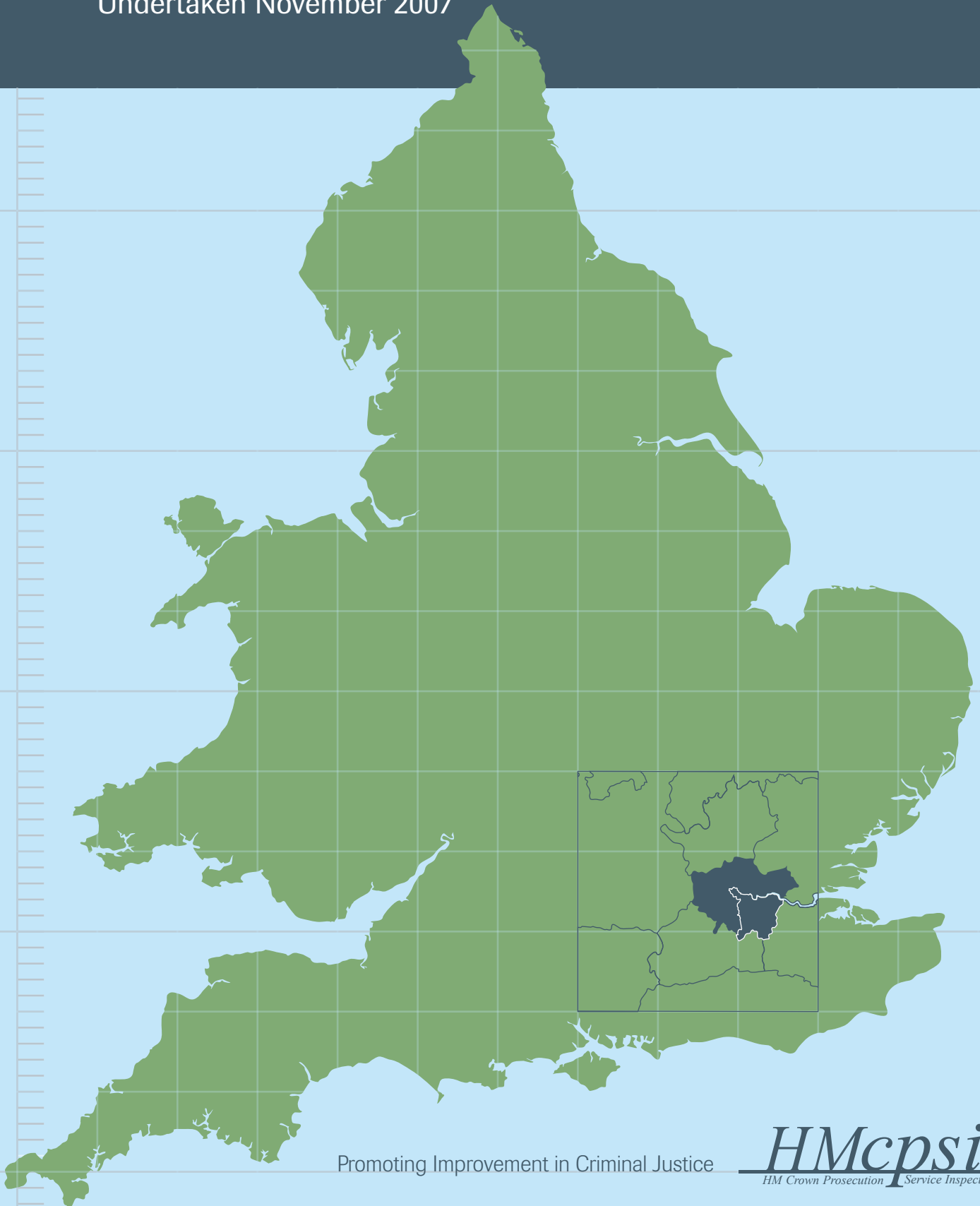


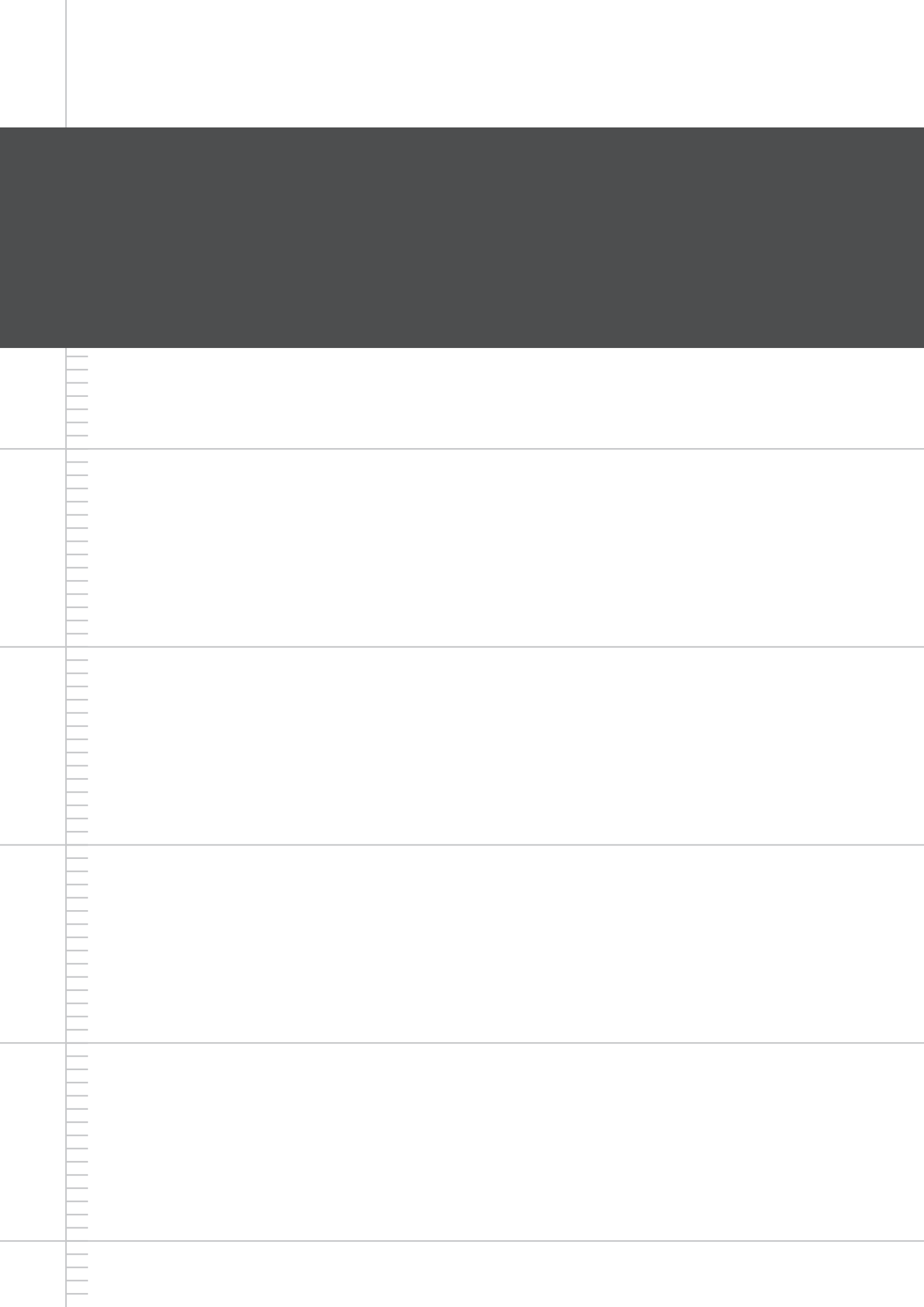
CPS London South Sector Overall Performance Assessment

Undertaken November 2007



Promoting Improvement in Criminal Justice

*HMcp*si**
HM Crown Prosecution Service Inspectorate



CPS London South Sector Overall Performance Assessment

Undertaken November 2007



Promoting Improvement in Criminal Justice

HMcp*si*
HM Crown Prosecution Service Inspectorate

ABBREVIATIONS

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

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

CONTENTS

A	Introduction to the overall performance assessment process	2
B	Area description and caseload	3
C	Summary of judgements	5
D	Defining aspects	8
1	Pre-charge decision-making: management and realising the benefits	8
2	Ensuring successful outcomes in the magistrates' courts	12
3	Ensuring successful outcomes in the Crown Court	16
4	Progressing cases at court	19
5	Sensitive cases and hate crimes	21
6	Disclosure	24
7	Custody time limits	26
8	The service to victims and witnesses	28
9	Delivering change	31
10	Managing resources	34
11	Managing performance to improve	38
12	Leadership	41
13	Securing community confidence	44
 Annexes		
A	Performance data	46
B	Criminal justice agencies and organisations who assisted with this overall performance assessment	49

A INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

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

Assessments

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

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

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

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

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

Direction of travel grade

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

Improved reflects a significant improvement in the performance;

Stable denotes no significant change in performance;

Declined where there has been a significant decline in performance.

B AREA DESCRIPTION AND CASELOAD

CPS London serves the area covered by the Metropolitan Police and the City of London Police. Its South Sector has six offices, at the Cooperage, Hillgate House, Croydon, Sidcup, Bishopsgate Police Station and Bexleyheath Police Station. The South Sector Headquarters (Sector Director's Office) is based at the Cooperage office.

The Sector covers nine London boroughs and the City of London and business is primarily divided on a geographical basis with combined teams each handling both magistrates' courts and Crown Court work. Borough based teams are managed in four clusters (districts) with overall management by a District Crown Prosecutor (DCP). Central London Prosecution Service (CLPS) covers Westminster and the City of London; South Central London Prosecution Service (SCLPS) covers Lambeth and Southwark; South London Prosecution Service (SLPS) covers Croydon, Bromley and Sutton, and South East London Prosecution Service (SELPS) covers Greenwich, Lewisham and Bexley. There is a specialist traffic unit that handles traffic cases across London. The teams at borough level are headed by Borough Crown Prosecutors. The Sector also handles most cases generated by the British Transport Police.

During the year 2006-07 the Sector had an average of 435.7 full time equivalent staff in post and a budget of £19,087,902. This represents an 11.9% increase in staff and a 22.3% increase in budget since 2004-05, the period covered by the Sector's last OPA.

Details of the Sectors caseload in 2004-05 and in the year to March 2007 are as follows:

Pre-charge work¹

2004-05		2006-07	
Written advice	3,969	Decisions resulting in a charge	19,382
Pre-charge advice (where available)	16,690	Decisions not resulting in a charge ²	12,650

Magistrates' courts proceedings (including cases previously subject to a pre-charge decision)	2004-05 No. and % of Area caseload	2006-07 No. and % of Area caseload	Percentage change Sector (Area)
Magistrates' courts prosecutions	70,084 (42.8%)	63,643 (48.0%)	-9.2% (-18.9%)
Other proceedings	210 (12.6%)	68 (34.2%)	-67.6% (-88.0%)
Total magistrates' courts proceedings	70,294 (42.5%)	63,711 (48.0%)	-9.4% (-19.6%)

Crown Court proceedings (including cases previously subject to a pre-charge decision)	2004-05 No. and % of Area caseload	2006-07 No. and % of Area caseload	Percentage change Sector (Area)
Cases sent or committed to the Crown Court for determination	5,709	6,663	+16.7% (+3.2%)
Committals for sentence ³	1,073	1,406	+31.0% (+12.9%)
Appeals from the magistrates' courts ³	413	557	+34.9% (+18.8%)
Total Crown Court proceedings	7,195	8,626	+19.9% (+5.5%)

In 2006-07, 46.8% of offences brought to justice in London were the result of convictions.

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

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

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

C SUMMARY OF JUDGEMENTS

Contextual factors and background

There has been a significant amount of change in the senior management team since the time of the last OPA, indeed all of the District Crown Prosecutors are new to their current roles since that assessment. The Sector has also had a number of Finance Managers in a comparatively short space of time and until recently the role was managed by London Area Headquarters. Overall staff turnover in the Sector was high and the lack of continuity will have had some impact on performance. Some organisational change has taken place within London and the South Sector assumed responsibility for the City and Sutton Boroughs in the early part of 2006-07. Work was undertaken in 2006 to devolve all youth work back to the boroughs (from a central Youth Team). The Sector now handles Crown Court casework that was committed or sent from Bow Magistrates' Court.

