

CPS London – North and East Sector

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 (HM CPSI) overall assessment of the performance of the Crown Prosecution Service (CPS) in the London North and East 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 and East, South, West and Serious Casework. The three geographical Sectors are each the size of many CPS Areas. Sector Directors 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 HM CPSI based on absolute and comparative assessments of performance. These came from national data; CPS self-assessment; HM CPSI 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 7 shows the Area performance in each category.

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

B. SECTOR DESCRIPTION AND CASELOAD

CPS London Area serves the area covered by the Metropolitan Police Service and the City of London Police. The North and East London Sector covers 13 boroughs. It has offices at Stratford and at Ludgate Hill EC4 and in three police stations at Bishopsgate, Edmonton and Holborn. The Sector Headquarters (Secretariat) is based at the Stratford office.

Sector business is divided on geographical lines between magistrates' courts and Crown Court work. The Sector is working towards the creation of three combined units, one of which, North London Prosecution Service, is already operational. Each combined unit will deal with magistrates' courts and Crown Court work. The East London Prosecution Service will deal with cases in Snaresbrook Crown Court and the boroughs of Barking and Dagenham, Camden, Havering, Islington, Newham, Redbridge and Waltham Forest. The East Central London Prosecution Service will deal with cases at Southwark Crown Court and the boroughs of Hackney and Tower Hamlets and the City of London. The North London Prosecution Service deals with cases at Wood Green Crown Court and the boroughs of Enfield and Haringey. Trial Unit Heads, as well as the head of the combined unit, are District Crown Prosecutors. Unit Heads for the Criminal Justice Units (CJUs) are Borough Crown Prosecutors.

In March 2005 the sector full-time equivalent of staff in post was 357.8.

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

Category	Sector numbers	Sector % of total caseload	National % of total caseload
Pre-charge advice to police	10,661	15	20.9
Advice	7,360	10.36	5.1
Summary offences	30,553	43	46.9
Either way and indictable only	21,982	30.9	26.7
Other proceedings	502	0.7	0.4
TOTAL	71,058	100%	100%

C. SUMMARY OF JUDGMENTS

The Area inspection of CPS London was conducted in April 2001 and the report was published in December. There were 57 recommendations. A follow-up inspection was carried out in May 2003. This found that a significant number of issues in relation to management and casework had been addressed and plans to improve performance from a low starting point were in place. At that time there were proposals to restructure the Area into Sectors, giving the Sector Directors considerable autonomy.

The Sector was established in 2003. Further changes were taking place during 2004-05 with the creation of one combined unit and the planning of a further two and the implementation, with criminal justice partners, of the three key initiatives of statutory charging, the roll-out of the Effective Trial Management Programme (ETMP) and the introduction of Witness Care Units (WCUs) under the auspices of the No Witness No Justice project.

Statutory charging was planned at CPS London Area level and was successfully implemented in the Sector in November 2004, with duty prosecutors available at charging stations as agreed with the police, supported by CPS Direct. Performance is monitored by Sector managers and data analysed and discussed at meetings with criminal justice partners. Post-implementation reviews indicated that the scheme was generally working well, with aspects of good practice. The Sector has yet to realise the full benefits of the scheme, particularly in the Crown Court and for discontinuance in the magistrates' courts where performance is poor, although the guilty plea and attrition rates in the magistrates' courts were excellent.

Advice provided by the duty prosecutors at charging stage under the statutory charging scheme has enabled the Sector to review and prepare cases routinely in a timely manner. ETMP has been rolled-out in all courts and Case Progression Officers are in place in all units which has led to an improvement in the timely progress of cases in both the magistrates' courts and in the Crown Court, although cases involving persistent young offenders remain a problem. There is significant liaison with criminal justice partners at all levels to achieve key targets. Performance in relation to the use of the case management system (CMS) was poor and, until recently, effective action to improve was limited.

Unsuccessful outcomes are monitored through the casework quality assurance system (CQA) and detailed analysis is contained in monthly adverse case reports to senior managers. However, the level of compliance and robustness of the CQA system for the last quarter of the year means that only limited assurance can be derived from this source. Action is taken both with individual failings and as a result of discussions with criminal justice partners. Nevertheless, the Sector's outcomes in 2004-05 were generally worse than the national averages with the exception of the proportion of discontinued cases. Some encouraging improvement was seen in the first two quarters of 2005-06.

