

PSA Delivery Agreement 24: Deliver a more effective, transparent and responsive Criminal Justice System for victims and the public

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VISION

1.1 The Government's vision is for a Criminal Justice System (CJS) that puts victims at its heart and in which the public are confident and engaged. It will be effective in bringing offences to justice through simple and efficient processes.

1.2 In 2006-07, 1.42 million offences were brought to justice – an increase of more than 40 per cent since 2001-02. Nearly 60 per cent of victims and witnesses are satisfied with the criminal justice system and longer-term trends in public confidence are upwards, with just over 42 per cent of the public confident that the system is effective in bringing offenders to justice. Perceptions of fair treatment among black and minority ethnic communities have improved but the Government still needs to improve understanding of, and address, race disproportionality in the CJS.

1.3 There is still more to be done. We need to ensure that the CJS builds upon these successes in support of the Government's Crime Strategy, by improving the efficiency and effectiveness with which serious crime, particularly serious sexual offences, are investigated and prosecuted.

1.4 Successful delivery of the Government's vision cannot be imposed simply through top-down performance management, and the strategy is therefore to develop a criminal justice operating framework that:

- provides local services with greater flexibility to determine how this vision is delivered efficiently and effectively;
- engages individuals and communities in shaping services;
- supports frontline delivery by building the capability and capacity of its workforce; and
- works effectively with the private and voluntary sector to increase efficiency and quality of service and foster innovation.

1.5 The Criminal Justice System has a key role to play supporting the Crime Strategy. Catching and convicting criminals helps to deter crime and re-offending, and reduces the overall incidence of crime, making communities safer places in which to live and work. This PSA represents the high level measures of success for the CJS strategy, and sits alongside the commitments set out in PSA 23 to *Make Communities Safer*, as well as PSA 14 to *Increase the Number of Children and Young People on the Path to Success*.

1.6 PSA 23 has been designed to build on the recent successes in reducing crime, but has a specific focus on protecting the public from the most serious crime. It also includes an ambition to reduce re-offending. By delivering justice efficiently and effectively, meeting the commitments in this PSA will contribute to deterring re-offending and reducing the overall levels of crime.

1.7 PSA 14 includes a commitment to reduce the number of first time entrants to the Youth Justice System. This PSA will support this aim by promoting a proportionate response to less serious offences and increased flexibility for partners to focus on delivering an effective criminal justice response to local priorities.

1.8 The effective delivery of these strategies will continue to require close working, particularly locally between Local Criminal Justice Boards (LCJBs) and Crime & Disorder Reduction Partnerships (CDRPs)¹ to ensure that local delivery plans are co-ordinated.

¹ In Wales: Community Safety Partnerships (CSPs).

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MEASUREMENT

2.1 The indicators set out below represent the key measures of success in delivering the vision for this PSA. In delivering the core business of the CJS efficiently and effectively, these indicators recognise that we also need to:

- ensure that the public recognise, understand and support our services so that they have confidence in them;
- meet the reasonable expectations of people using criminal justice services; and
- treat minority groups fairly and equitably.

Indicator 1: Effectiveness and efficiency of the CJS in bringing offences to justice

- The Criminal Justice System has delivered major improvements in building a more joined-up service, bringing more offences to justice, supporting victims and witnesses better, and improving the efficiency of key processes. But there is more to do to make sure that the system responds to the needs of all communities and all individuals; improves the way in which the most serious offences, including serious sexual offences, are investigated and prosecuted; drives up efficiency and effectiveness across the whole system; and focuses on outcomes which reduce the harm caused by crime and re-offending. A new indicator will therefore measure the efficiency and effectiveness of the criminal justice system, which will include a measure of offences brought to justice.
- The Government will also continue to use offences brought to justice (OBTJ) as an indicator to manage LCJB performance. While the new indicator on effectiveness and efficiency will be developed, this local indicator will be used as a proxy measure in this PSA. In particular the focus will be on improving performance in dealing with those offences where convictions rates are very low, for example rape.¹

Indicator 2: Public confidence in the fairness and effectiveness of the CJS

- Public confidence in the fairness and effectiveness of criminal justice is essential. Low public satisfaction and confidence lead to unnecessary fear of crime and insecurity, and mean that the public is less likely to report crime or act as witnesses. This indicator and indicator 4 below complement the Government's primary objective to improve criminal justice system performance.

