

CPS West Yorkshire

Overall Performance Assessment

Undertaken November 2005

March 2006

Promoting Improvement in Criminal Justice

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A. INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

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

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

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

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

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

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

B. AREA DESCRIPTION AND CASELOAD

CPS West Yorkshire serves the area covered by the West Yorkshire Police. It has two Area offices in Leeds and Bradford and seven co-located sites with the police. The Area Headquarters (Secretariat) is based at the Leeds office.

Until the autumn of 2004 Area business was divided on functional lines between magistrates' courts and Crown Court work. The criminal justice units (CJUs) handled cases dealt with in the magistrates' courts and the trial units (TUs) handled cases dealt with in the Crown Court.

The restructure has divided Area business into combined units serving the east and west of the county and a Complex Case Unit covering the most complex and sensitive casework. In the east of the county there are four divisional teams based at the Leeds office and two co-located teams. In the west of the county there are five co-located teams. In addition, there is a team of Crown Court caseworkers with administrative support, and a team of Higher Court Advocates at each of the Area offices. The Complex Case Unit is based in Leeds.

During the year 2004-05, the average Area number of staff in post was 290.7 full time equivalents.

Details of the Area's caseload in the year to 31 March 2005 are as follows:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	26,905	29.3	20.9
Advice	729	0.8	5.1
Summary offences	42,435	46.2	46.9
Either way and indictable only	21,803	23.7	26.7
Other proceedings	44	0	0.4
TOTAL	91,916	100%	100%

C. SUMMARY OF JUDGMENTS

Our last inspection report of CPS West Yorkshire, published in July 2004, concluded that the Area was performing well. The Area had been at the forefront in the implementation of important national CPS initiatives, for example, the charging initiative, and dealing with cases of street crime. The Area was strong on the management side and particularly good management systems had been established. The main concerns were in relation to aspects of casework performance, particularly case management and case progression in the magistrates' courts.

Between the Area inspection and the follow up inspection in February 2005 the Area had undertaken significant organisational restructuring to address the casework weaknesses, and had taken that opportunity to review governance arrangements. During 2004-05 the Area established Witness Care Units; implemented the Effective Trial Management Programme; and introduced statutory charging (under which crown prosecutors take over the responsibility from police for charging the more serious offences). However, the Area had yet to realise fully the potential performance that might be expected from its strong corporate assessment.

The Area Management Board (AMB) has published its own vision and values statement and has clear terms of reference for leadership of the Area. There is a corporate approach to managing business, and members of the AMB are active in leading cross agency initiatives. Implementing and planning for change is managed in a structured and systematic way; plans have been developed to focus on key objectives, aspects of performance and risks to delivery. The Area planning processes are focused on outcomes, and performance management reports are produced to accompany change and assess progress. The change programme in the Area has delivered a trend of improvement in performance throughout 2004-05, albeit that the average annual figures do not themselves reflect the improvements.

A performance management culture is well embedded. The range and amount of data produced is extensive; data produced is linked to the Area business plan targets and objectives. Financial control and management is sound, and systems and processes are in place to manage the budget effectively.

The Area is committed to engaging with the community; staff at all levels understand that this work forms part of the core business. The Area has received two national CPS equality and diversity awards for community engagement initiatives.

The Area introduced statutory charging in June 2004. Compliance with the scheme is fully monitored using the case management system (CMS) and partnership meetings with the police. Area performance in relation to the headline measures of attrition, discontinuance and guilty plea rates was mixed during 2004-05, although there were some very positive results in relation to the attrition rate in the Crown Court and the attrition and guilty plea rates in the magistrates' courts.

Witness Care Units are in place as part of the No Witness No Justice (NWNJ) programme; internal processes have been amended to ensure that the handling of cases with witnesses is more effective. The Area compliance with the CPS national initiative to send letters to victims when the charge is discontinued or substantially reduced under the Direct Communication with Victims (DCV) scheme is relatively good.

The Effective Trial Management Programme was fully implemented in April 2004; new systems have been introduced internally and across the other criminal justice agencies to drive up performance. The Area uses a corporate model at each police division to try and ensure file quality and improve trial effectiveness. Area and police Case Progression Officers work closely on magistrates' courts cases and in the Crown Court the Case Progression Officers work closely with the duty casework teams. The Area is committed to the use of the integrated case management system and the Management Information System (MIS); the recording of full file reviews was better than the national average.

Area Champions disseminate information, and provide guidance and training on sensitive and specialised casework. The Area is involved in a number of initiatives to enhance the handling of sensitive cases: the established domestic violence cluster courts in Leeds and two further domestic violence projects; and the race scrutiny panel through which anonymised cases, racist incident data and trends are shared and analysed with community group representatives at quarterly meetings.

The Area is among the local criminal justice agencies leading and promoting case progression; internal measures have been instituted which will contribute to more effective case progression in court. Designated caseworker (DCW) usage was better than the national average, although, a high percentage of magistrates' courts in the Area were covered by agents. The Area has a Higher Court Advocate (HCA) cadre deployed exclusively in the Crown Court.

The Area has a customised written custody time limit (CTL) system which complies for the most part with the national guidance. This system is regularly updated to reflect any local or national changes. There has been no CTL failure during 2004-05 and the reality check indicated generally good practice.

CPS West Yorkshire was undertaking the prosecution's duties of disclosure well during the last inspection cycle. The robust Casework Quality Assurance system has confirmed this generally good performance and the reality check showed that disclosure duties were generally dealt with in an appropriate manner.

Outcomes in relation to the shared public service agreement (PSA) targets are mixed. The target for Offences Brought To Justice (OBTJ) is a shared one set by reference to the criminal justice agencies. The ability of the CPS to influence this particular target is limited because it includes offences dealt with by non-prosecution disposals. The CPS's contribution comes through managing cases to keep discontinuances and unsuccessful outcomes low, good decision-making and case management. The Area performed worse than the national average in relation to the overall discontinuance rate and the

unsuccessful outcome rate, although there were significant trends of improvement for both rates during 2004-05. Nevertheless, OBTJ had increased by 41% against the 2001-02 baseline.

The ineffective trial rate in the Crown Court (16.1%) was better than the national target (18.4%) with a trend of improvement. However, the ineffective trial rate in the magistrates' courts was 26.5% and so was worse than the national average (24.8%) and target (24.5%), albeit with a trend of improvement. Performance in relation to persistent young offenders (PYOs) fell behind target (71 days from arrest to sentence) during 2004-05. The rolling three-month average for PYO cases at February 2005 was 75 days; action has been taken and performance has since improved. Public confidence in the ability of the criminal justice agencies to bring offenders to justice, as measured by the British Crime Survey, has increased to 40% but remains lower than the national average of 43%.

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

CRITICAL ASPECTS	3 - GOOD
Pre-charge decision-making	3 - Good
Ensuring successful outcomes	2 - Fair
Leadership	3 - Good
The service to victims and witnesses	3 - Good
Resource management	3 - Good
OTHER DEFINING ASPECTS	
Managing magistrates' courts cases	2 - Fair
Managing Crown Court cases	2 - Fair
Handling sensitive cases and hate crimes	4 - Excellent
Custody time limits	3 - Good
Disclosure	3 - Good
Presenting and progressing cases at court	3 - Good
Delivering change	4 - Excellent
Managing performance to improve	3 - Good
Securing community confidence	4 - Excellent

OVERALL ASSESSMENT	3 - GOOD

D. DEFINING ASPECTS

1. PRE-CHARGE DECISION-MAKING

3 - GOOD

The Area introduced statutory charging in June 2004, under which the CPS provides advice to the police and takes responsibility for determining the charge in more serious cases. Compliance with the scheme is fully monitored using the case management system (CMS) and partnership meetings with the police. Effective systems exist to ensure that coverage is provided at all charging centres. Police gatekeepers are becoming more effective in ensuring that only appropriate cases are reaching duty lawyers; a recent pilot to change and develop processes will further improve this system. Training for lawyers providing charging has been given and work within the Area to assess lawyer competence is used to address any weaknesses. Area performance for the headline measures of benefits expected to be realised in relation to rates of discontinuance, guilty pleas and attrition were not as good as national performance, save for the positive results in relation to the attrition rate in the Crown Court.