Sensitive cases are dealt with by specialists supported by Sector and Area Champions who provide guidance and training. These cases are generally identified on CMS but their monitoring is not robust.

There were five custody time limit failures in 2004-05 and systems were reviewed. All staff are expected to take responsibility for their part in preventing failures and unit managers monitor systems and compliance, but the Sector would benefit from the appointment of a single Champion to oversee performance and promote good practice. There have been a further three failures this year.

The Sector's performance in relation to the proper disclosure of unused material on the basis of a small file sample was significantly worse than the national average in the last inspection cycle and timeliness could be improved. However, steps are being taken to improve this, including work with police. Additionally, some of the problems related to allowing the defence access to non-sensitive unused material and not to improper non-disclosure. Sensitive material was generally handled well. The Sector has a Disclosure Champion and advice is obtained from the Area Champion in particularly sensitive or complex cases.

The number of letters sent under the Direct Communication with Victims scheme has declined and each month is significantly below the number that would be expected. Timeliness and the quality of the letters that were sent were good. One WCU with Sector and police staff became operational in March 2005 and received a positive post-implementation review. The others have been delayed and deadlines missed, for the most part because of security vetting issues that needed to be agreed with the Metropolitan Police Service (MPS) and resolved. Witness warning procedures, including pre-trial checks are generally effective and there is good liaison with the Witness Service.

The Area's advocacy trainer trains in-house staff and (until October 2004) agents. Performance of all prosecutors, including agents and counsel, is monitored. Higher Court Advocates (HCAs) and lawyers in the magistrates' courts are well deployed and the Sector is negotiating with the magistrates' courts to improve the use of designated caseworkers (DCWs) in court. Most magistrates' courts sessions are covered by in-house prosecutors.

The implementation of key initiatives is planned at Area level and progress is monitored by the Sector's Senior Management Team. Individual project risks are identified, but the overall impact of inter-linking initiatives may not be fully considered. The Sector had a Business Plan for 2004-05 which covered key priorities, linking with Area and national objectives. Training needs are identified through the appraisal process but there is no plan at Sector level. A Sector Training Committee has been setup to identify training needs.

Value for money is considered in planning. Imbalances in staffing between the units have been addressed and there has been a review of flexible working arrangements to ensure prioritisation of the business need. In 2004-05 non-ring fenced running costs and prosecution costs were overspent by 0.5% and 21.5% respectively. There have been excellent savings by the use of HCAs and by increased in-house lawyer deployment in

the magistrates' courts, but DCWs are not yet effectively deployed in court. The Sector has a well developed performance management reporting framework. Managers tackle some underperformance against targets, working where appropriate with criminal justice partners. Sector performance could be communicated to staff better. Compliance and analysis of the casework quality assurance scheme should also be improved.

The Sector's Business Plan for 2004-05 incorporates the Area's vision and values. There is good interaction with criminal justice partners and some pro-active work to improve performance and achieve targets. The Senior Management team does not include direct representation of the Criminal Justice Unit Heads, albeit that level D managers have a separate forum. Team meetings have been sporadic, but this has recently improved. Equality and Diversity issues have a high profile in Sector business.

Senior managers have a good commitment to community engagement. It has concentrated on raising its profile in this respect with criminal justice system partners and in establishing links with community groups. Issues have been discussed at management meetings and are cascaded to team meetings. The Sector needs to maintain its community engagement log and ensure its activities are evaluated and prioritised.

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. 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%. The persistent young offender target of 71 days from arrest to sentence was not met during 2004-05, but performance has improved during 2005-06. The proportion of ineffective trials in the magistrates' courts and the Crown Court was significantly worse than the national average, although there has been great improvement more recently.

In light of these findings the Area's Overall Performance Assessment is **FAIR**.