¹We will measure OBTJ as a rate of recorded crime, so that changes on levels of crime, and differences in crime levels between LCJB areas, can be taken into account in the assessment of performance. Performance will be broken down by offence type, and segmented into: serious violent and sexual crime; serious acquisitive crime; and other recorded crime. These categories are consistent with those in PSA 23. However, in the PSA 23, although Key Priority Action 1 does include tackling serious sexual offences within its overarching objective, it is not possible to include serious sexual offences in the specific measure. The nature of these offences means that many crimes remain unreported. It is not possible to measure through recorded crime the true extent of offending, and they are therefore not included within the national indicator to reduce serious crime.

Indicator 3: Experience of the CJS for victims and witnesses

- This indicator reflects the Government's ambition to deliver a better standard of customer service that meets the needs of victims and witnesses and delivers improvements in both victim satisfaction with the police and victim & witness satisfaction with the CJS.

Indicator 4: Understanding and addressing race disproportionality at key stages in the CJS

- The CJS is working to develop a better understanding of the scale and causes of under- and over-representation of people from ethnic minorities in the CJS.

Indicator 5: Recovery of criminal assets

- This indicator measures success in depriving criminals of the proceeds of their crimes, and it has a national target attached. Asset recovery work can play a major role in reducing the harm that crime causes to the community. It can ratchet up the pressure on criminals, at the criminal's own expense. It can begin to damage the incentives to crime, and undermine negative role models.

2.2 Alongside these indicators the Government will develop a robust measure of compliance and enforcement before the end of the CSR07 period. Prior to this, key areas of enforcement activity will be measured through a basket of measures to monitor delivery at operational level.

2.3 All indicators, with the exception of asset recovery, relate to performance in England and Wales. Asset recovery performance also covers activity in Northern Ireland, as well as co-operation with international partners.

3

DELIVERY STRATEGY

ACCOUNTABILITY AND GOVERNANCE

- Ministerial accountability** **3.1** The lead minister for this PSA is the Lord Chancellor and Secretary of State for Justice. But successful delivery of this PSA will require shared ownership and effective joint working between all CJS departments and agencies. The Lord Chancellor and Secretary of State for Justice, the Home Secretary and the Attorney General therefore all share responsibility to deliver this PSA. However, the Home Secretary is solely responsible for improving victim satisfaction with the Police; and CJS ministers share responsibility for the improvements in the asset recovery indicator with the Chancellor of the Exchequer and the Secretary of State for Northern Ireland.
- 3.2** The Senior Responsible Officer for this PSA is the Chief Executive of the Office for Criminal Justice Reform. The relevant Cabinet Committee/s will drive performance by regularly monitoring progress, holding departments and programmes to account and resolving inter-departmental disputes where they arise.
- 3.3** Beyond this, the National Criminal Justice Board (NCJB) brings together CJS ministers, senior representatives of the three government departments, the key criminal justice agencies and representatives of the judiciary and the voluntary sector, to oversee aspects of criminal justice strategy and performance, including delivery of this PSA. The NCJB sets the strategic direction and agrees targets for Local Criminal Justice Boards (LCJBs).
- 3.4** The NCJB will work with the National Crime Reduction Board (NCRB) to oversee effective co-ordination in the delivery of the crime and criminal justice strategies and PSAs – there will be a close relationship between the two boards (including some overlap in membership) but distinct terms of reference.
- PSA delivery board** **3.5** The CJS Operational Board is the official-level PSA delivery board, chaired by the Senior Responsible Officer. It supports the NCJB in its role and has delegated day-to-day responsibility to a number of Delivery Boards including:
- Efficiency and Effectiveness Delivery Board;
 - Confidence and Customers Delivery Board;
 - Victim and Witness Delivery Board;
 - Asset Recovery Board; and
 - Enforcement Delivery Board.
- The Office for Criminal Justice Reform** **3.6** The Office for Criminal Justice Reform supports CJS ministers, the NCJB (and the wider CJS governance structures) and LCJBs in fulfilling their roles. Specifically, OCJR is responsible for CJS strategic planning, portfolio management of the CJS reform programme and managing the relationship with LCJBs.
- Local Criminal Justice Boards** **3.7** Local Criminal Justice Boards (LCJB) are the principal vehicles for frontline delivery of this PSA. LCJBs bring together the local chief officers of the Police, Crown Prosecution Service, Her Majesty’s Court Service, the Prison and Probation Services and the youth offending teams in each of the 42 criminal justice areas in England and Wales. Their role is to: agree and own local contributions to national targets through the business planning cycle; develop and agree local strategies and plans to deliver the

