

CPS London – South Sector

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Overall Performance Assessment

Undertaken December 2005

March 2006

Promoting Improvement in Criminal Justice

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## **A. INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS**

This report is the outcome of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPsi) overall assessment of the performance of the Crown Prosecution Service (CPS) in the London South Sector and represents a baseline against which improvement will be monitored.

CPS London accounts for approximately 20% of the CPS caseload nationally. 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 Director's have substantial devolved responsibility and they have the status of Chief Crown Prosecutors. The procedure adopted has therefore been to apply the Overall Performance Assessment (OPA) framework (subject to necessary adjustment) to each of the London Sectors. This will be supplemented by an overarching London assessment.

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

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

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

The table at page six shows the Sector performance in each category.

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

## B. SECTOR DESCRIPTION AND CASELOAD

CPS London Area serves the region covered by the Metropolitan Police and the City of London Police. CPS London South Sector covers eight London boroughs, has six units based at four offices; the Cooperage, Hillgate House, in Croydon and in Sidcup. The South Sector Headquarters (Sector Director's Office) is based at the Cooperage office.

Sector business is divided on geographical lines between magistrates' courts and Crown Court work. There are four combined units that handle cases from the eight boroughs in the Sector and are headed by District Crown Prosecutors (DCPs): the Central London Prosecution Service covering Westminster; the South Central London Prosecution Service covering Lambeth and Southwark; the South London Prosecution Service covering Croydon and Bromley; and the South East London Prosecution Service covering Greenwich, Lewisham and Bexley. There are also two functional units also headed by DCPs: the Inner London Youth Prosecution Service which covers the 12 inner London boroughs, capturing youth work that falls within the geographical boundaries of the North and the West Sectors; and the Traffic Prosecution Service unit which is a pan-London unit covering all traffic work from the five Metropolitan Police traffic garages across London. There are teams within the units headed by Borough Crown Prosecutors.

During the year 2004-05, the average number of staff in post in the South Sector was 389.4 full-time equivalents.

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

Category	South Sector numbers	South Sector % of total caseload	National % of total caseload
Pre-charge advice to police	15,286	17.9	20.9
Advice	2,982	3.5	5.1
Summary offences	41,663	48.9	46.9
Either way and indictable only	25,069	29.5	26.7
Other proceedings	167	0.2	0.4
<b>TOTAL</b>	<b>85,167</b>	<b>100%</b>	<b>100%</b>

## C. SUMMARY OF JUDGMENTS

The Area inspection of CPS London was conducted in April 2001, reporting in December; the report contained 57 recommendations. Unlike other Areas who were inspected during the 2002-05 cycle, CPS London was only subject to a follow-up inspection in May 2003 which measured progress against the previous Area Inspection Action Plan and assessed the extent to which a real change in culture and performance had been effected.

The re-inspection found that a significant amount of work had been undertaken to address issues in relation to management and casework; performance had been at a very low level and the foundations had been put in place in order to continue to improve performance. At the time of the re-inspection, proposals were in place to appoint Sector Directors to head each Sector with greater autonomy than was previously held by the Assistant Chief Crown Prosecutors. Area business was divided on functional lines between magistrates' courts work dealt with by criminal justice units and Crown Court work dealt with by Trial Units.

The South Sector was established in October 2003, this in itself was a significant change. The Sector has continued to be subject to change during 2004-05 through restructuring to combined units and the creation of the pan-London traffic unit in the Sector. It has worked with its partners to make improvements to the criminal justice system, namely the migration to statutory charging, the roll-out of the Effective Trial Management Programme (ETMP) and the launch of Witness Care Units (WCUs).

The Sector migrated to statutory charging in November 2004. Sector performance in relation to the headline measures of attrition, discontinuance and guilty plea rates was mixed for the last quarter of 2004-05 in both magistrates' courts and the Crown Court. The Sector has yet to introduce Prosecution Team Performance Monitoring (PTPM) to address performance data needs.

ETMP was fully implemented at the start of 2005; case progression systems have been incorporated or developed locally to reflect different practices with other criminal justice partners and performance is improving in the magistrates' courts and the Crown Court. However, the monitoring of police file quality is not consistent across the Sector and the quality and timeliness of briefs to counsel needs to be improved. Performance in relation to recording full file reviews and indictments on the case management system (CMS) was worse than the national average, although performance has improved for both aspects from January 2005 onwards. The Sector is among those agencies leading the initiative to improve case progression at court and some pro-active discussions about scheduling issues have been held to make the best use of collective agency resources.

Sensitive cases are allocated to specialists and additional support is available from appointed Champions who disseminate information and provide guidance. However, the review and the handling of all categories of sensitive cases are not formally assessed on a regular and consistent basis and cases are not always flagged on CMS.



The Sector had a large number of custody time limit (CTL) failures during 2003-04; action was taken and performance improved during 2004-05 although there were five CTL failures. There have been no CTL failures in the first three quarters of 2005-06.

The Sector is performing at a similar level to the national average from the last inspection cycle in terms of undertaking the prosecution's duties of disclosure to the defence. There is an effective Area Champion who provides support and guidance to those in the Sector requiring it although there are no Sector Disclosure Champions.

WCUs have recently been implemented throughout the Sector, although due to security vetting issues they are currently resourced by police staff; the Sector Witness Care Officers are based in the Sector offices and work in partnership with the WCUs. The performance for timeliness of letters falling within the Direct Communication with Victims (DCV) scheme was below the national target as was the number of letters sent within the scheme according to the DCV proxy measure.

There is a corporate approach to managing business and members of the Sector Management Team (SMT) are actively involved with cross agency initiatives and activities. The Sector seeks to achieve value for money, the budget is actively controlled and there is evidence of a systematic approach to resource management. The SMT receive regular performance information on the key CPS and local targets which is used to improve performance. There is also evidence of joint performance with other criminal justice agencies and the Borough Criminal Justice Boards (BCJGs) with data being shared.

Sector managers are committed to engaging with the community; the Sector received two commendations at the CPS Equality and Diversity Awards for community engagement initiatives.

Outcomes in relation to the shared Public Service Agreement (PSA) are mixed. The target for Offences Brought to Justice (OBTJ) in London was achieved. The target is a shared one set by reference to the criminal justice agencies and the ability of the CPS to influence this particular target is limited because it includes offences dealt with by non-prosecution disposals. The CPS's contribution comes through managing cases to keep discontinuance and unsuccessful outcomes low, good decision-making and case management. The Sector performed particularly well in relation to discontinuance during 2004-05 although the Sector was aware of poor performance in relation to unsuccessful outcomes; there was no separate Sector target but reliance on the national measure. Public confidence across London in the effectiveness of criminal justice agencies in bringing offenders to justice has increased by 4% against the baseline to 45% which is ahead of the national average of 43%. Although the persistent young offender target of 71 days from arrest to sentence was not met during 2004-05, performance has improved significantly during 2005-06. The proportion of ineffective trials in the magistrates' courts and the Crown Court was worse than the national average, again performance has improved for both rates during the current year.

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

<b>CRITICAL ASPECTS</b>	<b>2 - FAIR</b>
Pre-charge decision-making	2 - Fair
Ensuring successful outcomes	1 - Poor
Leadership	3 - Good
The service to victims and witnesses	2 - Fair
Resource management	3 - Good
<b>OTHER DEFINING ASPECTS</b>	
Managing magistrates' courts cases	1 - Poor
Managing Crown Court cases	2 - Fair
Handling sensitive cases and hate crimes	2 - Fair
Custody time limits	1 - Poor
Disclosure	2 - Fair
Presenting and progressing cases at court	2 - Fair
Delivering change	2 - Fair
Managing performance to improve	2 - Fair
Securing community confidence	3 - Good

<b>OVERALL ASSESSMENT</b>	<b>2 - FAIR</b>
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## D. DEFINING ASPECTS

### 1. PRE-CHARGE DECISION-MAKING

### 2 - FAIR

*The Sector migrated to statutory charging in November 2004. Face-to-face advice is provided at 15 charging centres, including a British Transport Police centre. Sector lawyers are generally of sufficient experience and expertise to deal with pre-charge advice cases, and understand the local and national schemes, and guidance. The casework management system (CMS) is being used to record pre-charge advice and decisions (PCD), although the CMS reality check revealed discrepancies in the completeness of records. Sector performance in relation to the headline measures of attrition, discontinuance and guilty plea rates was mixed for the last quarter of 2004-05 in both the magistrates' courts and the Crown Court. The Sector has yet to introduce the Prosecution Team Performance Management (PTPM) regime to address performance data needs.*

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

- Σ The South Sector provides pre-charge advice and decisions from 15 charging centres although not all the sites are covered on a daily basis; alternative sites or telephone advice are available on those days when a duty prosecutor is not present. Charging administrators co-ordinate appointments and provide support for the duty prosecutors. There are appropriate contingency arrangements in place to overcome the absence of duty prosecutors and charging administrators.
- Σ The level of coverage provided at the charging centres is discussed regularly with the police at unit and team level within the Sector. The size of the Sector and caseload volumes hampered the provision of adequate cover during the initial stages of the statutory charging project. Fifteen lawyers were recruited to support delivery of the initiative, and to ensure the appropriate distribution of lawyer expertise throughout the Sector, work from Bexley was moved to another unit.
- Σ Processes are in place to ensure that pre-charge consultation takes place on all relevant files; a “no MG3 no charge” policy has been adopted throughout the Sector. Instances of files bypassing the scheme are very rare; where it does occur they are brought to the attention of lawyer team leaders and are discussed with the police. Compliance with pre-charge advice is monitored and any matters outstanding on CMS are referred to the police; a delay in the improvement of Unique Reference Number (URN) procedures held back its introduction.