Summary

London and consequently the Sectors, continued to find it difficult to balance the requirements to demonstrate improved performance outcomes within allocated budgets, whilst at the same time implementing a significant change programme. Preparation has taken place in 2006-07 to facilitate the roll out in 2007-08 of a number of piloted initiatives that form part of the London Reform Programme or the national CPS change agenda. There have been improvements in the Sector across a number of key performance measures in 2006-07, although in many instances outcomes are still worse than national averages. Increases in budgets and staffing levels have helped in this respect.

The provision of pre-charge advice has yet to deliver the expected benefits in the Sector and performance has not improved since the last OPA. An internal review undertaken in early 2007-08 has identified a number of aspects for improvement and work has started on implementing changes. The knock on effect of weaknesses at the charging stage has been high attrition rates and in particular premature charging has contributed towards the level of discharged committals. The overall level of successful outcomes in both magistrates' courts and Crown Court cases has improved over previous years' performance but is still beneath the national average. Working with the police to improve the management of warrants could have a significant impact on the rate in the magistrates' courts. Results against all the national Public Service Agreement targets have improved and targets have been met in respect of most. There is still scope to improve the ineffective trial rate in the magistrates' courts which at 20.8% is still outside target and national averages.

Financial controls were weak in 2006-07 and the Sector overspent against its allocated budget for both non ring-fenced administrative costs and prosecution costs. Controls of committed expenditure were not robust, leading to volatile and some inaccurate forecasts. Measures were taken in the second half of the year that reduced the overspend projected at mid year. Better systems are in place in 2007-08.

In attempting to remain within its allocated budget the Sector increased the focus on its advocacy strategy in the second half of the year. Increased in house coverage, by designated caseworkers, prosecutors and Higher Court Advocates (HCAs) helped reduce the overspend and improved the profile of the CPS with the courts. Deployment of in-house resources has continued to improve in 2007-08 and in particular the use of HCAs is delivering financial benefits. However increased court coverage had some side effects in that prosecutors had less time in the office and this impacted on the preparation of cases. Whilst case progression officers are in place they are to some extent reliant on the availability of prosecutors to enable effective case progression and performance was variable throughout the Sector in

2006-07. Senior managers recognise the increased pressure of additional court sessions has had some impact on morale.

Despite the evident commitment to victim and witness care at strategic level there is still some way to go before the Sector can be considered to be delivering the enhanced level of service to which it aspires. Compliance with the Direct Communication with Victims (DCV) Scheme was weak in 2006-07 and the handling of special measures and witness warnings were inconsistent. The timeliness of communication with victims and witnesses was also variable. Significant effort has been made to heighten awareness of these issues and some improvements are apparent, particularly in 2007-08.

Compliance with the prosecution's duty of disclosure was somewhat mixed; good at initial disclosure stage, but less so at ongoing disclosure and for cases involving sensitive material. Despite efforts to improve the systems for managing custody time limits there were too many failures in 2006-07, albeit it is recognised that the problems stem mainly from individual's failure to comply with stated systems.

The Sector had set clear priorities for 2006-07, some of which were a continuation from previous years. However, two of the key priorities stated (pre-charge decisions and victim and witness care) are aspects of work where limited progress was made in 2006-07. Community engagement was not a high priority in London South for the period covered by this assessment and as such limited activity took place, particularly once the financial recovery plans were implemented.

The management of most significant change initiatives is controlled at Area level with Sector managers responsible for implementing agreed systems at a local level. However, the Sector undertook a leading role in the successful project to devolve youth work from a central unit back to the boroughs. Sector plans can be tightened to give clearer guidance as to how high level objectives are to be achieved. There is also scope to improve the consistency and effectiveness of dissemination of information from the SMT to borough staff.

The Sector has appointed champions and specialists to focus on relevant types of sensitive casework. Despite the attention given to such cases the level of successful outcomes for hate crimes in 2006-07 was significantly worse than the national average, although better than in previous years. The Sector has set up a community engagement forum with whom hate crimes are discussed. The Sector has taken a proactive approach to the management of rape cases and has appointed three specialist rape advocates to handle such cases.

A considerable amount of data is available to inform managers of the performance levels of their teams but there is scope to improve the analysis of the information to find effective remedial actions. Relationships with partner criminal justice agencies are generally positive and collaborative and the CPS staff take an active role in interagency groups.

Direction of travel

Whilst performance outcomes have improved against previous levels, the results are consistently worse than national averages. This is reflected in our scoring that shows seven individual aspects have maintained the same rating, four aspects have declined and one has improved. Delivering change has improved significantly within the same band. Improvement activity initiated in the latter stages of 2006-07 and carried into the current year gives cause for greater optimism about future results in a number of aspects.

In the light of our findings, the Area's overall performance is **Fair**.

OVERALL ASSESSMENT	FAIR
---------------------------	-------------

Critical aspects	Assessment level		
	OPA 2005	OPA 2007	Direction of travel
Pre-charge decision-making	Fair	Fair	Stable
Ensuring successful outcomes in the magistrates' courts	Poor	Fair	Improved
Ensuring successful outcomes in the Crown Court	Fair	Poor	Declined
The service to victims and witnesses	Fair	Fair	Stable
Leadership	Good	Fair	Declined
Overall critical assessment level		Fair	
Progressing cases at court	Fair	Fair	Stable
Sensitive cases and hate crime	Fair	Fair	Stable
Disclosure	Fair	Fair	Stable
Custody time limits	Poor	Poor	Stable
Delivering change	Fair	Fair	Improved⁴
Managing resources	Good	Poor	Declined
Managing performance to improve	Fair	Fair	Stable
Securing community confidence	Good	Fair	Declined
OVERALL ASSESSMENT	Fair	FAIR	

⁴ Although the assessment of this aspect has remained unchanged, there has been significant improvement within the range of performance covered by the rating.

D DEFINING ASPECTS

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

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

- Duty Prosecutors (DPs) provide face to face pre-charge advice and decisions, from 9am to 5pm Monday to Friday, in 12 of the Area's charging centres. The other 5 charging centres are covered 9am to 5pm on agreed days. Case surgeries are held for rape, child abuse and serious road traffic cases when required. The Sector also provides pre-charge decisions (PCDs) in the majority of London British Transport Police (BTP) cases and also provides specialist advice to the Border and Immigration Agency. The Sector deploys Higher Court Advocates (HCAs) to the charging centres on a regular basis. Complex and specialist pre-charge cases are dealt with appropriately. Written advices are submitted to the local office and are expected to be dealt with in 14 days.
- A joint CPS and Metropolitan Police review was carried out at Sector level and a detailed report was prepared in June 2007. The report highlighted a number of issues that could be improved including premature charging, inconsistent processes across the sites and poor completion of MG3s (the form for recording the charging decision). Borough action plans are now in place and there are indications of performance improvements. The review also found that the quality of decision making was generally sound, although occasionally premature; our reality checks (on files originated before the review was conducted) were consistent with the findings of that report. All files examined complied with the evidential test of the Code for Crown Prosecutors, but in one case it was unclear if sufficient thought had been given to the public interest test. Each district has since prepared an action plan and implemented the key recommendations of that report. The Sector has seen improvements in performance since that implementation, although it may take some time before improvements in benefits realisation figures are significant.
- The Sector appointed Charging Centre Managers (CCMs) for each borough. They were responsible for developing the charging centre systems and processes, liaising with the police, arranging appointments in some boroughs, prioritising custody cases and managing the ongoing caseload. During 2006-07 there were variations in the Sector systems with appointments ranging from "walk-ins" to 1 hour slots and the diary being managed by either the CCM or the police gatekeeper.
- During 2006-07 police gatekeepers were not always in place in some boroughs and the overall effectiveness of police supervision was variable across the Sector. This resulted in cases being referred to DPs that were inappropriate, although the Sector's rate of cases where no further action was advised (24.8%) was substantially better than the national average of 31.9% and the Area average of 26.5%. Following a review of the police gatekeeping role and the introduction of evidential review officers (EROs) there has been recent improvement in the quality of files submitted to DPs.

- Cases that should have been subject to consultation, but which have bypassed the system are identified by designated caseworkers or prosecutors at first hearing and notified to the Borough Crown Prosecutor who provides the information to the police at the local Prosecution Team Performance Management (PTPM) meeting for remedial action.
- The Area has an appropriate procedure to allow police to appeal against the decision of a duty prosecutor. The number of appeals and their success rate is not currently monitored Sector wide for quality assurance purposes although the level is believed to be low, and no cases have been escalated to Sector Director level.
- There is evidence of the Sector handling some cases on an effective “cradle-to-grave” basis, for example in relation to the specialist rape advocates providing pre-charge advice and prosecuting the same case in the Crown Court.
- The on-going cases report, available on the CPS case management system (CMS) is used to monitor cases. The Area has attempted to address the backlog of outstanding cases and this has resulted in a large number of cases being cleared from the system. Some of the cases had been duplicated in CMS due to difficulties with police unique reference numbers (URNs). This led to 12.2% of cases being finalised administratively in comparison to the national figure of 6.4%. Improved systems have been put in place to monitor and manage outstanding ongoing pre-charge cases, although further progress needs to be made in some boroughs to address the backlogs (The Sector had 4000+ cases outstanding as at October 2007). The introduction of CJSSS initiatives are expected to be effective in leading to improved bail management processes, but it is too early in the process to assess the level of improvements that will be made.
- The DPs have access to CMS in the charging centres to enable them to record pre-charge consultations and MG3s (the formal advice document). In 2006-07 87.5% of pre-charge consultations were recorded on CMS. Reality checks confirmed that ethnicity was also recorded correctly in all of the cases checked.
- Appropriate liaison arrangements are in place between the Area and CPS Direct (CPSD). Monthly CPSD reports are provided to the Sector for monitoring purposes. The CPSD Liaison manager attends the Sector’s senior management team meetings when necessary. A CPSD representative also attends quarterly liaison meetings with the Central London District and BTP.
- Conditional cautioning was rolled out for specified BTP cases in December 2006 with a phased roll out across the Sector by the end of November 2007. By the end of March 2007, the Sector had issued 34 conditional cautions.

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

- The Sector circulates changes both to the Sector scheme and in national policy to all DPs. Area policy and process updates are provided through the CPS London Gateway and through Capital e-news. All DPs have undertaken the first part of the Proactive Prosecutor Programme (PPP) and Borough Crown Prosecutors provide individual feedback to lawyers. The Sector Director has recently commenced performance improvement workshops focusing on charging for all DPs and other staff.

- DPs sometimes advise charge before all key evidence has been provided, a weakness identified in the Sector's review. This results in adjournments at court for that evidence to be obtained and can lead to discontinuance or to a committal being discharged. The Area has been addressing this in recent months, particularly in relation to forensic evidence. The June review also indicated that further consideration needs to be given to witness issues (including special measures) particularly in relation to domestic violence cases and this was supported by our reality check.
- Prosecutors generally consider the confiscation and restraint of assets and other ancillary orders in relevant cases, although some weaknesses were identified in the charging review and performance across the Sector can vary.
- The Borough Crown Prosecutors undertake a number of monitoring checks which include the examination of the quality of decision-making. This is done in part through the casework quality assurance (CQA) scheme, and also in the course of the allocation of files to prosecutors, the monitoring of all dropped cases and through all members of the management team reviewing files at court. Borough crown prosecutors ensure that they cover case management hearings in the magistrates' court and utilise this as a check that the charging advice form (MG3) has been completed properly. Any trends or issues are fed back to individuals. The robustness of this monitoring is questionable in light of the performance data for the Sector and the findings of the June charging review.
- Cases which result in no further action at PCD stage are monitored through dip sampling of PCD forms by Borough Crown Prosecutors. Conditional cautions are monitored jointly by the Westminster Borough Crown Prosecutor and the police who maintain a spreadsheet of all conditional cautions and their progress.

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

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Sector performance		National target March 2007	National performance 2006-07	Sector performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	13.2%	15.0%	11.0%	13.1%	18.3%	17.0%
Guilty plea rate	52.0%	69.2%	61.7%	64.4%	68.0%	66.5%	51.5%	51.9%
Attrition rate	31.0%	22.0%	24.7%	23.8%	23.0%	22.2%	31.3%	28.1%

- The Sector met two of the six key performance indicators in 2006-07. Overall the Sector improved performance over the previous year's outcomes in five of the six key performance measures; however, there is still scope for considerable progress. Discontinuance in the Crown Court at 17% was substantially outside the national target and worse than the national average. However, some of these figures should be viewed in the wider context of the operational environment in which the Sector had to manage Crown Court casework in 2006-07. Changes to committal pathways and delays in trial availability dates will have had some impact on case outcomes.

Whilst the number of files in our reality checks was small, it was evident that the cases that were unsuccessful were as a result of issues that arose after the charging decision was taken, or case progression weaknesses. These factors have been taken into account in the scoring of Aspect 3.

