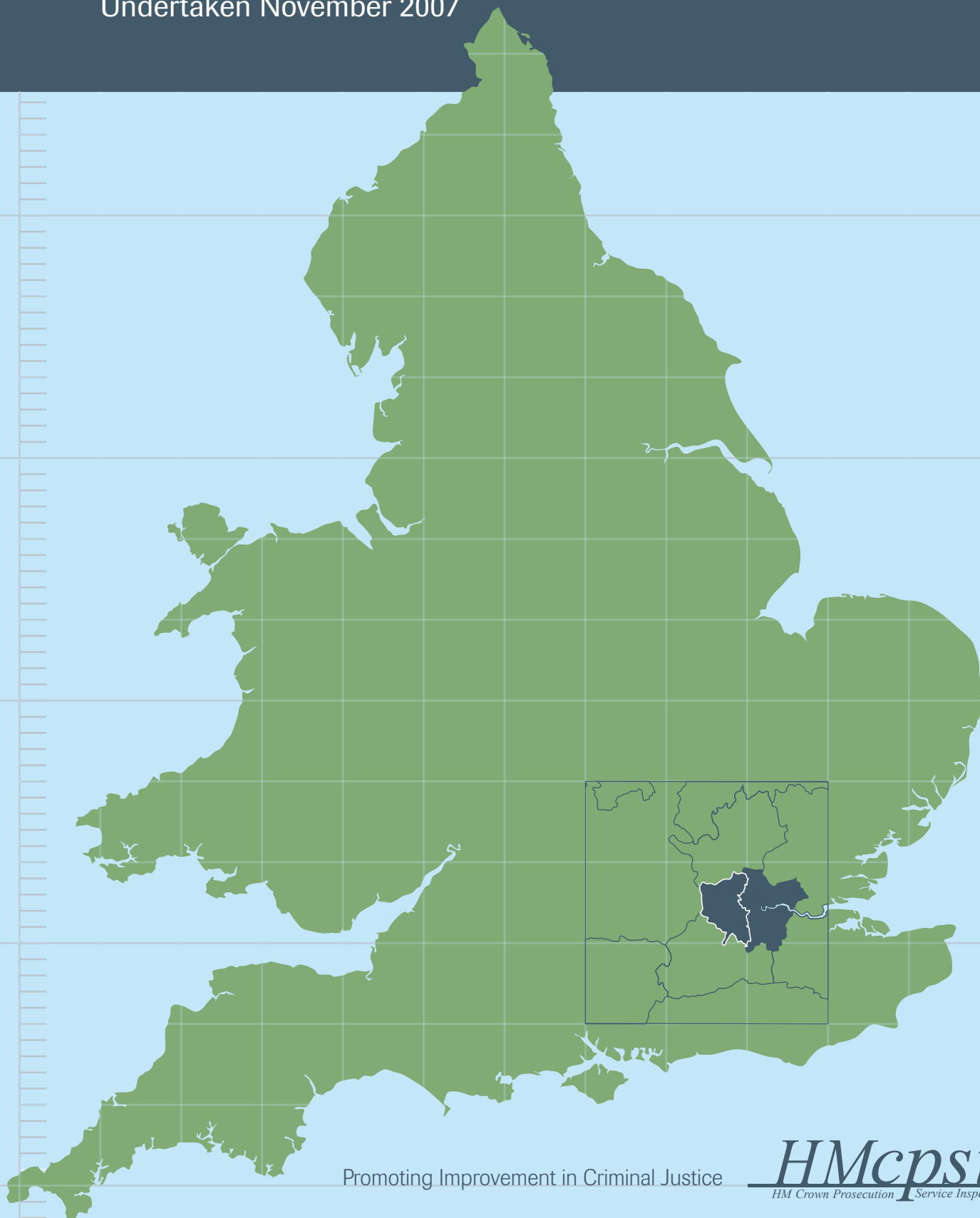


CPS London West Sector Overall Performance Assessment

Undertaken November 2007



Promoting Improvement in Criminal Justice

*HMcp*si**
HM Crown Prosecution Service Inspectorate



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ABBREVIATIONS

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

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

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A INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

This report is the outcome of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPPI) overall assessment of the performance of the Crown Prosecution Service (CPS) in the London, West 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 HMCPPI based on absolute and comparative assessments of performance. These came from national data; CPS self-assessment; HMCPPI'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 8 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. The Area is structured into four sectors, North, South, West and Serious Casework. The three geographical sectors are each the size of many CPS Areas. Sector Directors have devolved responsibility and have the status of Chief Crown Prosecutors. The West Sector has three offices, at Harrow, Kingston upon Thames and Ludgate (which is sited within CPS Headquarters), in addition it has a co-located unit with the police at Colindale. The Area Headquarters (Secretariat) is based at the Ludgate office. Within the Sector there are two districts, North West London Prosecution Service (NWLPS) and South West London Prosecution Service (SWLPS).

Within the Districts, Sector business is divided on geographical lines between magistrates' courts and Crown Court work. The units are coterminous with the relevant boroughs, with the NWLPS covering Barnet, Brent, Ealing Harrow, and Hillingdon (including Heathrow Airport). The SWLPS covers Hammersmith and Fulham, Hounslow, Kensington and Chelsea, Merton, the Royal Borough of Kingston upon Thames, Richmond and Wandsworth.

During the year 2006-07 the Sector had an average of 365 full time equivalent staff in post, and a budget of £15,050,000. This represents a 14% decrease in staff, and a 1.5% increase in budget since 2004-05, the period covered by the Area's last overall performance assessment.

Details of the Sector's caseload in 2004-05, and in the year to March 2007 are as follows:

Pre-charge work¹

2004-05		2006-07	
Written advice	4,173 (26.7%)	Decisions resulting in a charge	16,489 (31%)
Pre-charge advice (where available)	12,655 (31.8%)	Decisions not resulting in a charge ²	9,635 (28.9%)

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	50,539 (30.8%)	33,682 (25.4%)	-33.4% (-18.9%)
Other proceedings	991 (59.6%)	77 (38.7%)	-92.2% (-88.0%)
Total magistrates' courts proceedings	51,530 (31.2%)	33,759 (25.4%)	-34.5% (-19.6%)
Crown Court proceedings (including cases previously subject to a pre-charge decision)			
Cases sent or committed to the Crown Court for determination	4,869 (27.6%)	5,313 (29.2%)	+9.1% (+3.2%)
Committals for sentence ³	829 (29.1%)	941 (29.3%)	+13.6% (+12.9%)
Appeals from the magistrates' courts ³	516 (36%)	573 (33.7%)	+11.1% (+18.8%)
Total Crown Court proceedings	6,214 (28.3%)	6,827 (29.5%)	+9.9% (+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

The West Sector underwent a number of changes to its structure in 2006-07, moving from four to two Districts, the North West London Prosecution Service and the South West London Prosecution Service. This followed the merger in December 2006 of the West London Prosecution Service, the West Central London Prosecution Service and the South West London Prosecution Service. Following this merger, in order to balance the caseload between the two districts, responsibility for the Borough of Hounslow moved from the North West London Prosecution Service to the South West London Prosecution Service.

The West Sector is a large geographical area which stretches from the border of Hertfordshire in the north to Surrey in the south. It covers a diverse range of boroughs, some of which are inner-city with high minority ethnic and transient populations, but also includes those perceived as more affluent, such as Richmond and Merton (Wimbledon). Some boroughs cover the West End of London, which give rise to a number of high profile cases. The Sector also has responsibility for dealing with cases arising from incidents occurring at Heathrow Airport.

Summary

Since the last OPA, the Sector has strengthened the role of the Borough Crown Prosecutors in performance delivery within their respective boroughs. This has also been enhanced by improved performance information and an increased awareness of where improvement needs to be made. However, the casework quality assurance (CQA) scheme was not sufficiently robust across the Sector in 2006-07, and the use of the prosecution team performance management (PTPM) mechanism to improve aspects of the pre-charge delivery initiative was not sufficiently embedded. In a number of areas of work there were marked differences in approach between the two districts and more could be done to determine what works well and share good practice.

Communication with staff is generally effective, although aspects of a proposed move of staff from Ludgate to the Kingston office could have been handled better. However, staff are well informed on what the Sector wants to achieve and Sector managers have a high profile. This profile continues to be developed within the local communities, and a wide range of community engagement activity is undertaken, some of which has a national dimension. The Sector is alert to the implications of the changing demographics of the boroughs it serves.

Overall performance delivery has been mixed, with some notable successes such as the improvement overall in the use of the case management system (CMS) and the identification and flagging of sensitive cases. However other aspects, particularly the operation of the custody time limit (CTL) system and the management of the Sector's budget in 2006-07 give rise to significant concerns.

The Sector had eight custody time limit breaches in 2006-07 compared with only one in each of the two preceding years. The use of management checks needs to be strengthened.

On the budgetary side, the Sector overspent its allocation by 9%, although much of this was due to unsatisfactory arrangements between the Sector and the Area for the payment of some staff salaries. Other aspects of resource management were more positive, with improving deployment of designated caseworkers (DCWs), who conduct a range of prosecutions in the magistrates' courts and Higher Court Advocates (HCAs), who are CPS lawyers who conduct proceedings in the Crown Court.

Overall in-house court coverage in the magistrates' courts improved to 95% of all sessions by the end of the fourth quarter 2006-07, which reduced the amount of money the Sector had to spend on agents. In the Crown Court, the increased usage of HCAs resulted in counsel fee savings of £540,454 against a target of £501,091.

Some major changes have been delivered successfully, for example the Sector restructuring and the creation of a centralised fee payment unit, with benefits being realised as a result. Whilst there was a significant amount of training delivered, some aspects needed to be reinvigorated, such as the local training committees.

Sector managers have worked hard to improve the operation of the pre-charge decision (PCD) scheme, in particular the effectiveness of the arrangements with the police to ensure that only appropriate cases prepared to the required standard are submitted. This is starting to lead to a reduction in the proportion of cases where no further action is directed, and an improvement in the management of cases where the defendant is on bail pending a final pre-charge decision.

There has been a similar improvement in the handling of magistrates' courts cases, with an increase in the level of successful outcomes from 76.8% at the time of our last Overall Performance Assessment (OPA) in 2004-05, to 83.6% in 2006-07. The Sector also focussed, in conjunction with its criminal justice partners, on driving up performance in respect of persistent young offenders (PYOs), which contributed to CPS London achieving a rolling average of 70 days for the quarter ending August 2007 which met and exceeded the national target of 71 days. The Sector also, again in conjunction with its criminal justice partners, met and exceeded its target for bringing offenders to justice.