- Σ A dual procedure exists to ensure inappropriate requests for advice from the police are managed. Police ‘gatekeepers’ (usually Case Progression Unit officers) vet all files and charging administrators conduct further checks. No performance data is collated on cases which result in ‘no further action’.
- Σ The Sector liaises with CPS Direct effectively. The police in the south east region have expressed some concerns and these are being addressed by the Sector in conjunction with CPS Direct and the police.
- Σ The use of CMS by Sector lawyers and charging administrators is improving. Sector recording and counting systems were hampered by the use of more than one URN for the case from advice to charge; this has been addressed. The reality check undertaken to assess the accuracy of recording of pre-charge advice on CMS showed that only four out of eight cases were fully recorded; the Sector has identified a training need with regard to how reviews are recorded. The check also revealed that in all cases where the ethnicity and gender were provided by the police they were included on the MG3 and recorded on CMS.
- Σ The introduction of statutory charging in November 2004 at Area level was governed by Operation Emerald (the medium for joint planning and improvement of criminal justice between the Metropolitan Police Service and CPS London). Appropriate strategies were in place at Sector level; District Crown Prosecutors took responsibility for their individual boroughs and were overseen by the Sector Management Team. Actions identified prior to the introduction of statutory charging were addressed including the introduction of three further charging centres in the City of Westminster. Further actions identified in post implementation reviews continue to be addressed at unit and Sector levels.

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

- Σ Sector lawyers are generally of sufficient experience and expertise to deal with PCD cases and there is understanding of the local and national schemes and all relevant guidance, although resourcing the charging centres with appropriate staff has caused some problems for the Sector.
- Σ There are escalation procedures for cases where there is a disagreement between the police and the Sector on advice provided. There are few instances where disagreements have not been resolved before escalation procedures have been invoked.

- Σ The Sector has some monitoring systems in place to assure the quality and timeliness of advice, these include, dip sampling by the Unit Heads and Borough Crown Prosecutors at the charging centres and whilst presenting cases at court, and Casework Quality Assurance (CQA), although the level of compliance and robustness means that only limited assurance can be derived from this source.

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

- Σ Sector performance in relation to the key measures of benefit realisation was mixed. In the magistrates' courts the discontinuance rate (12.2% compared to 16.3%) and attrition rate (22.4% compared to 22.7%) were both better in the last quarter of 2004-05 than national performance; although the discontinuance rate did not meet the Area target of 10.2%.
- Σ There is joint working and analysis with the police; regular liaison occurs at borough and Sector levels although meetings are of a general nature rather than solely relating to statutory charging.
- Σ Communication of changes to the scheme from the Area or the Sector is via e-mail or hard copy information; these are supplemented by team meetings or informal discussions across the units and teams.

*Aspects for improvement*

- Σ The guilty plea rate for pre-charge advice cases in the magistrates' courts for the final quarter of 2004-05 was worse than the national average (65.6% compared 68.8%). Similarly, in the Crown Court for the same period the guilty plea rate (57.7% compared to 66%), the attrition rate (29.1% compared to 23.8%) and the discontinuance rate (16.2% compared to 14.6%) were worse than national performance; although the guilty plea rate met the Area target of 54.5%.
- Σ There has been limited monitoring of PCD performance; to date monitoring and analysis has mainly been confined to pre-charge benefits realisation data at Sector level. At the time of our visit the Sector was about to undertake a phased roll-out out of PTPM. The use of PTPM and the changes on CMS to combined units should eventually facilitate more productive usage of CMS and the Management Information System.

**2. MANAGING MAGISTRATES' COURT CASES**

**1 - POOR**

*The Effective Trial Management Programme (ETMP) was fully implemented at the start of 2005; case progression systems have been incorporated or developed locally to reflect different practices with other criminal justice partners. The monitoring of police file quality is not undertaken consistently across the Sector and the Prosecution Team Performance Management (PTPM) regime has not yet been rolled out. Although the persistent young offender (PYO) target was not met during 2004-05 performance has improved significantly during 2005-06. The proportion of ineffective trials was worse than the national average as was performance in relation to recording full file reviews on the case management system (CMS); performance has improved for both aspects during the current year.*

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

- Σ Efforts are being made to review and prepare magistrates' courts cases promptly, and to undertake follow-up work when necessary, but some cases are adjourned due to the prosecution not being ready. Improvements in performance in relation to case review and handling have been driven forward by ensuring 100% in-house court coverage, the performance audits undertaken by the Sector Director and Sector Business Manager, and the use of Casework Quality Assurance (CQA), although the level of compliance and robustness means that only limited assurance can be derived from this source. The Sector has also undertaken peer review audits across the units to improve systems and processes. The timeliness figure for adult guilty pleas in London is better than the national average (87% compared to 83%). The number of cases dropped after the third or subsequent hearing in London is also slightly better than the national average (54.7% compared to 54.9%).
- Σ There is liaison with criminal justice partners and performance is starting to improve as a result. ETMP has been rolled out across the Sector; there is an Area framework which has been adapted locally with the other criminal justice agencies. There are Case Progression Officers in each unit who liaise with their counterparts in the police and at the courts. The greater dialogue and more joined-up working has resulted in improved performance.
- Σ All youth cases from the 12 inner London boroughs and British Transport Police are handled by the youth unit ensuring review, preparation and presentation by specialists. Cases from the outer London boroughs in the Sector are also handled by specialists in the combined units. The youth unit manages cases jointly with the courts at regular tracker meetings and fortnightly case management hearings are held at each inner London magistrates' court. The Sector's performance in relation to persistent young offenders is improving; performance has been under the target of 71 days from arrest to sentence for five of the first six months of 2005-06.

*Aspects for improvement*

- Σ The timeliness figure for adult trials in London is not as good as the national average (64% compared to 66%).
- Σ The monitoring of police file quality is not undertaken consistently across the Sector and PTPM has yet to be rolled out. In the meantime the Sector Management Board are unable to portray a clear picture of file quality due to the lack of empirical data and are unable to drive forward improvements in the quality and timeliness of police files.
- Σ During 2004-05 there were 401 discharged committals in the Sector across the units which was an unacceptable level. A discharged committal log is maintained for each borough and targets have been set by the Borough Criminal Justice Groups (BCJGs). There is some fluctuation but generally a trend of improvement; in the first quarter of 2005-06 there were 37 discharged committals.
- Σ The rolling three month average for PYO cases at February 2005 was 74 days. The timeliness figures for youth trials and youth guilty pleas in London are worse than the national averages (79% compared to 87%, and 85% compared to 87% respectively).
- Σ There were 54 wasted costs orders in the Sector contributing to the Area figure of 71 orders; 47 of these were attributable to one unit; some of the issues contributing to this performance have been addressed. The national figure for all wasted costs orders in the magistrates' courts was 93.

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

- Σ The Sector has taken joint action with criminal justice partners to address the ineffective trial rate. The Sector realigned the work from one borough to another unit where ineffective trials were a particular problem. The Sector with Her Majesty's Courts Service in south east London organised a scheduling workshop in March 2005 to examine the best way to schedule cases and use collective resources. Work with the courts has enabled the Sector to achieve 100% in-house court coverage which has led to the more effective management of trials. There have been "trial blitzes" at specific court centres to tackle delays in trial listing and further ones are planned as part of the multi-agency work undertaken with the Sector.
- Σ There is analysis of cracked and ineffective trials and appropriate action is generally taken where the prosecution has been at fault. Work is undertaken with criminal justice partners, action has been taken and communicated, and performance is improving as a result. Across the Sector there are meetings or liaison with the magistrates' courts to review cracked trials and identify trends. The outcomes are shared with the BCJGs to jointly address performance issues.

