the rate of performance improvement has been the same or better than the national rate of improvement in all aspects except the Crown Court guilty plea rate.
- In order to achieve further improvements the Area has issued instructions that no PCD case can be dropped without the prior authority of an A/DCP. Compliance with this instruction is monitored carefully.
- The combined successful outcomes figure for cases that are subject to PCD has declined from 77.1% at the time of the last OPA to 76.6% in 2006-07 (national average 77.9%). Despite the high proportion of cases that are not charged, the unsuccessful outcome rate still remains worse than the national average.
- Cases resulting in NFA are analysed at the PCD stage, with A/DCPs providing reports that are then considered by the Area Strategic Board (ASB). Detailed and comprehensive performance information is also considered at prosecution team performance meetings and by the ASB, LCJGs and the LCJB.
- Data from the charging benefits realisation model on key performance areas is distributed to all staff as part of the monthly performance report.
- The Area has delivered guidance to, and arranged training for, A/DCPs to secure improvements in performance and tackle individual performance issues.

<b>2 ENSURING SUCCESSFUL OUTCOMES IN THE MAGISTRATES' COURTS</b>	OPA 2005	OPA 2007	Direction of travel
	Fair	<b>Fair</b>	<b>Stable</b>

## 2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Area performance 2006-07
Discontinuance and bindovers	10.8%	11.8%
No case to answer	0.2%	0.2%
Dismissed after trial	1.9%	1.8%
Discharged committals	0.2%	0.3%
Warrants	2.6%	2.2%
Overall conviction rate	84.3%	83.7%

- The proportion of cases which result in a successful outcome has increased since the last OPA from 77.5% to 83.7%, although there was no substantive change in performance in 2006-07 compared with 2005-06. In 2005-06 the Area performed better than the national average, but worse when compared to national performance in 2006-07. The proportion of cases discontinued is worse than the national average and, as with successful outcomes, the Area has moved from being better than to worse than national performance.
- Other aspects of performance in the magistrates' courts are similar to the national average, although the number of discharged committals is significant when compared to the performance of most CPS Areas and has been an issue of concern for a number of years. The Area estimates that it had 177 committals discharged in 2006-07 because the prosecution was not ready and the court refused an adjournment, although in a proportion of these cases it was because the police did not provide the file within the agreed time limits. Overall, discharged committals accounted for 2.63% of cases set down for committal, compared with 2.47% nationally. In addition, other cases were discontinued by the prosecution because the committal was not ready. To ensure that these outcomes are recorded correctly A/DCP authorisation is required before they are finalised on the case management system. Discharged committal logs are kept in each unit and include cases discontinued because they are not ready. These are well maintained, the police are notified of any further work required before a case can be reinstated, and progress is monitored. Our checks indicated that approximately 50% of cases recorded in the logs were reinstated.
- The Area has recently issued a discharged committal action plan to help drive up performance, but this does not contain any targets for improvement or allocated responsibilities and is more in the way of procedural guidance.

- Cases where the magistrates direct that there is no case to answer are analysed by the A/DCPs and learning points identified, which are discussed at team meetings.
- A/DCPs conduct a detailed monthly analysis of all discontinued cases which have been subject to PCD. These cases are discussed at Prosecution Team Performance Management (PTPM) meetings, in particular those which have been discontinued because of police file deficiencies. Cases subject to the threshold test and those involving allegations of domestic violence have been identified as of particular concern. The Area has reinforced the need to ensure that prosecutors make an informed decision on the reliability of the victim in domestic violence cases.
- West Midlands exceeded its 2006-07 target for OBJT, bringing 76,100 offences to justice against a target of 70,000. The 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 OBJT target was 56.5%, which was higher than the national average (48.8%).
- In the quarter to March 2007 performance against the timeliness target of 71 days from arrest to sentence for persistent young offenders (PYOs) was 68 days overall and reflects a significant improvement in performance. In 2006 the average processing time was 81 days compared with 64 in 2005. Performance had been declining considerably since the last OPA, although the significant effort made to address the decline through an action plan is showing positive results. Offenders who have the potential to become PYOs during the proceedings are flagged and the Area has reinforced the need for the police to quickly bring cases for a PCD following arrest. There were no PYOs on the PCD inactive case list.
- Lessons learnt are disseminated to staff primarily through team meetings and "Just Legal" the Area newsletter. A recent edition set out clearly the Area expectations of staff in improving the rate of successful outcomes. A/DCPs also have regular informal feedback meetings with prosecutors to discuss casework performance.

**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%	38.5%
Cracked trial rate	37.3%	41.6%
Ineffective trial rate	18.9%	19.9%
Vacated trial rate	22.5%	17.5%

- The Area continues - with the agreement of the police - to require, before a PCD will be made, a full evidential file in all bail cases where a committal or not guilty plea is anticipated, although it is piloting a proportionate file build scheme in Wolverhampton. The joint inspection of the West Midlands criminal justice area (May 2007) found that there was not always compliance with the agreement to provide a full file.



- A/DCPs carry out checks on the quality of case preparation in summary trial cases including that of initial and continuing review, although the extent of these varies across the Area. These checks indicate a high level of compliance by prosecutors with the various aspects of trial preparation. Our checks confirmed that actions were timely in most cases, although in one the late notification to the Witness Care Unit of the witnesses required contributed to it being discontinued.
- A summary trial preparation form has recently been introduced to ensure that all appropriate actions are undertaken. Our file checks indicated that the form was being used in appropriate cases. Pre-trial reviews (PTRs) are held in appropriate cases, although this is rare at the Criminal Justice: Simple, Speedy, Summary (CJSSS) test site. There were three cases in our file check where there was a PTR, and the prosecution was ready for each.
- The LCJB has discontinued its inter-agency case readiness processes, although the CPS has retained its case progression officers, who undertake internal progression monitoring. The joint inspection report states that this was undertaken in anticipation of improved quality and consistency of PCD and the roll-out of CJSSS. Pending this the Area, in conjunction with its partners, needs to monitor the impact of this decision to ensure cases progress through the courts effectively. The relevant CPS staff meet frequently with the Witness Care Unit managers to discuss issues relating to case progression.
- Coventry Magistrates' Court was one of the national test sites for CJSSS. The timeliness of cases has improved significantly, reducing on average by 45 days, and the number of cases carried forward is reducing month-on-month. However, the effective trial rate was lower for CJSSS cases than those that did not fall within the system, although it is now improving. There are local implementation teams for the rest of the Area and they report on a regular basis to the ASB.
- All youth cases are listed for their first hearing on the day after the defendant is charged. The timeliness of youth cases at all stages was consistently better than the national average for the period June 2006-March 2007.
- The proportion of effective trials is declining and is worse than the national average due to a rise in the number of cracked trials. The percentage of ineffective trials attributable to the prosecution was on or about the national average.
- The cracked trial rate worsened and remained above the national average. The percentage of late guilty pleas by the defence to the original charges, and discontinuance by the CPS on the day, are both worse than performance nationally. The proportion of vacated trials was better than the national average in 2006-07 and performance improved further in 2007. However, a significant proportion of vacated trials arise because proceedings are discontinued by the prosecution.
- A/DCPs undertake an analysis of all cracked and ineffective trials and the findings are discussed at LCJG meetings, where partner agencies are represented, and internally at team meetings. This analysis indicates that the reasons for cracked and ineffective trials are not always recorded accurately in court, particularly when the proceedings are conducted by agents. The Area has reinforced the need for prosecutors to ensure the reason why the trial is cracked or ineffective is agreed in court between the parties.