- The magistrates' courts discontinuance rate at 15.0% was outside the national target although slightly better than the national average. The overall conviction rate at 75.2% was worse than the national average of 78.0%, but the same as the rate for the London Area.
- The use of PTPM reports was not effective in 2006-07 although some improvements have been made in the current year. Meetings are generally conducted on a borough and district basis and there was limited consideration of performance at Sector-wide level. Attendance at the meetings was inconsistent in 2006-07, making joint analysis difficult. There is no summary or commentary prepared for the data though the data is provided in good time to enable pre-meeting analysis of the information. After initial concerns, Borough Crown Prosecutors have now been trained on analysing and understanding PTPM reports and meetings now have standard agenda items across the Sector. All Borough Crown Prosecutors act as local charging champions but no-one has overall Sector responsibility. This is something the Sector may wish to review to ensure that issues can be collated and addressed at a Sector-wide level. Sector wide monitoring is by way of monthly SMT reviews and quarterly performance reviews of the districts, although these tended to focus only on results and not the underlying causes of any under-performance.

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

2A Successful outcomes are increasing

Case outcomes in the magistrates' courts	National performance 2006-07	Sector performance 2006-07
Discontinuance and bindovers	10.8%	10.2%
No case to answer	0.2%	0.3%
Dismissed after trial	1.9%	1.9%
Discharged committals	0.2%	0.5%
Warrants	2.6%	5.3%
Overall conviction rate	84.3%	81.8%

- Case outcomes are similar to national averages in most aspects but the overall conviction rate at 81.8% is worse than the national average of 84.3% and worse than the overall London figure of 82.2%. This is primarily attributable to the high level of written off warrants which at 5.3% is double the national average.
- It is also of concern that, despite the Sector reducing the number of discharged committals from 440 in 2005-06 to 293 in 2006-07, the numbers remain unacceptably high. The Central London District accounts for 46% of the discharged committals and the South Central District 30%; this may in some part be a consequence of the more robust management of cases by district judges, than is found elsewhere. The Sector has introduced and amended a number of systems and processes to try and address the problem of discharged committals. One district maintains a spreadsheet dealing with committal files including due dates and service dates. Although late provision of papers by the police is discussed at borough PTPM meetings there is no Sector wide data being kept as to quality and timeliness of police files. A reduction in cases that are subject to premature pre-charge decisions would also assist. All discharged committals are referred to the Borough Crown Prosecutors and consideration is given to re-instituting proceedings in each and every case as a matter of urgency. Logs of discharged committals are maintained so that all can be considered for re-institution.
- The Sector has attempted to address its high unsuccessful outcome rate by restricting authority to discontinue cases subject to pre-charge advice to Borough Crown Prosecutors or District Crown Prosecutors. This system however was not introduced until July 2007. All unsuccessful outcomes are monitored and analysed by the Borough Crown Prosecutors who are also responsible for ensuring the correct coding of unsuccessful outcome cases for finalisation purposes. Where reasons for the outcome are identified and there are lessons to be learned, this is usually

disseminated to the lawyer concerned and sometimes to a wider audience. Feedback may also be given to the police at Prosecution Team Performance Management (PTPM) meetings and to staff from the witness care units (WCUs) at their monthly joint performance meetings. Borough crown prosecutors are held to account for performance through monthly district meetings and through the quarterly district performance reviews. Although the analysis of individual cases is effective, the Sector would benefit from Sector wide trending of adverse outcomes.

- The criminal justice agencies exceeded their joint Sector Offences Brought to Justice target by 20.0% in 2006-07. Data on the timeliness of the processing of persistent young offenders (PYOs) is produced on a borough and Area basis. In 2006, the average processing period for PYOs from arrest to sentence was 85 days for London overall. This was a slight improvement on 2005 performance but well short of the national target of 71 days. Within the South Sector there was considerable variation in performance across the boroughs ranging from 63 days in Sutton to 114 days in Southwark. Performance has improved markedly in 2007 and the Area processing period for the rolling three months to October was 65 days. The improvement in PYO results follows the introduction of the LCJB Phoenix initiative and increased focus on such cases across the Sector. Fortnightly multiagency meetings track and consider all PYO cases and each borough has a PYO champion who reports monthly on PYO progress to the District Crown Prosecutor.

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

Trial rates	National performance 2006-07	Sector performance 2006-07
Effective trial rate	43.8%	43.3%
Cracked trial rate	37.3%	37.3%
Ineffective trial rate	18.9%	20.8%
Vacated trial rate	22.5%	18.3%

- Although the proportion of effective trials has improved from 42.0% in 2005-06 to 43.3% in 2006-07, it still remains below the national average of 43.8%. Ineffective trials have improved from 23.0% to 20.8% over the same period but are not as good as the national average of 18.9%. The vacated trial rate has moved from a low figure of 14.1% in 2005-06 to 18.3% in 2006-07, although in some cases this is as a result of more proactivity by the CPS in an attempt to contain ineffective trials.
- Some police files are received late but the Sector has no effective system to monitor the timeliness (or quality) of the files. Therefore it is difficult to work effectively with the police to secure improvements. Individual cases are discussed at PTPM meetings. The Criminal Justice: Simple, Speedy, Summary (CJSSS) initiative is being implemented across London. Part of the pre-rollout assurance checks involves an assessment as to whether police files are prepared to appropriate standards; this should have a positive impact if it is carried out thoroughly.

- Timeliness of progressing cases is monitored by Borough Crown Prosecutors when they attend case management hearings. Reality checks indicate three out of five relevant cases were dealt with satisfactorily. In the other cases, in one, trial preparation took place two days before the trial and in the other, a special measures application had to be served two days before the trial. The Sector is committed to high in-house magistrates' court coverage and HCA usage which does limit resources available to undertake summary trial and committal preparation. The Sector uses trial readiness forms but only one example of the form was retained on the files in our reality check. South Central London District is a pilot site for the Optimum Business Model (OBM) and utilises a dedicated case progression lawyer to deal with all files once a not guilty plea is entered to ensure prompt trial preparation.
- The quality of lawyers' full file reviews is monitored by the District Crown Prosecutors (DCPs) utilising casework quality assurance and by checking adverse outcomes. Our reality checks show that full file reviews although completed on CMS are not always attached to the files.
- There were some difficulties with case progression in 2006-07. The handling of correspondence and enquiries from other agencies was weak with considerable delays or even failure to respond. Actions agreed at court hearings, including formal orders and directions, were frequently not completed in time for the next hearing. Feedback from partner agencies indicates that this gave rise to a perception that the prosecution was not adequately prepared. A formal Sector survey of court staff conducted in early 2006-07 indicated a level of dissatisfaction with CPS case preparation. Some remedial action has been taken and case progression is now dealt with by case progression officers (CPOs) and monitored by Borough Crown Prosecutors through their attendance at case management hearings. Feedback from court staff indicates some improvements are evident. The pilot OBM site includes a dedicated case progression lawyer.
- The Sector monitors ineffective trials based on the data from the cracked and ineffective trial (CIT) forms produced by the court. The data is included in the monthly and quarterly performance reports and discussed at district management meetings. There are regular joint analysis multiagency meetings that consider the reasons for ineffective trials, and these are effective. The Sector needs to continue to address the issue of nonattendance of witnesses and to address the other main reasons for ineffective trials. Borough crown prosecutors provide feedback to individuals and teams and each has a performance notice board.
- CJSSS was piloted at Camberwell Green Magistrates' Court commencing May 2007 and is being rolled out across the Sector. The initial evaluation report showed an increase in guilty pleas at first hearing from 36.1% to 59.3% and trial timeliness reduced from 12 weeks to an average of 5.6 weeks. Baselines have been set in the other boroughs, gap analyses have been carried out and the level of police file build pre-charge has been agreed.
- The Sector has absorbed all youth work following the specialist London youth team being disbanded. A large number of lawyers have had to be trained as youth specialists as a result and this has improved the advices given in youth cases at the pre-charge decision stage. Balham Youth Court has been piloting CJSSS since February 2007 and this has led to an increase in the number of pleas at first hearing from 64.0% to 71.0%. The Phoenix meetings have also led to improved performance in relation to PYOs.

- The rate for recording of reviews on CMS in 2006-07 (49.8%) has improved but is still significantly below the national average and target for magistrates' courts full file reviews. Further improvement to 64.0% in the first quarter of 2007-08 demonstrates the improvement is continuing. The timeliness of recording hearing outcomes and finalisations has also improved during 2006-07 and into the first quarter of 2007-08. These improvements need to be sustained. Reality checks showed that the task lists need to be managed more effectively.
- Business managers, the performance officer and some of the Area champions and specialists use CMS reports to monitor different aspects of performance and casework.

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

3A Successful outcomes are increasing

Case outcomes in the Crown Court	National performance 2006-07	Sector performance 2006-07
Judge ordered acquittals	13.1%	16.4%
Judge directed acquittals	1.4%	1.3%
Acquittals after trial	6.5%	8.4%
Warrants	1.3%	1.6%
Overall conviction rate	77.7%	72.3%

- The quality of review and decision making in our reality check was generally sound but the Sector's rate of successful outcomes in the Crown Court for 2006-07 was 72.3% which was significantly worse than the national average of 77.7% but the general trend since 2005-06 is one of improvement. The Judge ordered acquittals (discontinuance) rate in 2006-07 was poor at 16.4% which was substantially worse than the national average.
- The Sector has, since July 2007 required, Borough Crown Prosecutors' authorisation to discontinue cases which had been the subject of pre-charge decision making. This, along with improved decisions at the charging stage may improve judge ordered acquittal rates in due course.
- Borough crown prosecutors carry out a full review of adverse outcome cases on a monthly basis. These reports are discussed at monthly district management meetings and there is discussion of issues and trends at quarterly management team meetings. The majority of unsuccessful outcomes are due to unwilling witnesses and the Sector is tackling this by heightening lawyers' awareness of the need to consider witness issues at the pre-charge stage.
- Any trends identified from the adverse outcome cases are circulated to the prosecutors in the team and lessons learnt are discussed at team meetings. Issues relating to the performance of individual prosecutors arising from the monthly analysis and from casework quality assurance (CQA) checks are discussed at one-to-one meetings where appropriate. Copies of the analysis of unsuccessful outcomes are also provided to the police at Prosecution Team Performance Management (PTPM) meetings and additional joint work may be undertaken on specific cases.
- Higher Court Advocates (HCAs) provide feedback to colleagues from the judiciary. As a result of this feedback the Sector is prepared to learn lessons and seek performance improvement. Following adverse criticism about the standard of indictments, all indictments in one district are

now checked by HCAs before being lodged and in another they are checked by the District Crown Prosecutor. HCAs have also provided indictment training to other lawyers in their district. It is essential that this fundamental skill is strengthened.

- In relation to the Proceeds of Crime Act (POCA), the Area under performed in 2006-07. It achieved 98 confiscation orders against a target of 143. The combined value of the orders was £2,526,800 against a target of £5,411,152. The Sector believes that not all orders are being properly recorded and the Sector POCA champion has been tasked with improving performance in this area. A Sector POCA action plan has been produced and training is available to all lawyers. Borough crown prosecutors have close links with borough financial investigators but the Sector needs to consider ways of increasing the number and value of orders made and this will inevitably include the further raising of awareness with charging lawyers and police colleagues.
- The Area has appointed a POCA champion who is the dedicated point of contact for advice on confiscation and enforcement queries and each district has a POCA co-ordinator.

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

Trial rates	National performance 2006-07	Sector performance 2006-07
Effective trial rate	48.2%	59.4%
Cracked trial rate	39.5%	26.1%
Ineffective trial rate	12.4%	14.5%

- The ineffective trial rate for 2006-07 was 14.5% and was worse than the national average of 12.4% and worse than the 2005-06 figure of 13.9%. The effective trial rate at 59.44% was significantly better than national rate of 48.2%. The cracked trial rate, although increasing from the previous year, at 26.1% was also substantially better than the national average of 39.5%.
- Sector performance in respect of cracked and ineffective trials is discussed with other criminal justice agencies at the borough criminal justice groups (BCJGs) and at local Trial Issues Groups (TIGs). The data is also scrutinised at the quarterly performance reviews. These meetings are effective and appropriate feedback is given to individuals following the meetings.
- Borough crown prosecutors allocate Crown Court cases to lawyers based on their relevant experience and current workload. South Central London has restructured its case progression systems and produced detailed guidance in relation to Crown Court case progression.
- The Sector monitors the quality and timeliness of continuing review of Crown Court files in part through the CQA scheme, through the monitoring of adverse cases and by casework managers who are responsible for returning trial readiness forms to the court.