However, too many cases are still discharged at the committal stage because the prosecution are not ready and an adjournment is refused, although performance is improving year on year. There was also a need to improve the timeliness of trial preparation although the proportion of ineffective trials was reducing.

The position was not so positive in respect of Crown Court cases where there had been a much smaller increase in the proportion of successful outcomes, from 70.1% in 2004-05 to 72.4% in 2006-07. London is one of the worst performing Areas in the CPS in this context. The Sector fell well short of its value target for recovering the proceeds of crime, achieving orders to a value of £3,631,593 against a target of £5,038,259. Cases are still not always progressed effectively and the timeliness of compliance with court orders and some actions associated with compliance with the duties of disclosure needed improving.

There was a need to improve performance of some aspects of the prosecutor's compliance with disclosure obligations, in particular the handling of continuing disclosure needs to be strengthened.

The Sector's use of champions and specialists to drive up performance in sensitive cases and hate crimes was improving, and the proportion of successful outcomes was similar to that of CPS London overall. There was a detailed analysis of the outcome in most cases involving allegations of rape and constructive guidance was given by the Sector's case management panel when they reviewed sensitive cases.

The treatment of victims and witnesses was mixed. Whilst compliance at court with the Prosecutor's Pledge was effective, with positive feedback from witnesses, there was a need to strengthen very substantially adherence to the Direct Communications with Victims (DCV) scheme. Far too few letters were being sent to victims explaining why the case had been dropped or the charge substantially

reduced. The Sector attributed some of this to an under-recording, but our checks indicated that letters were not being sent in too many cases.

Direction of travel

Since the last OPA the Sector has improved its rating in one aspect, which is a critical aspect, but declined in three (one critical and two noncritical aspects). In the remaining aspects performance has been maintained at the same assessment although in pre-charge decision-making, progressing cases at court, managing performance to improve and securing community confidence there were significant improvements within the existing bands. The enhanced focus on performance at borough level should assist the Sector, where necessary, in improving service delivery.

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

OVERALL ASSESSMENT	FAIR
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Critical aspects	Assessment level		
	OPA 2005	OPA 2007	Direction of travel
Pre-charge decision-making	Fair	Fair	Improved⁴
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	Good	Stable
Overall critical assessment level	FAIR		
Progressing cases at court	Fair	Fair	Improved⁴
Sensitive cases and hate crime	Fair	Fair	Stable
Disclosure	Fair	Fair	Stable
Custody time limits	Fair	Poor	Declined
Delivering change	Fair	Fair	Stable
Managing resources	Fair	Poor	Declined
Managing performance to improve	Fair	Fair	Improved⁴
Securing community confidence	Good	Good	Improved⁴
OVERALL ASSESSMENT	FAIR	FAIR	

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

D DEFINING ASPECTS

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

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

- The West Sector has 12 charging centres based in the main police stations in each borough, with additional coverage at Heathrow Police Station. Face-to-face pre-charge decisions (PCD) are given at each. The North West London Prosecution Service (NWLPS) covers six of the charging centres and the South West London Prosecution Service (SWLPS) covers the other seven.
- Coverage is provided Monday-Friday during working hours at each charging centre, with the exception of Heathrow where coverage is provided three days a week. The number of prosecutors assigned to each charging centre varies across the boroughs, with two provided at Wandsworth and Hounslow. Additional coverage is also provided on some days of the week at other charging centres.
- The Sector undertook effective periodic capacity reviews in 2006-07, as a result of which the level of coverage was increased at some charging centres to reflect the level of demand for PCDs. Arrangements are sufficiently flexible to also allow for short-term increases in coverage when the need arises, for example as a result of demonstrations at Heathrow Airport.
- Inspectors were impressed with the analysis of throughput and the Sector's responsiveness to changes in circumstances.
- Each location is covered by a CPS Charging Centre Manager who supervises the appointments diary, including deciding whether an extended appointment time is required. The Sector review of charging arrangements indicated that in some boroughs appointments were not routinely being kept, but action has been taken to address this issue.
- There was a face-to-face consultation in 67.0% of CPS London cases compared with 63.5% nationally. Whilst there is no Sector specific data on the number of face-to-face consultations, our checks indicated that this method was used in almost all the Sector cases examined.
- The Sector has satisfactory arrangements for dealing with complex and serious cases, with guidelines on when they should be submitted to a CPS office, as opposed to going through a charging centre. There is a separate protocol for cases investigated by the Flying Squad.
- Early advice is being sought in appropriate cases, and the Sector has specific arrangements in place in two boroughs for early advice to be sought in all cases to help improve the quality and timeliness of the PCD process. Some cases are bypassing the PCD scheme, but these are drawn to the attention of police managers in PTPM Meetings (PTPM) and appropriate action is taken.

- The proportion of cases where the PCD is that there is to be no further action (NFA) varies significantly across the Sector. Overall it was 26.4% of cases in 2006-07, ranging from 21% in Hillingdon Borough to 30% in Kensington and Chelsea Borough. The Sector review of charging arrangements indicated that police arrangements for filtering out cases which did not need referral to the CPS (commonly known as gatekeeping) were not operating effectively across all charging centres and this was impacting adversely on NFA rates. These have now been strengthened and the proportion of cases where the PCD is that there should be NFA is improving.
- The Sector has a disputes-resolution protocol, although few cases are formally referred. Where this does take place, the cases are considered by the relevant Borough Crown Prosecutor (BCPs) and in some the decision is changed.
- The management of bail periods and compliance with action plans improved during 2006-07, which was confirmed by our checks. Some boroughs had very few inactive cases, although across the Sector there were a number of persistent young offenders on the lists. Sector managers need to ensure that these cases are being progressed effectively.
- The proportion of PCDs recorded on CMS improved significantly during 2006-07, from a 71% compliance rate in the first quarter of 2006-07 to 99% in the first quarter of 2007-08. Our checks indicated that a form MG3 or MG3A was completed correctly in each case examined. The gender and ethnicity of the suspect was also recorded in each case.
- The Sector manages effectively the interface with CPS Direct. Specific cases of concern are drawn to the attention of the regional manager. The regional manager, who used to be based on the Sector, sits on the training committee and has also been involved in training sessions with the police.
- Conditional cautioning was rolled out across the Sector in 2006-07, although it is not operating effectively in all boroughs. The Sector is working to improve the position with the police. The decision to offer a conditional caution complied with the Code and the Director's guidance in each of the cases we examined.

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

- Prosecutors must have completed the Proactive Prosecutor Programme before they can provide PCDs, and are also mentored by experienced prosecutors. BCPs review performance and this has led to some prosecutors being withdrawn from charging centres. Our checks indicated that the Code evidential test was applied correctly in all but one of the cases where the PCD was made by a Sector prosecutor. In the one case the prosecutor advised that the defendant should be charged with a summary-only offence, when the statutory time limit had already expired.
- Most MG3s were sufficiently detailed and included consideration of relevant unused material, although in one, insufficient weight was given to potentially undermining material. Action plans were also sufficiently detailed in all but one of the cases examined. In the one case the failure to identify all necessary actions led to unnecessary delay.

- Our checks indicated that prosecutors did consider appropriate issues at the PCD stage, including whether there should be special measures applications. The form MG11 detailing potential issues and the possible need for special measures was completed on relevant statements. In one case the prosecutor did not consider whether there was the possibility of confiscating the defendant's assets under the Proceeds of Crime Act (POCA).
- BCPs review all discontinued cases, including the evidence on which the decision was made, and reports are provided to the two District Crown Prosecutors. The analysis is detailed, although in some the identification of learning points could be improved. BCPs attend court and charging centres on a regular basis which assists in ensuring the quality of decision-making. BCPs also use the casework quality assurance scheme to monitor performance, and their findings are similar to ours.
- The systems to quality assure NFA cases are not consistent across the Sector. In some boroughs there is a regular review by the BCP of the MG3 in all NFA cases, in others Charging Centre Managers send the details of NFA cases to the police. Neither system involves a review of the evidence on which the NFA decision was based. The proportion of NFA cases and trends are discussed at PTPM meetings.

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%	12.5%	12.2%	11.0%	13.1%	14.2%	16.0%
Guilty plea rate	52.0%	69.2%	65.2%	67.0%	68.0%	66.5%	54.3%	54.6%
Attrition rate	31.0%	22.0%	21.0%	20.4%	23.0%	22.2%	25.9%	27.4%

- The Sector achieved two of the six expected benefits in 2006-07, although it was the best performing CPS London geographical Sector in respect of each of the expected benefits. The discontinuance and attrition rates in the magistrates' courts were better than found nationally. Performance in respect of Crown Court PCD cases was unsatisfactory and had not improved in the first two quarters of 2007-08.
- Detailed monthly performance data, including sanction detection rates, is produced on a borough basis, and quarterly performance is discussed at Sector Management meetings. In the North West London Prosecution Service District, the District Crown Prosecutor discusses PCD performance with BCPs quarterly or bimonthly with those boroughs where there are performance issues. The South West London Prosecution Service District has not yet adopted this approach. Team meeting minutes indicate that BCPs analyse performance, including the reasons for failed cases, and discuss this with team members.

- PTPM was not wholly effective throughout 2006-07 or the first quarter of 2007-08. Compliance checks by CPS London indicated that only 28 of the 48 (58%) anticipated meetings were held, although performance was better than that found in the other Sectors. Other findings were that records of the meetings were not always adequate, and action points not identified. More recent records of PTPM meetings indicate that their frequency is improving, and some include an analysis of individual cases. This has been assisted by the production of a Sector Best Practice Guide for PTPM meetings
- The Best Practice Guide also contains instructions on what aspects of PTPM data the meetings should focus, and provides some assistance on interpretation of that data. Sector managers have worked with their police counterparts to raise awareness of the significance of the data produced.