- The percentage of cases with a magistrates' courts review on CMS is improving and rose from 40.1% in April 2006 to 82.3% in March 2007. However, there is a need to improve the timeliness of case finalisation and recording hearing outcomes on CMS. Our checks indicated that there are considerable variations in performance across the Area, ranging from cases being finalised on the day of hearing to five months later.

<b>3 ENSURING SUCCESSFUL OUTCOMES IN THE CROWN COURT</b>	OPA 2005	OPA 2007	Direction of travel
	Fair	<b>Good</b>	<b>Improved</b>

### 3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Area performance 2006-07
Judge ordered acquittals	13.1%	15.5%
Judge directed acquittals	1.4%	0.9%
Acquittals after trial	6.5%	4.4%
Warrants	1.3%	1.5%
Overall conviction rate	77.7%	77.8%

- The proportion of cases which result in a successful outcome has increased since the last OPA from 73.5% to 77.8%, although there was no substantive change in performance in 2006-07 compared with 2005-06. Performance was slightly better than the national average in both years.
- There has also been an improvement in the percentage of cases which are dropped by the prosecution. At the time of the last OPA there was a JOA in 20.1% of cases, which improved to 15.5% in 2006-07, although this was worse than the national average (13.1%). Similarly the rate of JDAs had improved from 1.1% to 0.9%. The percentage of cases that result in a jury acquittal has been consistently better than the national average.
- JOAs and JDAs are analysed by A/DCPs. These detailed analysis indicate that the majority of JDAs are attributable to witnesses departing from their expected evidence as opposed to there being an essential legal element missing. In JOA cases review failures are noted in the report and drawn to the attention of the relevant prosecutor. A log is kept of all cases sent to the Crown Court which are subsequently discontinued. Again the level of analysis recorded on the logs is good.
- In some parts of the Area, District Crown Prosecutors meet with the Resident Judge to discuss adverse outcomes and in others A/DCPs meet with Crown Court managers.
- In 2006-07 the Proceeds of Crime Act target of 185 confiscation orders was exceeded, with 201 being obtained. The value target for 2006-07 of £2,557,041 was exceeded, with confiscation orders of £4,473,495 obtained.
- The CPS has a Confiscation Delivery Unit (CDU), the head of which chairs the multi-agency Asset Recovery Group. The unit has specialist prosecutors who handle restraint orders and attend enforcement courts, which have been held more frequently to deal with increasing workloads. There is a clear commitment shown by the CPS to contributing to this aspect of criminal case management. The CDU provides updates on its work to staff and has issued guidance on the handling of confiscation issues.

### 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%	43.4%
Cracked trial rate	39.5%	47.7%
Ineffective trial rate	12.4%	8.9%

- A/DCPs allocate all committals and sent cases. In the latter a detailed log is kept of when the case was sent and the target dates for receiving and serving papers. Our checks indicated that these logs are well maintained, although some entries were missing the target dates. The quality of case preparation is checked by the casework quality assurance (CQA) process and trial readiness assessments.
- Caseworkers are responsible for progressing their own cases, which the Area accepts can be problematic when they are attending court. The casework managers in each unit oversee case progression and will deal with urgent queries. In each case in our file check court orders were complied with in a timely manner.
- The case progression processes vary across the Area, but all involve the use of a certificate of trial readiness. There are weekly case progression meetings with HM Courts Service in respect of cases dealt with at the Crown Court at Warwick and telephone conference calls for cases dealt with at Wolverhampton.
- The CJSSS initiative is not operating in the Crown Court.
- The volume of youth cases dealt with by the Crown Court is higher than most other CPS Areas. In Birmingham the Courts Service has adopted the CPS youth case tracker system, which helps monitor the progress of youth cases through the Crown Court. There are Crown Court PYO Champions. Overall the timeliness of youth cases in the Crown Court is good, although those involving PYOs are not always prioritised over other youths.
- The effective trial rate is worse than the national average, due to the high rate of cracked trials. The ineffective trial rate is much better than the national average, with fewer ineffective trials attributable to the prosecution than nationally.
- There is regular liaison with the judiciary on the reasons for cracked and ineffective trials. These meetings are informed by schedules compiled by A/DCPs on which they analyse the problems. Matters of concern are drawn to the attention of staff in team meetings.
- The use of CMS to record full file reviews improved throughout 2006-07 from 56.8% compliance in April 2006 to 94.3% in March 2007. The Area has been meeting and exceeding its target since July 2006. Our file checks indicated that the quality of the reviews was acceptable in most cases, although some were too brief.

<b>4 PROGRESSING CASES AT COURT</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Fair</b>	<b>Declined</b>

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

- In most cases covered by the CJSSS initiative at Coventry Magistrates' Court a plea is entered at the first hearing and the case dealt with, adjourned straight to trial or to a committal date. Advance information is served on the defence and the court prior to the first hearing. Our checks indicated that cases were progressed satisfactorily at other court centres. In addition, the courts are reluctant to grant adjournments when matters have not been addressed in the time allowed.
- Instructions to counsel were timely in 97.2% of Crown Court cases compared with 78.7% nationally. In each file in our sample there was an adequate analysis of the case and the issue of acceptable pleas was addressed where relevant. In the magistrates' courts agents receive their case papers in good time. There is a detailed agents' instruction pack which is updated regularly.
- In contested magistrates' courts cases where the trial is expected to last more than one day there is an expectation that the prosecutor who made the pre-charge decision will conduct the trial. This process is managed satisfactorily, with the prosecutor's availability on file when the trial date is fixed. Where prosecutors or Higher Court Advocates have complex cases to prepare the number of charging and court sessions they have to cover is reduced.
- A/DCPs attend court regularly and monitor the timeliness of staff attendance. Any specific issues of concern will be drawn to their attention by Courts Service staff. A/DCPs also check that prosecutors are progressing cases through dip sampling of trial files.
- The transfer of cases between courtrooms can be problematic in Birmingham which is a very large magistrates' court centre. However, this practice has reduced significantly and is not an issue at the other court centres. Generally the Area works well with the Courts Service to reduce the number of court sessions. There are effective arrangements to transfer cases out of designated caseworker courts when they fall outside their remit, which ensures hearings are not delayed unnecessarily.
- The overall timeliness of cases in the magistrates' courts is very good and improving, with all targets consistently met and exceeded and, overall, the Area has fewer adjournments than the national average. This is in part reflective of the court's robust approach to granting adjournments. In the last quarter of 2006-07, based on a large sample size, the West Midlands was the best performing criminal justice area in the country for adult cases and overall for all cases. Only two areas had a better performance for youth cases. However, the progress of many committal cases needs to be better, in particular those which are discharged (which amounted to 177 in 2006-07) and those where the prosecution withdraw the proceedings because they know the court will refuse an adjournment. This is a long standing issue. Where cases do proceed to committal without being discharged or withdrawn their progress is timely.