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

- The Area provides pre-charge advice at 14 charging centres between 9am and 5pm. Advice is also available to the police from CPS Direct (the out of hours service for statutory Areas) between 5pm and 9am. The Area has a system to manage lunchtime breaks and to ensure that there is a contingency for unplanned absences.
- To ensure that pre-charge advice is taking place on all appropriate files the Area has implemented a series of checks; initially, the system relies on the custody sergeants, and subsequently on the designated caseworkers and lawyers to identify cases where there has not been a pre-charge decision. The system was established in May 2004; few cases now bypass the system and any such cases are taken up at joint meetings.
- The Area is piloting the removal of complex cases from the pre-charge advice scheme, these will be handled through the submission of a file of evidence and an individual face-to-face meeting between the police officer and lawyer. These arrangements need to be monitored to ensure that this does not lead to delay or a lack of face-to-face meetings in practice.
- Inappropriate requests for pre-charge advice are filtered, either by a supervisory police officer or the police 'gateway'. Police use a checklist to ensure that all cases submitted for advice meet minimum requirements. The few inappropriate cases received are referred to the District Crown Prosecutor for discussion at regular joint meetings.

- The Area uses a CMS process to ensure that cases where additional evidence or further action is required prior to decision, can be followed up. Reports of outstanding cases are shared with the police to chase and track cases.
- The Area has an effective relationship with CPS Direct. Early teething problems about the types of cases being referred by the police were resolved through positive action; two-way communication is used to manage and resolve issues.
- Full and effective use of CMS and the Management Information System (MIS) ensures that all advices and decisions are properly recorded and counted. Systems for monitoring the volume, timeliness and outcome of pre-charge decision cases are sound, and are used to improve performance and compliance with the scheme. When undertaking the reality check of pre-charge cases on CMS, all fifteen cases were flagged. In thirteen of the fifteen there was an electronic record of advice given.

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

- All lawyers were fully briefed on the charging scheme. The Area produced a training programme, which included some casework specific courses on the completion of the electronic registration form (MG3) and CMS usage. A manual providing guidance for lawyers on the conduct of casework was provided to each lawyer in January 2005. Regular reminders are issued to lawyers and hard copies of the information provided at charging centres.
- There are clear escalation procedures where police disagree with the CPS decision. The process is dependent on cases being fully reviewed by both parties at all levels throughout the escalation procedure; this partnership approach remains to be fully embedded.
- The Area monitors the quality and timeliness of advice and decisions. DCPs and Area Crown Prosecutors (ACPs) assess the quality of pre-charge decisions through analysis of unsuccessful outcomes and the Casework Quality Assurance scheme. In addition, DCPs attend the charging stations for two half days each week to assess the performance of charging lawyers; feedback is provided during this attendance. To establish a baseline of quality the Chief Crown Prosecutor and DCP responsible for charging are assessing five electronic registration forms (MG3s) for every charging lawyer.

- The Area monitors cases that result in no further action (NFA). DCPs and the police divisional commanders analyse pre-charge NFAs extracted from MIS, and each month a dip sample of cases is fully analysed to identify trends and training issues within both organisations.
- The Area had recorded both the ethnicity and gender (where provided by the police) in all ten cases that we checked. The Area has issued guidance to lawyers and administrative staff to consolidate earlier training.

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

- There is regular and effective liaison with the police on the operation of the scheme. Joint meetings are held to address issues highlighted through monitoring and analysis. The anticipated benefits of providing pre-charge advice were not being fully realised. This culminated in additional training to all Area charging staff and police to make improvements to the scheme.
- The Area undertakes regular analysis of pre-charge outcomes. Reports are produced to enable effective management of the scheme. Data is shared with criminal justice partners on a regular basis. Meetings at divisional level specifically address sanction detection rates, Offences Brought To Justice, and trial effectiveness, as well as paying particular attention to prosecution team performance management reports.
- The Area performed better than the national average and target in relation to pre-charge decision benefits realisation figure for the attrition rate in the Crown Court. The attrition rate and the guilty plea rate in the magistrates' courts are above target, although slightly worse than the national averages.

Aspects for improvement

- The Area performed worse than the national averages and targets in relation to pre-charge decision benefits realisation figures for the guilty plea rate (62.5% compared to the national average of 66.7% and target of 68%) and the discontinuance rate (15.8% compared to the national average of 14.6% and target of 11%) in the Crown Court, and the discontinuance rate in the magistrates' courts (21.3% compared to national average of 16.3% and target of 11%).

2. MANAGING MAGISTRATES' COURT CASES

2 - FAIR

The Effective Trial Management Programme (ETMP) was fully implemented in April 2004; nevertheless, there were problems during 2004-05 concerning prosecution readiness in the magistrates' courts. New systems have been introduced internally and across the other criminal justice agencies to improve performance. Area and police Case Progression Officers work closely, and the Area uses a corporate model at each police division to try and ensure file quality and improve trial effectiveness. Performance in relation to persistent young offenders (PYOs) fell behind target for most of 2004-05; however, action has been taken and performance has improved. There is regular Area and joint analysis of cracked and ineffective trials. Performance in relation to the ineffective trial rate, the proportion that are ineffective due to the prosecution and the rate of cracked trials is worse than the national averages. The Area is committed to the use of the case management system (CMS) and the Management Information System (MIS); the recording of full file reviews is better than the national average.

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

- Efforts are being made to review and prepare magistrates' courts cases promptly, and to undertake follow-up work when necessary, but cases are having to be adjourned due to the prosecution not being ready. Advance information packages are provided to the defence prior to or at the beginning of Narey court sessions, and some court centres provide audio equipment. There is a high rate of non-attendance of defendants; this is being addressed through the Local Criminal Justice Board (LCJB) Delivery Group.
- The number of cases dropped after the third and subsequent hearing is slightly better than the national average (53.4% compared to 54.9%) although the guilty plea rate is worse than national average (68.7% compared to 74.2%).
- Full file quality and timeliness are monitored, and targets are set for full file submission in line with the file action plan provided to the police at the initial hearing. Case Progression Officers follow up on files not submitted on time. A corporate system (the Killingbeck model) is used for all full files: case-builder managers on each police division are responsible for the timeliness and quality of files; lawyers from each team work with the case-builders to assess file quality, complete review obligations and primary disclosure; and any poor quality files are rejected at source with immediate feedback. File quality statistics and analysis are regularly shared and discussed with the police divisions to drive up performance, which forms part of the prosecution team performance management regime.

- There is liaison with criminal justice partners, and regular case progression meetings; performance is starting to improve as a result. The ETMP was fully implemented in April 2004 which included trial readiness checks. However, performance was not consistent throughout the year where trials were listed without a full file due to late file submission or the Area failing to process the file in a timely manner. New systems were introduced in November 2004 following restructuring and were reviewed in January 2005. A new trial readiness check system was introduced in April 2005 which should improve performance. A pre-trial review agreement is in place between the Area, police and the magistrates' courts. CPS and police Case Progression Officers at all sites work closely to manage performance, and action plans are produced by the District Operational Groups for the LCJB Delivery Group to improve trial effectiveness.
- There are youth specialists within each unit; youth courts are prosecuted exclusively by in-house lawyers, and cases involving persistent young offenders (PYOs) are allocated to specialists. Youth case progression meetings with the police and the courts are held twice each month; one meeting addresses case specific issues, the other concentrates on performance and good practice. The proportion of cases meeting the timeliness target for youth initial guilty pleas is better than the national average (91% compared to 87%). The 71 day target from arrest to sentence in PYO cases was not met for most of 2004-05. An LCJB action event was held in May 2004 which set up the delivery structure, and an action plan in March 2005 addressed identification, ownership of cases, accountability and monitoring. Performance has been under 71 days for five of the first six months of 2005-06.

Aspects for improvement

- The timeliness figure for adult initial guilty pleas (80% compared to 83%) was worse than the national average.
- The rolling three-month average for PYO cases at February 2005 was 75 days. Timeliness for youth trials is worse than the national average (79% within target compared to 87%).
- There were a number of wasted costs orders in the Area during 2004-05. The overall figure for the magistrates' courts and Crown Court amounted to £5,786, the majority of which resulted from Crown Court work emanating from the Western Unit.

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

- There is regular and formal analysis of all cracked and ineffective trials, and appropriate action is taken in all cases where the prosecution has been at fault. Analysis and performance against targets, and LCJB action plans, are disseminated at team meetings and through the monthly performance newsletter.

- Work has been undertaken with criminal justice partners, action has been taken and communicated, and performance is improving as a result. There are monthly meetings with the magistrates' courts to review cracked and ineffective trials, to identify trends and learn lessons. The outcomes of these meetings are shared with the District Operational Groups and the LCJB Delivery Group. The LCJB Ineffective Trial Group, which is chaired by an Area Crown Prosecutor, also reviews trends, and develops and implements action plans to address performance issues.

Aspects for improvement

- The ineffective trial rate in West Yorkshire was 26.5% compared to the local target of 27%; however, performance was worse than the national average (24.8%) and the national target (24.5%). The rate of cases that are ineffective due to the prosecution was worse than the national figure (9.8% compared to 6.8%). The cracked trial rate was also worse than the national average (39.2% compared to 37.1%) as was the rate for vacated trials.