CRITICAL ASPECTS	2 - FAIR
Pre-charge decision-making	2 - Fair
Ensuring successful outcomes	1 - Poor
Leadership	3 - Good
The service to victims and witnesses	2 - Fair
Resource management	2 - Fair
OTHER DEFINING ASPECTS	
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

OVERALL ASSESSMENT	2 - FAIR

D. DEFINING ASPECTS

1. PRE-CHARGE DECISION-MAKING

2 - FAIR

Statutory charging was successfully rolled out in the Sector in November 2004. Pre-charge decisions (PCDs) are provided to the police at agreed charging stations and times. The Sector has regular contact with CPS Direct. The roll-out, review and monitoring of the scheme has been overseen by the Area Project Board. Sector managers monitor and analyse performance which is discussed with the police at Borough Criminal Justice Groups (BCJGs) and Joint Performance Management (JPM) meetings. At a local level, there has been some good practice particularly in relation to bail management at some centres. The recording and outcome of cases has been hampered by a lack of Unique Reference Numbers (URNs) and some inappropriate handling. There is some room for improvement in the use of the case management system (CMS) for the recording of advices and decisions. The Sector has not realised all the benefits of the scheme particularly in relation to Crown Court outcomes.

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

- Statutory charging was implemented in November 2004. PCDs and advices are provided on a face-to-face basis at 14 charging stations from 9am – 5pm five days a week or as agreed with the police. The Sector also deploys charging administrators at the majority of these sites. The volume of work at each site is monitored. Additional staff can be called upon and telephone advice is provided in urgent custody cases.
- The roll-out of statutory charging in London has been jointly project managed with the Metropolitan Police Service (MPS) as part of Operation Emerald which is the medium for joint planning and improvement of criminal justice between the MPS and CPS London. The Charging Programme Board post-implementation reviews showed that, the scheme was generally working well with aspects of good practice, but there have been some consultations which fell outside the Director’s Guidance. These have since been identified and corrected.
- The Sector has emphasised to the police the importance of supervision and the role of gatekeepers. The effectiveness of these arrangements has not been consistent and is dependant on each Borough Commander’s assessment of how to deploy resources. The use of administrators to track cases allows Sector staff to manage the timeliness of further action required where the defendant has been bailed by the police or in action plans.

- The Area has effective liaison arrangements with CPS Direct and the Area manager has attended Sector management team meetings.

Aspects for improvement

- A system is needed to capture at the earliest possible time those cases that have not attracted pre-charge consultation as required under the statutory scheme.
- There have been issues with the police about the lack of URNs and the incorrect handling of cases by Sector lawyers or administrators which has hampered the accurate recording and counting of PCD cases. The Area Project Board is aware of these issues and has issued guidance and identified a training need.

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

- Duty prosecutors receive training on the scheme and training logs are kept. Sector managers assess whether a C2 lawyer is experienced enough to undertake charging training.
- There is a system for referral of any disagreement with the police over decisions of the duty prosecutors to the Unit Heads. The number of such referrals is low which suggests that issues are being resolved locally.
- The Sector uses a variety of methods, including managers' attendance at court and at the charging centres and the Casework Quality Assurance (CQA) system to monitor the quality and timeliness of decisions. However, the level of compliance and robustness of the CQA system for the final quarter of the year means that only limited assurance can be derived from this source. Line management approval is required to alter or discontinue a charge that was the subject of a PCD. One of the Borough Crown Prosecutors (BCP) carries out a further monthly dip check. In anticipation of post-implementation reviews, other checks have been carried out by managers.
- Managers have selected completed MG3s (the form which records advice and decisions) to analyse where a decision has been made for no further action (NFA). The daily record sheets of charging decisions are used to identify those cases that were the subject of a NFA advice.
- The Sector operates a system of 'No MG3 - No Advice'. The police provide the MG3 to the Duty Prosecutor with the section of the form recording ethnicity and gender of suspects already completed. Checks on CMS confirmed good compliance.

Aspects for improvement

- Advices that there should be “no further action” should be monitored and analysed systematically.

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

- At Sector level there is liaison with the police at the quarterly BCJG and monthly JPM meetings. Performance and trend analysis are discussed. The BCPs have regular contact with borough Detective Chief Inspectors. The charging administrators liaise on a daily basis with the police gatekeepers.

Aspects for improvement

- The joint analysis of the operation of the scheme needs some refinement to make it more effective. Prosecution Team Performance Management data is due to be produced on a borough basis. The Operation Emerald report of July 2005 revealed that the police were taking no further action on cases without informing the CPS and so cases were not being finalised on CMS. It is this type of issue that needs to be addressed.
- The benefits realisation data (set out in Annex A of this report) shows that the discontinuance, guilty plea and attrition rates in the Crown Court are poor. In the magistrates' courts discontinuance is poor but the guilty plea and attrition rates are excellent.
- Operation Emerald reports that the attrition figure for Crown Court cases may have been artificially inflated due to the incorrect registering of cases in the Trials Units on CMS. The Sector research identified that one factor may be that the threshold test was being used inappropriately and further evidence required was not forthcoming. This needs to be investigated and issues addressed.