- A significant number of vacated trials in the magistrates' courts occur because of late discontinuance. In 2006-07, 43.1% of vacated trials arose because proceedings were discontinued before the trial date, compared with 30% nationally.
- The number of wasted costs orders is reducing. There were eight in 2006-07, six of which were made in respect of Crown Court cases, but only one of which was for a significant amount (£1,400).

<b>5 SENSITIVE CASES AND HATE CRIMES</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Good</b>	<b>Stable</b>

#### **5A The Area identifies and manages sensitive cases (including hate crime<sup>5</sup>) effectively**

- Sensitive cases are generally flagged up on CMS, which was confirmed by our 'reality' checks. In each unit checks are made by dip sampling to ensure that cases are properly flagged. All staff are trained in identifying sensitive cases on CMS. The Area also compares its information on sensitive cases with police data to ensure all cases are being identified.
- Sensitive cases are allocated to specialists as far as possible. The relevant champion or leading unit specialist is given responsibility for disseminating the necessary information and monitoring compliance. All magistrates' courts have specialist domestic violence courts which are regulated by protocol, with specialist lawyers and trained legal advisers and magistrates.
- Champions and specialists have been appointed for sensitive cases; they disseminate information to lawyers and caseworkers and provide guidance and mentoring. The champions are fully involved in extensive multi-agency work. Within each unit there are sensitive and hate crime specialists. There are sufficient lawyers with the appropriate specialist skills and knowledge to provide guidance to those making pre-charge decisions, and for these cases to be handled effectively. Training is regularly provided on most specialist categories. The Area is currently reviewing their list of specialists to ensure all have appropriate training and experience for their role.
- The review and handling of sensitive cases is formally assessed through the CQA system. Cases involving allegations of rape and racist incidents are seen and assessed by the relevant specialists who identify trends and report to the ASB. The Area investigates and analyses failed cases, including sensitive categories. Some aspects of community engagement inform this activity, for example the willingness of victims and witnesses to attend court.
- Training is being provided for all lawyers in handling domestic violence cases and is due to be completed by March 2008. Desktop instructions are also being provided. All rape specialists are to receive update training in summer 2007.
- There are effective systems for dealing with high profile cases, including a log of media interest cases which is updated by lawyers flagging files and forwarding a completed media interest form to the Area Communications Officer at the outset of a case, or at such time it becomes of media interest.
- The Area takes account of policies and HMCSI thematic reviews when devising practice and handling cases. The relevant champion is given responsibility for disseminating the necessary information to lawyers and monitoring compliance.

<sup>5</sup> 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).

- A/DCPs are consulted where it is proposed to drop or reduce the hate element of an offence and their consent is required before this is done. Feedback is provided to individual lawyers in appropriate cases.
- Detailed reports are produced by each A/DCP covering all racist incident cases in their units. These are analysed by the Communications Officer and the champion, with the results reported to the ASB and shared with other agencies. The combined magistrates' courts and Crown Court successful outcomes rate for sensitive cases has continued to improve over the last year, but at 64% is still below the national average of 67.2%.
- The successful outcomes rate for domestic violence cases declined over the year from 61.1% (national average 59.7%) to 60.9% (nationally 65.2%).
- However, the successful outcomes rate for racially or religiously motivated crime is better than the national average and has improved over the year from 73.2% (national average 74.2%) to 79.6% (77%). Similarly, the successful outcome rate for homophobic crime is better than the national average and has improved over the year from 65.2% (against 71%) to 79.3% (73.5%).
- There is an Area representative on the Local Safeguarding Children Board who provides feedback and updates to lawyers. There is a Special Measures Champion whose role includes disseminating information and updates on special measures in relation to children. The Area recognises within its business plan the importance of the treatment of child victims and witnesses and commits to providing training to lawyers and to the use of specialist counsel where appropriate.



<b>6 DISCLOSURE</b>	OPA 2005	OPA 2007	Direction of travel
	Poor	<b>Good</b>	<b>Improved</b>

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

- In our last OPA West Midlands was assessed as 'Poor' in relation to its handling of disclosure. Since then the Area has worked to ensure it has appropriate systems in place. Both the Disclosure Champion and individual A/DCPs have carried out extensive file reviews of the handling of disclosure. The Area has set itself targets for compliance and conducts quarterly reviews. Our reality checks showed that initial disclosure was complied with in all cases and continuing disclosure in four out of five appropriate cases (80%).
- The CPS has good links with the local judiciary in each of the Crown Court centres covered and has been working with them to ensure compliance with the Crown Court protocol on the handling of unused material; departure from the protocol is rare.
- The Area conducts its own dip sampling of disclosure files in each unit with results being compiled on a quarterly basis and discussed at both unit and ASB level. In the quarter to June 2007 a total of 205 files were examined, which showed 100% compliance with initial disclosure and 86.5% compliance with continuing disclosure. The policy is that all disclosure material is kept in a separate folder within the main file and the most recent dip sample in the quarter to June 2007 found 94.2% compliance. Our reality check found that whilst there was a separate folder on each file, it did not always contain all the disclosure correspondence or the defence statement. Our checks confirmed that the dip sampling was identifying correctly where there were deficiencies.
- Sensitive unused material is normally retained by the police and inspected by lawyers at the police station. Highly sensitive schedules are stored securely away from the main file. There has been a protocol agreed with West Midlands Police for the handling of highly sensitive unused material.
- An effective Disclosure Champion has been appointed and has been proactive in disseminating information and guidance, including desktop instructions to all lawyers. They have also undertaken reviews of disclosure files on a unit-by-unit basis and reported the findings to the District Crown Prosecutor. The champion has been directly involved in leading initiatives with the CPS and police and also maintains regular contact with the disclosure lead at CPS Headquarters.
- All lawyers have attended the foundation training on disclosure and nearly all the advanced courses. The majority of caseworkers have also attended training courses on disclosure. Training has been provided to 20 lawyers on disclosure aspects of the Home Office Large Major Enquiry System investigation management system.
- The Area has provided training to 220 WMP officers and believes that the quality of disclosure schedules provided by the police has improved since then. The Disclosure Champion has regular contact with the police disclosure lead and as a result protocols have been agreed and a new disclosure checklist is to be trialled in police major investigation unit cases.