*Aspects for improvement*

- Σ The ineffective trial rate (31.4%) was worse than the national average (24.8%) and worse than the national target (24.5%). However, the ineffective trial rate is reducing across the Sector, there was a significant improvement throughout 2004-05 and the Sector met its ineffective trial rate target of 30% in the final quarter of 2004-05. The improvement has continued into 2005-06; the year to date figure as at August 2005 was 23.9%. The cracked trial rate was better than the national average (36.4% compared to 38.1%).

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

- Σ Performance in relation to CMS usage is addressed at Sector quarterly reviews. The Sector Certificate of Assurance Action Plan (April 2005) detailed training and objective setting as actions to address the need to increase CMS usage. Training for managers has been delivered across the Sector. The Sector has also established an information communication technology (ICT) project group; the terms of reference include improving usage of CMS.

*Aspects for improvement*

- Σ Staff are not routinely using CMS to record key events in cases. Managers are encouraged to monitor and take action to improve usage although this is not consistently applied across the Sector. The recording of full file reviews for London was worse than the national average (6% compared to 27.1%). However, performance has improved, Sector performance at the start of 2005-06 was 5.1% which had risen to 12.7% by October 2005; Headquarters have recorded that the Sector has the highest figure of all the London Sectors.
- Σ Very few Sector templates have been added to the system, although a small number of templates have been added by individual units to meet specific case progression needs.



### 3. MANAGING CROWN COURT CASES

2 - FAIR

*The Effective Trial Management Programme (ETMP) has been rolled out. Case Progression Officers or caseworkers undertake case progression functions; there is regular liaison with the Crown Court; performance is improving. The Area achieved the asset recovery benchmark, although there was no Sector target, the Sector fully contributed to the Area performance. The quality and timeliness of briefs to counsel needs to be improved. The proportion of ineffective trials was worse than the national average as was performance in relation to recording indictments on the case management system (CMS), although performance has improved for both aspects during the current year.*

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

- Σ Efforts are being made to review and prepare Crown Court cases promptly, and to undertake follow-up work when necessary, but some cases are adjourned due to the prosecution not being ready. The timeliness of adult committals for London (95%) was better than the national average (89%); there was no breakdown to Sector level.
- Σ There is liaison with criminal justice partners, and case progression meetings, with performance improving as a result. ETMP has been rolled out across the Sector; there is a Sector framework which has been adapted locally with other criminal justice agencies to incorporate existing practices or develop new processes to tackle local issues. Case progression functions are undertaken in each unit by Case Progression Officers except one unit where experienced caseworkers progress cases and the Casework Manager has overall responsibility.
- Σ There is a Sector Proceeds of Crime Act (POCA) Champion and each unit has a local POCA Champion; all have received training and refresher awareness training has been provided across the Sector. However, the Sector does not maintain a database of counsel who are trained and there is no POCA insert for instructions to counsel. Performance is monitored and considered at the unit quarterly reviews; the Area target was met with 244 orders to the value of £14,205,361. There is no Sector target; the Sector contribution to the Area target was 40 orders to the value of £88,372.
- Σ All youth cases are handled by specialists, in the youth unit and in the outer London combined units. There is a persistent young offender protocol with the Inner London Crown Court. The timeliness of youth committals for London (90%) was close to the national average (91%); there is no Sector breakdown of the figure. Timeliness during 2005-06 is improving across the Sector against a Crown Court target of 180 days.

*Aspects for improvement*

- Σ The timeliness of service of committal papers for London (76.9%) was worse than the national average (79.4%); there was no breakdown to Sector level.
- Σ Although there are checks on the quality of instructions to counsel by Casework Managers, feedback from Higher Court Advocates and Casework Quality Assurance checks, instructions to counsel do not routinely include both an analysis of the issues and acceptability of pleas. The reality check of cases showed that only three out of 11 cases contained a brief with analysis of the issues and instructions about pleas. Instructions are not always delivered to counsel promptly; the timeliness of briefs to counsel for London (78.5%) was worse than the national average (85%); there was no breakdown to Sector level.
- Σ There were three wasted costs orders in the Sector contributing to the Area figure of 15 orders.

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

- Σ The cracked trial rate (27.2%) was better than the national average (39.2%) as was the rate of cracked trials that are due to the prosecution (10.4% compared to 15.3%). The effective trial rate is also better than the national average (55.9% compared to 45%) and has continued to improve.
- Σ There is analysis of cracked and ineffective trials and appropriate action is generally taken where the prosecution has been at fault. Work is undertaken with criminal justice partners, action has been taken and communicated, and performance is improving as a result. Across the Sector there are meetings with the Crown Court at differing intervals to review cracked trials and identify trends. The outcomes are shared with the BCJGs to address performance issues jointly.

*Aspects for improvement*

- Σ The ineffective trial rate (17.5%) was worse than the national average (15.8%) and worse than Area performance (16.9%) although this was better than the national target (18.4%). However, it has improved throughout 2004-05 and this has continued into 2005-06. The year to date figure as at August 2005 was 14.6%.

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

- Σ CMS training has been undertaken by all staff and refresher training was provided in October 2005. CMS usage is considered at the Sector quarterly reviews.
- Σ The Sector has investigated the production and use of CMS and Management Information System (MIS) reports with the assistance of another Area and will begin to use these reports to monitor performance during 2005-06, although the Sector only holds three MIS licences.

*Aspects for improvement*

- Σ Staff are not routinely using CMS to record key events in cases and not all managers are routinely using the task lists to monitor the work flow. Five files were examined as part of the reality check, all files referred to the paper file for the initial review, four files had no full file review and the fifth had an ad hoc review that amounted to a full file review.
- Σ The recording of indictments for London was worse than the national average (76.9% compared to 81.5%) However, the Sector achieved the target of 90% for quarter 4 of 2004-05 and performance has been maintained throughout 2005-06.

**4. ENSURING SUCCESSFUL OUTCOMES**

**1 - POOR**

*There was a high level of unsuccessful outcomes during 2004-05 and the target was not met, although performance is improving. Performance in the magistrates' courts was better than the Crown Court, and performance in relation to the overall discontinuance rate was particularly good with a trend of improvement. Apart from discontinuance all other measures compared unfavourably with the national averages. There are some mechanisms in place to monitor and analyse unit performance across the Sector and with the other criminal justice agencies. The Area in conjunction with its criminal justice partners met the Offences Brought to Justice (OBTJ) target for 2004-05; the Sector contributed by keeping discontinuance low.*

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

- Σ There is some assessment of the quality of review and case handling. The Sector relies on the Casework Quality Assurance (CQA) system although the level of compliance and robustness means that only limited assurance can be derived from this source. CQA is supplemented by adverse case monitoring, the attendance of all line managers at magistrates' courts to conduct case progression hearings and Higher Court Advocate feedback in the Crown Court. In addition, the Sector Director (SD) and Sector Business Manager (SBM) undertook an audit of each unit during 2004-05 to examine casework quality and processes. Further audits across the Sector will be undertaken. A review of all discontinued cases during October 2005 has been undertaken; data analysis was underway at the time of our visit.
- Σ There is monitoring of all unsuccessful outcomes; performance and outcomes in each unit are discussed with the SD and the SBM at unit quarterly reviews. There is also monitoring of all cracked and ineffective trials; the mechanisms and frequency of this analysis varies across the Sector. Performance outcomes are shared and discussed with other agencies at Borough Criminal Justice Groups (BCJGs).
- Σ The approach to adverse case reporting varies across the Sector. In one unit adverse outcome forms are completed in all cases and a monthly report of all Crown Court adverse cases is produced to learn lessons and address potential problems. In other units adverse outcome reports are produced and individual feedback is provided although monthly reports and bulletins of lessons learned are not produced.

- Σ Performance in the Sector during 2004-05 compared unfavourably with the national position on all measures except discontinuance. Performance in the magistrates' courts was better than the Crown Court, and performance in relation to the overall discontinuance rate was particularly good compared to the Area and national averages, with a trend of improvement. For the full year to 31 March 2005, results for the Sector compared with the Area and national averages show:

OUTCOME	Sector Figure	Area Figure	National Average
<b>MAGISTRATES' COURTS</b>			
Discontinuance & bindovers	9.9%	10.1%	12.5%
No case to answer	0.8%	0.6%	0.3%
Dismissed after trial	1.6%	1.7%	1.5%
Discharged committals	0.6%	0.7%	0.3%
Overall conviction rate	74.3%	74.7%	80.8%
<b>CROWN COURT</b>			
Judge ordered acquittals	17%	18.1%	14.2%
Judge directed acquittals	3.1%	3.3%	2.0%
Acquittals after trial	9.2%	8.4%	6.3%
Overall conviction rate	67.9%	68.2%	75.8%

- Σ The Sector performed better than the national averages and targets in relation to the pre-charge decision benefits realisation measures for the guilty plea and attrition rates in the magistrates' courts. The discontinuance rate in the magistrates' courts was also better than the national average although worse than the national target.
- Σ The Sector had 401 discharged committals in 2004-05. This improved to 37 in the first quarter of 2005-06 but the overall level remains a matter of concern. Each unit monitors discharged committals and produces a log; all units have a target for discharged committals which has been set by the BCJGs and despite some fluctuation performance is improving. We have highlighted this as an aspect for improvement under Aspect 2.