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

- CMS is used to record all key events in cases, outstanding tasks are monitored and chased up where appropriate, and weekly task reports are produced for each team. Usage is monitored by the Area Management Board, and appropriate action is taken to improve performance; the Area has set a strong lead with zero tolerance of non-usage. The recording of full file reviews is better than the national average (37.2% compared to 27.1%) with a trend of improvement. At the start of the year usage was 22%; by the year end this had risen to 54%. Twelve files were examined as part of the reality check, ten contained a full file review and two had 'ad hoc reviews' which amounted to an effective review of the file.
- The Local Implementation Team (LIT) meets each month. The LIT is working to improve CMS usage and has developed champions to staff at all levels having problems with usage. The LIT has also developed Area guidance which was adopted by Headquarters and the Area will be the national pilot to identify which tasks on CMS can be switched off.
- The Area has created a number of CMS and MIS reports, and is using them to assist in specific usage and monitoring issues. Regular reports are used to monitor all aspects of performance and ad hoc reports are used to monitor and address specific performance issues, for example, specified proceedings files. Local Area templates have been added to the system and are used across the Area.

3. MANAGING CROWN COURT CASES

2 - FAIR

Outcomes in the Crown Court are better than national averages, but there are delays in preparation of cases in spite of the Effective Trial Management Programme (ETMP) and the work of Case Progression Officers. The timeliness of service of committal papers and sending of instructions to counsel was worse than the national averages during 2004-05, although performance has now improved. The Area did not achieve the Proceeds of Crime Act (POCA) target and action has been taken to improve performance. Performance in relation to the ineffective trial rate is better than the national target although not as good as the national average. The proportions of cases that are cracked and ineffective due to the prosecution are worse than the national averages. The Area is committed to the use of the case management system (CMS), nevertheless, the Area performed worse than the national average in relation to recording indictments, but improved during the year.

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

- Efforts are being made to review and prepare Crown Court cases promptly, and to undertake follow up work when necessary, but cases are adjourned due to the prosecution not being ready. Similarly to magistrates' courts files, the corporate 'Killingbeck' model is used to drive up file quality at the police divisions and improve case progression. A discharged committal log is maintained by each team and all such cases are reviewed by the District Crown Prosecutor and considered for re-instatement. Once committed or sent, standard cases (which account for approximately 90% of all casework) are managed by a duty casework team. Non-standard cases (accounting for approximately 10% of all casework) are allocated to individual lawyers and caseworkers. The small number of complex cases are mostly managed by the Complex Case Unit.
- Regular case progression meetings with criminal justice partners are improving performance. Since April 2004, Case Progression Officer teams have been deployed to operate on ETMP principles; the team manage the timely submission of files, compliance with orders, witness issues and action additional material. The case progression team works with the duty case casework team, completing pre-trial checks on receipt of the Crown Court warned lists. Trial readiness forms are completed and information is provided to the Crown Court Case Progression Officers. In addition, there are monthly case progression meetings between the Crown Court, the Area and the Witness Care Bureau to ensure effective progression of cases.

- Instructions to counsel or a Higher Court Advocates (HCAs) are prepared in all cases. The HCAs provide feedback on the quality of instructions. We examined six files on CMS; four contained very full instructions about the issues in the case and acceptability of pleas, one contained very limited instructions and one had no specific instructions at all.
- Performance in relation to asset recovery remained behind target throughout 2004-05 so the Area Management Board (AMB) appointed a full time Proceeds of Crime Act (POCA) lead to supplement the two Area champions who had trained lead lawyers for each team. The lead has responsibility for raising awareness and performance through direct regular contact with lawyers, financial investigation officers and crime managers. All potential POCA cases are identified and entered on the tracker; compliance is monitored through the POCA log and the Casework Quality Assurance system. Training has been provided for all lawyers, briefing sessions with the Bar have been undertaken and a database of counsel with relevant experience is maintained; performance is improving.
- All Crown Court youth cases are allocated to specialists in each team. Police case builders are notified of youth cases and targets are set for file submission to try and ensure early committals, and there is a standard addition to instructions to counsel. All Crown Court youth cases form part of the fortnightly case progression meetings with the police and the courts to progress cases and monitor performance.

Aspects for improvement

- The Area's system of standard cases being managed by a duty casework team does not support case ownership and accountability.
- The timeliness of service of committal papers was not as good as the national average (77.1% compared to 79.4%). Performance in the Eastern Unit was better than the Western Unit where a specific problem had to be addressed, and average performance for the first half of 2005-06 is better than the national average (81.6%). The timeliness of adult committals was worse than the national average (84% compared to 89%).
- The Area performed worse than the national average in relation to the timeliness of instructions to counsel (81.6% compared to 85%). Performance in the Eastern Unit (98.3%) was better than the Western Unit (64.7%); the specific problem in the Western Unit was addressed and performance has risen to 89.7%.

- The timeliness of youth committals was not as good as the national average (89% compared to 91%).
- The Area did not meet the POCA target; 47 orders to the value of £2,078,000 were achieved against a benchmark of 88. The target for 2005-06 has been adjusted to 65 which the Area is on course to achieve.
- The overall figure for wasted costs orders in the magistrates' courts and Crown Court during 2004-05 amounted to £5,786, the majority of which resulted from Crown Court cases from the Western Unit.

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

- The ineffective trial rate was better than the national target (16.1% compared to 18.4%) although not quite reaching the national average and the local target (15.8% and 16% respectively).
- There is regular and formal analysis of all cracked and ineffective trials, and appropriate action is taken in all cases where the prosecution has been at fault. Analysis and performance against targets is disseminated at team meetings and through the monthly performance newsletter. Analysis from the LCJB action plans is also disseminated to the teams across the Area for action.
- Work has been undertaken with criminal justice partners, including through the LCJB Ineffective Trial Group, and action has been taken and communicated, and performance is improving as a result. There are monthly case progression meetings between the Crown Court, the Area and the witness care units to ensure effective progression of cases. There are monthly meetings with the Crown Court to review all cracked and ineffective trials, and to identify trends. The outcomes of these meetings are shared with the District Operational Groups and the LCJB Delivery Group.

Aspects for improvement

- The rate of cases that are ineffective due to the prosecution was worse than the national figure (7.3% compared to 6.6%) as was the rate of cracked cases attributable to the prosecution (17.7% compared to 15.3%).

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

- CMS is used to record all key events in cases, and outstanding tasks are monitored and chased up where appropriate. Weekly tasking reports are produced for each team. As part of the readiness for restructuring a 'task-busting' team was assembled from staff at each site to ensure no tasks

were outstanding as the Area moved to the new teams. Usage is monitored by AMB; CMS usage reports identify performance, specific compliance checks are undertaken, and appropriate action is taken to improve usage.

- The recording of indictments was worse than the national average (67.8% compared to 81.5%). However, there was a trend of improvement, and during the year usage rose from 48% to 85%. Five files were examined as part of the reality check; four contained a full file review and the fifth had two 'ad hoc reviews' which amounted to a very full review of the file.
- The Area has created a number of CMS and MIS reports, and is using them to assist in specific usage and monitoring issues. Regular reports are used to monitor all aspects of performance and ad hoc reports are used to monitor and address specific performance issues. Local Area templates have been added to the system and are used across the Area.

4. ENSURING SUCCESSFUL OUTCOMES

2 - FAIR

The conviction rate in the Crown Court is better than the national average, but not in the magistrates' courts. The Area performs better than the national averages in relation to adverse case outcomes in the Crown Court. However, there was a high level of discontinuance in the magistrates' courts, and the combined unsuccessful outcome rate was worse than the national average. Mechanisms are in place to monitor and analyse performance on a regular basis within the Area and with other criminal justice agencies. The West Yorkshire criminal justice agencies were very successful in increasing the numbers of Offences Brought To Justice (OBTJ) by 41% against the 2001-02 baseline; however, the poor discontinuance rate and the high level of unsuccessful outcomes have hampered the Area's contribution.