- Since the last OPA, the Area has carried out a full review of its procedures for handling unused material. Regular dip sampling of files is undertaken, with nearly 1,000 checked in the last year. Results are collated and distributed within each unit and have been analysed at ASB level, with feedback provided to individual lawyers. As a result the handling of disclosure has improved over the last year.

<b>7 CUSTODY TIME LIMITS</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Poor</b>	<b>Declined</b>

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

- Each unit has a written custody time limit (CTL) system, based on an Area template developed in 2005 and adapted for application within each office. These comply with national guidelines and incorporate good practice. Staff receive CTL training as part of their induction.
- However, our reality check of six CTL files indicated that systems are not complied with fully in all units. Expiry dates were not calculated by the prosecutor at court as required in any case in our sample and in two the calculation had not been checked by another officer. In one case both the 56 and 70 day expiry dates were noted on the file even though only the 56 day limit applied, which had the potential to cause confusion; and in another two the review dates were not recorded in a manner required by the system. This represents a significant decline from the last OPA, when only one minor error was found on the ten files examined.
- The Area needs to review its systems and take action to ensure full compliance with these, including with management checks.
- A CTL Champion and specialist has been appointed whose role is to ensure consistency across the Area and make changes to the system as required. The Area has seen no need to make any changes to its CTL systems since our last OPA.
- There were no CTL failures at the time of the last OPA, but since then there has been one failure in 2005-06 and two in 2006-07. These were not reported to CPS Headquarters, although the Area believed that they had complied with this requirement. In two of the three cases the defendant was released from custody. In the most recent case, a report reviewing the circumstances was compiled at the time although this could have been more thorough in identifying learning points. In this particular instance the court failed to list the case on the date requested by the CPS, which was also the CTL expiry date, whereas the guidance states that it is good practice for cases to be listed five days in advance of an expiry date, which was not picked up in the report. The Area needs to ensure that any failures are properly reported and lessons learned.
- There is an informal arrangement with the Crown Court to the effect that cases are automatically listed before a CTL expiry and in the vast majority of cases this is adhered to, although a departure from this practice contributed to the most recent failure. In the magistrates' courts the CPS has been unable to reach any agreement for courts to be involved in the calculation and agreement of expiry dates. This represents a decline from the time of our last OPA when dates were agreed in court.
- The system incorporates appropriate checks to assure managers of its soundness. However, our reality check revealed that in one of the three units from which files were selected, management checks were not taking place due in part to a post being vacant. Immediate steps to remedy this were taken when this was pointed out.
- CMS checks are used as a back-up to the manual diary systems. There is some scope for more consistency in the extent to which these are used across the Area.

<b>8 THE SERVICE TO VICTIMS AND WITNESSES</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Good</b>	<b>Stable</b>

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

- The Area recognises that compliance with the Direct Communication with Victims (DCV) scheme has been poor and as a consequence has held two workshops for business and administration managers, as well as publishing desktop instructions to all staff. DCV letters were sent in 62% of cases within five days of its conclusion (national average 73%) in the year 2006-07. Although this is below the national average, it is an improvement from 2005-06 when the Area only managed 36% (65% nationally).
- The Area now publishes DCV performance information monthly, broken down to unit level, showing compliance against both the Area proxy target and also against the its own calculation of each unit's proxy target. This data is published for staff within each unit and also provided to the ASB. In the rolling quarter to March 2007 the Area achieved 58.8% of its proxy target against a national average of 76.3%. Our reality check indicated that DCV letters were sent in 66.7% of the cases examined. Instructions have been given that discontinuance notices are not to be typed without DCV letters also being typed in cases where there are identified victims.
- Lawyers at charging centres are instructed not to provide pre-charge advice unless the police officer has completed the MG11 forms with contact details of the witnesses to enable the Witness Care Units (WCUs) to make contact with witnesses promptly. Compliance with this policy is monitored by A/DCPs as part of the CQA scheme. Additionally, a Special Measures Champion has been appointed who disseminates information and updates lawyers on any changes in policy. Our file checks indicated that special measures applications were being made appropriately but that the timeliness could be improved.
- The Area aims to ensure that WCUs carry out an initial needs assessment, by telephone, in all cases referred to them. The Witness Management System (WMS) is used by all WCUs to assist with the needs assessment.
- Witness warning procedures are generally effective and there is a timely supply of witness details to WCUs, who are proactive in dealing with witness warnings. The LCJB Victims and Witnesses Action Delivery Board has published a Memorandum of Understanding covering the relationship between the criminal justice system agencies and Victim Support, which includes the monitoring of the provision of witness details and notification of vulnerable witnesses to the Witness Service.
- Where there is an identifiable victim the Area ensures that prosecutors comply with the Prosecutors' Pledge in respect of victims and witnesses. Witness needs are considered when the charging decision is taken and prosecutors and staff introduce themselves and provide information to witnesses at court.

- The outcomes of the Witness and Victim Experience Survey (WAVES) are presented and monitored in the monthly LCJB Performance Bulletin. The data shows a consistent improvement in witness and victim satisfaction.

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

- The final No Witness No Justice review was conducted in September 2006 and the sign over report to the LCJB published that December. West Midlands reached the highest level of compliance in the country for the implementation of WCUs, and the report identified more aspects of key achievements than any other single area with no key risks. The West Midlands was the only area in the country to achieve this level of performance, fully meeting four of the minimum requirements and the other ten partially. The report also identified a number of priority concerns, including gaps in knowledge and applications of the Victims' Code. A detailed action plan has been implemented to deal with these matters.
- CPS involvement in the Victims and Witnesses Action Delivery Board ensures a clear focus on improving service delivery with on-going joint analysis of performance data including primary and secondary measures, for example the number of cracked and ineffective trials due to witness issues and witness attendance rates.
- The percentage of ineffective trials as a result of witness issues has fallen from the baseline of 4.8% in the magistrates' courts to 3.2% in the year to March 2007. This matches the national average. In the Crown Court the figure has reduced from 6.8% to 2.2% in the same period, which is better than the national average of 2.3%. The percentage of cracked trials due to witness issues has reduced in the magistrates' courts from a baseline of 5.7% to 5.6% in the year to March 2007 (national average 5.2%). In the Crown Court the figure has reduced from 6.0% to 3.1% in the same period (nationally 2.2%). The witness attendance rate has remained stable over the year and is similar to the national average.
- Guidance has been provided to WCU managers on constructing local performance reports showing primary and secondary measures. The reports have only just been implemented and have not yet been produced by all WCUs. It is intended that they will be monitored by NWNJ Local Delivery Teams and the Victims and Witnesses Action Delivery Board and will also be distributed to WCU staff to highlight their unit's performance.