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%	9.1%
No case to answer	0.2%	0.4%
Dismissed after trial	1.9%	2.6%
Discharged committals	0.2%	0.5%
Warrants	2.6%	3.8%
Overall conviction rate	84.3%	83.6%

- The proportion of successful outcomes is below the national average, although better than that for CPS London overall. Performance improved in each of the Sector's boroughs in 2006-07, most noticeably in Ealing (where the successful outcome rate rose from 82.9% to 89.7%) and Richmond (73.4% to 83.8%). However, overall performance declined slightly in the first quarter of 2007-08, but improved in the second.
- The level of discharged committals was substantially higher than the national average, and although better than for CPS London overall, is a significant issue for the Area. Whilst the Sector had 178 committals discharged in 2006-07 compared with 175 in 2005-06, there has been a significant improvement since the time of our last OPA when 245 committals were discharged, although the transfer of one borough's work to another Sector will have contributed to the reduction in numbers. Data for the first two quarters of 2007-08 suggest that the overall number will be significantly better than the previous year. However, the integrity of this data is not assured. We found one discharged committal wrongly recorded as having been discontinued, and the discharged committal logs maintained by the Sector indicate that some cases were discontinued, but wrongly recorded as discharged.
- Borough Crown Prosecutors (BCPs) analyse the reasons for each discharged committal and recommend to the police whether or not proceedings should be reinstated. They do not, however, monitor how many are reinstated as a result of their recommendation. Whilst the late receipt of an adequate police file is a significant contributing factor to the number of discharged committals, delay in allocating the file to a prosecutor could also lead to this outcome.
- The proportion of cases dismissed on a submission of no case to answer (NCTA) is worse than found nationally, although the same as for CPS London overall. The proportion of acquittals after

trial is higher than for CPS London overall (2.6% compared with 2.1%). BCPs analyse the reasons for NCTAs, but in common with most Areas do not consider the reasons for acquittals in the magistrates' courts. The analyses of NCTAs show that issues surrounding the credibility of prosecution witnesses are the primary reasons for this outcome.

- In 2006-07, 9.1% of cases were discontinued, compared with 9.7% for CPS London overall and 10.8% nationally. All discontinued cases are reviewed by the BCPs and their prior approval is required before certain categories of case can be discontinued, for example allegations of domestic violence or racially or religiously aggravated offences. As with NCTAs the analyses indicate that the majority of cases are discontinued due to difficulties in either tracing the victim or witnesses, or due to their reluctance to attend court. However, in some it is apparent that more robust enquiries at the PCD stage might have avoided the outcome.
- BCPs undertake a thorough analysis of all unsuccessful outcomes (except acquittals after trial) and these began to be discussed at PTPM meetings towards the end of 2006-07, and some are discussed with other criminal justice partners at Borough Criminal Justice Group meetings.
- The West Sector exceeded its 2006-07 target for offences brought to justice (OBTJ), bringing 60,985 offences to justice against a target of 56,856. Only one borough failed to meet its local target. The OBTJ target is a shared one with criminal justice partners. The CPS contribution comes through managing cases to keep unsuccessful outcomes low, and whilst the level of PCD discontinued cases needs to reduce further, the proportion of convictions that support the OBTJ target was 52.5% which was higher than the national average (48.8%).
- Data on the timeliness of the processing of PYOs is not produced on a Sector basis, but by Area and borough. In 2006, the average processing period for London overall for PYOs from arrest to sentence was 85 days, which was one day less than in 2005, but failed to meet the national target of 71 days. However, Area performance has improved markedly in 2007, and for the rolling three month period to October 2007 the average processing period was 65 days. Within the West Sector, in 2006 there was considerable variation in performance across the boroughs ranging from an average processing period of 65 days in Hounslow to 117 days in Brent.
- Each borough has mechanisms for tracking PYO cases and most have regular meetings with their criminal justice partners to discuss individual cases. The minutes of these meetings indicate that all youth trials are discussed, not just those involving PYOs. The need to improve performance figured prominently in Sector, District and borough team meeting minutes, reinforced by concerns expressed by the Attorney-General about the overall national decline in performance in 2006. This has led to better identification of PYOs, including those who become PYOs in the course of proceedings because they are sentenced for other matters.
- Lessons are learnt from the analysis of unsuccessful outcomes and limited feedback is provided to individual staff through the casework quality assurance (CQA) scheme. The minutes of team meetings indicate that specific casework issues are addressed, although the frequency of meetings is variable.

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%	47.0%
Cracked trial rate	37.3%	34.7%
Ineffective trial rate	18.9%	18.3%
Vacated trial rate	22.5%	20.3%

- BCPs are proactive in seeking to drive up the quality of police files and there have been a number of borough based initiatives, including the provision of a Manual of Guidance matrix for police officers in Hounslow, and the use of two PCD consultations in Wandsworth. The process at Wandsworth involves the officer in the case seeking early advice from a prosecutor to ensure that all necessary evidence is obtained before the second consultation. Police officers have also been trained at a borough level on file requirements. Our examination of the discharged committal logs indicated that the timely provision of forensic evidence in the appropriate format remained problematic.
- There are case progression officers (CPOs) for each borough, although some CPOs cover more than one borough. There are regular operational meetings in the South West London Prosecution Service District with their counterparts in Her Majesty's Courts Service, the minutes of which indicate that issues are addressed and effective action taken. There are also strategic meetings involving court clusters where cross-cutting issues are discussed. Internal meetings are also held, at which the CPOs across the boroughs raise operational issues. The position is less satisfactory in the North West London Prosecution Service District, with some boroughs not having regular CPO meetings.
- Our file checks indicated that necessary actions are not always being carried out before the case management hearing, issues we identified included late notification to the police of the need for a full file, the late service of statements and initial disclosure. In some, but not all cases this was due to the late receipt of the police file.
- The Criminal Justice: Simple Speedy Summary (CJSSS) initiative is in place at Balham Youth Court, and at the time of our visit was expected to be rolled out across the rest of the Sector by the beginning of December 2007. Early indications are that the initiative has led to an increase in guilty pleas at the first hearing, although there is a significant variation in the performance improvement between cases originating from the Borough of Wandsworth (which is in the Sector), where the rate has improved by 17% and those from the Borough of Lambeth (which is not in the Sector), where the rate has only improved by 6%.
- The timeliness of cases heard at Balham Youth Court had improved under the CJSSS initiative, with 67% of trials listed within six weeks, compared to 53% before the initiative. The evaluation report did note that timeliness may have been slipping and needed to be watched.

- The proportion of effective trials is increasing in the Sector, and is better than found nationally. In 2006-07 the effective trial rate was 47% compared with 43.8% nationally. The ineffective trial rate was 18.3% compared with 18.9% nationally, and was improving in 2007-08, although the proportion of ineffective trials due to the prosecution was higher than found nationally. There was a significant performance spread across the boroughs ranging from an ineffective trial rate of 4.1% at Wimbledon Magistrate's Court to 24.2% at Brent Magistrate's Court.
- Detailed performance data, including the reasons for cracked and ineffective trials is produced on a borough basis and this is analysed by BCPs. Key performance trends are discussed at Borough Criminal Justice Group meetings and at some team meetings.
- The use of the case management system to record magistrates' court reviews improved from 37.2% at the start of 2006-07 to 72.7% at the end of the year. The proportion of cases where the hearing outcome was recorded on CMS within a day, or the case finalised also improved. However, we found that a number of hearing outcomes were recorded incorrectly. In our small sample we found two cases recorded wrongly as convictions after trial, when the defendant pleaded guilty on the day, and a discharged committal was recorded wrongly as having been discontinued.

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%	15.9%
Judge directed acquittals	1.4%	2.1%
Acquittals after trial	6.5%	7.9%
Warrants	1.3%	1.7%
Overall conviction rate	77.7%	72.4%

- The proportion of successful Crown Court outcomes has risen slightly since our last OPA, from 70.1% in 2004-05 to 72.4% in 2006-07. Whilst performance has improved by more than found nationally over the same period, it remains worse than the national average. However, the Sector outperforms CPS London overall, which with a successful outcome rate of 71.0%, had the poorest performance of all the CPS Areas. Performance declined slightly in the first two quarters of 2007-08, and the Sector recognises that Crown Court performance needs to be addressed.
- The Sector achieves a higher proportion of successful outcomes in respect of the more serious cases dealt with by the South West Area Flying Squad.
- The proportion of judge directed acquittals (JDAs), judge ordered acquittals (JOAs) and acquittals after trial are all worse than the national average, although the level of JDAs and acquittals after trial is better than for CPS London overall. The proportion of JDAs has improved since the last OPA, when it was 4.5%, and there has been some improvement in the proportion of JOAs, although on a smaller scale.
- In the South West London Prosecution Service District, Borough Crown Prosecutor (BCP) approval is required before a case can be discontinued in which the full Code test was applied at the pre-charge decision stage. Similar management approval is not required in the North West London Prosecution Service District. We noted a case in our file sample where the prosecution team had put considerable effort into encouraging and supporting the complainant in an allegation of rape even though she eventually chose not to continue.
- All BCPs undertake an analysis of unsuccessful outcomes with the exception of acquittals after trial, although all acquittals in cases involving allegations of rape are analysed. These analyses are detailed, although not all identify learning points.

- The Sector also has a Case Management Panel (CMP) which looks at three live cases per District per month. The cases are put forward for consideration by the BCPs, and include those which are problematic. There is a very detailed analysis of these cases, which includes the provision of guidance to the allocated prosecutor on how the case can be strengthened. This initiative is at an early stage, and would benefit in due course by an assessment of the benefit of the intervention of the CMP in the cases selected.
- In 2006-07 the Sector did not achieve its POCA targets for either the number of confiscation orders or the value of assets seized. Against a target of 133 confiscation orders the Sector achieved 66, with a total value of £3,631,593 against a target of £5,038,259. Whilst the Sector has introduced a number of initiatives to drive up performance, for example the production of a “Spot a POCA” guide, it is apparent that this is still a problematic aspect of casework. Although there has been some joint training with the police, the lack of police Financial Investigation Units on every borough has hindered joint performance improvement.
- The enforcement of POCA confiscation orders is dealt with centrally by CPS London and the Sector has no active involvement in this work.
- General lessons learnt from the analysis of unsuccessful outcomes and the CMP reviews are shared with staff through borough team meetings, but not at District meetings.

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%	56.2%
Cracked trial rate	39.5%	30.9%
Ineffective trial rate	12.4%	12.9%

- BCPs allocate committal or sent cases to prosecutors, and where possible assign the case to the person who made the pre-charge decision. Committal logs are maintained which set out when papers should be received, although the systems for chasing the receipt of papers are not fully effective. The timeliness of the preparation of cases needs to improve, and we noted one case in our small file sample where the service of the prosecution case was very late, and no application had been made to extend the time allowed.
- The Sector has Crown Court case progression officers, although their involvement with their counterparts in Her Majesty’s Courts Service varies across the Sector. We noted that detailed reports are prepared on the state of readiness of cases for Isleworth Crown Court, but on the other hand it was clear from judicial comment that necessary actions were not taking place in all cases. We found that some Crown Court cases were well handled and the allocated prosecutor was alert to the issues in the case, but in others there was insufficient grip on what was required, for example delay in considering correspondence.