targets; and identify priorities, manage performance and address issues of poor performance or concern.

3.8 During the next spending period, the Government will also look to develop the role of LCJBs to manage CJS reform programmes in their local areas. The CJS will be testing its capacity and capability to meet this challenge by piloting a core programme of CJS reform in ten LCJB “Beacon” areas during 2007-08. The ten “Beacon” LCJBs are receiving support and training to conduct a detailed analysis of their criminal justice processes to identify their key priorities for reform. Alongside this, the Beacon LCJBs will implement a core criminal justice reform programme including major national change projects such as conditional cautioning and “Simple Speedy Summary Justice” (CJSSS) in the magistrates’ court.

DELIVERY

3.9 Four key principles will guide the delivery of the reform of CJS services to meet these commitments:

- **‘effective in bringing offences to justice’** – a system that is effective in bringing crime, and in particular the most serious offences, to justice so that it plays its part in reducing crime and re-offending;
- **‘the public confident and engaged’** – people in local communities informed about the performance of the system, consulted and engaged about their priorities so they can be confident that it is fair, effective and meets local needs;
- **‘the needs of victims at its heart’** – high standards of service for victims and witnesses with the needs of victims at its heart; and
- **‘simple, efficient processes’** – speedy, streamlined and efficient processes supported by modern technology that enable the police to focus their time on tackling crime.

3.10 The key strategies to reform the CJS, which will support the efficient and effective delivery of justice, will be set out in the Criminal Justice System Strategic Plan 2008-11, which will be published in November 2007. This builds on the Crime Strategy¹, which was published in July 2007.

3.11 At a national level, the five strands of this PSA, each with an indicator, are closely linked. Improvements in the way that the CJS deals with crime through more efficient and effective services, improved services to victims and witnesses and to Black and Minority Ethnic (BME) groups and taking more of the profit out of crime, alongside the opportunities for the public to engage with and shape these services, should help to drive up overall public confidence in the fairness and effectiveness of the CJS. Providing a better, faster service which supports victims and witnesses should encourage them to pursue case through to trial, and improve public perceptions about how the CJS puts victims and the public at its heart.

¹ *Cutting crime – a new partnership 2008-11*, Home Office, July 2007.