<b>9 DELIVERING CHANGE</b>	OPA 2005	OPA 2007	Direction of travel
	Fair	<b>Good</b>	<b>Improved</b>

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

- The Area Strategic Board remit includes core business planning processes which take account of appropriate Area and national Service priorities. In 2006-07 the Area Business Plan was designed to take account of all aspects of the OPA framework, with emphasis placed on aspects that had been graded as 'Poor' or 'Fair' during the 2005 exercise. The 2007-08 Business Plan is in the national model, with all national CPS targets and Public Service Agreement priorities covered, and some outstanding tasks from the 2006-07 plan carried forward.
- Business plans identify tasks with specific management groups assigned responsibility for delivery, dependent on the nature of each task. There are regular reviews of the plan as well as senior manager conferences to review progress and plan ahead.
- There are links between the business plan and thematic ones, such as those for the implementation of CJSSS. There are no individual district or unit plans. The Area has decided to focus on a single business planning document since 2006-07, but uses its performance management framework to focus on themes for individual districts and units. District business managers are also responsible for reviewing progress against the plan at district level.
- The examples of staff objectives seen were not clearly linked to Area priorities or targets, although the publication of performance summaries to all staff would enable them to have a clear view of what the Area and their own unit are required to achieve.
- There is some bilateral planning with partners such as the police and Courts Service. Senior Area managers participate in planning and delivery of core LCJB priorities. The CJSSS initiative is an example of a medium term project which was jointly planned with LCJB partners. The Chief Crown Prosecutor (CCP) is the senior responsible officer for the CJSSS project board.

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

- Coventry Magistrates' Court was a test site for CJSSS. The project planning and monitoring were professionally executed and benefits monitoring is effective. Results have shown that timeliness has improved significantly in the test site. The level of ineffective trials in CJSSS sites initially increased but is now better than the Area target. With Conditional Cautioning, the picture is less clear. A pilot has been implemented in one location but the implementation plan omitted a number of key elements, such as how benefits of the scheme would be monitored and systems for ensuring compliance. Managers have acknowledged that the successful implementation of Conditional Cautioning in the Area will require attention to resolve the planning, resourcing and partnership issues involved. Local plans for restructuring (merging the two Birmingham districts) have been developed and were at an early stage of implementation during this OPA.

- The ASB overviews project delivery. Since the last OPA, the Area has created a Business Development Manager (BDM) post and devolved to the post holder some of the ASB's project co-ordination responsibilities. The BDM sits on the Board and is therefore able to act as a liaison between it and specific projects, as well as operational managers.
- The learning and development plan takes account of local and national priorities such as staff training to address performance issues identified in previous inspections. Whilst the plans included training on charging, there was no direct reference to training for prosecutors on Conditional Cautioning, the plan for which was not clear on the time scales for the delivery of required staff and police training.
- The Area has taken the opportunity of the CJSSS test implementation in Coventry to inform change elsewhere. The recent development of a summary trial preparation form designed to capture prosecutors' decisions and prompt the examination of all relevant issues, has been subjected to a number of amendments taking account of feedback and learning from the CJSSS pilot.
- Apart from the earlier example of the Conditional Cautioning project, business and project planning routinely included risk and issues logs. In general, the risks and counter-measures identified were appropriate. Closer joint working on criminal justice initiatives leaves Areas more vulnerable to risks not usually associated with the CPS, and West Midlands had clearly taken cognisance of this fact in a number of instances.

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

- Learning and development (L&D) plans are drafted annually and the Area Training Committee (ATC) has been re-convened following a hiatus. The committee is intended to inform Area training priorities and to liaise with the regional learning and development manager (LDM) for the West Midlands to ensure effective delivery. Each district has a training co-ordinator to support the work of the LDM. A quarterly L&D newsletter is circulated to keep staff informed of training opportunities and issues. It includes thematic training summaries which are used to re-enforce key messages.
- The L&D plans include diversity training for new staff. The training log shows that this is delivered through the corporate e-learning facility. Whilst there were no other explicit references to equality and diversity training in the plans Area managers were satisfied that other training, such as the manager toolkit modules, included appropriate diversity training.
- L&D plans also include courses for lawyers, designated caseworkers, administrators and managers. The log recorded all training undertaken by individual staff in the Area and also collated supporting information and analysis of training undertaken by grade, race and gender, although local analysis was not undertaken.
- The log showed that all mandatory and planned training courses were delivered. Whilst training plans included evaluation methods for the individual courses, limited structural evaluation had taken place, although feedback to managers was required as part of individual performance evaluation. Managers also referred to improvements in unit and Area performance trends to support training effectiveness.

<b>10 MANAGING RESOURCES</b>	OPA 2005	OPA 2007	Direction of travel
	Fair	<b>Good</b>	<b>Improved</b>

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

- The Area came in under budget in the two years following the 2005 OPA. In 2005-06 spend against its non ring-fenced administrative costs (NRFAC) budget was good at 99.4% and excellent in 2006-07 with 99.7% spent.
- The NRFAC budget performance is attributable in part to the Area proactively ensuring that value for money principles support decisions to implement operational change. Whilst there have been improvements in in-house deployment in accordance with national strategy, West Midlands also aims to achieve further efficiencies through operational reviews of its designated caseworker (DCW) and administrative posts, which have been undertaken during the past two years. Direct benefits are yet to be quantified, although in an improvement from the position in 2005 the activity based costing (ABC) team have been involved in these projects with a view to providing expertise on valuations. The Area has also recently introduced an efficiency savings group with terms of reference that include the review of processes and procurement with a view to limiting expenditure and making savings.
- Budgets are devolved to districts in appropriate instances with controls, overview and support provided by Area Secretariat staff. Each district receives monthly financial reports based on the corporate systems. There are also intermittent budget briefings from the Area Business Manager (ABM) highlighting specific issues, such as increasing spend on lawyer agents, as necessary. Devolution is leading to improvements in financial management skills across the Area, although managers still need to be more proactive in reviewing district and unit budget and expenditure profiles consistently, to ensure that resource planning based on business models is efficient.
- Prosecution costs are monitored and controlled at district level, with monthly reports from the Secretariat setting out expenditure against budget profiles. Prosecution costs are not routinely discussed at ASB meetings, although the timeliness of graduated fee scheme (GFS) payments is considered.
- The Area under spent against its prosecution costs budgets in 2005-06 and 2006-07, amounting to approximately £55,000 and £456,000 respectively. In the latter year, the most likely causes for this were the reducing caseload profile and increased deployment of Higher Court Advocates (HCAs). The Area chose not to return some of its allocated prosecution funding in the last quarter of 2006-07 due to its profiled spend for the period, although actual spend was less than anticipated.
- GFS timeliness reporting is supported by a summary of individual unit performance. The timeliness of GFS payments within four months of the last hearing was consistently above the national average in 2006-07. On the one month measure, performance was also consistently above average for the first three quarters of 2006-07. The significant dip in the last quarter was due to the clearance of some backlogs by local chambers following the Area commencing enforcement of the three month deadline for payment of fee claims.