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

- There is regular and formal assessment of the quality of review and case handling. All unsuccessful outcomes are monitored by District Crown Prosecutors (DCPs). This analysis is assessed by the Area Crown Prosecutors (ACPs), the Chief Crown Prosecutor (CCP) and the Area Business Manager (ABM); feedback is provided to improve the quality of the analysis. The Area identified the risk of failing to reduce the number of unsuccessful outcomes and proposed a number of counter-measures.
- The ABM attends the Local Criminal Justice Board (LCJB) Delivery Group which monitors the unsuccessful outcome figures. The Area produces detailed data showing unsuccessful outcome figures by month and quarter for each of the units and divisions, and also shows the rates for different categories of case such as domestic violence and hate crime. The analysis of unsuccessful cases prepared by the DCPs is shared with the police on a divisional level, and discussed at monthly meetings between the police and the Area. Performance figures are also shared and analysed at the district operational groups. Staff are informed about performance through the monthly performance newsletter and information is displayed on the team notice boards.
- Adverse outcome forms are completed in most appropriate cases, and set out the reasons for acquittal clearly. When merited, action has been taken, both internally and with the police on a case by case basis. DCPs provide individual feedback to lawyers and where relevant forward information to the Unit Performance Teams. If trends are identified, there is discussion at the Area Management Board and dissemination to staff either by e-mail or through discussion at team meetings. Casework issues and information are also disseminated to lawyers and caseworkers through the quarterly 'Advocacy News'.

- The Area performed better than the national average and target in relation to the pre-charge decision benefits realisation figure for the attrition rate in the Crown Court. The attrition rate and the guilty plea rate in the magistrates' courts are also above target although slightly worse than the national averages.
- The conviction rate in the Crown Court is better than the national average but not in the magistrates' courts. For the full year to 31 March 2005, results compared with national averages show:

OUTCOME	AREA FIGURE	NATIONAL AVERAGE
Magistrates' courts		
Discontinuance & bindovers	16.9%	12.5%
No case to answer	0.3%	0.4%
Dismissed after trial	1.5%	1.8%
Discharged committals	0.1%	0.3%
Overall conviction rate	77.2%	80.8%
Crown Court		
Judge ordered acquittals	13%	14.2%
Judge directed acquittals	1.6%	2.0%
Acquittals after trial	5.7%	6.3%
Overall conviction rate	78.3%	75.8%

- The target for OBTJ is a shared one set by reference to the criminal justice agencies. The ability of the CPS to influence this particular target is limited because it includes offences dealt with by non-prosecution disposals. The CPS's contribution comes through managing cases to keep discontinuance and unsuccessful outcomes low, good decision-making and case management. The Area has been aware of poor performance in relation to unsuccessful outcomes, and has instituted a number of measures to learn lessons and reduce the number of these cases. The relatively high level of discontinuance has been reduced. The local OBTJ target for 2004-05 was

exceeded; the criminal justice agencies achieved joint performance of 64,602 (+41%) against a target of 50,923 (+11.2%). The OBTJ performance is ahead of target for 2005-06.

Aspects for improvement

- The Area performed worse than the national averages and targets in relation to pre-charge decision benefits realisation figures for the guilty plea rate and the discontinuance rate in the Crown Court, and the discontinuance rate in the magistrates' courts.
- The Area did not meet the national target of 21% and performed worse than the national average of 19.6% in relation to unsuccessful outcomes; however the Area met the local target of 23% with performance of 22.8%. There was a trend of improvement throughout the year, at the beginning of the year the rate was 29% and by the year end this had reduced to 17.4%.
- The Area had a high discontinuance rate (16.9%) which was significantly worse than the national average (12.5%); this has been a very long standing issue. However, there was a trend of improvement throughout the year with performance improving from 23.5% to 12.4% by the year end. The Area had a number of discharged committals although performance was better than the national average (0.1% compared to 0.3%).

5. HANDLING SENSITIVE CASES AND HATE CRIMES 4 - EXCELLENT

The review and the handling of all categories of sensitive cases are regularly and formally assessed. A number of Service Level Agreements to improve the investigation and prosecution of cases have been agreed with the police, and cases are flagged on the case management system (CMS). Cases are allocated to specialists and additional support is available from appointed champions who disseminate information and provide guidance. The Area is involved in a number of initiatives to enhance the handling of sensitive cases. Specialists prosecute in the established domestic violence cluster courts in Leeds, and contribute to further domestic violence projects and pilots. The race scrutiny panel reviews samples of completed cases, and racist incident data and trends are analysed and shared with community group representatives at quarterly meetings of the panel. Feedback is provided to Area staff where issues are identified to improve service delivery.

5A: The Area identifies and manages sensitive cases effectively

- The review and handling of sensitive cases are formally assessed through Casework Quality Assurance (CQA) checks and monitoring of unsuccessful outcomes; individual feedback is provided to lawyers and caseworkers. Management Information System (MIS) reports on outcomes of cases by category are produced each quarter and reviewed by the Divisional Crown Prosecutors (DCPs).
- The Area has issued standards on how sensitive cases should be handled; training is provided to lawyers and caseworkers to enable them to comply with the standards, and performance is assessed against these as part of CQA. Protocols and Service Level Agreements have been agreed where possible with the police and other agencies. All rape cases are allocated to specialists and Area guidance on the handling of such cases requires that there is consultation between the charging lawyer and a specialist lawyer if no further action is to be taken. There is also guidance requiring consultation with a senior lawyer (DCP) before a racially aggravated case can be discontinued or downgraded.
- The Area has appointed champions and specialists for sensitive cases, who disseminate information to prosecutors and caseworkers, provide guidance and mentoring, and manage cases where appropriate. The Complex Case Unit deals with cases of major complexity or sensitivity. Cases which can be handled within the prosecution teams are allocated to lawyers with appropriate skills, training and experience.

- Sensitive cases are generally flagged on CMS, and their review and handling is formally assessed with appropriate action being taken where necessary. The Area benchmarks its performance with that of other Areas to ensure they are generating volumes of sensitive cases in line with their overall casework profile. Ten files were examined as part of the reality check; nine were flagged as a racially aggravated incident.
- The training records show that all prosecutors were retrained during 2004-05 in respect of handling racially and religiously aggravated crime and all attended a course on dealing with sexual offenders. Prosecutors have also received domestic violence training and attended briefings in order to maintain the appropriate level of knowledge and awareness.
- The Area takes CPS policies and HMCPSI thematic reviews into account when devising Area practice. When CPS policies or HMCPSI thematic reviews are published the Area commissions a relevant in-house specialist to provide a report to the Area Management Board (AMB); the report identifies gaps in the response by the Area and proposes recommendations as to how these might be filled. The recommendations are reviewed by AMB and if accepted are implemented with briefings and instructions from the DCPs.
- The domestic violence cluster courts in Leeds are well established, the Area is fully involved in the initiative and tries to ensure specialist prosecutors are assigned to these courts. A pilot is underway in one division in the west of the county to fast track domestic violence cases through the magistrates' court, and a further pilot at a division in the east of the county recently commenced involving a dedicated team of domestic violence specialists.
- The Area systematically undertakes an analysis of hate crime cases in which a change of charge, or an agreed basis for plea, reduces or removes the 'hate element' from the offence. The Area operates a race scrutiny panel which consists of the Chief Crown Prosecutor, the Area Equality and Diversity Officer, the two Area race case specialists, community group representatives and an independent facilitator. This group meets four times a year and examines three or four completed cases at each meeting to assess what happened in each instance. Feedback is provided in the form of memos to all staff where issues and learning points are identified.

Aspects for improvement

- Unsuccessful outcomes for all hate crime totalled 39.9% during 2004-05.

6. CUSTODY TIME LIMITS
3 - GOOD

The Area has a customised written custody time limit (CTL) system which complies for the most part with the national guidance. This system is regularly updated to reflect any local or national changes. There was no CTL failure during 2004-05. Managers in the Area receive regular assurance as to the operation of the Area system. The Crown Courts in the Area monitor expiry dates and contact the CPS about issues of concern; however, the magistrates' courts, who have been consulted by the Area, do not play an active role in monitoring CTLs.

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

- The Area has a customised written custody time limit (CTL) system; there is evidence that this system has been reviewed when changes are made to local operational systems that will impact on CTL monitoring. Changes are also made when new case law or procedures are brought in. The Area system was reviewed and the CTL standard revised in June 2005.
- Managers in the Area carry out a monthly dip sample of CTL files which is recorded, problems are identified and action is taken. The results of these checks are copied to the Area Performance Team and to Area Crown Prosecutors.
- There was no CTL failure during 2004-05.
- The Crown Court centres in the Area are involved in monitoring CTL expiry dates and will contact the CPS should any issues arise, although no formal protocol is in place.
- The Area champions are responsible for ensuring staff are kept up-to-date when new case law or procedures are brought in, and deliver any training to Area managers when a need is identified, who in turn deliver training to their staff.
- The reality check indicates generally good practice; in a separate folder on each file, for any defendant where a CTL applies, there are three orange sheets, a CTL form detailing management checks, a CTL extension form and a CTL expiry imminent form.

Aspects for improvement

- The Area has a written CTL system, which complies for the most part with national guidance although it does not incorporate elements from the good practice guide. The guidance is not fully comprehensive and does not set out the system in step by step terms as required by the national guidance.