PRIORITY ACTION 1: INCREASE THE EFFICIENCY AND EFFECTIVENESS OF THE CRIMINAL JUSTICE SYSTEM IN BRINGING OFFENCES TO JUSTICE

3.12 The cross-CJS Efficiency and Effectiveness Delivery Board will be responsible for delivery of Priority Action 1 including the following key areas of work:

- the development of a cross-CJS measure of efficiency and effectiveness. This will incorporate work to implement recommendation 11 of Sir Ronnie Flanagan's interim report on his review of policing to reduce the burden of case file preparation;²
- LCJBs will develop local delivery strategies setting out how they plan to support the delivery of the crime strategy, with its focus on tackling serious crime. LCJBs will be performance managed against the delivery of their local strategies;
- offences brought to justice will continue to feature as a supporting indicator of LCJB performance, consistent with the categories of crime set out in PSA 23 to *Make Communities Safer*. We will particularly be looking to improve performance in relation to serious offences, for example rape;
- the Rape Performance Group has been established as a cross-CJS group responsible for driving progress in the investigation and prosecution of rape. This group monitors police force and CPS area performance on the end-to-end criminal justice process and provides operational support to areas facing particular challenges. It is also responsible for overseeing the implementation of local action plans to implement the recommendations of the 2007 Her Majesty's Inspectorate for Constabulary (HMIC)/Her Majesty's Crown Prosecution Inspectorate (HMCPSI) rape inspection report *Without Consent*.³ In line with the focus of PSA 23, this group will extend its remit to other serious sexual offences from 2008-09, and the indicators used by the group will be included within the APACS⁴ framework. It reports to the Inter-Departmental Ministerial Group on Sexual Offending, as well as the National Criminal Justice Board, Police Performance Steering Group, CPS and OCJR as appropriate;
- increased efficiency in the courts through the delivery of the Simple, Speedy, Summary Justice strategy led by the Ministry of Justice, which improves the processes and procedures by which cases are managed through the system, eliminating unnecessary court hearings and reducing the time taken to conclude cases in both the magistrates' and Crown courts;
- reducing the burden of bureaucracy by eliminating unnecessary work on, and time dedicated to, case file preparation through closer working between the police and the Crown Prosecution Service (CPS). This aims to get the charge right, ensure cases are prepared thoroughly and proportionately, and to reduce attrition throughout the criminal justice process;

² *The Review of Policing, Interim Report*, Sir Ronnie Flanagan, September 2007.

³ http://www.hmcp.si.gov.uk/reports/Without_Consent_Thematic.pdf.

⁴ Assessments of Policing and Community Safety.

- better end-to-end management of CJS resources, both nationally and locally that is being developed, through two tools, the National Change Model and a cross-CJS process map, known as the CJS Waterfall, which incorporates the costs of CJS processes. These tools help Local Criminal Justice Boards (LCJBs) and the CJS to highlight areas of waste, identify opportunities for changes in business processes and to realise the benefits they deliver;
- enhancing the criminal justice agencies' management of prolific and priority offenders by increased and more effective joint working between the police, prosecutors, courts and local criminal justice agencies to ensure criminals are brought to justice for the full extent of their offending and given the support they need to stop them re-offending;
- enhanced services to support victims (particularly in relation to rape offences) and witnesses, (particularly vulnerable and intimidated witnesses) to ensure that they engage with the criminal justice process and receive better access to justice;
- the new National Enforcement Service will ensure increased compliance by offenders with the orders of the courts and, when non-compliance occurs, more effective and timely enforcement action; and
- facilitating current cross-CJS investment in electronic preparation and presentation of evidence to maximise its potential for delivering more effective cases and efficiency savings.

PRIORITY ACTION 2: TO INCREASE THE LEVELS OF PUBLIC CONFIDENCE IN THE FAIRNESS AND EFFECTIVENESS OF THE CJS

3.13 Priority action 2 and the associated indicator, seeks to improve public confidence in the fairness and effectiveness of end-to-end criminal justice services at the national level. At the local level it seeks to improve confidence in the local delivery of criminal justice services, with a particular focus on strengthening community engagement with the CJS and improving staff engagement and confidence in the services they provide.

3.14 This complements the indicator in PSA 23 which focuses on perceptions of local agencies involved in tackling crime and anti-social behaviour (ASB). Together, these indicators seek to ensure that the public has a role in shaping local services; that they recognise, understand and support the efforts to tackle crime; and that they have confidence that the CJS as a whole deals fairly and effectively with crime.