- During 2005-06 and 2006-07 the Area received additional funding towards the No Witness No Justice initiative. Investment in staff and training has led to a general trend of increased benefits being realised from the scheme following a successful sign off of the project by CPS Headquarters in July 2006. There has been similar focus and outcomes in respect of confiscation orders under the Proceeds of Crime Act and in HCA deployment.

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

- District managers update staff and salary profiles at least twice yearly. These are collated by the Secretariat to inform resource planning during the year. There have also been discussions at ASB on the impact of additional DCW recruitment. At the time of this OPA there was an imbalance between districts on the basis of the number of staff, especially lawyers, in post. Managers are aware of this and plan to address it with additional recruitment rather than redistribution. The Area had undertaken some structured review of work distribution which took account of the caseload profile, for example the proportion of pre-charge decisions, contests, guilty pleas and offence types.
- Prosecutors in the magistrates' courts units have court and charging centre deployment targets ranging from four to six half day sessions a week. The number of sessions covered varies with the experience of the prosecutor, with the more senior and managers doing fewer. Individual unit deployment levels are monitored and reported on monthly. The focus on reducing the proportion of sessions covered by agents has seen an improvement of in-house deployment from 70.9% of sessions in 2005-06 (worse than the national average of 77.2%), to 83.4% (better than the national average of 80.4%) in 2006-07. This improvement is in part attributable to increased deployment of DCWs in line with local targets, albeit from a low base that remains below the national average.
- In 2006-07 DCWs covered 12.6% of magistrates' courts sessions against a target of 12%. During the year five DCWs were recruited in addition to the 13.5 in post at the start of the period. Additional DCW courts were also negotiated with the Courts Service. Whilst there was no formal deployment target DCWs were expected to attend a minimum of five half day sessions per week during 2006-07, although in one of the four districts managers required DCWs to attend at least seven half day sessions a week. Overall in 2006-07 DCWs achieved an average of 4.7 sessions per week. Since March 2007 the Area has adopted a policy to deploy DCWs in court for a minimum of six half day sessions per week. DCW deployment against these targets is monitored at unit level and reported upon monthly.
- HCA recruitment and deployment are pivotal to the Area's resource planning strategy, especially in view of the expectation that future ABC funding will be reduced in line with caseload. HCA plans are linked to CPS objectives to increase HCA savings as an overall percentage of GFS costs. In 2006-07 HCA savings exceeded the Area target by 37.4%.
- Performance has improved significantly since the last OPA and in 2006-07 West Midland's HCAs undertook 1,359 Crown Court sessions including contested hearings involving 122 defendants, of which nine were jury trials. This was an improvement on 2005-06 when HCAs conducted only 544 sessions including contested hearings involving nine defendants, only one of which was a jury trial. There are plans for further recruitment of HCAs and to establish an HCA unit in Birmingham. Managers will need to ensure that these options are adequately costed so that they represent effective value for money, especially with the recent establishment of Crown Advocate posts within the Service.

- Sickness absence rates have deteriorated in the period since the OPA with the average number of days lost increasing from 7.6 in 2005 to 9.6 in 2006. Managers have been issued with guidance and reminders on adequate monitoring and follow-up actions, and performance against the CPS seven day target is discussed at district management meetings.
- Staff requests for flexible working arrangements are discussed with managers at district level and District Crown Prosecutors are expected to take account of business need when making recommendations to the ABM. Arrangements for flexible or compressed working had not included formal periodic reviews to ensure that arrangements harmonised with the business need.

<b>11 MANAGING PERFORMANCE TO IMPROVE</b>	OPA 2005	OPA 2007	Direction of travel
	Fair	<b>Fair</b>	<b>Improved</b>

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

- The Area has modified and improved parts of its performance management system since the last OPA. A 'traffic light' reporting system is now used which rates monthly performance against 14 measures. These reports, introduced in April 2006, also show individual unit performance and monthly comparisons.
- The reports include targets and are clear and user friendly, and the Area is working to refine and improve them further. In addition, quarterly and annual reports are produced which show performance trends over a longer period, for example rolling unit or Area performance for the quarter or year to date. Performance against the CQA scheme, DCV initiative and other victim and witness performance measures could be periodically included in the summary in the monthly reports on a thematic basis to ensure they are given appropriate attention by the ASB.
- The monthly reports form the basis of the fortnightly meetings held by the ASB and are also made available to all staff. Board minutes showed some reference made to performance comparative to national averages and to other Areas with similar characteristics. Unit team meeting minutes did not consistently include discussions on the range of performance, although there were instances where specific items were discussed on an exception basis. The Area staff bulletin is published twice monthly and from May 2007, following staff suggestions, now incorporates a focus on one aspect of performance per issue.
- In March 2007 the Area issued instructions to business managers requiring that they undertake audits on data entered on CMS. These were based on local as well as national findings on data quality concerning, for example, case outcome finalisations and discharged committals. Our reality checks on CMS showed generally satisfactory levels of accuracy, although a few units still had several cases outstanding that should have been finalised on the system.
- Secretariat, district and unit managers have been involved in process reviews and in undertaking quality checks on casework to secure improvements against standards. Successful examples include checks in all units on cases involving allegations of domestic violence at an early stage to ensure that the level of successful outcomes improved; daily checks on PCD cases by unit managers to monitor the appropriateness of advice and action plans; and the administrative staff productivity review. The Area also introduced a significant level of disclosure checks following our previous OPA. This has supported the improving trend on disclosure compliance noted during this assessment.

- Unit managers have clear guidance on their role in ensuring the quality of casework is effectively managed. In the first quarter of 2006-07 the CCP issued a briefing on improving performance which emphasised the changing role of unit managers in providing assurance. More recently, unit managers have been asked to prioritise this management role over attendance at court. In creating the Business Development Manager post, the Area has been able to co-ordinate performance improvement with the BDM providing guidance, expertise and support at all levels. In addition, prosecutors are provided with regularly updated desktop guidance on key aspects of casework and procedure.
- The examples of staff objectives provided were limited in their reference to specific, measurable, achievable, realistic and time-bound aims. There was a lack of clarity over how to set objectives during 2006-07 following the introduction of the CPS Invest initiative. Some managers maintained individual reports on quality checks to inform staff performance appraisals but this practice was not consistent and results from the 2006 staff survey and the Investors in People (IiP) review (July 2006) both highlight a need for structured performance feedback by managers to staff. The Area has now developed action plans to address these issues.