- Σ The target for OBTJ is a shared one set by reference to the criminal justice agencies. The ability of the CPS to influence this particular target is limited because it includes offences dealt with by non-prosecution disposals. The CPS's contribution comes through managing cases to keep discontinuance and unsuccessful outcomes low, good decision-making and case management. The Sector performed particularly well in relation to discontinuance during 2004-05 although the Sector was aware of poor performance in relation to unsuccessful outcomes. The Area OBTJ target for 2004-05 was exceeded; the criminal justice agencies achieved joint performance of 151,100 (+23.4%) against a target of 138,373 (+13%).

*Aspects for improvement*

- Σ The Sector performed worse than the national averages and targets in relation to the pre-charge decision benefits realisation measures for the guilty plea, attrition and discontinuance rates in the Crown Court.
- Σ The target for unsuccessful outcomes was not met during 2004-05. The Sector performed worse (26.2%) than the national average (19.6%) and target (21%) and worse than the Area average (26%) and target (25%). However, there is evidence of improvement, the Sector had achieved a rate of 21.2% (year to date figure as at September 2005).

**5. HANDLING SENSITIVE CASES AND HATE CRIMES**
**2 - FAIR**

*Hate crimes (domestic violence, homophobic, racially and religiously aggravated crime) and other sensitive cases (for example child abuse) are allocated to specialists and additional support is available from appointed Champions who disseminate information and provide guidance. The review and the handling of all categories of sensitive cases are not formally assessed on a regular and consistent basis and sensitive cases are not always flagged on the case management system (CMS), although hate crime and other sensitive cases are generally handled well. A specialist domestic violence court is in operation in Croydon which is being led and driven by the Sector; its implementation has resulted in improved awareness and a more considered approach to cases of domestic violence in the Sector.*

**5A: The Sector identifies and manages sensitive cases effectively**

- Σ The Sector has appointed Champions and specialists for sensitive cases, who disseminate information to prosecutors and caseworkers, and provide guidance where appropriate. The Unit Heads allocate cases to lawyers, thereby ensuring that cases are handled by lawyers with the appropriate skills. In addition, all rape cases are handled by rape specialists, including pre-charge advice in bail cases.
- Σ The Sector has appointed a series of co-ordinators for each category of sensitive case in each unit to co-ordinate best practice derived from the Sector or Headquarters. The co-ordinators meet with their counterparts in the other London Sectors to discuss best practice across the Area.
- Σ The Sector has a specialist domestic violence court at Croydon; this was initially part of a pilot scheme with the police and Her Majesty's Courts Service (HMCS) but has proved a success and been continued beyond the pilot period. In the south unit, all cases before the Croydon domestic violence court are handled by specialist lawyers. The Sector is currently in discussion with HMCS with a view to establishing a second specialist domestic violence court to cover the boroughs of Lambeth and Southwark.
- Σ The Sector includes the pan-London traffic unit which prosecute all non-indictable offences across the Area in five 'gateway' courts and five trials courts. The unit also provides pre-charge advice on traffic cases involving a fatality or serious injury. After initial advice indictable cases are prosecuted by the relevant regional Sector, although the traffic unit is available to provide additional guidance to the lawyer handling the case.

- Σ The Sector seeks to ensure that practices are consistent with the Area policies and HMCP<sup>S</sup>I thematic reviews through the use of co-ordinators who meet on an Area-wide basis and share examples of practice. Managers of the units also regularly prosecute in court and review files as part of this process.
- Σ Any decision to reduce or discontinue hate crimes requires the consent of a Borough Crown Prosecutor before such a decision is implemented. The Sector is represented on the Greenwich Race Hate Forum; this open forum comprised of police, probation, housing, disability and community groups, discusses issues within the borough, enabling lessons to be learned and improvements in practice.

*Aspects for improvement*

- Σ The review and the handling of all categories of sensitive cases are not formally assessed on a regular and consistent basis; there is reliance on the Casework Quality Assurance checks which offer some limited assurance only.
- Σ Although sensitive cases should be flagged on CMS by duty prosecutors providing pre-charge advice and checked during subsequent handling of cases by caseworkers and lawyers, the reality check indicated that not all relevant cases were correctly flagged.
- Σ The Sector does not systematically undertake an analysis of hate crime cases in which a change of charge, or an agreed basis for plea, reduces or removes the 'hate element' from the offence.

**6. CUSTODY TIME LIMITS**
**1 - POOR**

*There is a written Area custody time limit (CTL) guide although this was last updated in 2003. There are no written Sector CTL instructions but some units have desk top guides that comply for the most part with the essential actions guide and most unit systems are similar. The Sector Director (SD) required assurance from each unit that a monitoring procedure was in place that complies with the guide. The Sector had a large number of CTL failures during 2003-04; action was taken and performance improved during 2004-05 although there were five CTL failures. There have been no failures from April to December 2005. Systems have been reviewed, relevant staff were given further training or reminders and all new staff receive desk side training. The Sector does not have a CTL Champion and there are no protocols with the magistrates' courts or Crown Court centres in the Sector.*

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

- Σ The Area has a written CTL guide that complies with the essential actions guide, although this was last updated in 2003. There is no written Sector CTL system but some units have their own desk-top instructions which comply for the most part with the national guidance and other units have a known system that follows the guide. Most units follow the same system with some local variations in monitoring.
- Σ Reviews in relevant units were carried out after each failure and amendments or reminders were given as necessary. Systems were examined during the Sector peer review audits; instructions were issued to the units who were failing to use the case management system (CMS) to reconcile diary entries as part of the monitoring procedure. CTL monitoring is also examined during the unit audits undertaken by the SD and the Sector Business Manager (SBM).
- Σ New staff are given desk side training as part of the mentoring process; however, no formal refresher training has been provided across the Sector. Local training has taken place on the revised systems following CTL failures and reminders have been given to staff about procedures.
- Σ Senior managers require regular assurances that the CTL system is improving. This usually comprises a report to the Borough or District Crown Prosecutor showing that imminent CTL expiry dates listed in the diaries have been reconciled with file entries and CMS reports.
- Σ The reality check indicated generally good practice. Each unit is operating a similar system. File endorsements for CTL monitoring purposes were satisfactory.

*Aspects for improvement*

- Σ The Sector had 17 CTL failures in 2003-04; action was taken to ensure that the importance of CTL monitoring was highlighted throughout the Sector in 2004-05. CTL monitors from each unit attended a workshop in April 2004 and assurance was provided to the SD that unit CTL systems complied with the essential guide and monitoring was carried out. The Sector had five CTL failures in 2004-05, an improvement from the previous year. There have been no CTL failures in the first 3 quarters of 2005-06.
- Σ There are no protocols or agreements with the magistrates' courts or Crown Court centres in the Sector. The courts are not involved in the monitoring of CTL expiry dates and do not agree expiry dates in court.
- Σ The Sector does not have a CTL Champion to promote Sector good practice or disseminate any legal updates.



**7. DISCLOSURE**
**2 - FAIR**

*The Sector is performing at a similar level to the national average from the last inspection cycle in terms of undertaking the prosecution's duties of disclosure to the defence. Performance on disclosure is monitored as part of Casework Quality Assurance (CQA), this is supplemented by informal checks undertaken by the Borough Crown Prosecutors (BCP) who examine and review files as they conduct all magistrates' courts pre-trial review or equivalent progression hearings. There is an effective Area Champion who provides support and guidance to those in the Sector requiring it although there are no Sector Disclosure Champions.*

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

- Σ A sample of 25 files inspected as part of the Overall Performance Assessment process revealed that primary or initial disclosure was handled properly in 70% of magistrates' court cases and 80% of Crown Court cases. Secondary or continuing disclosure was handled properly in 60% of Crown Court cases. The overall compliance with prosecution obligations in cases in the file sample was 70% which is comparable to the average national performance of 70.3% from the last inspection cycle (2002-2005).
- Σ All lawyers on the Sector Management Team regularly attend court to prosecute cases and consequently see and examine files. These reviews include a check as to whether disclosure has been handled properly. BCPs across the Sector try to ensure they prosecute in all pre-trial review courts or equivalent hearings, thereby enabling them to check that disclosure in the magistrates' courts has been handled properly.
- Σ Unused material schedules and any unused material are generally stored separately from the other papers in the main file. All sensitive material schedules and any sensitive unused material held by the Sector are stored separately within the main file save for particularly sensitive material; this is stored within blue folders which are retained in locked cabinets under the control of the District Crown Prosecutors in accordance with Area policy.
- Σ The Area has an effective Disclosure Champion, who regularly disseminates information to the Sector. He will also provide guidance and mentoring to lawyers within the Sector upon request. The Sector has sought to implement the bulletins and best practice circulars issued by the Area to help improve its performance.