- Performance data on the timeliness of PYOs is produced by borough and this is considered by the relevant BCPs, although there is not the same engagement with criminal justice partners when compared with magistrates' court cases.
- Rolling year-to-date data on the proportion of effective, ineffective and cracked trials is not produced on a Sector basis, but is available on a quarterly basis for the Sector and individual Crown Courts. The effective trial rate declined in 2006-07 from 58.7% in the first quarter to 54.7% in the fourth quarter and continued to decline in 2007-08, although performance remained better than that found nationally (48.2%). Performance at each Crown Court centre covered by the Sector declined over 2006-07.
- The ineffective trial rate improved slightly from 13.4% in the first quarter of 2006-07 to 13.1% in the fourth quarter although it remained worse than the national average.
- The quality of the analysis of cracked and ineffective trials is variable across the Sector. In some boroughs there is consideration of specific cases and where action could have avoided the ineffective trial, but this does not take place across the whole Sector. Minutes of Borough Criminal Justice Group meetings indicate that headline performance is shared and discussed with criminal justice partners.
- Some issues arising out of the reasons for ineffective trials are discussed at borough team meetings and there are also regular discussions with Witness Care Unit (WCU) staff about victim and witness issues which may contribute to ineffective trials.
- The proportion of Crown Court cases in which there was a full file review on the case management system (CMS) improved significantly throughout the year. Overall in 2006-07 a full file review was completed on CMS in 72.2% of Sector cases. However at the beginning of the year only 51.0% of cases had the appropriate review on CMS. All the boroughs, except one, were achieving acceptable performance levels by the end of the year. The overall quality of reviews was to an appropriate standard, and some were particularly detailed.

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

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

- Cases are generally ready to progress at first appearance. The police file includes a copy of what the police believe needs to be disclosed to the defence by way of advance information. This is reviewed by the lawyer or designated case worker (DCW) and copied so it can be provided to the defence at the first hearing. Lawyers and DCWs have been given training and guidance on the preparation of advance information and the importance of timeliness of provision. The Sector together with Her Majesty's Courts Service (HMCS) helped to improve timeliness of trials during 2006-07 by the provision of prosecutors for additional courtrooms and ensuring cases are ready to proceed when trials are listed.
- The Sector considers in each Crown Court case whether to instruct independent counsel or use its own Higher Court Advocates (HCAs). It seeks to use HCAs in all Plea and Case Management Hearings (PCMHs) where a guilty plea is expected, or the trial is within the competency of an in-house advocate. The Sector's HCAs conducted PCMHs involving 2441 defendants in 2006-07 and trials involving 108 defendants in the same period. HCAs provide feedback to the Borough Crown Prosecutors (BCPs) on the quality of instructions received. In Crown Court cases the instructions to counsel were timely in 71.9% of cases compared with 78.7% nationally. In our file sample only two cases (out of five) contained an adequate analysis of the case and addressed the issue of acceptable pleas.
- To ensure that advocates at initial hearings in the magistrates' court have sufficient information the prosecutor at the PCD stage is expected to carry out the initial review and provide instructions for the advocate on the MG3 in relation to pleas and mode of trial. BCPs prepare court coverage rotas to try to ensure that each lawyer is in the office for 1½ days per week to prepare cases. Where possible, DCWs are rostered to allow time on the day preceding a court hearing to prepare for the hearing. The Sector has reduced its reliance on agents in the magistrates' courts to 15.6% in 2006-07 compared to the national average of 19.6%.
- BCPs attend court regularly and monitor the timeliness of staff attendance. Any specific issues of concern will be drawn to their attention by HMCS staff. In the Crown Court, lawyer attendance is monitored by the CPS court manager. There is also regular liaison with the courts, police and the witness service when issues such as poor timeliness of attendance or lack of preparation and professionalism are fed back to the Sector. The Sector carried out a magistrates' courts advocacy survey in the South West London Prosecution Service District which showed there was a high degree of satisfaction with advocates' performance at court.
- The Area Advocacy Trainer is based in the Sector and regularly reviews the performance of advocates at court centres, produces advocacy reports and provides constructive feedback to both lawyers and their managers. The Sector actively seeks to develop the advocacy of its staff and to provide support and guidance where needed. The Sector accept that advocates need to be more proactive in resisting adjournments and is working with them to improve this aspect as

part of its preparation for the introduction of the Criminal Justice: Simple, Speedy Summary (CJSSS) initiative. The Sector has more adjournments per case than the national average in both the magistrates' courts at 1.83 (1.72 nationally) and the Crown Court at 3.06 (2.69 nationally).

- The Sector has sought to reach agreement over listing patterns with all its magistrates' courts. Whilst there is no single agreement covering all the courts in the Sector, there are arrangements with most individual magistrates' courts. This is a significant improvement from the time of our last OPA. A draft London-wide protocol was prepared, covering many aspects of listing and the transfer of cases but was never formally agreed with all parties. The Sector liaises with individual courts to resolve any local problems that may arise. Court listing patterns have been reviewed in light of the forthcoming implementation of CJSSS.
- The Sector monitors trial timeliness figures provided by HMCS. These show that the period between plea and trial has reduced between February and August 2007 by 1.2 weeks to 7.4 weeks in the North West London Prosecution Service District and 0.4 weeks to 5.6 weeks in the South West London Prosecution Service District. The CJSSS pilot at Balham Youth Court has reduced the number of adjournments and speeded up overall time to conclude cases. This pilot has helped shape the forthcoming roll-out of CJSSS across the Sector.
- There were 25 wasted costs orders totalling £12,077 in 2006-07. The previous year there were 22 such orders totalling £12,896. All wasted costs orders are reported to the District Crown Prosecutors who investigate them and provide feedback where appropriate. If necessary, a report is sent to the Sector Director. The Sector believes that most wasted costs orders are the result of them not receiving papers in time from the police to prepare cases. Wasted costs orders are more common in the Crown Court than in the magistrates' courts.

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 volume 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. Therefore, whilst in many respects the effort, commitment and care that individuals at different levels put into these cases merits commendation, the relatively low levels of unsuccessful outcomes and variable standards of case handling means that we have determined upon an assessment of "Fair".
- Sensitive cases are generally flagged up on CMS, which was confirmed by our reality checks. This is important, so that staff are alerted to the need for careful handling of these cases. In each unit, checks are made by dip sampling to ensure that cases are flagged correctly. All staff are trained on identifying sensitive cases on CMS. All prosecutors and caseworkers who handle sensitive cases have received appropriate training. The Sector has provided written guidance to the police on when it is appropriate to submit files to a CPS office rather than through a charging centre to ensure that cases that need specialist advice can be reviewed by a prosecutor of appropriate experience. At West London Magistrates Court, there is a Specialist Domestic Violence Court. All cases before this court are reviewed and presented by specialist lawyers.
- At the time of the last OPA, the Sector was not routinely flagging sensitive cases on CMS. On this occasion our checks showed that 12 out of 13 sensitive cases had been flagged correctly. Sensitive cases are flagged on CMS either at the charging centre or on registration of the file in the office by support staff. All such cases are subsequently monitored by Sector champions who report back to the line managers and the Sector Director. Any unflagged cases are picked up via regular checks and appropriate action is taken.
- The sector has appointed champions and specialists for all categories of sensitive cases and hate crime. The champions are responsible for disseminating information to lawyers and caseworkers, and providing guidance and mentoring. Within both the North West and South West London Prosecution Services there are sensitive and hate crime specialists. The Sector takes a positive approach to the selection of people to be champions and specialists based upon

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).

their ability and aptitude for the role. There are sufficient lawyers with the appropriate specialist skills and knowledge to provide guidance to lawyers making PCDs, and for these cases to be handled effectively. Champions are responsible for reviewing the unsuccessful outcomes within their speciality and providing feedback.

- Borough Crown Prosecutors (BCPs) ensure that when allocating cases, they take into consideration the capability and experience of prosecutors. All Crown Court cases are allocated to individual lawyers as are sensitive magistrates' court cases. Domestic violence training has been provided to all lawyers and caseworkers. The Sector has ensured that lawyers are provided with relevant training before handling sensitive cases. Training has been tailored to ensuring that prosecutors are effective in the handling of sensitive cases.
- The Sector has reviewed the expertise of all its rape specialists following the recent HMCPSI thematic report into the handling of rape cases. We noted from our file sample that there was a serious sexual offences monitoring form in each relevant case. Two of the three forms we examined contained a detailed assessment of how the case had been handled. Cases involving allegations of rape are also considered by the case management panel, and guidance is provided to prosecutors on how these cases could be strengthened.
- The Sector has effective systems for dealing with high profile cases, including completing a media interest form at the outset of a case, or if it becomes of media interest. When cases are flagged, a media interest form is completed and forwarded to the Sector Director. All staff are aware of the need to be alert to the potential for a case to attract media interest at any stage.
- The Sector takes account of policies and HMCPSI thematic reviews when devising Sector practice and handling cases. The relevant Sector champion is given responsibility for disseminating the necessary information to lawyers and monitoring compliance.
- BCP consent is required when it is proposed to drop a racially or religiously aggravated charge or to reduce the charge by removing the racially or religiously aggravated element, and this was confirmed by our file checks. Feedback is provided to individual lawyers in appropriate cases.
- Analysis of hate crime cases is undertaken at both Sector and Area level. BCPs are responsible for monitoring all adverse cases including sensitive cases and hate crimes and prepare adverse case reports. Data on performance in hate crime cases by borough is produced on a monthly and quarterly basis and is included in Sector performance reports. Analysis of hate crime cases has resulted in the introduction of checklists to assist prosecutors at charging centres when considering domestic violence or harassment cases.
- The unsuccessful outcome rate fluctuates across the boroughs, and is sometimes based on few cases. The Sector's successful outcome rate for cases involving allegations of domestic violence or those which were racially or religiously aggravated improved over the course of 2006-07. The unsuccessful outcome rate for domestic violence cases was 46.7% (national average 34.8%), which was less than that for CPS London overall (43.8%) The unsuccessful outcome rate for racially or religiously aggravated cases was 22.5% (national average 23%), which was higher than that for CPS London overall (27.2%).