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

- The LCJB is chaired by the CCP and members act as sponsors for the individual Board sub-groups. The CCP is the sponsor for two of them. The District Crown Prosecutors are members of the local delivery groups and others participate in thematic sub-groups such as the Communications Group, Investigation Action Delivery Board and the Victims and Witnesses Action Delivery Board.
- The LCJB has a comprehensive performance pack covering criminal justice priorities and includes PCD benefits data provided by the CPS. The PTPM report is also widely used and is presented in a style that enables easy comprehension of key performance measures.
- CPS managers and staff have participated in joint initiatives and strategies that have resulted in improved performance. The Area undertook a stock take review of PCD arrangements and quality in 2006-07 and there were good examples noted of joint work with police partners to ensure improvements. Similarly the Area works jointly with the Courts Service through having representation at daily meetings in Birmingham to ensure that listing arrangements satisfy CPS operational arrangements.

#### **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 level of compliance with the national CQA scheme in 2006-07 was erratic. Overall, the Area completed 77.3% of required CQA checks based on the number of prosecutors and DCWs in post. The national average was 83.4%. Inconsistent compliance with the scheme was raised as an aspect for improvement by CPS Headquarters in quarterly performance reviews held in 2006-07 and the Area had a commitment to attain the 100% standard by the end of the third quarter. However, in the first quarter of 2007-08 performance was still significantly below the national average, with only 74% compliance compared with 92%. Managers appeared unaware of the need to include checks on cases handled by DCWs and this may have contributed the inability to meet the 100% target.

- Our reality checks, for example on disclosure and charging, accord with managers' CQA assessments indicating that such checks do, when undertaken, give reliable results. Provided the required level of checks can be reached and sustained, the arrangements could be regarded as robust.
- The ASB discusses compliance with the scheme and an analysis of trends and comparison with other performance management checks has been undertaken. In some cases CQA forms were stored on individual lawyers' folders for reference as part of individual performance management, but there was limited evidence that this was consistent or structured. Other management checks undertaken by A/DCPs were generally of good quality and in some instances included analysis of findings.
- A/DCPs were required to monitor prosecutor's advocacy skills at half-yearly intervals to tie in with individual performance reviews. In practice, structured monitoring took place only once a year. There are intermittent checks on individual lawyers when feedback (positive or otherwise) is received from the representatives of other criminal justice agencies.

<b>12 LEADERSHIP</b>	OPA 2005	OPA 2007	Direction of travel
	Good	<b>Good</b>	<b>Stable</b>

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

- The Area's vision, values and direction for 2007-08 are set out clearly in leaflet form, which is available to staff and the local communities. A similar process was adopted for 2006-07. The leaflet is cross-referenced to the business plan, which is a detailed document, updated regularly and identifies the strategic objectives for the Area and the tasks necessary to achieve them.
- The members of the Area Strategic Board with lead responsibility for each objective are identified in the plan. The ASB meets regularly with key issues discussed. The minutes identify which member of the ASB is responsible for taking forward any actions arising.
- The Area Business Manager issues briefing notes on key issues to ensure that there is consistency in the messages delivered to the various units. This is reinforced by a centrally held log which sets out what is discussed at each meeting.
- There is a network of meetings involving staff at all levels although their frequency varies across the units. In the 2006 staff survey only 44% of respondents considered that they had regular team meetings compared with 61% nationally, and only 48% considered them effective when held compared with 56%. The regularity of meetings needs to be improved, together with the consistency of performance information that is provided to staff.
- In response to the findings of the staff survey and the Investors in People review (in respect of which West Midlands is currently classified as "retaining recognition status, pending a further review"), the Area has set up an Area Communications Group (ACG), chaired by the ABM, with all levels of staff represented. The group meets regularly and discusses a wide range of issues, including the visibility of senior managers. The liP report commented favourably on this aspect, although the minutes of the ACG indicate there is a perception by some staff that this could be improved.
- An informative quarterly newsletter is produced to which a variety of staff contribute. It sets out the expectations of managers in respect of key initiatives and celebrates the Area's successes. There is also a fortnightly bulletin which provides a snapshot of key aspects of performance.
- Senior managers work constructively with their criminal justice colleagues to take forward issues, for example the implementation of the CJSSS initiative in the magistrates' courts. Other matters still need to be addressed satisfactorily, in particular case progression in the Crown Court. The CPS is also well represented on the West Midlands Public Service Compact which comprises a large number of organisations.
- Area managers chair a number of the local criminal justice groups which report to the LCJB. They have taken the lead on a number of initiatives including asset recovery, the implementation of Witness Care Units and conditional cautioning.

- The ASB reviews regularly the success or otherwise of initiatives or performance information, for example the ACG was set up as a result of the disappointing responses to some questions in the 2006 staff survey.

**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**

- The Area has a bonus payment scheme to recognise outstanding performance, together with the award of certificates for meritorious work. The work of individuals is also acknowledged in staff publications. Additionally, a number of staff are supported through law scholarships.
- There is a full-time Equality and Diversity Officer who works closely with her counterpart in the LCJB. In addition each district has an Equality and Diversity Committee on which external representatives sit as well as CPS staff, although the frequency of these meetings could be improved in some parts of the Area. These committees have developed initiatives such as community ambassadors, whereby specific individuals work within local communities to improve confidence.
- There have been no substantiated complaints made by staff about their treatment by managers.
- The Area has its own Race Equality Scheme which is an adaptation of the national CPS scheme. Equality issues are included in the business plan and the Area is committed to taking minority ethnic and disabled people on work placements. The setting up of hate crime and domestic violence scrutiny panels is well advanced, with the Area finding no difficulty in getting outside representatives to sit on the panels.
- The composition of staff in the various offices is reflective of the working population in the West Midlands with 20.5% of staff coming from a minority ethnic background and 2.6% declaring a disability.
- The Area has a proactive senior champion for equality topics, who has been involved in addressing issues of inappropriate behaviour. When these issues do arise they are dealt with promptly by senior management. In the 2006 staff survey 62% of those who responded considered they were treated with fairness and respect compared with 64% nationally.