- Σ All prosecutors and caseworkers have received training on the disclosure provisions of the Criminal Justice Act 2003 and the CPS/ACPO (Association of Chief Police Officers) disclosure manual. Joint training with the police on disclosure has been delivered with a view to improving the quality of the disclosure provided.

*Aspects for improvement*

- Σ The Sector relies on the support provided by the Area Champion and has not appointed any Champions responsible for disclosure at unit level.
- Σ The reality check showed that not all disclosure material was kept separately in the main file and disclosure record sheets were not present on every file or completed when action was taken. The reality check also showed that not all sensitive material schedules were reviewed and signed by the lawyer and lawyers did not chase the police where they were not supplied.
- Σ The lack of timeliness in relation to the provision of unused material has led to the adjournment of trials in the magistrates' courts, although performance has improved. The inconsistent approach to CQA across the Sector, in terms of volume, has left a gap in disclosure performance data.

## 8. THE SERVICE TO VICTIMS AND WITNESSES

2 - FAIR

*No Witness No Justice (NWNJ) Witness Care Units (WCUs) have recently been implemented throughout the Sector, although due to security vetting issues they are currently resourced by police staff; the Sector Witness Care Liaison Officers (WCLOs) are currently based in the Sector offices and work in partnership with the WCUs. The performance for timeliness of letters falling within the Direct Communication with Victims (DCV) scheme was below the national target as was the number of letters sent within the scheme according to the DCV proxy measure. Some procedures are in place to ensure the timely identification of and applications for Special Measures, and to ensure the timeliness of witness warnings. Sector performance in relation to cracked and ineffective trials in the magistrates' courts attributable to witness issues was equivalent to or slightly worse than national averages.*

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

- Σ Witness warning procedures are generally effective and pre-trial checks are usually carried out. CPS staff forward witness requirements for trial to the police as soon as possible after the case is fixed; this is facilitated by computer terminals at some courts. Witnesses are warned by the WCUs which are currently staffed by police.
- Σ CPS WCLOs based within Sector units act as contact points for the WCUs. The work with unit Case Progression Officers ensures effective warning of witnesses and enables any witness issues to be addressed.
- Σ Liaison with the Witness Service and Victim Support occurs on a regular basis at an operational level, and at a more strategic level through the Borough Criminal Justice Groups (BCJGs).
- Σ Speaking Up for Justice measures are generally embedded throughout the Sector and there is early consideration of Special Measures by duty prosecutors. Applications are thought to be timely, although no performance data on the volume, timeliness or appropriateness of applications is analysed by the Sector. In March 2005 a Special Measures Protocol was signed at the Inner London Crown Court.
- Σ Most prosecution advocates and staff introduce themselves, and provide information to witnesses at court; there are specific Sector instructions in place. The pan-London traffic unit acts as a single consistent point of contact for the families of victims of all fatal road traffic incidents within the Area; a number of meetings have taken place to explain decisions.

- Σ During 2004-05 cases in the Sector that were cracked and ineffective resulting from prosecution witness absence were at a higher rate than was seen nationally, or throughout the Area as a whole. From September 2004 to March 2005 there was an improvement in the Sector and the Area.
- Σ There is clear analysis of cracked and ineffective trial data at Sector level and through the BCJGs, although mechanisms vary across the boroughs. Some joint work is being undertaken, including liaison to establish another domestic violence court to encourage victim attendance, and increased contact with British Transport Police witnesses.

#### *Aspects for improvement*

- Σ Sector systems to ensure compliance with the DCV scheme have not been effective and letters are not routinely sent. The DCV proxy measure for letters sent for the Area as a whole in 2004-05 was calculated at 25% against the national target of 100%, and was substantially below the national average. In 2004-05 55% of the letters sent in the Sector were within 5 days against a national target of 70%. Attempts to improve are being made but have failed to produce an upward trend in performance.
- Σ A reality check on the casework management system revealed that identified victim flagging is not applied consistently; however, appropriate identification is supplemented by Management Information System reports. Some of the letters seen were not of a satisfactory quality.
- Σ NWNJ has been implemented although not all deadlines have been met; CPS WCLOs are not yet in place at the WCUs as a result of security vetting issues. The current forms of WCUs have recently undergone post implementation reviews although it is too early to say whether the expected benefits of WCUs are being fully realised. Data that would help demonstrate performance improvement has not been shared at a Sector level.

## 9. PRESENTING AND PROGRESSING CASES AT COURT 2 - FAIR

*The Sector is among those agencies leading the initiative to improve case progression at court and discussions about scheduling issues take place to make the best use of collective agency resources. Papers are usually available in good time to prepare and all specialist courts are covered by specialist prosecutors. Since December 2004 all courts in the Sector have been covered by in-house prosecutors; they are monitored by Borough Crown Prosecutors (BCPs) and the Area Advocacy Trainer (AAT). Counsel are monitored for re-grading purposes and on an exception basis by caseworkers. Action is taken following complaints.*

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

- Σ The Sector is among those agencies leading the initiative to improve case progression at court. Since December 2004 all sessional courts in the Sector have been covered by in-house prosecutors. The Sector has appointed Case Progression Officers (and in one unit caseworkers) and there is good liaison with the courts and the police. Joint agency discussions about scheduling issues have taken place to make best use of collective resources. The Sector co-operated in the listing of special courts to clear trial backlogs and this will continue. Increased use of designated caseworkers (DCWs) has not yet been achieved but the pan-London traffic unit deploys them successfully for the traffic courts. Higher Court Advocates cover plea and case management hearings.
- Σ Papers are provided to agents, counsel and in-house prosecutors promptly, although there are occasions when the late delivery of overnight charge files may result in advocates not being able to prepare thoroughly for court and there is anecdotal evidence of some cases being transferred between courts at short notice.
- Σ Selection of prosecution advocates for all courts is usually undertaken with full consideration of their experience and expertise. Suitably trained prosecutors cover specialist courts in the Sector; lawyers prosecuting domestic violence courts are trained and specialist lawyers cover the youth courts. BCPs attend pre-trial review or equivalent hearings where decisions about case progression are made. Caseworkers select counsel according to their experience.
- Σ Complaints about prosecutors from other agencies are investigated and action is taken if appropriate. An example was provided of a complaint being raised directly with counsel and chambers.



- Σ Most in-house prosecutors are monitored at least once a year by the BCPs and feedback is given during mid-year reviews and for performance appraisal purposes. If a specific performance problem is identified the BCP will ask the AAT to take further action. In 2004-05 the AAT endeavoured to see all in-house prosecutors, providing immediate feedback and reports to individuals and their line managers. Although many advocates were seen, resources have been re-focused on the assessment and mentoring of new advocates to achieve the greatest benefits. New lawyers and DCWs are mentored by a more experienced advocate and the Sector Director has shared courts with individuals to assist with training.
- Σ Some agents were monitored in 2004-05 by the AAT. Agents are now rarely used; the Sector has concentrated on achieving 100% in-house court coverage with only very complex trials being dealt with by agents. Counsel are monitored for re-grading purposes and caseworkers provide informal feedback on performance.
- Σ Training is only provided for in-house advocates although there is an agent's instruction pack.
- Σ Endorsements seen on Sector files were satisfactory; these are monitored by senior managers who cover courts regularly and provide feedback.

**10. DELIVERING CHANGE**
**2 - FAIR**

*The Sector understands what needs to be achieved and some plans and processes are in place to ensure progress is made against relevant targets and milestones. However, the Sector is reliant on the Area level Business Plan, and does not have Sector or Unit Business Plans. An informal approach has also been adopted to the management of risks. The Sector was established in 2003 and has undergone considerable change through the introduction of national initiatives. This has generally been via project methodology. The Sector works with its partners to make improvements to the criminal justice system. A more systematic and comprehensive approach needs to be adopted in relation to identification, monitoring and evaluation of relevant Sector training.*

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

- Σ The Sector has a clear sense of what it wants to achieve, and has adopted the Area Business Plan, which concentrates on the principal drivers of CPS vision and strategy, the Public Service Agreement targets, and delivery of the main initiatives. Clear accountabilities between Area and Sector responsibilities ensure the Sector's progress against objectives. Milestones can be monitored through the quarterly performance reviews between the Area and the Sector, and via an informal review of progress against the whole Business Plan at mid-year by the Sector. Area and Sector plans for national and local initiatives support the Business Plan. The Sector has implemented unit quarterly performance reporting which is supplemented by regular Sector Management Team (SMT) meetings.
- Σ The Area Business Plan is circulated to all staff. In addition twice yearly road-shows are presented by the Sector Director and the Sector Business Manager demonstrating Sector achievements and priorities, a précis of the focus of the Business Plan was outlined to staff. Forward Job Plans demonstrate links between the Business Plan and staff objectives.
- Σ Borough Criminal Justice Groups feed into the main London Criminal Justice Board. There is some evidence of effective planning with criminal justice partners; increased in-house court coverage involved negotiation with the magistrates' courts, and there was a domestic violence pilot at Croydon and a trial listing pilot at Greenwich.