2. MANAGING MAGISTRATES' COURT CASES

1 - POOR

Since Statutory charging was introduced all charge files are quality assured by the police and are routinely reviewed and prepared by lawyers promptly. The Effective Trial Management Programme (ETMP) has been rolled-out and Case Progression Officers (CPOs) are in place in all units. The North London Prosecution Service (a combined unit) has been established and the two other combined units will be set up this year. These changes have led to improvements in the timely progress of cases. There is extensive liaison with criminal justice partners at all levels. Despite systems and work to improve, the numbers of discharged committals remains high. The timeliness target for dealing with persistent young offenders (PYOs) was not achieved. The ineffective trial rate was significantly worse than the national average, although it has recently improved. The use of the case management system (CMS) needs considerable improvement.

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

- Since the implementation of statutory charging in November 2004, magistrates' courts cases are routinely reviewed and prepared promptly. Lawyers are expected to complete the MG3 (the form for recording advice and the decision) on CMS and this counts as the initial review and shows any further action required in an action plan. Our check of 15 cases in the magistrates' courts across the boroughs showed that not all were recorded on CMS, although the form may have been placed on the file.
- All boroughs have a police Quality Assurance Sergeant in the police Criminal Justice Unit (CJU) or the Case Progression Unit. This assurance, together with guidance from the duty lawyers at the charging stations, has improved the quality of the files. Unit Heads raise issues about deficiencies in the files or lack of provision of further evidence required in joint performance management (JPM) meetings.
- Narey files, for the early first hearing, are reviewed by the designated caseworkers the day before the first hearing. These files and cases where the defendant has been remanded in custody overnight are sometimes delivered to court late. Follow-up work is generally undertaken where necessary and most cases are ready to proceed at each court hearing. Lawyers have specific objectives in their Forward Job Plans in relation to timeliness of preparation.
- ETMP has been rolled out in the Sector and has Local Implementation Teams at each court. The systems are embedded. Not all boroughs have a Case Progression Unit, but all have dedicated CPS CPOs. Since April 2005 the police and the courts have appointed CPOs.

- The North London Prosecution Service (Wood Green Crown Court and its feeder boroughs, Enfield and Haringey) has been a combined, co-located unit since December 2004. The close working between the Case Progression Unit, court CPOs and the Witness Service has improved performance and timeliness. Two further combined units, East London and East Central, are planned. Two other CJUs, at Holborn and City, are co-located with the police.
- There is liaison with criminal justice partners at all levels. Operation Emerald is a London-wide joint project with the police, aimed at improving criminal justice, whereby systems issues can be addressed across the Area. There are regular meetings at all Sector levels, some of which track and discuss cases in order to facilitate case progression and avoid cracked and ineffective trials.

Aspects for improvement

- The number of committals that are discharged by the court because the prosecution is not ready to proceed has been a long term issue in London and remains so. In 2004-05 the proportion was 0.3% nationally, whereas in London it was 0.7% and in the Sector 1% (363 cases). CMS is used to identify all committal cases and these are tracked at CPO meetings where potential discharges are identified. The Unit Heads keep a log with details of the reasons for discharge. Reports are compiled and sent to the Sector Director and to the police for discussion at joint meetings. The combined unit at Wood Green has shown the effectiveness of its systems: it had only three discharged committals in the same period.
- Youth cases for the East Central Prosecution Service (Southwark Crown Court and Thames and City of London Magistrates' Courts) are dealt with by the Youth Unit in the South Sector. In the three months to February 2005 the national timeliness target of 71 days from arrest to sentence for cases involving PYOs was not met. The Sector achieved 74 days compared with the national average of 67 days. At the beginning of the year the target was achieved but then performance declined to below the target in all but one of the following months. More recent figures have shown a slight improvement.
- The Sector figures for wasted costs orders are recorded in value rather than number. The total for the Sector in 2004-05 was £5,870, although none were reported for the East Central Prosecution Service.