- Case progression systems are in place internally, and case progression meetings with criminal justice partners are held to discuss specific cases in the warned list. Trial readiness forms are submitted before trial, though none were seen in the reality checks. There is also evidence of noncompliance with court orders, although this is sometimes attributable to delays obtaining information from the police. The Area needs to improve the management of this aspect of case progression.
- Despite the systems in place, our reality checks of Crown Court files show weak and inconsistent performance in relation to Crown Court case progression. Of the five files reviewed, one serious case with media interest was dealt with expeditiously and appropriately. All of the other four had case progression weaknesses; one involved the late service of secondary disclosure, one, delay in serving a special measures application and one failing to comply with directions resulting in the case having to be removed from the list. The other file which may have attracted media interest was discharged at committal stage, no preparation having been done. It was then re-instated and thereafter the indictment had to be amended as it was clearly defective. This resulted in adverse judicial comment.
- South Central London District has piloted a case progression scheme with all orders being monitored by a dedicated CPO and this scheme has shown a 30.0% improvement in compliance with court directions. The Sector should consider rolling this scheme out to other districts.
- The Area monitors the progress of youth cases and PYOs through interagency tracker meetings. There are a limited number of youth cases in the Crown Court.
- The use of the case management system (CMS) has improved. In 2006-07, 72.1% of Crown Court reviews were recorded on CMS against the 90.0% target. Considerable improvement was seen over the year which started with a low 40.1% in April 2006 to achieving 78.5% in March 2007. Further improvements have been seen in 2007-08 but these need to be maintained throughout the year.

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

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

- The main thrust of the Sector's approach to ensuring that first hearings progress effectively relies on high quality instructions from the charging duty prosecutor to the designated caseworkers (DCWs) who conduct most first hearings. The evidence of the charging review indicates that this is an aspect of work that still needs to be improved. The Area did not maintain data on the outcome of early first or early administrative hearings. As the CJSSS initiative is rolled out, better information will be available. In the Sector's busiest court a 'floating prosecutor' was deployed to court to deal with any issues that fell outside the powers of DCWs, and therefore minimise disruption to case progression; this has subsequently been amended and a Borough Crown Prosecutor (BCP) is now based at the City of Westminster Magistrates' Court.
- Ongoing case progression was variable in 2006-07 and feedback from the courts suggested that the prosecution was not always fully prepared for hearings. This was supported by the findings of the Sector Advocacy Review in April 2006 where 48 of 71 respondents replied that they were not satisfied with the level of preparedness of the CPS. Case progression officers are now in place throughout the Sector and there has been some improvement over time. The time to bring a case to trial has improved and is now 6-7 weeks (from entry of a not guilty plea) in most, but not all, magistrates' courts. More recent data on the timeliness of case completion generally indicates that London is similar to or slightly better than national averages. The average number of adjournments per magistrates' courts case was 1.4 in the Sector in 2006-07. The Sector has piloted a Virtual Court initiative that may provide an opportunity for further improvements.
- Area usage of agents to represent the CPS in the magistrates' courts has reduced to the point where the provision of instructions is not a significant issue. Where they are to be used the file will be reviewed by a prosecutor and a trial bundle produced in advance of the hearing. The Sector monitors the timeliness of the preparation of instructions to counsel in some of its boroughs. The resultant data suggests that timeliness (84.3% of those monitored within target) is satisfactory when compared to the national average of 78.7%. HCAs normally receive the same level of instructions as counsel. The quality of instructions is monitored via the casework quality assurance scheme and there was evidence in the sample of forms seen during our reality checks that issues around the acceptability of pleas could be strengthened.
- As stated above there were some weaknesses in case progression in 2006-07. Whilst efforts were made through careful rostering to ensure that prosecutors would have sufficient time to prepare, this did not always happen and was more difficult to achieve when the emergency financial measures were introduced. The Sector operates a scheme whereby counsel, who wish to be considered for deployment by the CPS, apply to join a scheme that includes some assessment of their skills and specialist knowledge. Only counsel on an authorised list can conduct rape cases

and the Sector has three internal specialists who manage most of this work. HCAs are instructed in accordance with national guidelines. Area policy dictates that where it is clear that an HCA will not conduct the trial, then counsel should be briefed before the plea and case management hearing; there was some indication that this may not always happen.

- The Sector uses feedback from other court users to assure itself that attendance at court is timely and that CPS staff are courteous and professional. This is in addition to the assurance that can be given by formal advocacy monitoring and checks by managers during their court attendance. In some courts there is a permanent CPS presence that allows for additional monitoring. The feedback given by court representatives during the course of this assessment was generally positive, although as with most large CPS Areas there is some variability.
- BCPs cover a high percentage of case management hearings to ensure that proactive case progression takes place. Attendance at these hearings enables them to build relationships with the court and to see firsthand the quality of files. Feedback from other agencies was more concerned with the failure to undertake actions between hearings, such as compliance with directions, than with performance on the day of the hearing, although again some variation was noted.
- Following an exercise where the Sector Director shadowed the court listing officer at City of Westminster Magistrates' Court, a report was issued and this was followed up by a joint workshop. One of the outputs of the meeting was the formulation of a formal agreement on the movement of cases between courts. However, agreements do not exist with all of the courts covered in the Sector, although the level of transfers varies from court to court. There has been positive liaison with most courts to achieve listing to facilitate effective use of DCWs and HCAs. Where in place, there are advantages to having staff based at the court who can act as a focal point for communications on a day-to-day basis with the Prosecution Liaison Officers at each court.
- The Sector does not measure adjournments and uses the length of time to bring a case to trial as a proxy measure for effective progression of cases. In this respect information from most courts shows improvement, albeit improving timeliness remains a challenge at the City of Westminster Magistrates' Court.
- As a result of 20 wasted costs orders, £26,200 was paid during 2006-07. This is a significant decline in performance against the figure for 2005-06. Additional costs (approximately £7,500) were awarded against the CPS but were not processed in the last financial year; these have been accrued and will be paid in 2007-08. Greater focus is now given to wasted costs and reports on relevant cases feature in the Sector finance reports.

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

5A The Area identifies and manages sensitive cases (including hate crime⁵) effectively

- CPS London deals with large numbers of sensitive cases and hate crimes. It is of particular importance that such cases are dealt with to high standards in London with such a large and diverse population. The most serious and sensitive cases are handled by the Serious Casework Sector. Inspectors found such cases to be managed securely and prosecuted effectively, with a high rate of convictions. The larger volumes of cases are prosecuted locally within the geographical Sectors. We found there to be good strategic leadership with committed specialists, and in the past have been made aware of pockets of good practice and innovation in relation to domestic violence cases. At operational level, however, service delivery is mixed with varying levels of consideration of and support to, victims, particularly those of domestic violence. Outcomes for all hate crimes fall well below CPS national averages across all the CPS London geographical Sectors.
- The Sector insists that all sensitive cases should be flagged by the duty prosecutor at the pre-charge stage. This is important to ensure that they receive appropriate handling at all stages. Any failures are identified by the administration section. These are further checked by Borough Crown Prosecutors when they allocate hate crime cases. The Sector was found to be performing poorly in the last audit but they have implemented improved systems and improvements have been made. New arrangements were implemented in April 2007, monthly MIS checks now take place and regular checking of live cases is carried out to ensure flagging is correct. Each borough also conducts monthly dip sampling of 10 CMS files and submits their findings to the Sector Performance Unit for collation and analysis. Reality checks confirm that flagging is generally accurate.
- The proportion of unsuccessful outcomes in sensitive cases was 39.6% in 2006-07. This was worse than the national performance of 32.8% but represented an improvement on the previous year when the proportion of unsuccessful outcomes in the Sector was 43.8%; it was also better than the Sector target of 41.0%. Unsuccessful outcomes for domestic violence at 42.9%, racially and religiously aggravated offences at 29.3% and homophobic crime at 40.6% were all worse than the national averages.
- The Sector has appointed co-ordinators to deal with rape, child abuse, domestic violence, homophobic hate crime and racial and religiously aggravated offences. The co-ordinators attend quarterly London-wide co-ordinator's meetings. The Sector has assessed its current policy in relation to co-ordinators and having piloted a scheme in the Southwark team, is to introduce a generic hate crime co-ordinator for each borough. The co-ordinator will deal with hate crime as a full-time role and will take responsibility for the majority of hate crime casework within the borough, provide charging advice and attend meetings with community groups.

⁵ For the avoidance of doubt all references in this aspect to sensitive cases includes all those involving hate crime (disability hate crime, domestic violence, homophobic, racist and religious crime) child abuse/child witnesses, rape, fatal road traffic offences and anti-social behaviour orders (ASBOs).

- The Sector also has specialist lawyers to deal with rape (three crown advocates), child abuse, domestic violence, homophobic hate crime and racial and religiously aggravated offences. The specialist lawyers provide advice to colleagues when required.
- The district quarterly performance reports and meetings deal specifically with sensitive and hate crime performance which is analysed at Sector and district level. It is Sector policy that Borough Crown Prosecutors must authorise a reduction in charge or basis of plea which removes or lessens the hate element. All hate crime adverse outcomes are monitored by Borough Crown Prosecutors and adverse outcome reports produced. Relevant feedback is provided to lawyers and other agencies.
- The Sector, through its rape co-ordinator, has taken steps to progress the national recommendations in the Inspectorate's joint review of rape offences, "Without Consent"⁶. Guidance has been issued to all rape specialists. All policy updates and HMCPSI thematic reports are forwarded to the relevant specialist for further action in the same manner. The Sector runs specialist charging advice surgeries for rape and child abuse cases ensuring a high quality specialist service is provided to the police. The more complex cases submitted to the Sector as written advices are allocated to one of the three specialist rape advocates. The Sector appointed three specially trained Crown Advocates in February 2007 to deal with rape cases from "cradle to grave". Responsibility is assigned to one of the Sectors rape advocates or approved counsel. The Sector utilises sexual offences monitoring forms to monitor the conduct and outcomes of rape cases. The Sector rape co-ordinator and the specialist rape advocates monitor and quality assure the conduct of all rape cases in the Sector.
- The Sector has a specialist domestic violence court (SDVC) in Croydon. An experienced team of domestic violence trained lawyers are deployed to deal with the SDVC. In 2006-07 figures show that the rate of successful outcomes in the SDVC is 10.0% higher than the rest of the Area. The London Criminal Justice Board is seeking to establish additional specialist courts across the Sector. Duty Prosecutors utilise a domestic violence checklist when providing PCDs.
- There are two specialist DPs based in the London Traffic Prosecution team who provide specialist advice on all fatal and serious personal injury road traffic incidents. They also provide specialist DP advice surgeries to the officers in the five police traffic garages.
- The Sector deals with a high number of sensitive and media interest cases particularly within the Westminster team. In order to deal with these cases the Sector Director and Deputy Borough Commander have agreed an effective protocol. A number of high profile prosecutions have been conducted and publicised effectively under this protocol. Media training has been provided to a number of the Sector's Borough Crown Prosecutors and the Sector has sought to raise media awareness amongst staff. The Sector Director has also successfully participated in a number of "gold groups" set up by the Metropolitan Police in high profile media cases thereby ensuring the role of the CPS in casework decisions is properly explained to local communities and the media.
- The Sector has established a quarterly Performance Indicator Review Panel (PIRP). The PIRP consists of local community groups and reviews the handling of casework by the Sector. The Panel receives feedback from the community and was intended to share and analyse hate crime

6 HMIC/HMCPSI Inspection Thematic Report on the joint review of the investigation and prosecution of rape offences, published 31 January 2007.

data. The PIRPs have previously focused on different hate crime categories each quarter. However following a Sector review of the effectiveness of the PIRPs, they will now focus on violence against women and will deal with rape and domestic violence issues at each quarterly meeting.

- The Sector is able to demonstrate that it takes safeguarding children issues seriously and Borough Crown Prosecutors have made contact with their local boards and the Bromley Borough Crown Prosecutor attends meetings of the local board when appropriate. The Central London District is the point of contact and provides specialist advice to the Metropolitan Police's specialist child pornography squad.