- There are no agreements with the local magistrates' courts for monitoring of CTLs.
- The Area uses the case management system (CMS) to monitor CTL expiry dates. A check of the system revealed that this system was not well maintained with a significant number of overdue tasks relating to CTLs in most units, although the Area identified that CTL tasks could not be deleted on CMS.

7. DISCLOSURE
3 - GOOD

CPS West Yorkshire performed well in undertaking the prosecution's duties of disclosure to the defence during the last inspection cycle. The robust Casework Quality Assurance system has confirmed this generally good performance. Training was provided to all lawyers and caseworkers in 2004-05 and further training for all lawyers and caseworkers has taken place during the current year. The Area provides training to the West Yorkshire Police and is involved in the planning and presenting of disclosure training programmes for specialist police teams.

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

- CPS West Yorkshire was one of the better performing Areas on disclosure during the last inspection cycle. The overall compliance with prosecution obligations in cases in the file sample was 78.8% compared to national performance of 70.3%. Following the last inspection report, published in July 2004, lawyers and caseworkers were issued local guidance on the duties of prosecutors as set out by the legislation, the code of practice and the Attorney General's guidelines. The guidance includes the requirement to instruct junior disclosure counsel in appropriate circumstances and details the process to be followed. The Area has complied with the disclosure plan which was set following the last inspection.
- Disclosure material and schedules are kept separately from the main file. Prosecutors' performance in relation to disclosure is formally assessed through the Casework Quality Assurance system checks, and tasks lists on the case management system are monitored to ensure there has been timely compliance.
- All sensitive material schedules and any sensitive material are stored securely. Any cases requiring the Area to store sensitive material are conducted by the Complex Case Unit and any such material can only be accessed at the behest of the Unit Head.
- The Area has agreed a protocol with the police for the handling of unused material. However, it has not proved possible to agree a protocol for third party disclosure with all five of the local authorities. The informal agreement between the Area, the police and four of the local authorities is being adhered to as one local authority has been unable to agree a protocol.
- The Area has appointed a senior lawyer as the disclosure champion, who disseminates information to prosecutors and caseworkers, and provides guidance and mentoring.

- Comprehensive disclosure training was provided to all lawyers and caseworkers in the last quarter of 2004-05. Training on the disclosure provisions of the Criminal Justice Act 2003 has been provided to the majority of lawyers and caseworkers in a programme of sessions running until March 2006.
- The Area contributes to the training of police constables in West Yorkshire and runs a weekly course on disclosure which is presented by a lawyer. More specific disclosure training has been provided in partnership with police trainers to police case builders, officers on “log keepers” courses and officers undertaking detective training. The Area helped develop a disclosure training programme for police officers handling homicide and major crime.
- The reality check of ten files indicates that both primary or initial, and secondary or continuing disclosure, are generally dealt with in an appropriate manner.

Aspects for improvement

- The disclosure record sheet is not being used in all cases and is not completed after each action taken.

8. THE SERVICE TO VICTIMS AND WITNESSES
3 - GOOD

Witness Care Units (WCUs) are in place as part of the No Witness No Justice (NWNJ) programme. Area processes have been amended to ensure that the handling of cases with witnesses is more effective and work continues with Local Criminal Justice Board (LCJB) partners to account for the full range of measures. The Area complies with the CPS national Direct Communication with Victims (DCV) scheme to send letters to victims when charges are discontinued or substantially reduced. Compliance with the scheme and the timeliness and quality of letters are checked. Witness warning procedures are sound and special measure applications are made in relevant cases. There is regular liaison with criminal justice partners to analyse cracked and ineffective trials due to witness issues, although performance during 2004-05 in the magistrates' court and Crown Court was worse than the national averages.

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

- Speaking up for Justice and DCV are embedded in the Area. The Area Victim Information Bureau (VIB) is responsible for sending letters in DCV cases. The Area measured compliance in 2004-05 as 75% and this was accepted by CPS Headquarters. Area Crown Prosecutors are held accountable for compliance with the scheme. The Area has set a local target for timeliness of letters which is tighter than the national target. The standard of letters is checked on a quarterly basis by the Chief Crown Prosecutor, who conducts a review and assesses five letters for each member of the VIB. Feedback is given and improvement activity implemented. The letters seen as part of the reality check were of a good standard, not formulaic and were tailored to the needs of the recipient.
- Witness warning procedures are effective and pre-trial checks are carried out to ensure accuracy. All relevant information is provided to the WCUs after the pre-trial review hearings in the magistrates' courts and case management hearings in the Crown Court, to ensure that witnesses can be warned in sufficient time. Checks are made by dip sampling to assess performance and timeliness, with feedback given on cases that have presented problems.
- There are processes in place to ensure that special measures applications are made in appropriate cases. Duty prosecutors at charging centres raise the need for special measures with police officers. Lawyers and caseworkers attending joint weekly meetings with the court and the police to ensure that effective measures are in place to allow cases to proceed.

- Most prosecution advocates and staff introduce themselves, and provide information, to witnesses at court. Feedback shows that this has happened and letters of commendation have been received.
- Liaison with the Witness Service and Victim Support occurs on a regular basis. The Area works with the Witness Service at special measures meetings and ensures that witness lists are forwarded. Victim Support and Witness Service are represented within the WCUs, and Victim Support is involved in the NWNJ project steering group at LCJB level.
- There is clear analysis of cracked and ineffective trial data on an Area and LCJB basis, and efforts are being made to secure a reduction in the number of cases where this occurs as a result of witness issues. Work at case progression meetings and with the courts on cracked and ineffective data feeds into the District Operation Groups (DOGs), where performance and trends are discussed. The DOGs share the information with LCJB ineffective trial sub-group and the delivery group. Action plans are agreed at the delivery group and circulated across the Area at team level for implementation.
- The Area has implemented WCUs across the Area. A unit covering the western side opened in Bradford in February 2005, and a unit for eastern cases opened in Leeds in October 2005 after some delays due to accommodation issues. The three month interim review of the Bradford WCU indicated that not all the minimum requirements were being met. After the review the Area worked to address issues in its control; some issues requiring changes in processes of criminal justice partners are being addressed through the LCJB and as yet remain unresolved.

Aspects for improvement

- The ineffective trial rate in the magistrates' court due to prosecution witness problems is 10.2% compared to the national average of 6.4% and in the Crown Court 4.7% compared to the average of 3.7%.

9. PRESENTING AND PROGRESSING CASES AT COURT 3 - GOOD

The Area has instituted internal measures that are contributing to more effective case progression in court. In 2004-05 there had been problems in readiness in the magistrates' courts and the Crown Court. Designated caseworker (DCW) usage is better than the national average and the Area has a Higher Court Advocate (HCA) cadre deployed exclusively in the Crown Court, although, a high percentage of magistrates' courts in the Area are covered by agents. The Area provides an agent's pack to newly instructed agents and expects pupil barristers to undertake some work shadowing in the Area before receiving instructions. The Area appointed an advocacy manager in January 2004 to assess and improve the standard of advocacy.

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

- The Area is among those agencies leading the initiative to improve case progression in court. The Eastern Area Crown Prosecutor (ACP) chairs the Local Criminal Justice Board (LCJB) Ineffective Trials sub-group responsible for bringing about improvements in case progression at court. The Area has encouraged its advocates to take decisions on cases at court and has identified cases which have not been progressed satisfactorily, and taken appropriate action.
- A Service Level Agreement between the Area and magistrates' courts governs the management of court business; this includes the transfer of cases between courts, thereby ensuring the ability to present cases effectively is not compromised. There is also an agreement with the courts and the police in relation to the handling of Narey cases, a pre-trial review protocol and a protocol for cases sent to the Crown Court. Regular formal and informal contact between the Area and representatives from other agencies provides a facility for feedback on the operation of the protocols.
- Papers are provided to agents, counsel and all in-house prosecutors in advance to enable most advocates to prepare thoroughly for court. DCW usage is better than the national average (16.2% compared to 8.3% nationally) and negotiations with the courts have resulted in more effective deployment. The Area has a HCA cadre deployed exclusively in the Crown Court on the full range of cases, and savings from HCA usage during 2004-05 were better than the national average. Although there is high agent usage, the Area tries to ensure that most trials are conducted by in-house advocates.