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

- Comprehensive data is analysed and discussed at management level and performance figures are given at most team meetings. The data is shared amongst criminal justice partners and discussed at all levels including at the

Borough Criminal Justice Group meetings. Issues are addressed. By way of example, a particular problem at Newham was identified and addressed when the ineffective trial rate was noted as being particularly high and the ineffective trial rate at Haringey of 50% in July 2004 was reduced to 27% in March 2005.

Aspects for improvement

- The Sector has not met its targets for ineffective trials. In 2004-05 the ineffective trial rate was 35.1% compared with the national average of 24.8% and an Area average of 27.9%. The cracked trial rate was 32% compared to the national average of 37.1%. The percentage of trials in the Sector that were ineffective due to the prosecution was 12.7% compared with the Area figure of 8.3% and a national average of 6.8%. The figure is inflated by a high percentage of witnesses, including police witnesses, not attending trials. The issue has been addressed with the police and through the operation of the Witness Care Units such that there has been an improvement of the cracked trial rate in the first two quarters of 2005-06.

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

- Managers are creating their own CMS/Management Information System (MIS) reports and templates both at Area and Sector level. The importance and profile of CMS use has been raised and individual failings are addressed.

Aspects for improvement

- In 2004-05 staff were not routinely using CMS to record key events in cases. The overall rating for CPS London was 52.4% compared with the national average of 69.1%. The recording of the full file review was done in the Area in only 6% of cases. The Sector figures were, with one exception, significantly worse. There was limited evidence of its use being monitored, or of action being taken to improve usage. Administrative staff use of CMS is good but lawyers need to improve considerably. An Action Plan was created in February 2005 and slight improvement has been seen, although in September 2005, the figure for the outstanding full file reviews was still high, particularly in Newham/Barking. Lawyers, including Unit Heads, have personal objectives for use of CMS in their Forward Job Plans. Refresher training has been rolled-out since September 2005.

3. MANAGING CROWN COURT CASES

2 - FAIR

Statutory charging and the implementation of the Effective Trial Management Programme (ETMP) have assisted the Sector to ensure that cases are reviewed and progressed well. The quality of instructions to counsel was satisfactory although the timeliness of their delivery could be better. There is good liaison with criminal justice partners at all levels. The Sector has made a significant contribution to the number and value of the Area's confiscation orders. In 2004-05 the ineffective trial rate was high but had been much reduced to below the national average by June 2005. The Sector's use of the case management system (CMS) was poor amongst lawyers and efforts are now being made to improve.

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

- With the implementation of statutory charging, the police have Quality Assurance Officers and lawyers routinely review and prepare Crown Court cases promptly. Initial review and decisions are recorded on the MG3 form. Our check of Crown Court records on CMS showed that these were completed in detail in eight out of nine cases.
- ETMP has been implemented in each of the Sector's three Crown Court centres. Case Progression Officers are in place. There is a Case Progression Quality Team which monitors progress, feeding information to the Sector. Issues which are unresolved locally with the police are referred to an area link Commander and Operation Emerald, a joint project with the police to improve criminal justice provides a measure of consistency in systems across the Area. Follow-up work is undertaken where necessary. Most cases are ready to proceed at each court hearing.
- On the Sector's own assessment the quality of instructions to counsel is satisfactory although instructions about the acceptance of guilty pleas could be better. Instructions were delivered on time in 77.7% of cases compared to the national average of 85%.
- There is significant liaison with criminal justice partners, and regular case progression meetings, which has resulted in improvements in performance.
- In 2004-05 the Sector did not have a target for the number of confiscation orders made under the Proceeds of Crime Act 2002 (POCA). The Area target was 244 orders. The Sector achieved 107 orders and accounted for 51% of the total value for the Area. All units have POCA champions and the importance and profile of confiscation orders is regularly reinforced.

Aspects for improvement

- Although in 2004-05 the 71-day target for timeliness of PYO cases was not met, there has been a slight improvement recently. Youth cases in the East Central Unit (Southwark Crown Court) are dealt with by the dedicated Youth Unit in the South Sector. The Sector's cases are reviewed and prepared by specialists and there are regular tracker meetings with the police and the courts. The figures are affected by some long listing delays in the Crown Court.