3.15 Successful delivery will rely on a combination of the delivery of the national crime and justice strategies, supported by local delivery of services by CJS departments and agencies. Meeting these commitments will therefore require co-operation and effective partnership working both nationally, and locally through partnerships between LCJBs and Crime and Disorder Reduction Partnerships (CDRPs)/CSPs.

3.16 The day-to-day management of this indicator is the responsibility of **the cross-CJS Confidence and Customers Delivery Board**, which is also responsible for victim and witness satisfaction and race disproportionality.

Role of LCJBs 3.17 Perceptions of fairness and effectiveness will be measured at a national level by questions in the British Crime Survey. It is not intended to devolve the headline indicator to LCJBs. However, in addition to the delivery strategies outlined elsewhere in the delivery agreement, LCJBs will be expected to produce and deliver clear plans for improvements in:

- **community engagement** – to drive up the responsiveness and transparency of local CJS services. OCJR will work with CJS officials, LCJBs and CDRPs to identify and share suitable techniques to improve and co-ordinate local activity to involve and consult individuals and communities on priorities in delivery of local CJS services. It will encourage LCJBs and CDRPs to use this to inform an agreed assessment of local crime trends; to develop and agree local delivery plans to address local concerns; and the allocation of resources to deliver them; and
- **staff engagement** – to improve the quality and quantity of information provided by CJS staff and volunteers to the public, through an increased understanding of the roles of the end-to-end system, better joined-up working and increased staff confidence. CJS staff are potential advocates for the system, and have the potential to significantly drive up public confidence in fairness and effectiveness.

3.18 LCJBs will be given local flexibility to determine their own priorities for delivery, to set their own success criteria and to develop action plans, using local data. Action plans will be assessed and progress against an agreed set of indicators will be monitored through the established OCJR performance management framework.

3.19 OCJR will continue to work with colleagues to provide central support to LCJBs and CDRPs through monitoring and dissemination of good practice; a continuing programme of research and data analysis to develop further our understanding of the drivers of confidence and what works to address them; and through national and local communications strategies to promote public knowledge and understanding of the CJS and shared successes.

PRIORITY ACTION 3: TO INCREASE THE PROPORTION OF VICTIMS AND WITNESSES THAT ARE SATISFIED WITH THE WAY THEY ARE TREATED BY THE CJS

Role of LCJBs and CJS agencies 3.20 LCJBs and the CJS agencies they comprise will also be the principal actors to deliver improvements in the victim and witness satisfaction indicator, monitoring local performance through agreed performance measures. Key actions will include:

- all victims and witnesses receiving a high quality of service from CJS staff. CJS agencies will ensure they will comply with the standards contained in the Code of Practice for Victims of Crime and the Witness Charter, and other individual agency service standards;
- the quality of the service provided by the police is vital, not just in its own right, but to ensure the willingness of victims and witnesses to engage with other services as well as influencing their level of satisfaction provided with the wider CJS. Indeed many victims' cases will not reach the stage of a trial. For these reasons "victim satisfaction with the police" will form one part of the composite indicator. This will reflect that the experience for many

victims will only be with the police and allow better capture of peoples' experience;