- Senior managers within the Area supervise the deployment of staff in the magistrates' courts, and ensure that courts are covered by prosecutors with the appropriate experience and expertise. Youth cases are reviewed by specialists and prosecuted by in-house advocates. There are well established domestic violence cluster courts in Leeds and a fast track court is being piloted in the west of the county. The Area tries to ensure that these courts are prosecuted by specialists; however, due to the large number of domestic violence cases in the Area this is not always achieved, although in-house advocates are deployed.
- The Area instructs counsel with the appropriate experience and expertise in the Crown Court. When selecting counsel, lawyers and caseworkers are informed by the knowledge of the specialisms and skills that the District Crown Prosecutors (DCPs) and caseworker managers have. The Complex Case Unit encourages the development of counsel in handling the more difficult and sensitive casework in the Area
- Complaints about prosecutors are investigated and action is taken if appropriate. The Advocacy Manager has monitored in-house staff where concerns have been expressed, and where an issue raised about an agent it was thoroughly investigated. Feedback in relation to HCAs and DCWs has been very positive.
- There is an Area endorsement standard and instructions to agents about court endorsements are detailed in the agent's pack. File endorsements that fall below the required standard; these are reported to senior managers who address issues with the individual concerned be they in-house staff or agents. The quality of court endorsements is also monitored during the monthly Casework Quality Assurance checks.
- Agents and counsel are given comprehensive instruction packs. The Area provides training for agents and counsel on new initiatives. All new counsel agents are required to spend a week training with Area staff, before they are instructed to prosecute, to ensure they are familiar with the standards of advocacy and file endorsements required.
- The training of new lawyers includes mentoring in the magistrates' courts and monitoring of advocacy. The Area Advocacy Manager monitors advocates and provides individual feedback to improve performance and facilitate development of staff. The Advocacy Manager has concentrated on providing guidance and feedback to less experienced advocates. This remit is to be extended to include all in-house advocates including HCAs. When attending the Crown Court as a HCA, the Area Advocacy Manager observes counsel and regularly discusses performance with the caseworkers.

Aspects for improvement

- Agent court coverage is significantly worse than the national average (37.6% compared to 26.9%), although it decreased from the previous financial year (39.2%).
- A combination of delays in receipt of files, inexperienced advocates and extensive use of agents caused problems in progressing cases in the magistrates' courts in 2004-05. There were some problems in the Crown Court. Extensive work has been undertaken to improve performance.

10. DELIVERING CHANGE

4 - EXCELLENT

The change programme in the Area has delivered a trend of improvement in performance throughout 2004-05, albeit that the average annual figures do not themselves reflect this. Implementing and planning for change is managed in a structured and systematic way. Responsibility and accountability for the delivery of change is allocated to a senior officer; progress and review are managed effectively by the Area Management Board (AMB). Plans have been developed to focus on key objectives and aspects of performance, and risks to delivery. Area planning processes are focused on outcomes, and performance management reports are produced to accompany change and assess progress. There is a coherent approach to change management in the Area; project methodology is used and project managers appointed. Risk management is embedded and is linked to both the day to day business and project management. Area training is linked to the business plan objectives and is tailored to individual needs identified through performance appraisal. There is a sound system to evaluate the benefit of training to the business.

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

- The Area has a clear sense of what it wants to achieve and staff understand it. The Area business plan highlights Area priorities, and those that it needs to deliver to meet both national and Local Criminal Justice Board (LCJB) targets. The plan outlines objectives, milestones and also highlights the individual who will be held responsible for delivery for each objective. The plan is extensive, and contains priorities that have been identified as weaknesses and risks through performance monitoring and risk assessment. Staff objectives are also derived and developed using the business plan objectives, and a laminated summary of the business plan has been made available to all staff to show how individual contributions link to Area objectives.
- Business plan objectives and milestones are reviewed at AMB on a quarterly basis. Progress against objectives is considered and remedial action taken if necessary. This process of review is further complemented by quarterly unit performance reviews which assess the overall contribution of the units in meeting Area milestones, targets and objectives. Business plan objectives are discussed at AMB where monthly analysis indicates if performance is missing target, and action is taken to address concerns.
- The Area has been instrumental in the development of joint plans to accompany shared criminal justice system initiatives. Joint plans have been developed for the implementation of charging, the Effective Trial Management Programme, No Witness No Justice and raising confidence in the criminal justice system. Cross-cutting objectives are included in individual agency business plans and responsibility for delivery is assessed at LCJB. The Area and the police Criminal Justice Department collaborated

in the development of their business plans, to ensure that there was a direct connection in some of the objectives that needed to be delivered in partnership. Accountability for the delivery of joint initiatives within the Area is managed through AMB.

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

- The Area's approach to change has been successful; adopting project management tools to manage and implement change. Clear accountabilities exist for implementing and driving change initiatives, with project managers appointed for most changes. AMB members have been allocated responsibility for the delivery of key initiatives; there is regular reporting against milestones and objectives. There was evidence within the restructure project that the Area was looking at change in a joined up way. The inter-dependencies and links between the project strands were recognised, documented and managed appropriately.
- Risk management and identification is linked to the Area business planning process. The risk register is reviewed quarterly to ensure that risk is managed and to identify the effectiveness of countermeasure deployment, as well as to identify any new risks. The risk register is formally updated and records action taken and outcomes of AMB discussions. The risk register identifies key risks to the business, in some cases these risks are linked to aspects of performance that have failed to meet target. Risk management is embedded at the senior level within the Area.

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

- Training is linked to Area objectives, and there is evidence that the Area business plan identifies the learning and development needed to support the delivery of projects, and business need. Training is identified through the performance appraisal process, and training needs are discussed at appraisal meetings and formalised in staff personal development plans. The Area offers case progression training to staff of all grades, and views training from the perspective of the wider benefits to the Service.
- Staff training is offered to both legal and non-legal staff. The Area staff development programme outlines the courses available, and is used in conjunction with personal development plans. In some instances the Area has commissioned courses to address general issues identified. For example, the Area recognised that there was a need to improve general management awareness on managing performance, and as a consequence mandatory management training was developed and provided.

- The Area evaluates training by the completion of course evaluation forms and by direct contact with the trainee and manager, to assess the impact of the training event on the business; training evaluation results are discussed at AMB meetings. The Area ensures that all staff attend mandatory training. The evaluation report breaks down the amount of training days against legal, management, coaching, administration and IT. The Area uses this to evaluate the equality of access to training.

11. MANAGING RESOURCES
3 - GOOD

There is sound evidence of financial control and management in the Area. Systems and processes are in place to manage the budget effectively. Decisions on staff deployment and strategic matters are evidenced at the Area Management Board (AMB). Budgets are devolved, with responsibility for budgets resting with Area Crown Prosecutors (ACPs). Processes exist to ensure that overall budgets are controlled and monitored at the Area level. The Area under-spent its budget by 2.5% in 2004-05; this was planned and declared to Headquarters. Designated caseworker (DCW) and Higher Court Advocate (HCA) deployment was better than the national averages. Area performance in relation to sickness rates and agent usage was worse than the national averages.

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

- There is clear evidence that the Area has taken steps to achieve value for money and that sound resource planning takes place. There is a systematic approach to staff deployment, the management of the costs associated with the day to day business, and the resource strategy used to manage the budget efficiently. Budgets have been devolved to Unit Heads who manage, and are held accountable for the full budget within their control. Quarterly unit performance reviews are used to assess unit spend, and a monthly review is carried out and considered at AMB.
- There was evidence that decisions have been taken which have resulted in value for money. The merging of administrative functions and casework registries has produced a more effective and efficient use of resources. The co-location with the police has allowed for administrative arrangements to be consolidated and the duplication of functions removed.
- The Area Finance Officer prepares a financial summary for the monthly AMB as well as controlling and auditing all budgetary expenditure. The last inspection report identified budgetary control and monitoring as a strength. A formal mid year review of the budget is undertaken; this is used to re-profile budgets.
- Prosecution costs are monitored; in 2004-05 the Area prosecution spend was 104.8% of budget, well within the national average of 118%. The Area has a double entry system to manage prosecution costs; this system is also used to chase late claims and to refuse claims which are 'out of time'. Training has been given to all caseworkers, casework managers and relevant lawyers on the system of graduated fees and high cost case management. This training has been consolidated by discussions and reminders at team meetings.

- The Area under-spent its budget in 2004-05 by 2.5%. This under-spend was notified to Headquarters and planned over the course of the year which is good performance for the purpose of the overall performance assessment. In 2003-04 the Area recorded a spend of 99.2% of budget.