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

- In 2004-05, the Sector's ineffective trial rate in the Crown Court was 19%, worse than both the Area rate (16.9%) and the national average (15.8%). However, the Sector's ineffective trial rate had reduced to 13.1% in quarter two of 2005-06.
- The proportion of cracked trials due to the prosecution was 12.3% compared with an Area figure of 12% and a national figure of 15.3%. Cracked and ineffective trial cases are regularly and formally analysed by Unit Heads and the data, trends and individual issues are discussed in management and team meetings and feedback is given to individuals when necessary.
- At Wood Green Crown Court there are weekly trial readiness hearings before the Resident Judge. The officer in the case is expected to attend. Progress against the directions that are made are monitored weekly and cracked and ineffective trials are discussed at the District Crown Prosecutor's monthly meeting with the Resident Judge. This system has been very effective and the unit has the lowest ineffective trial rate in the Area.
- Significant work has been undertaken with criminal justice partners. Action has been taken and communicated. The Sector's improvement is seen as a direct result of the effective management of case progression together with criminal justice partners.

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

- The Area figure for the use of CMS for building indictments in 2004-05 was 76.9% compared with a national average of 80.8%. The Snaresbrook Unit figure in May 2005 was 84.9%, the Southwark figure was 84.6% and the figure at Wood Green was 90.2%. All districts have shown some improvement this year.

- The Sector is making efforts to improve the use of CMS. Lawyers have a personal objective in their Forward Job Plans. Managers regularly use and analyse CMS and the Management Information System is used by Secretariat staff. Reports are provided to the Sector Director who raises the issue at team meetings.

Aspects for improvement

- Although CMS is being used, not all staff, particularly lawyers, are recording key events in cases. Full file review in the 12 months to May 2005 was recorded in 4.6% of cases in the Snaresbrook Trials Unit (TU), in 15.5% in the Southwark TU and in 18.1% in the Wood Green Unit. All units have shown slight improvement although our reality check showed that there was no record of the full file review on CMS on any of the six relevant files. However, six out of the nine files had full reviews recorded on the MG3 form.

4. ENSURING SUCCESSFUL OUTCOMES
1 - POOR

In the magistrates' courts and the Crown Court, the Sector outcomes are generally worse than the national averages with the exception of the proportion of discontinued cases. The casework quality assurance system (CQA) was used satisfactorily throughout the first three quarters of 2004-05 but compliance dropped significantly in the following two quarters. It was re-invigorated after the second quarter of 2005-06. Adverse cases are analysed in detail with comprehensive reports to the Senior Management Team (SMT). Individual issues are addressed and outcomes are discussed with criminal justice partners. The improved results in 2005-06 indicate that the action taken is effective, although there is some way to go.

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

- For the year ending 31 March 2005 Sector results compared with national averages are as follows:

OUTCOME	Sector Figure	Area Figure	National Average
MAGISTRATES' COURTS			
Discontinuance & bindovers	9.2%	10.1%	12.5%
No case to answer	0.4%	0.6%	0.3%
Dismissed after trial	1.6%	1.7%	1.5%
Discharged committals	1.0%	0.7%	0.3%
Overall conviction rate	72.7%	74.7%	80.8%
CROWN COURT			
Judge ordered acquittals	20.4%	18.1%	14.2%
Judge directed acquittals	2.6%	3.3%	2.0%
Acquittals after trial	8.5%	8.4%	6.3%
Overall conviction rate	66.6%	68.2%	75.8%

- There is formal assessment of the quality of review and case handling, with appropriate action being taken when necessary. The Sector used the national CQA system satisfactorily in the first three quarters of 2004-05, but the number of cases that were assessed dropped significantly towards the end of the year and the beginning of the next year. The system has since been re-invigorated. Managers also monitor in detail all cases with adverse outcomes including discontinued cases. Forms are completed by the lawyer and caseworker in the case.
- The proportion of cases that were discontinued was significantly better than the national average.
- Figures for quarter two of 2005-06 show improvement in all aspects in both the magistrates' courts and the Crown Court except for a slight increase in the proportion of discontinued cases. The judge ordered acquittal rate had improved significantly.
- Action for improvement is taken by raising issues with individuals, by a comprehensive reporting system to the SMT where figures are analysed and issues and trends are identified and by discussing these with the police at all levels. More recent figures indicate that this action is improving results.