- Overall the Sector's combined unsuccessful outcome rate was 41.5% (national average 32.8%), which was similar to that for CPS London overall (41.3%).
- Performance data on the rate of attrition in rape cases is compiled by the Sector and this shows that there is variable performance across the boroughs with only three achieving the target of an attrition rate of 45% or less for the period April-October 2006-07. The overall attrition rate for the 18 months was 55%.
- The Sector does not have representatives on the Local Safeguarding Children's Boards, but BCPs have made some informal contact with the Boards. The Sector considers that the focus of the Boards' activities differ from that of the Sector. In some units agendas of forthcoming meetings and minutes of past meetings are received, but this is not consistent across the Sector. Borough units have links with their local child protection teams. There is a London-wide service level agreement on the handling of child abuse cases which has been distributed to all lawyers within the Sector.

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

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

- Checks on compliance with the prosecutor's duties of disclosure are regularly assessed by the Borough Crown Prosecutors (BCPs) under the casework quality assurance (CQA) scheme. Our reality checks showed that initial disclosure was dealt with properly in six out of nine cases (66.7%). In one case, material which went to the credibility of the victim in an assault charge was not disclosed at the initial stage, although this was rectified before the trial. In two of the remaining cases, initial disclosure was provided, but was not timely. Continuing disclosure was dealt with appropriately in two out of five of cases (40%). In the three cases where it was not dealt with appropriately, the police did not confirm, after receipt of the defence statement, that there was no further material which might assist the defence.
- Whilst there was no situation in the file sample in which it appeared that discloseable material was not eventually disclosed, it is only through consistent adherence to the established procedures that there will be confidence in the CPS discharge of its responsibilities.
- There is regular liaison with the resident judges at each of the Crown Court centres, both through court user meetings and at other ad hoc meetings. The Sector describes having open dialogue with the resident judges, and we noted cases where concerns about the timeliness of disclosure had been drawn to the attention of senior managers by the judiciary. All lawyers and caseworkers are aware of the Crown Court protocol. A guide was distributed to all staff in relation to the protocol and training took place across the Sector to ensure staff were aware of the protocol and its importance.
- The Sector expects that all files should have separate disclosure folders containing disclosure letters and any disclosure material together with a completed disclosure record sheet (DRS). Our reality check found that despite most Crown Court files having a disclosure folder, material was not solely retained there, but was dispersed across the file. In some cases it was not possible to locate defence case statements or correspondence in relation to disclosure matters. In most magistrates' court files there was no separate disclosure folder. The DRS was not completed fully if at all in any of the ten files we examined.
- Sensitive material is retained in locked cabinets. Logs are maintained of ex-parte without notice public interest immunity applications, but logs are not required to be maintained of applications made on notice. In three of the four relevant cases (75%) we looked at, sensitive material was handled correctly. In the one case there was nothing to indicate that the prosecutor had considered the items on the schedule.
- The Sector has appointed a disclosure champion who has drafted guidance for staff, and provided training. The champion is also responsible for distributing any relevant update material to all staff.

- All prosecutors and caseworkers have attended the national two-day disclosure training course. Additional training has been provided in both Districts during the course of 2006-07.
- Individual BCPs have provided training to police officers in their boroughs as part of the police induction and training sessions. Additionally the Area advocacy trainer, who is based in the Sector, has provided training to police officers including those who form part of Operation Trident (which is an ongoing operation tackling serious offences involving the use of firearms within the black and minority ethnic communities). Guidance prepared by the Sector on disclosure has been incorporated onto both the Metropolitan Police and British Transport Police intranet sites.
- The Sector undertakes checks on the handling of disclosure as part of the CQA procedure carried out by BCPs. There is monitoring of the reasons for ineffective trials. In the South West London Prosecution Service District only six of the 114 ineffective Crown Court trials were due to disclosure issues. Where the reason given is due to disclosure, the case is looked at and where necessary feedback given either by the BCP or in the form of informal training by the Area advocacy trainer. Comparable data for the North West London Prosecution Service was not available.
- The Sector has worked closely with the courts to improve understanding of the requirements of each party in relation to disclosure. Advocates have been reminded of the need to resist applications for blanket disclosure.

7 CUSTODY TIME LIMITS	OPA 2005	OPA 2007	Direction of travel
	Fair	Poor	Declined

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

- At the time of the last OPA the written Sector Custody Time Limit (CTL) system was not fully compliant with the national guidance. Agreement has been reached on a new Area-wide written system which is being introduced across the Sector. Some units are already following the new system and it is being introduced in the rest. Operational procedures currently vary between the units within the Sector and some staff were not clear as to whether they were working to the new CTL system or if it had yet to be introduced in their unit.
- In 2006-07 the Sector had eight CTL failures and two to date in 2007-08. This is a significant decline in performance from the last two years, when there was only one breach in each year. The majority of the CTL failures have been in the North West London Prosecution Service District which had six of the eight failures in 2006-07.
- In our reality check of six files, we found that all CTL dates had been correctly calculated and recorded on the paper file and on CMS. However, there was no evidence of the calculation of the CTL date having been checked and there were no review dates endorsed on the files, although they were recorded in the diaries. There was evidence on the two relevant files we looked at of separate CTL dates being calculated for each offence and being separately diarised. In our trial file sample, not all of which were custody cases, we noted that in one, the CTL expiry dates were not endorsed until after the second hearing, and in another the chronology included with the application to extend the CTLs was very brief.
- As a result of the decline in performance, the Sector Director implemented a review of the CTL procedures and has personally taken on the role of CTL champion to raise awareness of the importance of CTLs amongst staff. Guidance has been provided to all staff on the importance of ensuring CTLs are not overlooked.
- The Sector requires all CTL failures to be notified to the relevant Borough Crown Prosecutor (BCP) who compiles a detailed report for the District Crown Prosecutor (DCP). The report identifies what happened, what lessons can be learnt and what remedial action has been taken. All CTL failures within the Sector are reported to CPS Headquarters. The DCP also reviews all CTL failure reports and learning points are discussed with BCPs who disseminate this information either individually or via emails and team meetings.
- The Sector does not have a formal agreement with the courts for the agreeing of CTL time limits or the sharing of data. CTL dates are not routinely agreed in court. There have been a number of CTL failures arising from requests for CTL extension hearings not being listed in time. Performance varies across the boroughs, but some do not follow up written applications with telephone calls to ensure applications are listed in time.

- BCPs are responsible for checking that the CTL system is operating effectively in their unit. The level of review by the BCP varies across the Sector. Despite the number of CTL failures which have occurred since April 2006 some BCPs are still not carrying out dip samples or monitoring the effective operation of the CTL system. The B2 managers are expected to carry out reconciliations between the diary and CMS. In some units, the B2 managers do not carry out these reconciliations and CMS reports are not utilised. This is not in accordance with either the old or the new written CTL system nor is it in accordance with national guidance.
- Formal training on the new CTL procedures has taken place for all caseworkers in the South West London Prosecution Service district but not in the North West which is where the majority of the CTL failures occurred. The Sector is introducing a revised process whereby caseworkers will prepare the applications to extend the CTLs and draft the chronologies. Whilst it is acceptable for caseworkers to assist in this, it remains the responsibility of the allocated prosecutor to determine that it is proper to apply for an extension, and that prosecutor must also be responsible for the quality of the documentation placed before the court. It is not clear that the revised process ensures that this occurs.
- The use of CMS task lists varies from unit to unit. Some units are not using CMS to monitor CTLs and only use a diary system. This does not comply with national guidance that there should be a dual 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

- There was very limited compliance with the Direct Communications with Victims (DCV) scheme in 2006-07. At the beginning of the year the Sector was only achieving 20.7% of its quarterly proxy target (which was 237) for the number of letters sent to victims explaining why the charge had been reduced substantively or proceedings dropped. Whilst there was some subsequent improvement, nationally produced data showed that performance declined in the last quarter, with only 20.5% of the quarterly target (which had been reduced to 169) being met, which was below overall CPS London performance. However, there is evidence of under-recording and the data gathered in our DCV audit and reality checks (see below) is likely to be more reliable. When letters were sent, their timeliness was better than found in CPS London or nationally. In the last quarter of 2006-07, 76.3% of letters were timely, compared with 67.5% in CPS London overall and 73.5% nationally.
- The Sector recognised that its level of performance was unacceptable and senior managers have put considerable effort into strengthening systems to improve compliance. By the rolling quarter ending September 2007, the Sector was achieving 53.3% of its proxy target (which had been increased to 185 letters).
- A DCV audit conducted by HMCPSI indicated that only 38% of relevant cases were flagged on the case management system (CMS) as having an identified victim. However, our file examination for this OPA indicated that performance has now improved, with each of the 10 discontinued cases examined being flagged correctly. This is important, as the initial flagging of cases is the foundation which facilitates subsequent compliance with the scheme.
- In our OPA sample, a letter was sent to the victim in six of the 10 discontinued cases. Of the six letters sent, four were timely and in a further one it was unclear from CMS whether it was timely. These findings were broadly similar to those found in our DCV audit.
- The poor Sector compliance rate in 2006-07 may be attributable in some Boroughs to a failure to flag correctly the Victim Code page of CMS, which resulted in the DCV letter not being counted even if sent. In one borough it was estimated that 75% of letters sent were not being counted. This defect was remedied in mid-2007, and recorded performance is now broadly similar to our findings.
- Two of the six letters sent did not reach an acceptable quality standard. In one the wrong standard paragraphs were used, implying that the charge had been reduced when, as the free text part of the letter indicated, the case had been dropped. In another the explanation given for dropping the case was factually inaccurate and indicated wrongly that responsibility in part lay with the police. It was disappointing that one very well written letter was sent out in English when it was apparent from comment in the letter that this was not the victim's first language.
- Overall the assessment of the needs of victims and witnesses is satisfactory, with appropriate identification of the need to apply for special measures being identified at the PCD stage. Our checks indicated that the form MG11, setting out the needs of the victim or witness were

available to the prosecutor at the PCD stage. In the files we examined all the special measures applications were timely, however minutes of meetings with witness care unit (WCU) officers indicated that they were not always receiving notification of when special measures were granted in magistrates' courts cases. There was also a need to improve the supporting evidence in some cases where the victim or witness was not statutorily entitled to special measures.