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

- There is evidence that staff structures and numbers are considered at a strategic level. As part of the Area restructure there was a fundamental review of staff requirements for each location. This was carried out with the support of the national activity based costing team. There is also evidence that the Area has reviewed the workload profiles due to caseload changes and as a result action has been taken to address staff profiles. Frequent discussion on workload and staffing levels was evident in the AMB minutes.
- The Area operates the national flexible working arrangements which have been implemented with the agreement of the local trade unions. The Area has tailored the annual leave and flexible working leave policy to address problems which occurred around over-subscribed 'hot-spots'. The Area has staff who work term-time, part-time, including job sharing, and compressed hours, all of which are considered to meet the business needs. A pragmatic line has been adopted to additional requests for changes to working hours. In cases where requests are not granted a full reason is provided.
- Lawyers are expected to spend 60% of their time either in court or at the charging centre. The Area has introduced a monitoring system to assess performance.
- The Area performance in relation to DCW usage was 16.2% against national performance of 8.3%. In 2004-05, the Area's 17 DCWs covered 3,022 magistrates' courts sessions.
- Savings arising from HCA usage are above the national average at £274 per session as compared to national performance of £224 per session for quarter four in 2004-05. Since February 2005 the Area has deployed 5.7 HCAs as full-time Crown Court advocates with this rising to 7.7 as part of the overall advocacy strategy. Area performance in utilising HCAs in the year 2005-06 year is on target.

Aspects for improvement

- Agent usage within the Area is above the national average at 37.6% compared to 26.9% nationally. Overall in-house coverage of magistrates' court sessions was 62.4% which showed a slight improvement from 60.8% in the 2003-04 year. This coverage was the fifth poorest performance nationally. Due to the unsustainability of budget increases based on one year awards, a risk based decision to restrict recruitment was taken by the AMB that resulted in agent usage exceeding national norms.

- Average sick absence is 11.8 days per member of staff compared to 8.7 days nationally. The Area has worked hard to reduce the overall sickness rate and the 2004 annual figure has been inflated by long-term sickness of a number of employees who have since been medically retired. Sickness rates, excluding long-term sickness of periods over six months, were 3 days per member of staff.

12. MANAGING PERFORMANCE TO IMPROVE

3 - GOOD

The performance management regime in the Area was identified as a strength in the last inspection report. There is evidence of a well embedded performance management culture within the Area. The range and amount of data produced is extensive. Data produced is linked to the national measures, and the Area business plan targets and objectives. Analysis at unit level is also used to identify trends and assess performance. The Area shares data with criminal justice partners and joint performance is analysed and used to direct any improvement activity. Effective use is made of the case management system, and reports are produced to check data accuracy and standards of completion. The Casework Quality Assurance (CQA) scheme is used to check file quality, although there was not full compliance in the final quarter of 2004-05.

12A: Managers are held accountable for performance

- A monthly Area performance pack is prepared for AMB. Performance is a standing agenda item and is reviewed on an exception basis. Unit performance reports are also produced monthly. Both the Area report and the unit reports cover a wide range of measures relating to objectives, milestones and targets outlined in the Area business plan. There is evidence of well embedded performance management culture in the Area. The last inspection report identified performance management as a strength.
- Area analysis of performance data has led to improvement activity. Separate quarterly cadre meetings of District Crown Prosecutors (DCPs) and operational business managers focus on key performance issues, and these are used to discuss improvement activity for aspects of poor performance. The meetings are also used to ensure consistency of process, share best practice and to agree strategies for improvement. There is evidence that regular guidance and notes to staff are issued to inform them of changes to processes to improve.
- Managers are held accountable for operational effectiveness and continuous improvement. As part of the restructure programme all operational processes and systems were reviewed using the business excellence model which has continuous improvement at the centre of its principles. Additionally, the regular review of performance and effectiveness of charging demonstrates that there is an ethos of striving to improve throughout the senior and middle management levels.
- Under-performance identified through analysis of the performance appraisal system is addressed through a variety of means. Issues identified through the CQA scheme are disseminated to lawyers individually; identified trends are discussed at team level. Concentration on improvement is also consolidated by the use of individual personal objectives when appropriate.

- There is good evidence that the Area involves staff in improvement activity. Staff have been actively involved in developing plans for the Area restructure. Organisational reviews of processes were carried out by working groups of staff from across the Area; the groups included managers and non-managers, and subject experts.

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

- Performance analysis and management is evident with criminal justice partners. The Area is pro-active in working with its partners to drive up performance. The Chief Crown Prosecutor is the chair of the Local Criminal Justice Board (LCJB), and there is evidence of regular review of performance at both this strategic level as well as a focus on joint performance at the operational level. Members of the CPS attend the LCJB delivery group and district operational groups where performance is considered. Work with the police and the courts has improved results; this includes an improvement in the cracked and ineffective trial rates as well as improvement in the pre-charge discontinuance rates.
- The Area provides and shares relevant data with the LCJB performance officer. Data is also provided to the police and courts on Narey files, and prosecution team performance monitoring data is shared with the police to assess charging outcomes and performance.
- The Area's work on joint performance monitoring was recognised as good practice by Headquarters; the model adopted in the Area has been used to produce a national best practice model. Regular meetings between the DCPs and their police counterparts are used to consider unsuccessful outcomes and identify learning points. These meetings are also used to manage and monitor pre-charge cases which require further work by the police.

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

- The Area is fully conversant with the CPS Management Information System (MIS) and are seen as leaders within the Service. The Area has eight licence holders who interrogate and produce reports using the case management system (CMS). There was good evidence of monthly management reports being produced to check both data accuracy and casework results. Unit Performance Officers and DCPs are actively encouraged to use CMS and MIS reports to assess casework performance results.
- The Area carries out detailed accuracy work. Data errors are identified and sent to DCPs to assess and correct as necessary, prior to month end close down. There was also evidence of feedback to staff on improving data accuracy as a result of the detailed reports.

- Performance is regularly compared to other Areas, with CMS reports being produced to show relative performance against other metropolitan areas. Comparison is also made of results at the LCJB.
- Staff are made aware of performance through a variety of means. In late 2004-05, the Area started to produce a monthly performance newsletter. This is complemented by regular articles in the Area newsletter 'The Brief'. Team meeting minutes evidence discussion of performance, and much of the information available is placed on the Area notice boards and the shared drive.

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

- The CQA scheme results are considered at AMB, and there is evidence that the CCP uses the scheme to target aspects of performance that cause disquiet. Concerns about unsuccessful outcomes resulted in guidance being issued to DCPs to ensure that the CQA sample analysed such cases. Feedback is provided on an individual basis.

Aspects for improvement

- Compliance with the CQA system was only 70% in 2004-05. The Area found it difficult to maintain compliance as the restructure had increased the resource burden on management levels. Since April 2005 there has been 100% compliance. Area managers accepted that during restructure compliance rates with CQA had diminished; this risk was accepted on the basis that other systems to assess the quality of casework, for example adverse case analysis, could be used to assure the quality of casework.

13. LEADERSHIP
3 - GOOD

The Area Management Board (AMB) has published its own vision and values statement and has clear terms of reference for leadership of the Area. There is a corporate approach to managing business and members of the AMB are active in leading cross agency initiatives. Communication with staff is meaningful through a variety of media, and good performance is recognised and rewarded. The Area Business Manager (ABM) is the Area Equality and Diversity Champion supported by the Regional Equality and Diversity Officer (REDO); 'equality proofing' is undertaken by the Area Equality and Diversity Group. The Area workforce reflects the local community it serves.

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

- Vision and values are clear, focused and stated; the Area has published its own vision and values statement which is closely linked to the national statement. The Area Management Board (AMB) has clear terms of reference; leadership, management of performance and the promotion of equality and diversity.
- There are clear arrangements for the corporate management of the Area; this culture is embedded at all management levels. The Area business plan details the accountability of the senior managers for specific actions, and the AMB meets every month publishing minutes of the meetings to all staff. There are regular level D and level B managers meetings. Twice yearly management conferences are held, to prepare the business plan and to review progress and ensure key priorities are addressed. Unit management team and other team meetings are used to disseminate key corporate messages to staff.
- Communication with staff occurs at the right time and is meaningful. The Area has taken action to address the result in the staff survey which showed staff satisfaction with communication was 4% less than the national average. The Area has a communications strategy, regular team meetings are held for all levels of staff where performance and change are discussed, and the Area publishes a quarterly newsletter ('The Brief'), a monthly casework bulletin ('Advocacy News') and monthly performance reports for staff. The Area holds regular focus groups throughout the year that are independently facilitated; during 2004-05 half the Area staff participated in these focus group sessions.

- The Area has considerable responsibility in leading criminal justice initiatives. The Chief Crown Prosecutor is chair of the LCJB, the ABM attends the LCJB Delivery Group, the Eastern Area Crown Prosecutor (ACP) has a key role at the LCJB Trial Effectiveness Group and the Western ACP chairs one of the District Operational Groups. There are also strong partnerships between Area managers and the police at various levels, the Court District Legal Directors and both Crown Court Recorders. A number of managers and lawyers are leading cross criminal justice agency initiatives; asset recovery, anti-social behaviour and No Witness No Justice, and the head of the Complex Case Unit chaired the street crime working group. There is evidence in the minutes and outcomes of the joint project groups that there is open and frank dialogue, and a desire to improve performance and work together.