6 DISCLOSURE	OPA 2005	OPA 2007	Direction of travel
	Fair	Fair	Stable

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

- Compliance with disclosure is assessed in a variety of ways, including through casework quality assurance (CQA), monitoring of dropped cases (which includes an assessment of compliance with disclosure obligations) and through all members of the management team reviewing disclosure on files at court. Any trends or issues are fed back to individuals and teams for action to be taken.
- All lawyers on the Sector management team regularly attend court to prosecute cases and consequently see and examine a large number of disclosure files. Checks are carried out as to whether disclosure has been handled properly. Borough crown prosecutors ensure that they cover case management hearings in the magistrates' court and utilise this as a check that disclosure in the magistrates' courts has been handled properly.
- Our own reality check of recent files indicated that in nine out of ten cases (90.0%) initial disclosure was handled properly and in the other case, disclosure was made but at too late a stage in the magistrates' court proceedings resulting in an adjournment of the trial. This compares with the Sector's CQA result of 96.0% compliance with primary disclosure. Magistrates' courts figures show that 2.8% of ineffective trials in the Sector were due to failures to disclose unused material and this is worse than the national average of 1.9%.
- In relation to continuing disclosure our reality check showed that it is rare for defence statements to be provided on time by the defence and there is no evidence of a proactive system to ensure that these are chased up or referred back to the court. Where defence statements are received they are sent promptly to the police for consideration, although there is not always an effective follow up system when a timely response is not then received from the police. Both of these factors may lead to late disclosure of further material. The Sector needs to ensure that systems are revised to ensure defence statements are dealt with appropriately, particularly in the Crown Court.
- Our reality check included three cases where the police had endorsed entries on the sensitive schedule, but in only one case had the prosecutor endorsed the schedule in accordance with the disclosure manual. In the other two cases the schedules had no endorsements and no prosecutor signature. The completion of sensitive schedules needs to be addressed by the Sector as a matter of urgency.
- Arrangements are in place to store particularly sensitive material and their schedules securely. Such material is stored in locked safes under the control of District Crown Prosecutors in accordance with Area policy. District Crown Prosecutors generally consider such material during meetings with the police. The Sector is developing a third party protocol which is currently in draft form.

- The Sector has ensured that counsel and Higher Court Advocates in the Crown Court are aware of and apply the Crown Court disclosure protocol. Any difficulties are discussed between District Crown Prosecutors and the judiciary at court user meetings. This has resulted in the judiciary becoming more pro-active when dealing with the late service of defence statements.
- The Director of the Serious Casework Sector is the Area disclosure champion. The Area champion provides informal disclosure advice to the Sector and disseminates disclosure issues to Area lawyers and DCWs through Area circulars.
- The Sector Director is the Sector disclosure champion and each Borough Crown Prosecutor has been appointed as a disclosure champion for their own borough. The Sector Director gave a training presentation to all Borough Crown Prosecutors in March 2007, highlighting the importance of compliance with the disclosure manual and providing a disclosure update to be cascaded to Sector lawyers. Following that presentation varying levels of in-house training have been provided to prosecutors working in the South London, South Central London, South East London and London Traffic Units.
- Since the last OPA the Sector has been pro-active in providing training to partner agencies including legal advisers and magistrates in South Central London and immigration officers following the integration of immigration prosecutions. The Sector is planning joint training with the police in relation to an advanced disclosure course.
- The Sector has also been proactive in seeking an audit of it's files by BDD and it is expected that a report will be published in the near future.

7 CUSTODY TIME LIMITS	OPA 2005	OPA 2007	Direction of travel
	Poor	Poor	Stable

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

- The Sector has a written custody time limit (CTL) protocol which was last updated in January 2007. This encompasses guidance on the responsibility of individual roles and details relevant monitoring arrangements. It complies for the most part with CPS national guidance and includes some, but not all, best practice highlighted in the HMCPSI thematic review of CTLs⁷. The policy has been adopted by the Area on a pan-London basis.
- Since the last OPA in 2005, the Sector has appointed a CTL champion. In August 2006 the Sector organised a workshop for managers and staff responsible for CTL systems to raise awareness of best practice and to identify potential weaknesses in the processes. Since then, the Sector has introduced the CTL protocol and has conducted a Sector wide audit of CTL systems resulting in processes being standardised.
- The Sector had one CTL failure in 2005-06. In 2006-07 the Sector had seven CTL failures. All but one failure occurred before the awareness training, the introduction of the new protocol and the standardisation of processes. However, despite these enhanced systems there have been two failures in the current year 2007-08. The circumstances of all these failures are varied but indicate that a number of procedures were not complied with, including: failure to input custody status; administrative failure; failure to apply for CTL extension; and miscalculation of CTL dates. In all cases, failures were reported to CPS Headquarters via the Area Secretariat. Each failure is examined, resulting in guidance being issued to individuals responsible and staff in general to prevent a re-occurrence. The Sector recognises the seriousness of CTL failures and, as such, has instigated disciplinary proceedings in some of these cases.
- Our reality check of six files showed that CTLs were correctly calculated in all cases and expiry dates and review dates were recorded in the manual diary and on the case management system (CMS) in accordance with the Sector's own system. However, file endorsements were of variable quality and in some instances the custody status of the defendant throughout the history of the case was unclear. Most of the files demonstrated evidence that the dates had been checked for accuracy. Two CTL applications for extending time limits did not contain enough detail pertinent to that particular case, while one application to extend custody time limits was comprehensively completed. All applications to extend CTLs were timely.
- Some progress has been made in agreeing a protocol with the courts on the monitoring of CTLs. Protocols have been signed and agreed with the Crown Court at Inner London, Southwark and City of Westminster Magistrates' Courts, and arrangements are currently being discussed with the other courts in the Sector. Where an agreement has been made with the court, the Sector are finding that the court are more proactive in ensuring the trial commences within the custody time limit. The Sector considers that none of the CTL failures mentioned could have been prevented even with protocols in place with courts Sector-wide.

⁷ Report on the Thematic Review of Custody Time Limits, Published 2002.

- CMS task lists are used in conjunction with the manual diary system for monitoring CTLs. Each office has a member of staff tasked with updating files returned from court both on CMS and the CTL diary. On a weekly basis a CTL assurance certificate is produced and forwarded to the respective line manager. Weekly and monthly dip sampling is also undertaken by managers. In addition the Sector carry out a quarterly audit of all current CTL files to ensure compliance with the system.

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

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

- Throughout 2006-07 the Sector performed poorly in respect of compliance with the Direct Communication with Victims (DCV) scheme, although some improvements were made towards the end of the year. The CPS has a commitment to write to identifiable victims in cases where charges are withdrawn or changed significantly. On an annual basis the Sector achieved only 31.4% of their targeted volume as assessed against the proxy target set by CPS Headquarters. Just over 70.0% of letters sent were within target timescales. A review of DCV systems in London suggested that there was some mis-recording of information that will have contributed to the weak results. Efforts were made to heighten awareness of witness issues through workshops and the appointment of DCV co-ordinators. Staff now use reports from the case management system (CMS) to assist in identifying cases that require letters and for monitoring compliance. Performance in 2007-08 is better (69.3% in period April to August), although still too inconsistent; the highlight being the achievement of the individual monthly target in July. Some positive work was commenced in 2007 to monitor the quality of letters being sent and this has led to some improvements.
- Performance in respect of the assessment of victim and witness needs and the timely consideration of appropriate special measures was not strong. Feedback from representatives of the courts indicates that a number of applications for special measures are late and that the most appropriate option is not always utilised. We noted one example in our reality checks of a late application. The findings of the Sector's own review of pre-charge decision making indicated that the identification of individuals' needs was inconsistent by both duty prosecutors and police officers. In the Lewisham Borough, prosecutors are drawing up special measures applications at the pre-charge stage for all youth cases. The introduction of the CJSSS initiative is helping to improve the situation as the processes require early identification of victim and witness issues.
- There are systems in place in the witness care units (WCUs) to keep victims and witnesses informed of the progress of cases. Delays in finalising cases and updating the case management system (CMS) affect the timeliness of contacts. In 2006-07 Witness Care Officers (WCOs) were also having difficulty in getting a timely response from prosecutors when they had queries. The WCUs are staffed predominantly by police employees, with one CPS person based in each site. The CPS member of staff has access to CMS which can be used to assist police staff check information on individual cases. Prosecutors and WCOs assess victim and witness needs throughout the life of a case with a special focus on this during trial readiness checks. There are additional non-CPS victim support functions in some boroughs; the police have Victim Focus Desks in Lambeth and Southwark and there are Domestic Violence (DV) Advocates to support victims at the specialist DV courts in Croydon.

- A variety of processes were in use to inform the WCOs which witnesses need warning to attend court. This is affected to some degree by the availability of technology at court; where possible the preferred method of updating is to send the relevant List of Witnesses to Attend Court (LWAC) form by secure e-mail from the court. Where systems do not allow for electronic transfer, faxes are used in some courts. In 2006 some boroughs were using memos to inform WCUs of witnesses to be warned and some were warning all witnesses noted on the file and later de-warning those not required. The Sector would benefit from a more consistent process for witness warning. Prosecutors have been reminded of the importance of identifying at the pre-charge stage which witnesses will need to be called, which evidence can be adduced as written evidence by serving statements under Section 9 of the Criminal Justice Act 1967, or who will not be used. The charging review indicates there is still scope for improvement in this aspect of witness care.
- A considerable amount of effort went in to educating staff in the requirements of the Prosecutor's Pledge and the Victim's Code of Practice following their introduction in April 2006. Follow up reminders have been provided. Feedback from regular court users indicates generally good levels of witness care by CPS staff at court. Managers attend court on a regular basis and this provides an opportunity for them to assure themselves of the level of care provided. Formal advocacy monitoring in the first quarter of 2006-07 also provided a measure of assurance. Counsel are generally aware of the expectations of the CPS and a reminder was circulated to specialist rape counsel to reinforce the importance of sensitive and effective witness care.

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

- The No Witness No Justice (NWNJ) scheme was implemented in 2005 on a pan-London basis. As the national project team was wound down in 2006 the responsibility for ongoing management was handed over to the London Criminal Justice Board. A formal handover report was issued based on checks conducted at a sample of 10 of the 34 WCUs in London, including some from the South Sector. The report contained a number of positive points, particularly with regard to commitment to and awareness of the importance of witness care. However, it also cited a number of aspects for improvement including, initial assessments, witness warning and timeliness of contacts. The report indicated that the Area was achieving four of the 14 minimum standards fully with the majority of the rest being partially achieved. Whilst this report was not based on Sector performance it is clear that the points raised were relevant to London South, and some of them remain as areas of concern, albeit some improvements have been made. There is no formal NWNJ action plan at Sector level, although witness care does feature in the Sector Delivery Action Plan. Compliance with the Victim's Code is monitored through the self assessment process designed by the Office for Criminal Justice Reform (OCJR). The latest Sector report indicated most categories are rated as satisfactory (green) although not the important issues of timely communication with witnesses and special measures which are rated as red or amber.
- There has been recent improvement in the monitoring of the primary and secondary measures, although data integrity is still a concern for some managers. For much of 2006-07 there was reliance on manual data which proved to be of limited benefit. Witness Attendance rates (83.0%) were the highest in London but still a little below the target of 90.0%. Whilst victim and witness non attendance is still considered by the Sector to be a significant factor in ineffective trials, the data indicates that improvements are being made. In the magistrates' courts the figures for

2006-07 for ineffective trials due to civilian witness non-attendance were 2.9% and in the Crown Court 2.3% (against baseline figures of 4.8% and 4.2% respectively). Whilst the data can not be deemed fully reliable as it is based on court outcomes, some of which will handle cases from more than one Sector, it correlates strongly with overall Area data. These figures are better than the national average for magistrates' court cases and the same as national in the Crown Court. There is regular discussion with the courts over cracked and ineffective trials at various interagency meetings.

- There has been joint analysis of the NWNJ operation at a number of levels. In May and September 2006 joint CPS and police workshops were conducted to try and establish solutions to the identified operational problems at that time. There is a victim and witness sub group at pan-London level and similarly there is an inter agency sub-group of the LCJB at Area level. The OCJR self assessment was completed in consultation with other agencies. In 2007 managers began to consider witness attendance information at Prosecution Team Performance Management meetings. Despite the undoubted commitment to and energy and cost devoted to witness care it is difficult to avoid the conclusion that systems were not fully effective in 2006-07, although some improvement is evident in 2007-08.