- The provision of the list of witnesses to attend court to the WCU was not always timely in the early part of 2006-07, but processes were strengthened, and our checks confirmed that performance had improved. Overall, 81% of witnesses required to attend, did attend on the day set down for trial. As with other indicators of performance, there was a significant range across the boroughs, with a 92% attendance rate in Hillingdon and Heathrow, compared with 67% in Kensington and Chelsea.
- The Sector has provided training to Witness Care Officers on the minimum standards of the No Witness No Justice (NWNJ) project and our file examination showed that witness care officers are proactive in contacting victims and witnesses.
- Training has been delivered on the Prosecutor's Pledge and guidance given to independent counsel on the requirements of the Pledge. There is some monitoring of compliance as part of the advocacy monitoring undertaken by the Sector, which is more extensive than seen in many Areas. In addition, surveys by the Witness Service at two of the magistrates' courts in the Sector, South Western Magistrates' Court and Balham Youth Court, found that there was a high level of compliance, for example at Balham Youth Court between October and December 2006, 96% of witnesses who responded said they had been seen by the prosecutor, and of these 92% said that the prosecutor had clearly explained their role.
- The Sector has stressed to prosecutors the importance of ensuring that the reasons for adjourning trials are explained to victims and witnesses, and that they ask the court for time to allow them to undertake this task.

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

- There are 12 WCUs in the Sector aligned to the boroughs. There should be one CPS witness care officer in each unit, but the Sector has not been able to staff each unit continuously throughout 2006-07. There is good operational liaison with the WCUs and regular NWNJ meetings which are attended by WCU staff, CPS case progression officers and on occasions representatives of the Witness Service. The WCUs assess regularly whether they are progressing towards reaching the minimum standards of the NWNJ scheme. However the Sector does not make an overall assessment of progress and the monthly reports are compiled by the police staff in the WCUs.
- Performance information on primary measures and some secondary measures is provided on a Sector basis although there is little analysis of trends. The proportion of magistrates' court cases ineffective due to witness issues in 2006-07 was 3.2% which was better than the NWNJ baseline of 4.8%. The proportion of cracked trials due to witness issues was 5.1%, which was worse than the NWNJ baseline of 4.6%. In the Crown Court the proportion of cases ineffective due to witness issues was 2.5% against the NWNJ baseline of 4.2%, and 3% of cracked trial were due to witness issues against the baseline of 4.7%.
- The NWNJ meetings discuss a range of activity associated with the operation of the WCUs, although there is no formal joint analysis.

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

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

- For 2006-07 the Sector responded to the London Area business plan by producing a Sector delivery plan; this sets out what the Sector wishes to achieve and how it will do it by specifying activities and the accompanying milestones. The plan for 2007-08 is less certain as the activity steps are not fully developed with the proposed action often being a statement that the target will be met.
- For 2006-07 the Sector delivery plan addressed 13 of the 15 national priorities with the exception of financial management and casework quality assurance (CQA). For 2007-08, each national priority except CQA is addressed. Owners are allocated for each planning objective. Actions to address sick absence were not sufficient in either plan; the 2006-07 plan stated merely that the process will be monitored. Generally targets were not always acknowledged in the 2006-07 plan but this has been rectified for 2007-08.
- The Sector reviews its progress against the delivery plan each quarter and achievement status is highlighted using the traffic light indicator system and issues are set out with the action to be taken. Not all elements are updated routinely.
- There is a district business plan for the South West London Prosecution Service (SW), the production of which was assisted by a staff awayday. This links to the Sector delivery plan and is reviewed quarterly. This plan sets out local targets based on what was achieved the previous year and this has been effective in improving performance. In the North West London Prosecution Service (NW) district a specific business plan is not produced; the district produces a bullet list which covers the district targets and priorities.
- Relevant Sector and district targets are reflected in generic staff objectives for all staff disciplines
- The London Criminal Justice Board has set up borough-based criminal justice groups to coordinate long- and medium-term objectives. Regular meetings take place and are attended by Borough Crown Prosecutors (BCPs). A range of issues are discussed, for example progress against LCJB targets, persistent young offenders, cracked and ineffective trials and joint initiatives.
- There are also regular bilateral meetings with Her Majesty's Courts Service (HMCS) and police to discuss issues of mutual importance. For example meetings have taken place with HMCS, and the Sector has secured all day courts for designated caseworkers (DCW) and this has facilitated improved in-house CPS coverage; prosecution team performance management (PTPM) has been introduced with the police and there are now regular meetings in each borough unit, although these were not consistent throughout 2006-07.

9B A coherent and coordinated 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 Headquarters work across the Sectors with the Sector Business Managers (SBMs). Senior managers within the Sector are responsible for enabling and delivering change initiatives. The London Change Management Team is comprised of staff with the level of project management expertise to develop and oversee the implementation of change across London. The London Reform Programme (which includes the Criminal Justice: Simple Speedy Summary Justice (CJSSS) initiative, conditional cautioning and virtual courts) is being delivered through the auspices of the London Criminal Justice Board (LCJB), with Area project managers assigned to the LCJB to deliver this work across London.
- The Sector has undertaken significant change during 2006-07 both in terms of Sector restructuring and implementing national initiatives. Criminal Justice System change is coordinated at borough level by the BCPs. The Sector restructured through the creation of two districts and centralised fee processing by the setting up of a single dedicated unit. These changes have all been successfully implemented and are delivering business benefits.
- The Sector has a coherent change management strategy, makes effective use of tools provided by national teams and links are made to process changes and training. The initial three boroughs were signed off to commence conditional cautioning with only minor details requiring attention. The national implementation team were encouraged by the strong sense of team work that existed between the Police and CPS, and the full roll out was completed successfully.
- Change proposals related to organisational restructuring are supported by business calculations, staff resourcing and consideration of logistical issues; process flows are remapped and local implementation teams are formed where applicable. Communication with staff is generally satisfactory, however there has been a complaint from official staff representatives concerning inadequate consultations regarding the relocating of London based units; this had to be abandoned once the impact on staff was known.
- Conditional Cautioning is in place throughout the Sector but uptake has been less than anticipated. The CJSSS initiative was trialled at Balham Youth Court during the period February to July 2007. Process changes were made including earlier collation of witness availability as part of evidence gathering, early warning to youth offending teams to enable necessary enquiries and provision of advance information at first hearing at which trial dates are agreed. At the end of the test period guilty pleas had increased by 33%, not guilty pleas dropped by 4% and there was 10% increase in the overall plea rate. At the time of the OPA, CJSSS was being rolled out to all borough units and further discussion with the courts regarding listing patterns were taking place to free up lawyer resources to meet the additional CJSSS demands for providing pre-charge advice to the police.
- The Sector reviews the success of change and makes necessary improvements, for example once the Sector moved to a two district structure the NW district was carrying a higher proportion of Sector caseload than the SW but with less staff. The Sector addressed this by moving the Borough of Hounslow work to the SW but retaining the majority of the staff in the NW. Initiatives are reviewed and processes are changed to improve performance.

- The Sector produced a risk register covering the Sector's work both for operations and projects. Nine main risks were identified which are reviewed each quarter and counter-measures updated. The correct risks have been identified and have appropriate status flagged, for example Custody Time Limits and Victim and Witness issues are both red.

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

- For 2006-07 the Sector had building-based training committees with representatives from each staff discipline. The committees identified local training needs and arranged training. Sector learning and development priorities are established by the Sector Learning and Development Committee which is chaired by the SBM. Wider training matters are taken up with the London Area Learning and Development Committee. It is unclear if these committees are fully functional as there was no overall training plan for 2006-07 and meetings of both committees ceased at the end of April 2007. In May 2007 an internal CPS London Investors in People health check indicated that staff were not confident that there was equality of access to developmental opportunities and that they considered that the provision of training was reactive, rather than on a planned basis. For 2007-08 a learning and development strategy and plan was developed and published in October 2007.
- There has been some diversity training and new joiners undertake the e-diversity training module but Sector records show that relatively few staff have received this training.
- Priority legal training has included bad character applications, 2003 Criminal Justice Act update, proceeds of crime, sexual offences, domestic violence and special measures training. Administrative staff have received training in the use of the electronic case management system and job application form completion training. It is however unclear how much training was delivered in 2006-07; there is a staff training matrix but this has not been maintained since 2005.
- The Sector seeks to ensure equal access to training by scheduling training events on different days and by working with other sectors. Sector trainers will also deliver training at outlying offices if it is particularly difficult for staff to travel.
- New staff receive a joiners induction pack and a welcome letter signed by the Sector Director. The welcome pack sets out the induction programme and includes both domestic and essential office procedures; completion of induction training is signed off both by the employee and the line manager. Most new joiners attended a welcome meeting with the Sector Director or SBM during 2006-07; the 2006 staff survey shows that 65% of new staff had an induction when joining the CPS compared with the all-Area average of 50%. However, the induction arrangements for existing staff moving to new roles need to be strengthened.
- The success of courses held is fed back to the relevant training committee but more use could be made of specific delegate feedback. Forty eight percent of staff reported in the 2006 staff survey that their performance had improved as a result of skills acquired over the past year.
- The Sector has entered into a joint commercial venture with an educational training company to provide training to the Crime Academy at Hendon. This training has been well received and the partnership is being extended.

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

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

- The 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 geographic 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 was 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

- The West Sector overspent its non ring-fenced budget in both 2005-06 and 2006-07 with outturns of 100.9% and 109% respectively; in 2006-07 the overspend was among the worst in the CPS nationally. Budgetary spend was not under effective management control in 2006-07 and although there were indicative budgets, final budgets were not agreed by Area management until July 2006 and staff budgets were not devolved to the Districts. Spend control was further complicated as the Sector was required to absorb some lawyers and casework staff from other London units without salary cover being provided. High sickness rates have increased both agent and fixed term contract staff use which had no budget provision.
- Similarly, the prosecution spend budget was overspent for both 2005-06 and 2007-08 with outturns of 108.1% and 110.3% respectively. In March 2006 the Sector identified that the Blackfriars fees unit had an accumulated backlog of £800,000 of graduated fee payments (GFS),

these are payment to counsel for prosecuting in the Crown Court, most of which were for 2005-06. The backlog was cleared during 2006-07 and accounts for much of the overspend. Very high cost cases are monitored but this has not been fully effective as there were mispostings, and in one case identification was not timely and the opportunity for Headquarters funding lost.