*Aspects for improvement*

- Σ The Sector has not developed a process for progress against local issues to be monitored in a comprehensive manner, enabling gaps to be identified, for example Sector or unit orientated Business Plans which would engender increased staff participation and overall staff awareness of performance.
- Σ The approach to risk management is facilitated through informal discussion at SMT; a more formal approach to risk management including an overarching Sector Risk Register which is regularly reviewed and updated is required.

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

- Σ At the time of the previous inspection in 2003, CPS London had undergone an overhaul of its structure, dividing into the current four Sectors; however, Sector Directors were not appointed until the latter part of 2003-04. There is evidence of significant change being introduced at national initiative level and some evidence at local level. Under the direction of the Area change programme, the Sector has restructured to combined units and the creation of the pan-London traffic unit. Major initiatives have included shadow and statutory charging, the Effective Trial Management Programme roll-out, introduction of the computerised case management system (CMS) and No Witness No Justice (NWNJ); all of which need to be fully embedded. Local change introduced includes the accommodation project at the Cooperage.
- Σ Delivery of the change programme at an Area level and the provision of Sector support is the responsibility of the Area change programme team. Joint CPS and Metropolitan Police initiatives are introduced under the auspices of Operation Emerald. There are clear accountabilities for the introduction of change at a Sector based level; Unit Heads have responsibility for implementation of change within their boroughs, overseen at a Sector level by SMT and at Sector District Business Managers meetings. For the main national initiatives, for example NWNJ, project leads are appointed for liaison at Area level. There is some evidence at a Sector level of change being managed and being introduced via project methodology; progress is monitored against actions which are identified, reviewed and amended when necessary.
- Σ There is some evidence of links between projects, priorities, procedures and staff training as demonstrated by the introduction of statutory charging, and the changes to budgetary procedures and the Graduated Fees Scheme.

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

- Σ Key mandatory training has been provided by the Sector; although the training records consist of unit based records of attendance only. Improvements have been made in the performance appraisal process; however, Forward Job Plans are not used by the Sector to identify individual training needs or linking training requirements to business need.
- Σ The absence of comprehensive training records means that the Sector is unable to demonstrate equality of access to training and that training needs for legal and non-legal staff are fully identified. There was limited evidence of evaluation of courses and no evidence was provided of the overall worth of the course or the benefit to the individual.

**11. MANAGING RESOURCES**

**3 - GOOD**

*The Sector takes steps to achieve value for money. The Sector budget is actively controlled, and the Sector had an underspend of 2.2% for 2004-05, set against the overall Area overspend. The Sector Management Team (SMT) is provided with sound financial reports, and there is evidence of a systematic approach to resource management. More effective use could be made of Higher Court Advocates (HCAs), and designated caseworkers (DCWs). Agent usage has reduced considerably during 2004-05; whilst performance for 2004-05 was slightly lower than the national average, by February 2005 agent usage had dropped to zero. Prosecution spend in 2004-05 was equivalent to national performance. Sickness absence was not monitored at a Sector level during 2004-05, and London rates were higher than national averages.*

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

- Σ There is clear evidence that the Sector has taken steps to achieve value for money. Measures proposed by the Area to prevent a significant Area budget overspend resulted in a considerable reduction in Sector agent spend to almost zero by February 2005; this was achieved by ensuring more effective in-house prosecutor usage and through negotiation with the courts to improve magistrates' courts listing. The Sector has made substantial savings on day to day economies by dispensing with additional parking at the Sector Headquarters saving £30,000 per annum. All expenditure is strictly controlled and clear procedures are in place for the approval of spend and travel and subsistence claims.
- Σ The Sector is pro-active in its budgetary control. Senior managers are fully aware of the Sector's financial position, which is supported by comprehensive monthly Sector budget reports. There are regular discussions about Sector and unit financial performance at SMT meetings, and through quarterly unit performance meetings.
- Σ Budgets are generally devolved to unit level although the Sector Business Manager (SBM) retains overall responsibility, and authorisation of agent usage is via the Sector Director or SBM only. District Crown Prosecutors are accountable for demonstrating value for money; unit performance against key indicators is measured in monthly unit budget reports and the quarterly performance reporting structure.
- Σ The formal monitoring arrangements at Sector level encompass the monitoring of the prosecution budget. In 2004-05 the Area prosecution spend was equal to the national average of 118%; the monthly reporting and forecasting demonstrates increased management of the prosecution budget.

- Σ The Sector's non-ring fenced budget outturn was 97.8% for 2004-05, which was attributable to lower than expected staff costs for the pan-London traffic unit; this under-spend was returned to the Area enabling a reduction in the Area overspend.

#### *Aspects for improvement*

- Σ The timeliness of Graduated Fee Scheme (GFS) payments for March 2005 for the Area was worse than the national average (73.8% compared to 83.8%). A review of GFS completed by the Area resulted in the centralisation of the Sector Fees Unit at the Cooperage and new more effective systems were introduced. The Sector performance is showing a trend of improvement from 74.6% in May 2005 to 82.4% in October 2005 although slightly below the Area performance for October 2005 of 83.9%.

### **11B: The Sector has ensured that all staff are deployed efficiently**

- Σ There is evidence of a systematic approach to resource management. Sector resource needs are reviewed by the Sector during the Area planning for the financial year with discussions at both an Area and Sector levels. This is supported by ad hoc reviews, for example a B1 review, and supplemented by discussions at unit and Sector level at SMT meetings. Consideration is given to the activity based costing model; workload is linked to staff numbers, grades and experience. Some difficulties have been experienced in staffing the units; at Westminster employment of temporary administrative staff contributed to a serious backlog of cases for registration and finalisation on the case management system (CMS).
- Σ Guidelines have been received from the Area in terms of lawyer expectations; however, at Sector level it is the responsibility of every unit to ensure magistrates' courts and charging sessions are covered, consequently on average lawyers have up to one and a half days in the office a week.
- Σ Sector use of HCAs dropped considerably in the latter part of 2004-05 as a result of the commitment to reducing agent spend. No Sector target for HCA usage was set by the Area in 2004-05; 85 sessions were undertaken and £22,149 of counsel fees were saved. Notional counsel fees saved per session for the final quarter of 2004-05 were £223 against a national average of £224. No Sector target has been set by the Area for 2005-06.
- Σ Agents prosecuted 23.5% of Sector magistrates' courts sessions in 2004-05 which is better than the national average of 26.9%. Agent usage was high in May 2004 at 57.7% and the reduction to zero by February 05 reflects the extent of the Sector's achievement.



- Σ The average sickness absence for London in 2004-05 at 9.6 days is higher than the national average of 8.7 days per member of staff. Sickness absence monitoring is being introduced by the Sector and data will be available at Sector level. Procedures for sickness absence were reviewed as part of the peer review audits undertaken by the units, and action was taken. There is clear evidence of balancing individual and business needs. Flexible working arrangements are being considered, for example, term-time working and reduced hours.

*Aspects for improvement*

- Σ The Sector's 11.9 DCWs covered 540 sessions in 2004-05; this represents 3.14% of all magistrates' courts sessions and is significantly lower than the national average of 8.3%. The creation of the pan-London traffic unit has resulted in a significant increase in DCW sessions from June 2005 onwards; however, this has affected the pre-existing DCW work. It is recognised by the Sector that there needs to be further utilisation of DCWs, and work is being undertaken with the magistrates' courts.