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

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

- The Sector has identified its priorities which are articulated into the South Sector Delivery Action Plan. The Sector's priorities for 2006-07 were aligned to the national CPS and Public Service Agreement objectives and targets and included pre-charge decision making, victim and witness care and improved use of the case management system.
- There is a two-tier planning system; high level strategy is outlined in the Sector Delivery Action Plan and a separate Sector Action Plan is used to monitor progress on a quarterly basis. The high level plan identifies responsibilities for the delivery of most actions within it and most milestones and targets are appropriate. Whilst the high level objectives are clear, there is less clarity as to how they will be achieved and some aspects would benefit from an underpinning operational action plan; this should lead to greater consistency of application and delivery across the Sector. Minutes of some meetings were weak in respect of following up on agreed actions.
- District Crown Prosecutors (DCPs) were required to produce team objectives aligned with Sector priorities that enable contribution to the overall performance of the Sector. Team objectives are then linked to staff personal development reviews that support the delivery of the overall plan. The 2006 staff survey demonstrated that Sector staff generally have a reasonable understanding of what is expected of them and how this relates to Sector objectives and those of the CPS as a whole. The Sector Director (SD) and Sector Business Manager (SBM) delivered presentations to all staff on priorities, which are summarised in an SMT priorities document that all staff have access to; it also forms part of the induction package for new staff.
- CPS London's joint planning with criminal justice system (CJS) partners for the delivery of key initiatives, is centrally managed with initiatives planned at Area and London Criminal Justice Board (LCJB) level and carried forward in boroughs by Local Implementation Teams (LITs). Senior managers in the Sector participate in project groups and LITs to oversee the change process at local level where appropriate. Major initiatives in 2006-07 included: the project to devolve youth work back to the boroughs; and the absorption of the City and Sutton teams into the South Sector. A lot of work was conducted in running pilots or preparing for the rollout of national and local initiatives in 2007-08. Examples include, Conditional Cautioning, the Criminal Justice: Simple, Speedy, Summary CJSSS initiative, the Optimum Business Model and a Virtual Court pilot. Local planning also takes place at the Borough Criminal Justice Board, Prosecution Team Performance Management and Court User Group meetings to promote a more effective way of joint working. Major police operations are also jointly planned locally to ensure a gearing up of CPS services to handle the prosecutions expected from these operations. The Sector organised a multiagency event, in May 2007, with CJS partners to review and plan for the major initiatives outlined above.

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

- Overall delivery of the London-wide change programme is the responsibility of the CPS Headquarters London Change Management Team. Programme managers from CPS Headquarters work across the Sector with the SBM. Senior managers within the Sector then enable and deliver these change initiatives. There is evidence that change within the Sector has been implemented effectively. Examples include: the Youth Devolution Project; piloting of the Optimum Business Model and internal restructuring. The Virtual Court Project was successfully run in Lambeth in summer 2007, winning the London Criminal Justice Board Award for Outstanding Achievement. Most of these change programmes have yet to be embedded; therefore the anticipated benefits have yet to be evaluated. However other change projects that are now integrated into business systems, such as No Witness No Justice (NWNJ) and statutory charging, have not yielded the anticipated benefits expected. There was limited effective review of progress of these initiatives in 2006-07, although some work has now been undertaken in 2007-08.
- The London Change Management Team comprises of staff with the level of project management expertise to develop and oversee the implementation of change, pan-London. The London Reform Programme (which includes, CJSSS, conditional cautioning and Virtual Courts) is being delivered through the auspices of the LCJB with Area project managers assigned to the LCJB to deliver this work pan-London. The Sector itself does not have its own project manager or coordinator and relies on the Area's expertise to advise and oversee the change through the LITs. However, the SMT is responsible for implementation and delivery at Sector level. The Sector tries to ensure that membership of individual LITs remain consistent throughout the change delivery programme.
- There is evidence of systematic links between change projects and staff training in all key change projects. The Sector's Learning and Development Committee have good links with the Area's Learning and Development Strategy Group. The team leader from the Area's change team is also a member of this group and informs the group of the Area's direction of travel in respect of change programmes. Needs assessment and the level of training is then devised and implemented as part of the project management process, taking necessary account of other on-going projects and day-to-day business. The Youth Devolution Project required a review and moderation of all existing systems involving youth cases and training of staff.
- Major change projects are generally subject to formal review locally as well as those conducted by national project teams; this was more obvious on newer initiatives. Progress is formally monitored and reported in Quarterly Performance Review meetings, monthly performance reports and the London Highlight report.
- The Area has sought to improve its approach to risk management by introducing a separate risk register for the Sector. For 2007-08 the Sector has prioritised most of the risks which may adversely affect operations and these are pertinent to the delivery of Sector business. These risks are reviewed quarterly and appropriate action taken where required. In addition, certain projects have their own more detailed risk register. The London Area's Planning and Risk Advisor provides advice to the Sector and identifies and spreads good practice from the rest of the Area. CPS London has an over arching risk register that identifies risks on an Area-wide basis.

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

- The Area has a London Learning and Development Strategy Group (LLDSG) which devises the overall needs for training for CPS London. London South Sector is represented on this strategy group by the SBM and a member of the Sector Training Committee. The Sector seeks to influence the training required to meet its business need through its membership of this group and undoubtedly benefits from the access to, and variety of, opportunities offered by the Learning and Development team.
- At Sector level, the SBM chairs the Sector Training Committee which meets quarterly and its members include representatives from different roles and grades across Sector teams. The Committee identifies learning and development priorities that link into the delivery of the Sector plan. The Staff survey (2006) revealed that, overall, the Sector scored below average in respect of its approach to learning and development. In response to the survey the Sector has increased the training available to managers, including training in employment law, the revised performance development programme and in managing attendance. The Sector has also piloted the Institute of Learning Management (ILM) qualification for Sector managers. Various other training has been delivered, in-house, to meet locally identified training needs and includes criminal justice partners where necessary.
- As part of the learning and development planning for CPS London, representatives of the London Equalities and Diversity Unit are members of the LLDSG. Diversity is a standing issue not only at the LLDSG but also at the Sector level training committees. This structure endeavours to ensure that relevant diversity issues are included in learning and development plans at Sector and area level including: religious and racially aggravated crime, domestic violence, rape specialist training; and equality and diversity e-learning.
- The Sector seeks to ensure equality of access to all training by considering development needs on an individual basis, through the PDR process. Requests for training are subject to line management approval and are evaluated on a business and developmental need. CPS London have programmed a number of initiatives to meet the specific needs of staff including: bespoke training for staff with visual impairments; re-designing a specific national event within London to meet the needs of staff with physical disabilities; altering course times to suit those working part time or compressed hours; and making provision for additional childcare costs to be met. Sector in-house training is also completed on a similar, albeit limited, basis. The Sector keep comprehensive records of training so that equality of access can be analysed as required.
- All new staff on the Sector are given an induction pack and attend a meeting with the SD and SBM where Sector priorities are outlined. All lawyers undergo mandatory induction training on joining the Service, including, advocacy and CMS training, as well as topic based training. All lawyers also receive centrally delivered training in disclosure and prosecuting domestic violence. Caseworkers and administrative staff also receive induction training. As part of the financial recovery programme, training activity was more restricted in late 2006-07.
- Training evaluation is not systematic. However, examples were found of improving performance as a direct consequence of training, including: improving the quality of charging decisions; better application of domestic violence policy; and improvements with communicating with victims; these apply primarily to 2007-08 activity.

10 MANAGING RESOURCES	OPA 2005	OPA 2007	Direction of travel
	Good	Poor	Declined

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

- The London Area non ring fenced administration costs budget for 2006-07 was £61,651,088 which included special funding for No Witness No Justice (£978,051) and Anti Social Behaviour Order work (£40,500) as well as £648,051 from the London Criminal Justice Board for development work. This was 'top-sliced' to fund the Area Secretariat, Serious Casework Sector and Fraud Prosecution Service.
- The remaining budget was allocated to Sectors. Some of this was ring-fenced to a particular sector, such as that provided to fund the London Traffic Prosecution Service based in South Sector, with the remainder allocated to the three geographical Sectors according to Activity Based Costing model share. A summary of budgets for 2005-06 and 2006-07 is as follows:

	2005-06	2006-07(a)	% increase / decrease
Total NRFAC budget (b)	£58,602,906	£61,651,088	+5.2%
Budget allocated to geographically based Sectors	£49,558,081	£49,818,065	+0.5%
% budget allocated to geographically based Sectors	84.6%	80.8%	
Sectors			
North and East Sector	£16,194,784	£15,680,193	-3.2%
South Sector	£18,106,272	£19,087,902	+5.4%
West Sector	£15,257,025	£15,049,970	-1.4%

(a) The Fraud Prosecution Service established in 2006 with a budget of £2,023,000 top-sliced from the Area budget

(b) Includes funds provided by London Criminal Justice Board for development work

- In 2005-06 the Sector operated within its allocated non ring fenced administration (NRFAC) budget, spending 96.4% of the allocated funding. However, in 2006-07 the position was significantly less positive and the Sector overspent by 6.8%, which is among the worst in the CPS nationally. It became apparent at the time of the mid-year review that the financial position of the Sector (and London as a whole) represented a significant risk and remedial actions were identified in an attempt to reduce the exposure. These actions produced some savings but, in the time available, the Sector were unable to retrieve the situation and an overspend of almost £1.3 million was the final outcome. Whilst late agreement on final allocated budgets, transfer of work between Sectors, and high levels of sickness absence will have contributed to this, the Sector's financial controls were inadequate and also played a part in the final outturn. The latest forecast for 2007-08 is more positive, aided by the increased use of Higher Court Advocates (HCAs) and further increases in funding.

- The Sector has had a number of Finance Managers in a comparatively short space of time which has not been helpful in building robust, consistent systems. Until recently, the role was managed at Area level, but is now under the Sector's own control. This change of accountability has led to improvements.
- The Sector recognised the need to attain value for money in its purchasing and deployment activity and steps were taken in an attempt to maximise savings opportunities. In the second half of the year expenditure on agents was cut back significantly and Higher Court Advocates were deployed more regularly. Value for money features in objectives for some managers.
- Such was the concern at Area level that all financial delegation powers (except for graduated fees for counsel) were removed from Sectors in January 2007. Following assessment of the systems in place, authority has subsequently been reinstated to the Sector Business Manager and the Sector Finance Manager in London South, although this has not been delegated further to borough level. Controls of payroll costs are generally satisfactory, provided that the spreadsheets can be updated quickly following changes to staffing. Whilst systems existed for recording committed expenditure they were used inconsistently and were not sufficiently robust in the early part of 2006-07 to enable accurate forecasting. Some expenditure from 2005-06 was not accrued properly and has therefore been paid out of the 2006-07 budget. Controls are tighter now and there are more regular reviews of the budget at Sector and Area level that take better account of committed expenditure.
- There were significant problems with the prosecution costs budget in 2006-07, some of which related to shortcomings from the previous year. Weaknesses included: failure to accrue commitments accurately; failure to identify appropriate very high cost cases (resulting in inability to reclaim costs from CPS Headquarters); a significant backlog of old cases; and delays in general processing of graduated fees. These issues contributed to significant fluctuations in the financial forecasts provided by the Sector. The final outturn for the Sector was an overspend on prosecution costs of approximately £1.4 million in 2006-07, including high/very high cost cases (approximately £750,000 if they are excluded). Improvements have been made in 2007-08 and monitoring of prosecution costs is more robust. However, until such time as all the historical fees (including some appeals from chambers) are finally settled there are still risks.
- The Sector received a small amount of 'ring-fenced' additional funding to improve the effective monitoring of cases where defendants tested positive on arrest for the use of Class A drugs. The Sector employed Drug Intervention Programme co-ordinators in two of their districts to bring greater focus to relevant cases.

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

- The Sector has kept its structures and distribution of staff under ongoing review, although activity is more pronounced in the current financial year. This should be seen against the backdrop of a commitment at Area level to implement co-location through the Integrated Prosecution Team (IPT) initiative during 2007-08. The most significant change in 2006-07 was the project to decentralise youth work and devolve cases back to the boroughs - this was accomplished successfully by the end of 2006. Other changes have happened since the last OPA, whereby work has transferred between Sectors, for example Sutton and the City of London cases are now managed by London South. These changes can impact on budget outcomes, particularly if the movement of staff is not

consistent with the budget and work actually transferred. In 2007-08 a structural change has been undertaken in the Central District to realign resources along borough lines. In the light of the need to improve budget compliance, a strong focus was put onto staffing levels in the 2007-08 budget process. This has identified at borough level the 'authorised' level of staff based on caseload and deployment modelling. In some cases, current levels exceed the target numbers and the successful reduction in numbers is to some extent reliant on 'natural wastage (with associated vacancy management) and opportunities brought about through ongoing initiatives such as IPT or the implementation of the Optimum Business Model.