<b>13 SECURING COMMUNITY CONFIDENCE</b>	OPA 2005	OPA 2007	Direction of travel
	Excellent	<b>Excellent</b>	<b>Stable</b>

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

- Senior managers take part in activities which demonstrate a high level of commitment to engaging with and securing the confidence of local communities. Community confidence issues were well integrated within the values and vision statement in the Area Business Plan for 2006-07. The current plan does not set out the Area’s values and vision in the same way but specifies key themes of which inspiring the confidence of communities served is one. Actions in support of developing community confidence are included in both plans, some of which could incorporate more specific milestones and targets.
- Community engagement and confidence form part of the Area’s core business which is organised and managed by a dedicated Equality and Diversity Officer and supported by the Area Communications Officer. Many staff, including senior managers, and teams have objectives in relation to this aspect of work. In support of this the Area has built upon the capacity of staff to be involved in community engagement work by developing a community ambassador role underpinned by a training programme to develop the confidence and skills of those involved in engagement activities. To date 30 staff at all levels have attended the programme, which has subsequently been adopted by CPS Headquarters to create a national community engagement training programme.
- Community engagement activities are recorded on a central log which demonstrates that staff at all levels are involved in a wide range of activities. The Area is now beginning to take stock of the range of activities it is involved in with a view to developing greater focus on priority issues and on consultative and participative activities. It has yet to develop a community engagement strategy and programme which would assist it to do this.
- Up-to-date demographic data from the Census and Labour Force Survey figures are held on a computer shared drive and the Area is continuing its work to refine and develop its extensive central databases of local organisations and community groups.
- The CPS works effectively to engage with groups at the greatest risk of exclusion and discrimination including, for example, an event with the Somali community, a seminar with Muslim community representatives attended by around 200 people, dialogue with the Birmingham Asian Women’s Domestic Violence Forum and a conference focusing on those with learning needs and disabled people. The Area has recognised that more could be done to engage on issues around so-called ‘honour’ crimes and forced marriages and is one of five Areas involved in a pilot on flagging of such cases to ensure they are identified at an early stage and dealt with by specialist prosecutors. Plans are well advanced to establish hate crime and domestic violence scrutiny panels.



- There is an increased focus in the current business plan on action to evaluate and improve service delivery as a result of community engagement activity. Considerable efforts have been put into establishing evaluation processes, which are well established for information giving events and developing for consultative and participative engagement activity. A major benefit arising from the community engagement work is constructive working relationships with a range of key community leaders who, as a consequence, are more willing to engage with the CPS on sensitive issues. For example, the Area is having no difficulty in securing members for the scrutiny panels referred to above, which would not necessarily have been the case in the past. There are also examples of more direct service changes and improvements as a result of engagement, for instance improved access to translation facilities for witnesses whose first language is not English. Feedback from community safety partnerships has led to the sharing of performance data with a number of community groups.
- Whilst public confidence in the criminal justice system in bringing offenders to justice increased from 32% in 2003-04 to over 40% in 2006-07, levels more recently have slipped from 43% in March 2006 to 40.4% by that December. A number of high profile incidents in the Area are seen as contributing factors. The CPS is working with other criminal justice agencies on further MORI poll work to assess the factors that impact on community confidence, with a view to focusing efforts more effectively.
- The Area takes a proactive and positive approach to the media with a dedicated Communications Officer and good work continues to raise the CPS profile. Staff were interviewed or quoted in local and national media a total of 143 times in 2006-07, an increase of 32% from the previous year. A key factor contributing to this was the establishment of a dedicated media room in May 2006, a first for a CPS Area, which has enabled the Area to conduct live radio interviews, the number of which increased by 41% in the year. This facility is made available to other criminal justice agencies.
- There is a commitment to ensuring that appropriate staff receive media training. Each unit has at least one member trained to handle the media and each district has a press support officer to respond to press queries when the Communications Officer is not available.

## ANNEX 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%	16.8%	17.4%	11.0%	13.1%	17.0%	15.7%
Guilty plea rate	52.0%	69.2%	64.8%	66.1%	68.0%	66.5%	67.8%	68.7%
Attrition rate	31.0%	22.0%	24.8%	23.9%	23.0%	22.2%	23.1%	21.9%

	National performance 2006-07	Area performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	76.6%

### 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%	83.7%

Trial rates	National performance 2006-07	Area performance 2006-07
Effective trial rate	43.8%	38.5%
Cracked trial rate	37.3%	41.6%
Ineffective trial rate	18.9%	19.9%
Vacated trial rate	22.5%	17.5%

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

<b>National target</b>	<b>National performance 2006</b>	<b>Area performance 2006</b>
71 days	72 days	81 days

*Offences Brought to Justice*

	<b>CJS area target 2006-07</b>	<b>CJS area performance 2006-07 (to Feb 07)</b>
Number of offences brought to justice	70,000	76,180

<b>Percentage make up of Offences Brought to Justice</b>	<b>National 2006-07 <sup>6</sup></b>	<b>Criminal justice area 2006-07 (to Feb 07)</b>
Offences taken into consideration (TICs)	8.5%	3.9%
Penalty notices for disorder (PNDs)	10.3%	5.9%
Formal warnings	5.8%	4.0%
Cautions	26.5%	29.5%
Convictions	48.8%	56.7%

**Aspect 3: Ensuring successful outcomes in the Crown Court**

	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Successful outcomes (convictions) as a percentage of completed Crown Court cases	77.7%	77.8%

<b>Trial rates</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
Effective trial rate	48.2%	43.4%
Cracked trial rate	39.5%	47.7%
Ineffective trial rate	12.4%	8.9%

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6 Final figures awaited.

<b>Proceeds of Crime Act orders</b>	<b>Area target 2006-07</b>	<b>Area performance 2006-07</b>
Value	£2,557,041	£4,473,495
Number	185	201

### **Aspect 10: Managing resources**

	<b>2005-06</b>	<b>2006-07</b>
Non ring-fenced administration costs budget outturn	99.5%	99.7%

<b>Staff deployment</b>	<b>National target 2006-07</b>	<b>National performance 2006-07</b>	<b>Area performance 2006-07</b>
DCW deployment (as % of magistrates' courts sessions)	17.2%	14.7%	12.6%
HCA savings against Area target	100%	138.4%	137.4%
Sickness absence (per employee per year)	7.5 days	8.5 days	9.5 days

### **Aspect 13: Securing community confidence**

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

<b>CJS area baseline 2002-03</b>	<b>2004-05 (last OPA)</b>	<b>Performance in 2006-07</b>
32%	40.2%	40.4% (Dec 2006)

## **ANNEX B: CRIMINAL JUSTICE AGENCIES AND ORGANISATIONS WHO ASSISTED WITH THIS OVERALL PERFORMANCE ASSESSMENT**

### **Police**

West Midlands Police

### **HM Courts Service**

Crown Court

Magistrates' courts

### **Victim Support**

Victim Support West Midlands

### **Community Groups**

The Birmingham Asian Women's Domestic Violence Forum



**If you ask us, we can provide a synopsis or complete version of this booklet in Braille, large print or in languages other than English.**

**For information or for more copies of this booklet, please contact our Publications Team on 020 7210 1197, or go to our website: [www.hmcpai.gov.uk](http://www.hmcpai.gov.uk)**

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