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

- The Area's commitment to equality and diversity policies is evidenced in a number of ways, including the personal commitment and involvement of managers. The ABM is the Area champion for equality and diversity issues and is supported by the REDO. The Area has an equality and diversity plan which is incorporated into the Area business plan for delivery. The Area has an Equality and Diversity Group which has clear terms of reference for 'equality proofing', and advising on the monitoring and implementation of measurable equality and diversity policies and objectives.
- Although the Area result in the staff survey for dignity at work was 8% worse than the national average, the Area has worked hard to address this. The Area has established staff focus groups and a specific black and minority ethnic focus group. These are independently facilitated and are held regularly throughout the year. The Area has encouraged a culture whereby all staff are encouraged to identify and challenge unacceptable behaviour; there was evidence that concerns raised had been addressed. In addition, an Area behaviours document has been developed which sets out the behaviour expected of all staff in support of its vision and values.
- The AMB demonstrates a willingness to learn through reviewing success and failure, and evaluates its approach against performance outcomes. It conducted two snapshot surveys during 2004-05 to evaluate progress since the national staff survey, but the return rate was not high.
- The commitment of senior managers to outward looking activity is clear and demonstrated; senior managers are required within their personal objectives to undertake a minimum of three community engagement sessions a year, which is invariably exceeded.

- The Area has developed a reward and recognition strategy, although this has not been recorded. In addition to the performance appraisal system, the CCP and ABM write to staff as recognition of good performance, and staff who achieve significant success are invited to participate in the Area management conferences where achievements and contributions are formally recognised.
- Staff reflect the working population served by the Area's offices. The Area has 13.6% black and minority ethnic staff, compared to a local working population of 11.2%; the Area also exceeds the benchmark for disabled, female and part-time staff.

14. SECURING COMMUNITY CONFIDENCE

4 - EXCELLENT

The Area has received two national CPS equality and diversity awards for community engagement initiatives. The Area is committed to engaging with the community and this forms part of the core business for staff at all levels. The Regional Equality and Diversity Officer (REDO) manages community engagement activity and advises the Area Management Board (AMB) on the value of contacts and activity within the community. The Area consults and participates with community groups and is able to show a number of service improvements as a result of activity undertaken. Public confidence in the effectiveness of criminal justice agencies in bringing offenders to justice has increased by 5% against the baseline to 40%, although the figure is below the national average of 43%.

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

- The commitment of senior managers is clear and demonstrated by undertaking a minimum of three (and generally more) community engagement sessions a year. Securing the confidence of the community is seen as part of the core business and evidence exists of wider engagement activity with the community.
- The Area has a community engagement strategy and an action plan, both are updated annually. These are linked to the Area objectives in the business plan, which provides measurable objectives and clearly indicated responsibilities. In addition, the Area has a range of guidance materials that support engagement activity with diverse communities, for example the guidance on religious holidays and festivals.
- Activity across the Area is captured on community engagement returns; these are collated on a monthly basis as part of the Area performance pack, and are included in the community engagement log. There is a comprehensive database of community organisations at Area level which is supplemented by a manual directory of community groups.
- Community confidence work is marshalled by the REDO who advises the AMB as to the relevance and priority of community contacts and activity. Two members of staff in the east and west of the county deliver and co-ordinate community engagement activity at a local level.
- Staff of all levels participate in a range of community engagement activities. Staff willingly volunteer to participate in activity that is undertaken on evenings and at weekends.

- The Area understands the demographics of its population as a result of a funded study carried out by Hull University; this provides comprehensive mapping of the community at ward level. The Area recognises that a number of groups are at the greatest risk of exclusion and has made approaches through the REDO, for example to lesbian, gay, bisexual and transgender groups, and engaging regularly with the traveller communities through 'Leedsgate'. The Area hosted the seminar of 'Understanding Racial Incitement'. This received much public support and attracted positive media coverage, and in addition, won the CPS national equality and diversity award for working towards raising public confidence amongst diverse communities.
- The Area undertakes and demonstrates a full range of consultation, participation and information-giving with a wide range of statutory agencies and community groups. The Area uses the plans of the Crime and Disorder Reduction Partnerships (CDRPs) in developing the Area community engagement action plan to ensure priorities are aligned. Links have been established with the five CDRPs through the LCJB and the Area anti-social behaviour expert.
- Service improvements have been made and implemented on the back of consultation. For example, the race scrutiny panel chaired by the Chief Crown Prosecutor has improved the prosecution of cases with a race dimension by highlighting issues and trends, increased the confidence of black and minority ethnic communities in the prosecution of hate crime, and reduced the number of unsuccessful outcomes which are directly attributable to failures in the criminal justice process. The initiative won the CPS national equality and diversity award for innovation in community engagement strategy. The local domestic violence pilot has improved the effectiveness of the domestic violence cluster courts by ensuring more effective support for victims from the voluntary sector and more robust prosecution.
- The last inspection report, published in July 2004, noted the pro-active approach towards engaging with the local media (by promoting successes and responding to criticism), and the quality of response to complaints. Confidence in the ability of the criminal justice agencies to bring offenders to justice within West Yorkshire stands at 40%, as measured by the British Crime Survey. This has increased by 5% since 2003, although the figure is below the national average of 43%.

ANNEX A

PERFORMANCE DATA

ASPECT 1: PRE-CHARGE DECISION-MAKING

MAGISTRATES' COURTS CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	16.3%	21.3%	52%	68.8%	65.2%	31%	22.7%	27.8%
CROWN COURT CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	14.6%	15.8%	68%	66%	62.5%	23%	23.8%	22.4%

ASPECT 2: MANAGING MAGISTRATES' COURTS CASES

INEFFECTIVE TRIAL RATE			OVERALL PERSISTENT YOUNG OFFENDERS PERFORMANCE (ARREST TO SENTENCE)		
National Target	National Performance 2004-05	Area Performance 2004-05	National Target	National Performance (3-month rolling average Feb 05)	Area Performance (3-month rolling average Feb 05)
24.5%	24.8%	26.5%	71 days	67 days	75 days

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

	Initial Guilty Plea Target 59 days		Trials Target 143 days		Committals Target 176 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	83%	6,152	66%	2,698	89%	992
Area	80%	289	66%	131	84%	50

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

	Initial Guilty Plea Target 59 days		Trials Target 176 days		Committals Target 101 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	87%	5,185	87%	3,309	91%	190
Area	91%	310	79%	203	89%	18

ASPECT 3: MANAGING CROWN COURT CASES

INEFFECTIVE TRIAL RATE		
National Target	National Performance 2004-05	Area Performance 2004-05
18.5%	15.8%	16.1%

ASPECT 4: ENSURING SUCCESSFUL OUTCOMES

UNSUCCESSFUL OUTCOMES (AS A PERCENTAGE OF COMPLETED MAGISTRATES' COURTS AND CROWN COURT CASES)		
National Target	National Performance 2004-05	Area Performance 2004-05
21%	19.6%	22.8%

OFFENCES BROUGHT TO JUSTICE		
	CJS Area Target 2004-05	CJS Area Performance 2004-05
Against 2001-02 baseline	+11.2%	+41%
Number	50,923	65,602

ASPECT 7: DISCLOSURE

DISCLOSURE HANDLED PROPERLY IN MAGISTRATES' AND CROWN COURT CASES PERFORMANCE IN THE LAST INSPECTION CYCLE		
	National Performance	Area Performance
Primary test in magistrates' courts	71.6%	85.2%
Primary test in Crown Court	79.9%	87%
Secondary test in Crown Court	59.4%	64.1%
Overall average	70.3%	78.8%

ASPECT 11: MANAGING RESOURCES

NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE (END OF YEAR RANGES)	
2003-04	2004-05
99.2%	97.5%

DCW DEPLOYMENT (AS % OF MAGISTRATES' COURTS SESSIONS)			HCA SAVINGS (PER SESSION)		SICKNESS ABSENCE (PER EMPLOYEE PER YEAR)		
National Target 2005-06	National Performance 2004-05	Area Performance	National Performance 2004	Area Performance 2004	National Target	National Performance 2004	Area Performance 2004
11.6%	8.3%	16.2%	£224	£274	8 days	8.7 days	11.8 days

ASPECT 14: SECURING COMMUNITY CONFIDENCE

PUBLIC CONFIDENCE IN EFFECTIVENESS OF CRIMINAL JUSTICE AGENCIES IN BRINGING OFFENDERS TO JUSTICE (BRITISH CRIME SURVEY)	
CJS Area Baseline 2002-03	Most Recent CJS Area Figures In 2004-05
35%	40%

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