Aspects for improvement

- In the magistrates' courts the overall conviction rate was worse than the national average. The proportion of cases where there was no case to answer and which were dismissed after trial was only slightly worse than the national average. The number of committals that were discharged because the prosecution was not ready is very high, albeit it is improving. We have dealt with this as an aspect for improvement in Aspect 2.
- In the Crown Court the overall conviction rate was worse than the national average. The figures for judge ordered and judge directed acquittals and for acquittals after trial were all worse than the national average; the judge ordered acquittal rate being particularly high.
- Overall the Sector's percentage of unsuccessful outcomes in both the magistrates' courts (27.3%) and in the Crown Court (33.5%) was worse than the national average of 19.2% and 24.2% respectively. The combined percentage of unsuccessful outcomes (as a percentage of completed cases) was 24.2%, better than CPS London as a whole (26%) but worse than the national figure of 19.6%.
- The attrition rate in pre-charge decision cases is 23% in the magistrates' courts and 37.6% in the Crown Court, worse than the national figures of 22.7% and 23.8% respectively.

5. HANDLING SENSITIVE CASES AND HATE CRIMES
2 - FAIR

Sensitive cases and hate crimes are generally identified on the case management system (CMS). Managers review and monitor cases through routine general assurance checks. The Sector has Champions and specialists who have responsibility for keeping staff informed of relevant law and issues and who liaise with other criminal justice partners. Cases are generally allocated to the relevant specialists. The Sector has taken CPS policies and HMCPsi reviews into account when devising practice and guidance. The outcomes of cases although monitored, are not analysed so that effective action can be taken.

5A: The Area identifies and manages sensitive cases effectively

- Hate crimes (domestic violence, homophobic, racist and religiously aggravated crime) and sensitive cases (for example child abuse and rape) are generally flagged on CMS. Our check of CMS showed that 11 out of 14 cases had the relevant monitoring flag. The review and handling of these cases is formally assessed through the monitoring of pre-charge decision cases and the Casework Quality Assurance (CQA) scheme, although each is limited in scope.
- The Sector has Champions and specialists for each category of sensitive case within each team. They have the appropriate experience and have received training. Sector Champions have disseminated information and guidance particularly in relation to domestic violence. In other categories of case, for example anti-social behaviour and race and religious crime, information and training has been provided by others within the Area.
- Unit Heads oversee the allocation of sensitive cases. They ensure allocation is to a specialist or to a prosecutor with the requisite experience. The volume of domestic violence cases means that these cases are allocated generally but applications for witness summonses and warrants have to be approved by a senior lawyer. Casework managers allocate cases to caseworkers according to specialist knowledge.
- The Sector takes CPS policies and HMCPsi thematic reviews into account when devising its practices. The recommendations from the joint thematic review were used when the Area-wide domestic violence service level agreement was reconsidered and evaluated. This work has informed the way that individual boroughs have approached casework. The Rape Champion had only recently been appointed and needs to develop the role and consider how to take forward the recommendations of the thematic review.

Aspects for improvement

- There is some assessment of the review and handling of sensitive cases through the CQA system but this is not robust. There is no formal analysis of hate crime cases in which there has been a reduction or change of charge or an agreed basis of plea which reduces or removes the `hate crime` from the offence. The Sector acknowledges that it needs to develop a comprehensive system linking the collation and monitoring of data to outcomes and an action plan.

6. CUSTODY TIME LIMITS
1 - POOR

The operational units have simplified custody time limit (CTL) desk top instructions that follow the Area written CTL manual. There were five CTL failures in 2004-05 and the Sector's system has since been reviewed. Some progress has been made with the courts to obtain their involvement in agreeing CTL expiry dates at court. There are regular quality assurance checks of CTLs which are reported to senior managers. The Sector would benefit from a CTL Champion and the management of the system could be improved in some aspects.