- There were expectations as to the level of in-house court coverage to be provided by lawyers and designated caseworkers (DCWs) in 2006-07. Examination of rosters for early 2006-07 indicated that prosecutors were usually covering four court or charging sessions per week. Increased levels of coverage were introduced as part of the remedial actions to address the budget overspend, whereby a matrix of court cover for all prosecuting roles from DCW to CCP was introduced (non-manager lawyers and DCWs are now expected to cover at least six court or charging centre sessions each per week). This helped reduce agent usage in the second half of the year and has continued into 2007-08 (less than 40 in the first six months of this year). Overall, during 2006-07, the Sector achieved 92.0% of magistrates' courts sessions in-house; this is significantly better than the national average. Some sessions covered by counsel were omitted from the figures recorded in the first quarter of 2006-07 and will have distorted the overall figure by approximately 1.7%.
- DCW usage improved during the year, albeit from a low baseline and by the final quarter of the year reached a high of over 17.0% of sessions. However, across the financial year this equated to an annual figure of just under 13.0%. This is below their target and the national average (14.7%), although better than the average for London as an Area (11.9%). There was some disparity among the boroughs in terms of deployment, with the specialised traffic unit accounting for almost one third of the sessions. Recruitment activity led to an increase of DCW resources during the year and by March they had a full-time equivalent of 20.2 in place (the annual average was 17.1 DCWs). Whilst accepting that it takes a little time for new staff to become fully familiar with their work and that court co-operation in listing arrangements is a pre-requisite for effective deployment, it is clear that DCWs were not used to their full capacity in 2006-07. The Sector expects that each DCW should conduct six half day sessions for an average of 42 weeks in 2007-08, equating to 5090 sessions (23.0% of current level of sessions); in 2006-07 they achieved a figure of 2851 sessions.
- HCA deployment improved throughout the year and the Sector comfortably exceeded its target for counsel fee savings as a result. They achieved savings of £593,117 which was approximately 70.0% above its target, although the target itself was somewhat modest considering the potential for HCA usage in London. It should also be borne in mind that the Sector had over 40 qualified HCAs and so the number of sessions conducted (1288) was not stretching. Some internal documents seen suggest that incorrect processing in 2006-07 may have led to some under-recording of HCA activity thus missing out on possible revenue. The average saving per HCA session in the Sector (£460) was significantly better than the national average. The level of contested work (approximately 170 trials), covered by HCAs varied significantly across the Sector and the most established district (South London Prosecution Service (SLPS)) accounted for almost 60.0% of trial sessions undertaken.

- During 2006-07 the savings generated by HCAs were not fully or directly credited to the Sectors and therefore the boroughs. This has changed in the current financial year and has added some impetus to the approach to deployment. In the first half of 2007-08 the Sector achieved savings of more than £600,000 and the additional resultant funding is helping to reduce the projected overspend. Better infrastructure and support systems are now in place to try and maximise earning opportunities.
- Sickness absence at 12.7 days per member of staff was high and significantly worse than the Sector target and the national average (8.5 days). Approximately half of the sickness was attributable to long-term absence; this is similar to the national picture. Systems to monitor absence accurately were not robust in 2006-07 and the Sector cannot vouch for the accuracy of the data. Significant efforts have been made to improve the situation by training and revisions to processes in 2007.
- The Sector is happy to support requests for flexible working patterns where they are compatible with the operational needs of the business. For example, there are a number of staff working part time or compressed hours and arrangements are in place to accommodate individual child care and study leave requirements.

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

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

- There is regular discussion on performance at SMT meetings although it was not always clear from the minutes as to the depth of analysis or discussion. There is limited evidence of effective remedial actions being identified and followed up to deliver improved performance. Whilst minutes of some team meetings indicate discussion on performance it tended to be more ad hoc and varied by district. Managers have access to data that shows performance by Sector, district and borough on the 15 key CPS measures. Reports are generally simple to understand and utilise a colour coding system to highlight the status of each performance standard. Where more than one report quotes the same performance measure, care needs to be taken to ensure the data is consistent. Sector information is subsumed into the London Highlights report that is produced monthly. A databank of information has been made available to staff electronically via the Area's shared drive.
- Performance data is broken down to borough level for most measures thereby facilitating comparison of performance. Whilst there is evidence of some high level analysis and comparison, it was by no means routine and we saw only limited indication of clearly identifiable remedial actions and sharing of good practice. There is a quarterly review process that mirrors the national scheme; this operates at Area, Sector and district levels within the South Sector. There is scope to improve the effectiveness of these meetings although some positive work is clearly undertaken.
- The Sector undertakes a number of data integrity checks to ensure that entries in the core case management system (CMS) are correct. Reports are sent to district business managers (DBMs) to enable the key performance indicators to be validated prior to the system 'freeze' date. Following feedback that CMS flagging was inconsistent spot checks were introduced in an attempt to improve the situation. Our examination of a small sample of cases indicated generally satisfactory levels of compliance with flagging requirements.
- Through the performance data available, managers were generally aware of the key aspects of performance that needed improvement. There is a need to develop managers' capability in and use of, analytical skills and performance management techniques to drive improvements effectively. In some instances better analysis of the root causes of problems may have led to more effective and timely solutions. Action plans with clear audit trails of activity undertaken would also be of benefit in some aspects of work. Performance improvements are evident across some measures, although in some cases this is from a low baseline. In other aspects of work improvements were limited in 2006-07. Ineffective trials and attrition in the magistrates' courts are examples of where improvements were made. However, results were still outside target and worse than national averages although the gap closed in both instances. Compliance with the Direct Communication with Victims scheme was weak throughout 2006-07 despite attempts to improve; recent results are more encouraging. Results from the charging initiative have been

disappointing and have not improved since the last OPA. As victims and witness care and charging were listed as Sector priorities, the lack of progress is disappointing. On the other hand progress has been made against most Public Service Agreement targets.

- There is a governance document in London that defines responsibility for performance among key roles. Whilst Borough Crown Prosecutors (BCPs) are not specifically mentioned, we were assured that they are held to account for borough performance by the District Crown Prosecutors (DCPs) in the South Sector. The role of the London Performance Forum was not understood on the Sector.
- Findings from advocacy monitoring and some issues identified in the casework quality assurance (CQA) scheme are fed back to individuals and the information can be used in the appraisal process. However most objectives and targets are generic and we saw limited evidence of effective use of personal performance data in performance and development reviews, although some reference to Sector targets was apparent.

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

- Sector managers are involved in a wide range of joint performance groups with other criminal justice agencies. Feedback from partner agencies was generally complimentary about the commitment of CPS staff to performance management, but less positive in terms of the ability of the CPS to translate commitment into improved results. The framework of meetings varied a little throughout the Sector although there are meetings such as Prosecution Team Performance Management meetings (PTPM) and Borough Criminal Justice Groups (BCJG) that are more widespread. However, PTPM groups across the Sector are still developing—in the period April to July 2007, an internal ‘audit’ found that only 25.0% of the expected level of meetings had taken place in the Sector. A standardised agenda for PTPM meetings has been established in 2007-08. There are a number of different fora that cover similar issues and there may be scope for some rationalisation of meetings. The effectiveness of meetings is variable; for example, some groups have a systematic approach to ensuring remedial actions are recorded and followed up, others do not.
- Most of the information used in joint performance meetings is provided via the Local Criminal Justice Board. The CPS provide information for PTPM meetings, although limited use was made of the data in 2006-07 as it was not considered by the agencies to be fully reliable; following additional training in early 2007 there is now a greater level of understanding of, and confidence in, the data. The CPS also provide details of adverse case outcomes to the police in some meetings; this can be used to identify learning points. The court provides cracked and ineffective trial data to partner agencies, although as this is based on individual courts (some of which are used by more than one Sector) it may not always reflect Sector performance. There has been a growing acceptance that data needs to be analysed by participants before meetings to make the most effective use of the information.
- To some extent joint improvement strategies are governed by the overarching London Reform Programme that was drawn up following the work conducted by the Prime Minister’s Delivery Unit. This includes a number of initiatives at Area level including the Integrated Prosecution Team and Virtual Courts along with other CPS national strategies such as the Optimum Business Model and CJSSS. Local Implementation Teams lead such activity at Sector level and pilots are

underway. Sector managers have responsibility to work with other agencies where there is a clearly identified need for a local joint improvement strategy, although there was limited evidence of locally driven joint strategies in 2006-07. Some good work was undertaken with partners to improve performance in Bexley that had historically been considered to be a weak performing borough. An informative review of the charging operation was conducted jointly with the police in 2007, although this was driven at Area level.

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

- The Sector has utilised the national CQA scheme to monitor the quality of casework decisions and preparation, although it has not quite attained the volume of assessment anticipated. Throughout 2006-07 the Sector completed approximately 88.0% of the target volume of forms and further progress has been made in 2007-08.
- Inspectors examined the forms from across the Sector for October 2007 as part of our reality checks. The assessment revealed variable practices in terms of selection of files and the robustness of the examination conducted. Some were very good and demonstrated a thorough assessment of the files with evidence of feedback to individuals where learning points were identified. Others were less good and in some boroughs there was a marked lack of comment on forms, in some cases, even when the form identified a 'failure' in the tick boxes. The most common issue identified in the forms seen was the failure to record information on CMS, rather than issues that could contribute to improved outcomes. At Area level London has self-assessed performance as acceptable in more than 90.0% of cases examined for all four key categories; in the light of our findings and Sector results this seems a little generous.
- The Sector uses CQA primarily to assess and feedback on an individual basis, although as noted above, we saw limited evidence of this feeding into personal appraisals. Managers believe that issues identified in CQA are generally consistent with those found in their broader performance management regime, which is used to identify aspects of work that require improvement. In the minutes of the six SMT meetings seen there was no specific reference to findings or trends identified from CQA although there was discussion on performance generally. A useful one page summary of some of the key measures is maintained.
- The Sector had an Advocacy Trainer during the early part of 2006-07, one of whose duties was to conduct advocacy assessments at court. When she changed roles in June 2006 training was provided to BCPs to enable them to carry on with the process in a consistent way. There is little evidence that the work was in fact continued; we have seen evidence of just over 20 assessments conducted between April 06 and October 2007. This was confirmed by the Learning and Development Manager's report during the quarterly performance review for the fourth quarter where advocacy monitoring was cited as a weakness. Activity has been reinvigorated in 2007-08 although the assessments are being conducted by one person on a Sector-wide basis rather than by individual BCPs. Where assessments have been conducted, detailed reports are issued that show positive performance and identify aspects where advocacy can be strengthened.

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

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

- The Sector has not articulated its own vision and values and relies on the Director's Vision of the CPS becoming 'A World Class Prosecution Service'. The 2006 staff survey showed that awareness of staff of the national vision was 84.0%, higher than the national average of 80.0%. Managers have given clear direction as to the Sector priorities which have been disseminated to staff in a variety of ways. Staff have also been given an overview of the London Reform Programme.
- The governance framework for London introduced in 2007-08 defines management responsibilities in the Sector. The London Board is the forum with responsibility for making decisions that set the strategic direction for the London Area. The SMT is responsible for setting the strategic direction of the Sector to ensure effective management and delivery of key targets decided by the London Board. It is clear that senior managers are aware of these priorities and demonstrate an understanding and responsibility to deliver these and other criminal justice strategies. The Sector has produced clear governance arrangements that detail the terms of reference for the SMT, a performance framework and a responsibilities matrix. This should go some way towards overcoming previous staff concerns (highlighted below) over roles and responsibilities. However, since the last OPA there has been a significant turnover and change of roles of senior managers on the Sector; this has led to a lack of continuity of leadership for staff.
- There is scope to improve the cascading of key information from the SMT meetings to other managers and staff to ensure that a consistent message is received. There is also a need to ensure a more corporate approach in translating these high level objectives into more consistent, auditable actions designed to deliver the desired outcomes. Much of this will rely on the effectiveness of district and borough team meetings which has been variable. The national 2006 staff survey indicated that the dialogue between managers and staff was generally less effective than nationally and that this had a negative impact on staff morale. Only 45.0% believed they had regular meetings (against 59.0% nationally) and only 44.0% believed they had effective meetings (against 55.0% nationally). There is also scope for managers to improve the confidence their staff place in them; the staff survey showed poor performance in respect of advice, encouragement, communicating and being able to contribute to change management.
- Senior managers generally make themselves available to staff, with the Sector Director (SD) and Sector Business Manager (SBM) making visits to teams to meet with staff and promote the Sector objectives and discuss strategic, change and operational issues. However, Only 18.0% of staff believed that the CPS valued them compared to 26.0% nationally. The Investor in People (IiP) health check conducted in May 2007 also indicates that, in common with the rest of London, management responsibilities are not clearly defined or understood and are not applied. The Sector has gone some way to rectifying these weaknesses by: putting eleven senior

managers through the Institute of Leadership and Management (ILM) course; the SD and “back-to-the-floor” exercises; developing an action plan, from a staff conference held in October 2006, to address staff issues from the staff survey; and holding focus meetings in order to address these issues. These focus group meetings have now ceased and not all of the proposed actions outlined have been carried forward.