- Financial accounting procedures were not robust which led to the Sector incurring higher costs than necessary; cost misposting went undetected and remained on the Sector's books at year end. Sector staff were not negotiating fees in accordance with CPS policy and not necessarily selecting best value resources, for example an expert based in the United States was engaged rather than one in the United Kingdom; and travel and subsistence claims were not in accordance with Area directions.
- To secure control of expenditure, CPS London introduced emergency measures by removing financial delegations from all London Sectors in January 2007. All proposed expenditure, for example use of counsel/agents, experts, staff travel and purchase of minor stationary items required preauthorisation by the London Area Business Performance Unit. Any breaches were the subject of disciplinary action. At year-end, Sector accrual and reconciliation figures could not be relied upon, and Area estimates were used to establish budget spend outturns.
- To improve its approach to value-for-money the Area has invested in employing a Sector finance manager (SFM) who has introduced robust procedures in 2007-08 for recording and reconciling committed expenditure; sample checks to ensure accuracy and monthly reports are provided to the Sector management team (SMT). The Sector's robust approach enabled restoration of financial powers in May 2007, these are vested with the SFM with no further devolution and the strict controls have been retained. Financial delegation is renewed each quarter subject to the Sector demonstrating effective controls. At the time of the OPA in November 2007 the year to date non ring-fenced spend against pro-rata budgets was 100.9% and for prosecution costs 88.5%.
- In May 2006, to improve GFS performance the Tolworth fees unit took over responsibility for the work of the Blackfriars fees unit as significant backlogs had accumulated. This proved to be very effective and the Sector decided to move to a single fees unit based at Tolworth rather than have separate units for each Crown Court centre. The single unit became operational in April 2007. This has brought more resilience, backlogs have been eradicated and Sector performance transformed. Four month GFS timeliness for October 2007 was 93.9% compared with 77.4% in October 2006, one month timeliness improved to 54.5% from 50%. The Sector performance is now marginally better than national performance.
- In May 2007 the Sector implemented the CPS policy of not paying invoices from chambers which were received more than three months in arrears. All chambers were informed of the policy in April 2007 and offered an amnesty on legacy submissions, some of which date back to 2002-03 and these are now being assessed for payment or otherwise.
- The Sector delivery action plan sets out the Sector's business intentions for 2006-07 to support the CPS London Area business plan. The delivery plan included a number of value-for-money objectives including increasing the number of in-house sessions covered by increasing staff availability through better sick absence management and recruiting and deploying more designated caseworkers (DCWs), making better use of the electronic Case Management System and secure e-mail facilities, and actions to increase witness attendance to reduce cracked and ineffective trials.

- CPS London received additional funding for national initiatives including £968,000 for No Witness No Justice, £40,500 for Anti Social Behaviour work and £568,000 to support the Local Criminal Justice Board. Where appropriate, allocations were passed to the Sector to support initiatives, and included in their non ring-fenced budget.

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

- The Sector has been through a period of change moving progressively from a four to a two district structure. In doing so, use has been made of activity based costing benchmarks to align staff numbers to workload; moving staff between borough units as appropriate. Having moved to the two district structure, further work showed that the North West London Prosecution Service District had 59% of Sector caseload and the South West 49%, with both units having similar staff numbers. To provide a more equitable balance the Sector moved the Hounslow Borough caseload to the South West with minimal staff movement resulting in a caseload distribution of 49.7%:50.3%. The Sector also managed a planned headcount reduction exercise which reduced salary costs by £400,000.
- The Sector increased the number of DCWs employed, moving from 14.3 full time equivalent staff (FTE) in April 2006 to 18.6 FTE in March 2007. This has enabled more deployment in the South West, improving coverage of magistrates' courts work. DCWs are expected to be in court at least three days per week and borough DCWs work across their respective Districts to improve utilisation. During 2006-07 the Area employed approximately 16.5 FTE DCWs who covered 2,289 magistrates' court sessions which equates to 12.6% of all sessions compared with the national average of 14.7%. At the time of the OPA, performance for the second quarter of 2007-08 had risen to 23.4%.
- Overall for 2006-07 we estimate that DCWs were in court for about 1.7 days per week which represents 33% utilisation against the Sector policy of 60%. The comparative figure for the half year ending 30 September 2007 is 48% utilisation, which approximates to 2.5 days per DCW per week, which is closer to the deployment target.
- The Sector deploys in-house lawyers for court work and to give pre-charge advice for three days per week. In 2006-07 the use of external agents in the magistrates courts amounted to 15.6% of total sessions compared with a national average of 19.6%. However, improvements were made each quarter in 2006-07 and by the fourth quarter, in-house prosecutors covered 95% of magistrates' court sessions.
- The Sector employs 26 Higher Court Advocates (HCAs), of whom 4.6 are employed solely in higher court advocacy, and in 2006-07 HCA counsel fee savings were £540,454 against a target of £501,091 (105.6%) compared with the national average of 138.4%. Savings per session improved from £256 in 2005-06 to £399 in 2006-07. This moved the Sector per session average from below the national average of £306 per session to above it at £355 for the respective years. The Sector seeks to cover 85% of all Plea and Case Management Hearings (PCMH), most trials of five days or less and to provide junior counsel on more serious cases. More developed and scaled strategies are in place for 2007-08 and these are sound; HCAs are aligned with courts and have dedicated support clerks. However, the level of detailed planning varies between Districts with the South West giving more information, linking savings to be made with the HCA's salary and providing indicative total savings. Managers are alive to the issues of not sacrificing standards for the sake of revenue income. There is some feedback from judiciary and this is positive.

- The sick absence reduction target of seven days per person per year has not been met. There are high sickness levels with much long term sick absences. For the period April 2006 to March 2007 5,111 days were lost owing to sickness which equates to 13.7 days per persons. Managers have been trained in sick absence handling and record keeping and procedures have been tightened; back to work interviews and medical referrals are now routine. More recent figures show an increase in sick absence to 15.7 days per person with 5,717.5 days lost for the period October 2006 to September 2007, this is the equivalent of 24 person years. Better record keeping may account for the increase and although some staff contracts have been terminated appropriately, more work is required.
- The Sector has a positive approach to flexible working arrangements and of the 383 staff employed, 28% work part-time or are on compressed full time hours. This enable staff to achieve an appropriate work/life balance. There has been some concern regarding the accuracy of flexitime records and managers dip sample to determine accuracy where required.

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

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

- The Sector Management Team (SMT) has business performance as a standing item at its monthly meetings and issues of concern are discussed. Aspects of performance are also discussed at District Meetings which are attended by Borough Crown Prosecutors (BCPs) and at borough team meetings. In the North West London Prosecution Service District (NW) regular meetings between the District Crown Prosecutor (DCP) and each BCP have been progressively introduced during 2006-07. However similar meetings do not take place in the South West (SW).
- The Sector has developed a sector performance scorecard which shows the relative performance of borough units (BU) and this is considered by the SMT quarterly. The scorecard covers 14 of the 15 CPS national priority topics and BU performance is aggregated to show the overall quarterly Sector performance. Each topic is subject to a traffic light indicator to show the degree of compliance with targets. Further development of the scorecard is required so that performance between Districts can be contrasted and additional information to show the year to date performance for both Districts and the Sector need to be added. This will assist in pinpointing issues and make trends more obvious.
- The Sector Director (SD) and Sector Business Manager (SBM) meet with the CPS London Chief Crown Prosecutor quarterly and performance is assessed and actions noted. This mirrors the CPS Headquarters Area performance reporting arrangements. Within the Sector the SD and the SBM meet on a quarterly basis with each DCP to review performance and agree any necessary action. A detailed record is kept of the quarterly meetings with the NW DCP, but not for the other District.
- During 2006-07 there were data-quality issues associated with the accuracy of recording and backlogs have occurred. This distorted true performance; the importance of data-quality was recognised by the Sector and staff have worked hard to eliminate problems. Actions have included more extensive and accurate use of the Case Management System and undertaking monthly stock-takes to assure case receipts and finalisation figures.
- Managers take action to improve adverse performance and recent work has been undertaken in regards to custody time limits, volume and timeliness issues associated with correspondence to victims, improved fee handling and increased deployment of both Higher Court Advocates and designated caseworkers (DCWs). To improve the Hammersmith Borough Crown Court attrition rate, a system was recently introduced where specific authorisation from the BCP is required if cases are to be dropped or discontinued at court.
- The requirement to achieve performance is generally set out in forward job plans and where required for the production of management reports but management responsibilities for ensuring operational effectiveness, quality assurance and improvement are not fully defined for all managers.

- The Sector has implemented the CPS Invest scheme for staff performance management and forward job plans are clear and set out the standards of work required and make reference to Sector targets. Staff appraisals are planned to be at least annual, however the 2006 staff survey indicated that 53% of staff had development plans and 73% had annual performance appraisals. This compares with the all Area averages of 73% and 81% respectively.

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

- Sector managers participate in a range of performance improvement groups with criminal justice system (CJS) partners including borough-based prosecution team performance meetings (PTPM) with the police, borough-based criminal justice group meetings (under the auspices of the London Criminal Justice Board), cracked and ineffective trial meetings with the court, persistent young offender tracker meetings and youth case progression meetings. Meetings are held regularly and are effective, for example ineffective trials have reduced in both the magistrates' courts and the Crown Court reducing from 28.2% to 18.3% and from 15.8% to 13.1% respectively between the fourth quarter of 2004-05 and the fourth quarter of 2006-07. There are case progression meetings with the Crown Court but these are not fully effective and this is a reflection on resource pressures within the Sector.
- There is an annual meeting with counsel's chambers in the SW district to discuss service delivery matters but no similar arrangements in the NW.
- CJS partners share information, with the CPS providing PTPM data and information on hate crimes, Her Majesty's Courts Service provides details of cracked and ineffective trials and their reasons which are agreed with the CPS.

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 Casework Quality Assurance (CQA) scheme has been reasonably sustained during 2006-07, the return rate has progressively moved up from 55.7% in the first quarter to over 100% by the third quarter but the Sector does not include DCWs in the scheme. Not all BCPs submitted forms each month while others are more prolific; DCPs took action to even out return rates improving performance overall.
- CQA results are robust with the Sector assessing results more critically than the national average for Code and policy decisions, case preparation and disclosure; Sector's assessments are similar to the London Area overall. Victim and witness issues are more generously assessed with the Sector being above the national average, 94.9% compared with 92.1% but similar to CPS London overall. This is somewhat surprising given the low level of compliance with the direct communications with victims' scheme.
- There is discussion of CQA performance at the Sector SMT and at unit team meetings but this is mainly limited to form count submissions rates rather than common quality issues. However some issues have been noted, for example acceptability of lesser pleas and these have been raised in team meetings. Lawyers are given individual feedback based on the BCP's assessment of the case. However, we examined over 100 forms for May 2007 and while 10% of forms had adverse

markings, mainly in connection with failures to comply with the disclosure provisions, very few forms had specific points for discussion with the lawyer.