**12. MANAGING PERFORMANCE TO IMPROVE**
**2 - FAIR**

*The Sector Management Team (SMT) receive regular performance information on the key CPS and local targets; this is used to improve performance. Monthly and quarterly data is produced which is compared with previous quarterly performance and performance within the units; however, consideration needs to be given to methods used for the dissemination of performance information to staff at all levels. The Sector considers operational effectiveness although the practice amongst the units could be more consistent and new systems more embedded. There is evidence of joint performance with other criminal justice agencies and the Borough Criminal Justice Groups (BCJGs) with data being shared. Sector compliance with Casework Quality Assurance (CQA) could be improved.*

**12A: Managers are held accountable for performance**

- Σ The Sector has demonstrated a clear commitment to performance management. Pertinent and accurate headline performance information is considered at regular SMT and Sector District Business Managers meetings. A quarterly unit reporting process is in place detailing performance against an established dashboard approach; this mirrors performance reporting by the Sector to the Area. Senior managers are committed to monitoring, evaluating and improving performance through developing relevant data.
- Σ A comprehensive range of performance measures are looked at by the Sector. At a unit level monthly budget reports are produced by the individual units and quarterly based performance reports consider casework data and strategic matters; performance is compared against previous quarters. At a Sector level monthly performance reports are produced, these assess performance against target but are casework based with less detail.
- Σ Performance information, including the unit quarterly performance reports, is accessible on the shared drive. Twice yearly road-shows are presented by the Sector Director and the Sector Business Manager demonstrating Sector achievements, performance and priorities.
- Σ Actions have been taken by managers to improve performance across a range of aspects and there is a clear commitment to improvement and learning; this is demonstrated by improvements in Sector performance and operational reviews undertaken by the Sector.
- Σ Responsibilities for operational effectiveness are clearly defined by the Sector Management Team; District Crown Prosecutors are responsible for their individual units. Local geographical and cultural differences have resulted in differing practices across the units, ensuring more consistent procedures throughout the Sector would improve processes and help sharing of good practice.

- Σ There is clear evidence that the Sector involves staff in improvement activity including participation in groups such as the Compass implementation team and staff focus groups.
- Σ Regular performance appraisal is used to improve personal performance, individual objectives have been set, for example, in relation to the case management system (CMS) and completion of CQA forms. Where under-performance is identified through the performance appraisal system or other analysis, it is addressed through individual feedback, if there are general learning points these are disseminated to the teams.

#### *Aspects for improvement*

- Σ The quarterly and monthly performance reports do not include pre-charge decision performance information, although the Sector is about to roll-out Prosecution Team Performance Monitoring. In addition, there are no comparisons with other Sectors or similar sized Areas, and there was limited evidence of trending.
- Σ The Sector does not undertake consistent case analysis to improve or learn from adverse outcomes. There is a focus on quantitative rather than qualitative assessments and as a result the Sector is unable to identify all trends and learning points to improve from performance analysis.
- Σ Team meetings within the units are sometimes irregular and a consistent formalised approach to dissemination of performance information is absent; an effective structured approach would encourage a more performance orientated culture at all levels.
- Σ The Sector does not have a systematic process of review when new or amended systems are introduced, to ensure that new processes are fit for purpose and satisfactorily embedded.

#### **12B: The Sector is committed to managing performance jointly with CJS partners**

- Σ There is some evidence that joint performance management with criminal justice partners is being used to drive up performance. Members of the SMT are actively involved in the BCJG sub-groups and other joint performance groups. There is joint planning and work beyond the three main initiatives which includes cracked and ineffective trials and Anti-Social Behaviour Orders.

- Σ Some accurate and timely information is provided by the Sector to the BCJGs, and other criminal justice agencies, although there is limited joint performance management of file quality and timeliness with the police. In 2004-05, out of the four headline targets considered nationally by Local Criminal Justice Boards only one target was available at a Sector level namely the time for dealing with persistent young offenders from arrest to sentence, which was not achieved. The Area achieved the asset recovery target and the joint target for Offences Brought to Justice. The Area public confidence performance was higher than the national average.

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

- Σ The Sector performance officer validates monthly data to ensure accuracy, and there are appropriate processes in place.

#### *Aspects for improvement*

- Σ The Sector is just beginning to use tailored Management Information System (MIS) reports from CMS to evaluate Sector performance. Usage has been limited although instructions have now been provided to units on the monthly production of specific MIS performance reports and monitoring category information. The Sector has experienced difficulties with the authentication and validation of pre-charge data resulting from the absence of Unique Reference Numbers (URN) throughout the life of the case from advice to charge. The delay in aligning CMS/MIS with the combined unit structure has created complications including manual inputting of data onto the Corporate Information System; however, this is being addressed.

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

#### *Aspects for improvement*

- Σ Sector compliance with CQA checks has been limited, and in 2004-05 on average only 55 of the required forms were completed a month, equivalent to a return rate of 33%. The Sector monthly and quarterly performance reporting now includes the volume of forms completed, and for the year to date (as at September 2005) the return rate has increased to 56.5%. When undertaken, the forms are completed by lead lawyers and Unit Heads, and feedback is given to prosecutors if performance issues are identified; however, the Sector accepts that it is concentrating on the completion of the forms rather than how robust and detailed the CQA analysis is.

**13. LEADERSHIP**

**3 - GOOD**

*The Sector has adopted the national vision and values which are set out in the Area Business Plan. There is an Area governance framework and common managerial standards which set out the arrangements for the management of the Sector. There is a corporate approach to managing business and members of the Sector Management Team (SMT) are actively involved with cross agency initiatives and activities. Communication with staff has improved; it is more meaningful and utilises a variety of media. Good performance is recognised and rewarded. The Sector Director (SD) and Sector Business Manager (SBM) champion equality and diversity issues with the support of the Sector Equality and Diversity Officer (EDO). The Sector workforce reflects the local communities it serves.*

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

- Σ The Sector has adopted the national CPS vision and values in line with the Area approach. There are clear arrangements for the corporate management of the Sector. The governance framework for London defines management responsibilities in the Sector, and the Area common managerial standards have been incorporated into the objectives of Sector managers. There are no terms of reference for the SMT; however, there is a detailed chart of the Sector management structure. The Sector funded an external review (published in February 2004) that recommended actions to address leadership and management issues, most have been progressed. The Sector has also held management conferences in 2004 and 2005, and sponsored workshops for managers to reinforce a culture of corporacy and the development of all managers.
- Σ The Area result in the Staff Survey for communication was 7% worse than the national average; this was not broken down to Sector level. The perception of senior managers is that communication has improved. Recommendations to improve communication across the Sector from the review of 2004 have been taken forward. The SD and SBM have increased their visibility across the Sector with regular visits to the outlying offices, team meetings are held more regularly, although the frequency varies across the teams, and monthly staff focus groups are held. There has been increased use of the shared drive, e-mail and the notice boards, in addition to Area publications for the dissemination of information.
- Σ The Sector has some responsibility in leading criminal justice initiatives and activities. The Sector hosted a joint anti-social behaviour conference with the City of Westminster, and Sector managers chair three of the Borough Criminal Justice Groups, the Multi-agency Persistent Young Offenders Steering Group, and the Southwark Hate Crime Group.

Managers are actively involved in the various joint criminal justice agency meetings across the Sector and there are positive relationships with other Sector criminal justice agencies and representatives.

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

- Σ The Sector's commitment to equality and diversity policies is evidenced in a number of ways, including the personal commitment and involvement of managers. The SD and SBM, as Area board members, champion equality and diversity issues at Sector level, they are supported by the Sector EDO. The Sector has an Equality and Diversity Action Plan, this draws upon the Area Business Plan and the national CPS vision and values.
- Σ The Area result in the Staff Survey for dignity at work was 3% worse than the national average; again, this was not broken down to Sector level. The perception of senior managers is one of improvement although there is no empirical data to support this. The Sector has established monthly focus groups; the groups are drawn from staff in similar posts across the Sector and provide an opportunity for open discussion and consultation with the SD and SBM. During 2004-05 approximately a quarter of the Sector staff were given the opportunity to participate. The Sector has developed a culture whereby all staff are encouraged to identify and challenge unacceptable behaviour.
- Σ The SMT demonstrates a willingness to learn through reviewing success and failure, although this needs to be further developed. The commitment of senior managers to outward looking activity is clear and demonstrated; specific objectives have been set for managers, Hate Crime Co-ordinators and the Sector EDO.
- Σ The Area has supported a number of reward and recognition initiatives across London. At Sector level a culture has been developed of publicly acknowledging good performance. The SMT meetings and all level D managers meetings begin by celebrating success; good performance and positive news are minuted and circulated. The SD regularly writes personal notes to staff to acknowledge and praise personal achievements and development, and there is evidence of other reward activity.
- Σ Staff reflect the population served by the Sector's offices. The Sector has 25% black and minority ethnic staff, the same as the local working population.