- Senior managers have considerable responsibility for leading or participating in a wide variety of criminal justice initiatives and other interagency groups. Relationships with most criminal justice agencies are positive and constructive particularly at the highest level where there are regular meetings between senior managers and their counterparts in other agencies. Whilst partners are complimentary about the commitment of CPS managers, they are less confident that this will consistently lead to timely performance improvements.
- The SMT demonstrates a willingness to learn through reviewing success and failure. Examples were found of senior managers isolating aspects of poor performance and implementing systems or changing behaviour in order to affect a more positive outcome. In addition, where systems had worked well, these were sometimes incorporated as standard throughout the Sector. The sharing of good practice could be expanded and made more effective. Although performance management systems could be more consistent a developing performance culture among managers is also helping to identify such opportunities.

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

- The 2006 Staff Survey indicated that the proportion of staff who consider that the CPS value its staff was significantly below the national average and the proportion who considered there was an effective system of recognising people who perform well was also below average. The liP health check is more positive and highlighted that staff were able to give examples of how they receive positive feedback for their contribution. Sector managers have responded to the survey and greater efforts are made to recognise positive performance. Although the Sector does not have a formal reward and recognition policy it is participating in an Area-wide special bonus scheme where individual payments have been made to staff in recognition of their performance or commitment. In addition there are a number of positive efforts to recognise good performance of staff including: thanks to specific individuals in meetings; thank you letters to staff; and individual reviews of performance through the appraisal system. Staff from the Sector have been successful in the annual Area Awards scheme.
- The Sector has actively promoted a dignity at work ethic and senior managers within the Area are expected to act as role models for their teams, demonstrating behaviour which is consistent with Sector aims. To this end a Sector managers’ conference was held in March 2006 addressing “Managing Performance in a Diverse Workforce” and latterly managers from the Sector have completed an ILM course. In the March 2006 staff survey, 56.0% of staff believed they were treated with fairness and respect compared to 63.0% nationally and only 30.0% of staff felt it was safe to speak up, compared to 35.0% nationally. The Sector conference held in October 2006 raised various actions in response to issues highlighted in the staff survey. One of these actions was to introduce Sector management standards by March 2007; this has yet to be done.

- The Sector has had one substantiated complaint against a manager about the treatment towards a member of staff. Human resources (HR) matters are supervised by the SBM in conjunction with Sector representatives in the London HR Advisory Team.
- The staff survey highlighted the need for senior managers to do more to ensure dignity at work is promoted and complaints about working conditions dealt with more effectively. The SMT is responsible for ensuring that equality issues are promoted and delivered in accordance with the equality objectives in CPS London's Area Business Plan. The Sector Director and the SBM are the equalities champions. The Sector does not currently have an equalities and diversity officer. Equality issues are integrated in the Sector Delivery Plan particularly in respect of community engagement, hate crime and workforce representation.
- The makeup of staff on the Sector generally reflects the communities served in this part of London. The workforce exceeded the known local demography of black and minority ethnic group numbers. The Sector recognises that there is a disparity in respect of the declared numbers of disabled people working in the Sector compared to local demographics. In common with most Areas, the Sector encourages staff to self declare disabilities and raise awareness that the term now has a wide remit. In respect of most other categories of representation, including gender, the workforce representation plan is to maintain the position it has achieved.
- The Sector is proactive in dealing with isolated examples of unsatisfactory or improper behaviour and has adopted an immediate challenge approach when issues arise, for example dealing with inappropriate emails. Such instances are reported to the SMT to ensure a consistent and proportionate approach to each issue.

13 SECURING COMMUNITY CONFIDENCE	OPA 2005	OPA 2007	Direction of travel
	Good	Fair	Declined

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

- Senior managers understand the increasing need to improve community confidence and become more accountable to the public, particularly as the prosecutorial role develops. The Sector Director (SD) has lead responsibility for community engagement in the Sector and the District Crown Prosecutors (DCPs) and Borough Crown Prosecutors (BCPs) have responsibility for activity in the districts and teams. Community engagement objectives are reflected in the Sector Delivery Action Plan. Securing the confidence of the community is seen as part of the core business by the Sector managers and specific objectives have been set for managers and hate crime co-ordinators. The Sector is trying to ensure that all staff understand the importance of this area of work and activity is regularly fed back to staff through the Area newsletters ('Capital News' and 'Capital E-News'). Senior managers also encourage staff participation by requesting volunteers through the e-mail system. Following the implementation of financial restrictions in the latter part of 2006-07 community engagement was afforded a lower priority.
- The Sector Delivery Action Plan reflects the Area's strategic commitment to improving community engagement and is based on the London Area Business Plan, although the actions in the plan could be more specific and measurable. The plan is reviewed by SMT quarterly. Objectives from the Sector plan are reflected in team plans and are then linked with personal objectives to appropriate individuals. Community events are captured in a community engagement log. This log sets out the type of event attended and the type of feedback from the event that was received. The Area is in the early stages of attempting to learn and evaluate the effectiveness of its engagement policy.
- Most community engagement undertaken by the Sector remains confined to information giving and is mainly reactive. Whilst the SD, SBM and other SMT members lead on community engagement, senior managers have encouraged staff of all grades to become more involved in community engagement; in particular hate crime and domestic violence crime co-ordinators play a pivotal role with partner agencies and community groups. However, the Sector recognises it needs to further develop activities involving consultation and participation, build staff capacity, and expand the scope of community engagement activities. The Equality and Diversity Unit made similar recommendations in its review in late 2006 and the 2006 staff survey indicated that only 26% of staff had ever had the opportunity to improve public perception of the CPS by taking part in community engagement activities, compared to 33% nationally. The Sector is addressing these issues and staff attended a London held Community Engagement Workshop.
- The Sector can demonstrate a modest range of engagement activity including: crime reduction partnerships; Police Community Consultative Groups; raising awareness at educational establishments; and working with partner agencies to address concerns of gun crime, youth crime, hate crime and domestic violence. However the number, range and lack of proactive engagement activities are of concern for a Sector that encompasses some of the most challenging boroughs in London. There is also a significant disparity in the engagement of some districts, with one recording just two engagement activities for the whole of 2006-07. The Sector

recognises that there are problems with under recording community engagement activities. Community confidence work used to be marshalled by an Equality and Diversity Officer (EDO) who also advised and supported managers at all levels on engagement activity. The EDO left part way through the year and was not replaced as part of the cost savings initiatives.

- Demographic information concerning the local population is contained in a borough profile document, pertinent to each of the boroughs on the Sector. These profiles provide comprehensive demographic mapping at borough level and include local contact information for organisations within the boroughs. Each borough profile is available to staff on the shared drive. These profiles have very recently been updated by the Area. There is some evidence that these profiles are used by the Sector in a proactive way.
- The Sector aims to engage with groups that are at most risk of exclusion or discrimination, particularly those likely to be a target of a hate crime. The Sector holds Performance Indicator Review Panels (PIRPs) in partnership with other agencies and community groups to discuss the prosecution of hate crime—this is a good example of proactive positive engagement. Meetings have been held quarterly with a focus on different hate crime categories. The Sector has learned from reviewing the effectiveness of these meetings that it has led to inconsistent links with groups. Therefore, for 2007-08 they have adopted a thematic approach with meetings focused on violence against women. It is too soon to assess if this will lead to service improvements, but inspectors were assured that lawyers now have a greater awareness of the issues of prosecuting these types of cases from a victim perspective.
- The Area in common with all CPS Areas is required to introduce a Hate Crime Scrutiny Panel in a considered way that will include representation from the South Sector. In addition the Sector has assisted domestic violence groups with the introduction of a specialist domestic violence court, at Croydon. However the range and proactivity of engagement with groups at risk could be more comprehensive.
- The Sector recognises that building confidence and engagement activity with communities can take time to develop. In common with many other Areas, service changes and improvements resulting from such engagement has been developing slowly. The Sector also recognise that there are gaps in evaluating community engagement activity and have yet to map the impact their community engagement activities are having.
- There is no measure of community confidence specific to the CPS, but they contribute to the public's confidence in the criminal justice system through undertaking its prosecution functions effectively and by engaging with the public directly and through the media. Community confidence data is not available at Sector level. Community confidence in the ability of the criminal justice agencies, pan-London, to bring offenders to justice as measured by the British Crime Survey, has improved from the baseline figure of 41.0% taken in 2002-03 to 47.6% in December 2006 and is higher than the national average of 42.3%.
- The Sector communication strategy with the media is, in the main, the responsibility of the Area Communications Team. The Area Communications Team work effectively with CPS Headquarters Press Office, with the latter dealing with relationships with national media organisations and Area establishing relationships at a local London level. Although the Sector does not have a dedicated Communications Officer, a number of Sector DCPs and BCPs have had media training and are aware of who to contact at Area level for advice regarding publicity and media handling.

ANNEXES

A PERFORMANCE DATA

Aspect 1: Pre-charge decision-making

	Magistrates' courts cases				Crown Court cases			
	National target March 2007	National performance 2006-07	Sector performance		National target March 2007	National performance 2006-07	Sector performance	
			2005-06	2006-07			2005-06	2006-07
Discontinuance rate	11.0%	15.7%	13.2%	15.0%	11.0%	13.1%	18.3%	17.0%
Guilty plea rate	52.0%	69.2%	61.7%	64.4%	68.0%	66.5%	61.7%	51.9%
Attrition rate	31.0%	22.0%	24.7%	23.8%	23.0%	22.2%	24.7%	28.1%

	National performance 2006-07	Sector performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	75.2%

Aspect 2: Ensuring successful outcomes in the magistrates' courts

	National performance 2006-07	Sector performance 2006-07
Successful outcomes (convictions) as a percentage of completed magistrates' courts cases	84.3%	81.8%

Trial rates	National performance 2006-07	Sector performance 2006-07
Effective trial rate	43.8%	43.3%
Cracked trial rate	37.3%	37.3%
Ineffective trial rate	18.9%	20.8%
Vacated trial rate	22.5%	18.3%

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

National target	National performance 2006	Area performance 2006
71 days	72 days	85 days

Offences Brought to Justice

	CJS sector target 2006-07	CJS sector performance 2006-07
Number of offences brought to justice	52,295	62,716

Percentage make up of Offences Brought to Justice	National 2006-07	Criminal justice area 2006-07
Offences taken into consideration (TICs)	8.5%	8.2%
Penalty notices for disorder (PNDs)	10.3%	7.7%
Formal warnings	5.8%	15.1%
Cautions	26.5%	22.2%
Convictions	48.8%	46.1%

Aspect 3: Ensuring successful outcomes in the Crown Court

	National performance 2006-07	Sector performance 2006-07
Successful outcomes (convictions) as a percentage of completed Crown Court cases	77.7%	72.3%

Trial rates	National performance 2006-07	Sector performance 2006-07
Effective trial rate	48.2%	59.4%
Cracked trial rate	39.5%	26.1%
Ineffective trial rate	12.4%	14.5%

Proceeds of Crime Act orders	Sector target 2006-07	Sector performance 2006-07
Value	£5,411,152	£2,526,800
Number	143	98

Aspect 10: Managing resources

	2005-06	2006-07
Non ring-fenced administration costs budget outturn	96.4%	106.8%

Staff deployment	National target 2006-07	National performance 2006-07	Sector performance 2006-07
DCW deployment (as % of magistrates' courts sessions)	17.2%	14.7%	13.0%
HCA savings against Area target	100%	138.4%	170.3%
Sickness absence (per employee per year)	7.5 days	8.5 days	12.7 days

Aspect 13: Securing community confidence

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

CJS area baseline 2002-03	2004-05 (last OPA)	Performance in 2006-07
41.0%	45.0%	47.6%

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

Police

Metropolitan Police Service

HM Courts Service

Crown Court

Inner London Crown Court

Woolwich Crown Court

Magistrates' courts

Bromley Magistrates' Court

Bexley Magistrates' Court

City of Westminster Magistrates' Court

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

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

HM Crown Prosecution Service Inspectorate

London Office:

26 - 28 Old Queen Street

London SW1H 9HP

Tel. 020 7210 1197

Fax. 020 7210 1195

York Office:

United House, Piccadilly

York, North Yorkshire, YO1 9PQ

Tel. 01904 54 5490

Fax. 01904 54 5492

Website:

www.hmcpai.gov.uk

© Crown copyright 2008