- In addition to CQA, BCPs and DCPs gain insight to the quality of work through adverse case analysis, reviews of the causes of cracked and ineffective trials and from case management panels. The latter is a review of more serious live cases where the DCP, BCP and the Area Advocacy Trainer (AAT) will examine the strengths and weakness of the case with the lawyer concerned, the aim being to address issues before attendance in court. Six cases are examined each month, three from each District. In addition MG3 forms are scrutinised for accuracy of pre-charge decision work and appropriateness of action plans.
- The Sector uses the services of the AAT who has monitored every relevant lawyer in court. The reports are exemplary and provide comprehensive feedback in a structured and informative way, giving nuggets of good advice for example, “Don’t read from the file you are telling a story and you must signpost the important points”. Some lawyers have been followed up by further AAT monitoring after six months and the subsequent reports clearly indicate improved advocacy standards on the part of the lawyer. The AAT is now focusing on DCWs and lawyer monitoring has now passed to BCPs on a risk basis, some of which has already been undertaken.
- The Sector also receives feedback from the court and their own staff on the quality of counsel and agents.

12 LEADERSHIP	OPA 2005	OPA 2007	Direction of travel
	Good	Good	Stable

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

- The Sector publishes a “Forward Look” leaflet each year, over and above the Sector delivery plan, which is distributed to staff; the document identifies the priority themes the Sector aims to progress during the year and includes aspects of the CPS national vision. A high proportion of staff (89%) indicated in the 2006 staff survey that they were aware of the CPS vision, and 65% of staff had the opportunity to discuss the vision at training or other events. These are much higher proportions than found for CPS London overall or nationally.
- There has been no specific work on local shared values and the Sector would benefit from such work as the staff survey indicates there are ethos issues to be addressed, for example in regard to how staff are valued, the leadership attributes of managers and how poor performance is dealt with. Only 10% of staff thought performance was dealt with effectively compared with 17% nationally.
- Difficult Sector restructuring decisions have been made leading to a smaller number of District Crown Prosecutor (DCP) command units resulting in a smaller West Sector Senior Management Team (SMT) and this is helping to establish a better focus on CPS London, Sector and wider CJS issues.
- The restructuring has put greater emphasis on the borough as a key unit of management. There is however only limited identity for boroughs within the Sector and their degree of self-determination when taken in conjunction with the limited role of the District creates a significant degree of fragmentation. There is scope for convergence to a single set of primary Sector business processes which need to be implemented robustly at District level. At present unnecessary variations exist, for example unit business planning is more developed in the South West London Prosecution Service District including involvement with staff, and performance monitoring is more consistent in the North West.
- The SMT meets monthly and there are District unit management team meetings (UMTs) but meeting frequency of UMTs varies between the Districts. Borough teams have meetings where possible and some units have virtual meetings through the use of e-mail correspondence. In the 2006 staff survey 43% of staff thought they had regular team meetings and 41% thought these were effective compared with 49% and 46% respectively at Area level and 59% and 55% nationally. The Sector needs to review governance arrangements for the linkage of Sector fora and respective responsibilities and formally define these.
- The Sector Director (SD) and Sector Business Manager visit district units three or four times a year, holding meetings with staff. The agenda is an open enabling dialogue; senior managers update colleagues on Sector issues including priorities, strategic decisions and initiatives to be taken forward. The SD has also visited all charging centres within the Sector to observe the work at first hand, discussing issues with duty prosecutors and the charging centre managers and provided feedback to DCPs.

- A member of the management team has been specifically tasked with consideration of the staff survey results, the Investors in People report and taking forward learning and development matters. However it is not clear how effective this is as the staff survey was published in June 2006 and more timely progress needs to be made on this and other related issues noted in this report.
- Senior managers promote an open and constructive dialogue with criminal justice partners and the Sector is considered to be cooperative and imaginative in its approach to joint working although Sector resource limitations are a concern to partners.
- Borough Crown Prosecutors (BCPs) are active at local level taking the lead in a number of joint initiatives with criminal justice partners, in particular for the CJSSS initiative and DCPs coordinate activity across their Districts for key aspects of work. BCPs chair the Borough Criminal Justice Groups, which are performance sub-groups of the Local Criminal Justice Board (LCJB). LCJB information shows that the boroughs within the Sector are meeting most joint targets, save for some isolated local issues in connection with persistent young offenders.
- The SD has taken the lead on the Sector's victim and witness strategy and has also undertaken exemplary work at a national level on "honour-based violence" which is of particular concern in some minority ethnic communities.
- Senior managers learn through reviewing success and failure and were very conscious to improve their approach to engaging staff when considering change. This was inadequate for the proposed relocation of casework functions from Ludgate to Kingston. More timely and inclusive consultations took place for the move of the Hounslow branch to the South West London Prosecution Service District securing the support of staff and their representatives.

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

- Meritorious work is recognised by managers in team meetings and in e-mail briefings. The SD also takes time to write formally to staff thanking them for their effort; commendations from other agencies are also noted and conveyed to staff. Financial rewards through special bonuses have also been used to recognise outstanding effort. Two members of staff were honoured by the Queen for their contribution to CPS work.
- Staff members are expected to behave respectfully towards each other and behaviour is monitored by managers and where issues arise these are addressed. In March 2006 all staff were sent a memo reminding them of dignity at work principles and directed to the CPS policy. In the 2006 staff survey 59% of Sector staff thought they were treated with fairness and respect compared with 56% for CPS London overall and 63% nationally.
- There have been no substantiated complaints against managers by staff for 2006-07 and the year to date.
- Equality is addressed in Sector strategies and plans, for example in relation to community engagement where there are clear links to equality and diversity matters.

- The Sector has a diverse staffing profile with approximately 30% of staff drawn from a range of diverse minority ethnic backgrounds, 42% of staff are white and the remainder undeclared. The Sector believes that the ethnicity profile is within 5% of the demographic range of the population it serves. A significant proportion of prosecutors are drawn from the minority ethnic population.
- The gender balance is 70% female and 30% male, with 4% of staff declared as disabled. The Sector has been proactive in working with a disabilities charity to provide workplace experience assignments to disabled people who are seeking to gain employment.
- The SD is the proactive Senior Champion for equality issues and leads by example undertaking a vast range of community engagement activity that links to equality and diversity concerns.
- The management team challenge and take action over unsatisfactory behaviour issuing written and oral warning as appropriate.

13 SECURING COMMUNITY CONFIDENCE	OPA 2005	OPA 2007	Direction of travel
	Good	Good	Improved

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

- Senior managers are fully committed to engaging with and securing the confidence of the whole community. They undertake an extensive range of activities within the Sector and have been at the forefront of a number of high profile initiatives which now have a national dimension, for example their work on combating honour-based violence. There is a robust assessment of where further work needs to be done, and this is taken forward on a Sector, District and borough basis.
- Actions to improve community confidence are built into the Sector delivery plan, which is informed by each Borough Crown Prosecutor identifying their priorities for the business year, for example the Sector has identified a need to engage further with Lesbian, Gay, Bisexual and Transgender organisations, and the growing Eastern European communities. Community engagement objectives are built into the personal development reviews of senior staff, and each borough has a community engagement champion. The Sector is making good progress in extending its consultation to all parts of the community.
- Community engagement activity is undertaken by the full range of staff within the Area, and this is reflected in the detailed community engagement logs kept by the Districts, although some of the activities listed fall within mainstream activity, for example meetings with criminal justice partners. The logs contain a description of each activity and its relevance to the Sector's core business.
- Staff have contributed to local community groups through a number of fundraising activities, including some jointly with the community which has assisted in raising the profile of the Sector, for example with a local residential home for disabled people. The importance of undertaking and recording community engagement activity is reinforced at Sector and borough meetings.
- The Sector has detailed information on the local demographics of the boroughs it covers, and an extensive register of local community groups.
- Much of the focus of the Sector's community engagement activity is with those groups at the greatest risk of exclusion or discrimination, and there is good awareness of where more needs to be done. There has been specific work with Muslim youth groups in one part of the Sector to identify what their key concerns are, and it is planned to extend this work to other ethnic minority youth organisations. The Sector has also focussed on providing Muslim schoolgirls with work placements.
- Each activity within the logs is assessed to determine where service improvements can be made, for example, work with the Brent Domestic Violence Forum led to the setting up of Brent Magistrates' Special Domestic Violence Court and the development of third-party reporting processes for the victims of domestic violence.

- Community confidence data is not available at Sector level. There is no measure of public confidence specific to the CPS, but the CPS contributes 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. Public confidence in the ability of the criminal justice system agencies for London, in bringing offenders to justice as measured through the British Crime Survey, has improved from a baseline figure of 41% in 2002-03 to 47,6% in December 2006, and is higher than the national average (42.3%).
- Sector senior managers are invited to sit on local community group committees, which is an indication of the positive effect of their work in improving public confidence. During 2006-07, Sector staff were asked to sit on Sikh temple committees and it is proposed to develop this further.
- The Sector has a positive relationship with the media, and this is reflected in the portrayal of Sector casework initiatives in the local press. Senior managers have been proactive in publicising new initiatives, for example the introduction of conditional cautioning. As a result of the work around honour-based violence, senior managers also have a considerable profile with the media at a national level.

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%	12.5%	12.2%	11.0%	13.1%	14.2%	16.0%
Guilty plea rate	52.0%	69.2%	65.2%	67.0%	68.0%	66.5%	54.3%	54.6%
Attrition rate	31.0%	22.0%	21.0%	20.4%	23.0%	22.2%	25.9%	27.4%

	National performance 2006-07	Sector performance 2006-07
Charged pre-charge decision cases resulting in a conviction	78.0%	77.9%

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%	83.6%

Trial rates	National performance 2006-07	Sector performance 2006-07
Effective trial rate	43.8%	47.0%
Cracked trial rate	37.3%	34.7%
Ineffective trial rate	18.9%	18.3%
Vacated trial rate	22.5%	20.3%

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

	Sector target 2006-07	CJS Sector performance 2006-07
Number of offences brought to justice	56,856	60,985

Percentage make up of Offences Brought to Justice

	National 2006-07	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%	46.8%

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%	72.4%

Trial rates

	National performance 2006-07	Sector performance 2006-07
Effective trial rate	48.2%	56.2%
Cracked trial rate	39.5%	30.9%
Ineffective trial rate	12.4%	12.9%

Proceeds of Crime Act orders	Sector target 2006-07	Sector performance 2006-07
Value	£5,038,259	£3,631,593
Number	133	66

Aspect 10: Managing resources

	2005-06	2006-07
Non ring-fenced administration costs budget outturn	100.9%	109.0%

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%	12.6%
HCA savings against Area target	100%	138.4%	105.6%
Sickness absence (per employee per year)	7.5 days	8.5 days	13.4 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%	45%	47.6% (December 2006)

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

Police

Metropolitan Police Service

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