**14. SECURING COMMUNITY CONFIDENCE**

**3 - GOOD**

*The Sector received two commendations at the CPS Equality and Diversity Awards for community engagement initiatives. Sector managers are committed to engaging with the community and work is ongoing to ensure all staff understand that community engagement activity forms part of the core business. The Equality and Diversity Officer (EDO) co-ordinates activities, advises the Sector Management Team (SMT) and provides support to the units and teams. The Sector demonstrates the full range of consultation and participation with community groups and is able to show some service improvements as a result of activity undertaken. Public confidence across London in the effectiveness of criminal justice agencies in bringing offenders to justice has increased by 4% against the baseline to 45% which is ahead of the national average of 43%.*

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

- Σ The commitment of managers is clear. The Sector Director (SD) has lead responsibility for community engagement in the Sector and the District Crown Prosecutors (DCPs) and Borough Crown Prosecutors (BCPs) have responsibility for activity in the units and teams. Securing the confidence of the community is seen as part of the core business by the Sector managers; specific objectives have been set for managers, hate crime co-ordinators and the Sector EDO. The Sector is trying to ensure that all staff understand the importance of this area of work and activity is regularly fed back to staff through the Area newsletters ('Capital News' and 'Capital E-News').
- Σ There is a Sector Equality and Diversity Action Plan, this details responsibilities and objectives that relate to community engagement, the plan is linked to the objectives of the Area Business Plan and the national CPS vision and values. Activity across the Sector is captured in a community engagement matrix and community engagement is reviewed as part of the unit quarterly review process.
- Σ Community confidence work is marshalled by the EDO who advises the SMT as to the relevance and priority of community contacts and activity, and supports the DCPs and BCPs at unit and team level. The Sector has a community engagement database which details key contacts in the community, voluntary and criminal justice sectors.
- Σ The Sector understands the demographics of its population as a result of the borough profiles produced by the Area Equality and Diversity Team. These provide comprehensive mapping at borough level and local contact information for organisations within the boroughs. The profiles are available on the shared drive for all staff.

- Σ There is evidence of wider engagement activity with the community and the Sector recognises that a number of groups are at the greatest risk of exclusion, engagement has been undertaken to tackle this, for example with lesbian, gay, bisexual and transgender groups, black and minority ethnic groups, and groups working with youths. The Sector received two commendations at the CPS National Equality and Diversity Awards: the South Sector Partnership Day in October 2004 was commended for working towards raising confidence amongst diverse communities; and the joint protocol for prosecution of cases involving mentally disordered offenders in Lambeth and Southwark for implementing policies, practices, procedures and systems.
- Σ The Sector undertakes and demonstrates a full range of consultation, participation and information giving with a wide range of statutory agencies and community groups. The Sector engages with some of the eight Crime and Disorder Reduction Partnerships (CDRPs) at the Borough Criminal Justice Groups and through local CDRP meetings and sub-groups.
- Σ Service improvements have been made and implemented as a result of consultation but these have been limited. There have been some very positive outcomes as a result of the domestic violence court in Croydon which have been recorded in a report sponsored by Headquarters. In relation to hate crime there is greater awareness across the Sector and increased reporting. There are also improvements to the wider criminal justice system in the Sector as a result of joint activity.
- Σ Confidence in the ability of the criminal justice agencies to bring offenders to justice within London stands at 45%, as measured by the British Crime Survey, which has increased by 4% since 2003 and is ahead of the national average of 43%. There is no measure for confidence at Sector level.

#### *Aspects for improvement*

- Σ The Sector focus has been on imparting information to the community. The Sector is aware that work needs to be undertaken to measure success in terms of activity undertaken and service improvements.

**ANNEX A**

**LONDON SOUTH SECTOR PERFORMANCE DATA**

**ASPECT 1: PRE-CHARGE DECISION-MAKING**

<b>MAGISTRATES' COURTS CASES</b>							
<b>Discontinuance rate</b>				<b>Guilty plea rate</b>			
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	Sector Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	Sector Performance Quarter 4 2004-05
11%	16.3%	12.7%	12.2%	52%	68.8%	67.1%	65.6%
<b>Attrition rate</b>							
National Target March 2007		National Performance Quarter 4 2004-05		Area Performance Quarter 4 2004-05		Sector Performance Quarter 4 2004-05	
31%		22.7%		22.3%		22.4%	
<b>CROWN COURT CASES</b>							
<b>Discontinuance rate</b>				<b>Guilty plea rate</b>			
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	Sector Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	Sector Performance Quarter 4 2004-05
11%	14.6%	17%	16.2%	68%	66%	55.7%	57.7%
<b>Attrition rate</b>							
National Target March 2007		National Performance Quarter 4 2004-05		Area Performance Quarter 4 2004-05		Sector Performance Quarter 4 2004-05	
23%		23.8%		30.3%		29.1%	

**ASPECT 2: MANAGING MAGISTRATES' COURTS CASES**

<b>INEFFECTIVE TRIAL RATE</b>			
National Target	National Performance 2004-05	Area Performance 2004-05	Sector Performance 2004-05
24.5%	24.8%	31.7%	31.4%

<b>OVERALL PYO PERFORMANCE (ARREST TO SENTENCE)</b>			
National Target	National Performance (3 month rolling average Feb 2005)	Area Performance (3 month rolling average Feb 2005)	Sector Performance (3 month rolling average Feb 2005)
71 days	67 days	84 days	74 days

<b>TIME INTERVALS/TARGETS FOR CRIMINAL PROCEEDINGS IN MAGISTRATES' COURTS CHARGED CASES ONLY (MARCH 2005) (AREA ONLY - NO SEPARATE SECTOR DATA)</b>						
	<b>Initial Guilty Plea Target 59 days</b>		<b>Trials Target 143 days</b>		<b>Committals Target 176 days</b>	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	83%	6,152	66%	2,698	89%	992
Area	87%	833	64%	397	95%	183

<b>TIME INTERVALS/TARGETS FOR CRIMINAL PROCEEDING IN YOUTH COURTS CHARGED AND SUMMONED CASES ONLY (MARCH 2005) (AREA ONLY - NO SEPARATE SECTOR DATA)</b>						
	<b>Initial Guilty Plea Target 59 days</b>		<b>Trials Target 176 days</b>		<b>Committals Target 101 days</b>	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	87%	5,185	87%	3,309	91%	190
Area	85%	498	79%	482	90%	30

### ASPECT 3: MANAGING CROWN COURT CASES

INEFFECTIVE TRIAL RATE			
National Target	National Performance 2004-05	Area Performance 2004-05	Sector Performance 2004-05
18.5%	15.8%	16.9%	17.3%

### ASPECT 4: ENSURING SUCCESSFUL OUTCOMES

UNSUCCESSFUL OUTCOMES (AS A PERCENTAGE OF COMPLETED MAGISTRATES' COURTS AND CROWN COURT CASES)			
National Target	National Performance 2004-05	Area Performance 2004-05	Sector Performance 2004-05
21%	19.6%	26%	26.2%

OFFENCES BROUGHT TO JUSTICE (AREA FIGURE ONLY - NO SEPARATE SECTOR DATA)		
	CJS Area Target 2004-05	CJS Area Performance 2004-05
Against 2001-02 baseline	+13%	+23.4%
Number	151,100	138,373

### ASPECT 7: DISCLOSURE

DISCLOSURE HANDLED PROPERLY IN MAGISTRATES' AND CROWN COURT CASES PERFORMANCE IN THE LAST INSPECTION CYCLE			
	National Performance (Last inspection)	Area Performance (OPA)	Sector Performance (OPA)
Primary test in magistrates' courts	71.6%	72.5%	70%
Primary test in Crown Court	79.9%	75.5%	80%
Secondary test in Crown Court	59.4%	65.8%	60%
Overall average	70.3%	71.3%	70%

**ASPECT 11: MANAGING RESOURCES**

<b>NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE (END OF YEAR RANGES)</b>	
Area 2004-05	Sector 2004-05
100.8%	97.8%

<b>DCW DEPLOYMENT (AS % OF MAGISTRATES' COURTS SESSIONS)</b>				<b>HCA SAVINGS (PER SESSION)</b>		
National Target 2005-06	National Performance 2004-05	Area Performance 2004-05	Sector Performance 2004-05	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	Sector Performance Quarter 4 2004-05
11.6%	8.3%	4.6%	3.1%	£224	£268	£223

<b>SICKNESS ABSENCE (PER EMPLOYEE PER YEAR)</b>		
National Target	National Performance 2004	Area Performance 2004-05 (no separate Sector data)
8 days	8.7 days	9.6 days

**ASPECT 14: SECURING COMMUNITY CONFIDENCE**

<b>PUBLIC CONFIDENCE IN EFFECTIVENESS OF CRIMINAL JUSTICE AGENCIES IN BRINGING OFFENDERS TO JUSTICE (BRITISH CRIME SURVEY)</b>	
CJS Area Baseline 2002-03	Most Recent CJS Area Figures In 2004-05 (No separate Sector data)
41%	45%





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