- all police forces are required meet service standards set out in the *Quality of Service Commitment (QoSC)*.⁵ This includes improving ease of contact with the police, keeping victims informed of progress and engaging with communities to give them a voice regarding services and service delivery. It aims to ensure that everyone who comes into contact with the police receives a high level of service and provides a framework for measurement. Progress against this indicator will be tracked through the Police Performance Steering Group using the Assessments of Policing and Community Safety;
- improving the ease with which CJS services can be contacted and accessed. CJS agencies will ensure that calls are handled in accordance with agreed standards, and that services provide a coordinated response to victim and witness needs rather than operating in individual silos;
- victims and witnesses receiving information about the CJS and about the progress of their case on a regular basis. Victims and witnesses state that not receiving timely information about how the CJS works, or about key events in their case, is one of the key issues about which they are dissatisfied. Victim care agencies will provide timely updates about developments in the case, from reporting of a crime through to sentence and beyond. They will also provide information about the CJS through leaflets, websites, DVDs and other appropriate formats;
- vulnerable and intimidated victims and witnesses will be identified and given appropriate support. Evidence suggests that CJS agencies under-identify the extent of vulnerability and intimidation. They will improve the effectiveness of identification processes through needs assessments at key stages in the criminal justice process to ensure that vulnerable or intimidated victims and witnesses are given the right support, and that special measures in court can be applied to assist them in giving their best evidence;
- ensuring victims and witnesses are offered practical and emotional support. CJS agencies will ensure timely referral of victims and witnesses to appropriate organisations where necessary, and help voluntary and community sector organisations to deliver tailored support;
- improving the experience of going to court. CJS agencies will fully inform witnesses about the court experience, making witnesses feel that their time at court has been well spent and that their contribution to the case has been important;
- undertaking a study on the feasibility of measuring the satisfaction of victims of serious sexual offences with the criminal justice process. Victims of these crimes are currently excluded from our measure of victim satisfaction for a number of ethical, methodological, and practical reasons. We want to establish whether it is possible to address these issues so that we

⁵ See <http://police.homeoffice.gov.uk/police-reform/reform-programme/citizen-focus/customer-service-standards>.

can actively monitor the experience of some of the most vulnerable victims in the criminal justice system;

- OCJR will also ensure victims and witnesses are given the chance to have their voice heard in the system. Needs assessments at key stages will allow CJS staff to identify victims' and witnesses' individual needs, and to provide appropriately tailored support. The Victim Personal Statement scheme will allow victims of crime to tell CJS agencies and any other person or organisation involved in the case how the crime has affected them. OCJR will also set out clear standards of service that victims and witnesses can expect to receive, together with a clear means of resolution if those standards are not met. At national level, it will continue to support the Victims' Advisory Panel, so that there is a voice for victims at the heart of Government, and it will work with LCJBs to explore how to best achieve the same result at local level; and
- Local Authorities and voluntary sector organisations will also play an important role. It will be important for LCJBs to develop appropriate links with CRDPs, so as to ensure that strategies are joined-up in relation to prevention and support. But LCJBs should also work effectively with other organisations, for example, Police Authorities have a key role to play in terms of engaging with the community, establishing expectations and monitoring and reporting on performance.

KEY PRIORITY ACTION 4: BETTER IDENTIFY AND EXPLAIN RACE DISPROPORTIONALITY AT KEY POINTS WITHIN THE CJS AND HAVE STRATEGIES IN PLACE TO ADDRESS RACIAL DISPARITIES WHICH CANNOT BE EXPLAINED OR OBJECTIVELY JUSTIFIED

3.21 The day-to-day management of the race indicator is the responsibility of the cross-CJS Confidence and Customers Delivery Board. Front line delivery is managed and owned by the LCJBs.

3.22 This PSA aims to establish a simpler, clearer and committed approach to improving BME people's experience of, satisfaction with, and confidence in the CJS, underpinned by existing cross-government strategy on race in the CJS and the associated work programme. This includes identifying wider socio-economic factors beyond the control of the CJS, which may be driving racial disparities, and working across government and with partners at national and local levels to deliver improved outcomes.

Role of LCJBs 3.23 LCJBs will:

- **Data Collection:** collect consistent ethnicity data according to the Minimum Data Set and Basket of CJS Indicators; adopt the 16+1 standard for recording of ethnicity data across CJS agencies; and publish data in a format which can be readily understood by members of the public.
- **Evidence and analysis:** use local ethnicity data and information to identify areas of disproportionality at key stages within the criminal justice process; and use that evidence and diagnostic tools provided by OCJR to analyse and understand the reasons for any identified race disproportionality.