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

- The Sector has access to copies of the Area written CTL manual, which was produced following HMCPsi's thematic review of CTLs. Each unit makes use of simplified CTL desk top instructions. Both documents comply for the most part with national guidance.
- The Sector has spoken to all magistrates' courts and Crown Court centres within its remit to gain their involvement in the accurate calculation of CTLs, and in monitoring the expiry dates. An informal joint responsibility agreement with the Crown Court at Snaresbrook, which follows the draft national service level agreement, is in operation but no other agreements are yet forthcoming.
- All staff are trained on CTLs as part of the induction process. Reminders on the importance of CTLs are regularly sent and they are discussed at team meetings.
- Senior Sector managers take an active interest in the effective functioning of the system and require periodic assurances. The operational managers report to the Unit Heads on the soundness of the CTL system and they are considered at unit quarterly performance meetings with the Sector Director and Sector Business Manager.
- The Sector uses both the case management system (CMS) and a manual system to monitor CTL cases. Our interrogation of CMS indicates that the CTL task lists are, on the whole, satisfactorily managed.
- Five cases subject to a CTL were examined during this assessment. The expiry dates were correctly calculated in all but one case (which is referred to below). There was some evidence of poor file endorsements but otherwise files confirmed compliance with the Sector's systems.

Aspects for improvement

- There were five CTL failures in the last financial year although there is evidence that the system has been reviewed, and changed. The CTL system was re-assessed when the North London Prosecution Service moved to a combined structure. However, a further three failures have occurred in 2005-06. All failures were reported to Headquarters.
- The Sector does not have an overall CTL Champion. Unit CTL monitors are responsible for notifying staff of changes and managers ensure staff are trained on procedures as and when appropriate. Although the existing arrangement is believed to encourage a greater degree of individual ownership, the absence of an overall Sector Champion indicates that there is a risk that good practice may not be promoted and legal updates are not cascaded throughout the Sector.
- The CTL expiry date for one of two defendants in a Crown Court case was incorrectly calculated and management checks did not detect the error. CMS showed that it was not updated to reflect the changes in the bail/custody status of each defendant and show that the CTL had expired. In this instance the inaccurate CTL expiry date did not lead to a failure as the defendant entered a guilty plea before it expired.

7. DISCLOSURE**2 - FAIR**

From our examination of files, performance in relation to disclosure needs to improve. Nevertheless a relatively open stance allowing the defence access to unused material reduced the risk of a discloseable item not being revealed. Timeliness of disclosure was an issue in some instances. The Sector's own assessments do not fully identify issues in relation to lawyers' handling of disclosure. Sensitive material is generally dealt with correctly. The Sector has a disclosure Champion who disseminates guidance and training on new law and procedures. Work with the police has resulted in some improvement, although more could be done.

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

- Area systems ensure that all sensitive material schedules and unused sensitive material are stored securely using the long-established London scheme. Sensitive material was dealt with appropriately in four of the relevant files that we examined, although in a further four we could not tell what had happened.
- The Sector has appointed a Disclosure Champion, and a number of Sector lawyers are designated disclosure trainers. The Champion regularly disseminates information to prosecutors and caseworkers and provides guidance. The Area Champion is also consulted in particularly sensitive cases.
- The training for prosecutors and caseworkers on the disclosure provisions of the Criminal Justice Act 2003 and the CPS/Association of Chief Police Officers Disclosure Manual is being rolled-out. Meanwhile some local guidance has been given to ensure awareness and understanding of the new provisions and instructions.
- Work has been undertaken with the police, including some joint training. Duty prosecutors give daily advice and guidance on disclosure issues. The quality of the schedules has improved as a result, although often there was lack of consecutive numbering of the items of unused material when further schedules were sent, which can be confusing. Disclosure issues are raised at meeting with the police and feedback is given to the police on individual cases, including where lack of disclosure has led to the failure of a case. In the magistrates' courts 1.9% of cases were ineffective due to disclosure problems compared to 1.2% nationally and in the Crown Court 0.3% compared to 0.4%.

- Attitudes within the criminal justice system locally have encouraged lawyers to adapt a relatively open stance of allowing the defence access to non-sensitive unused material; this reduces any risk of failing to disclose inappropriately, but often means that proper assessment is not evidenced.

Aspects for improvement

- We examined ten magistrates' courts files and 18 Crown Court files to assess performance in relation to disclosure. Primary (initial) disclosure was handled properly in the magistrates' courts in 60% of files and in the Crown Court in 55.6%. Secondary (continuing) disclosure was properly handled in 53.3% of Crown Court files. The Sector's average performance was 56.3% compared to a national average of 70.3% in the last inspection cycle. Timeliness of disclosure could be improved in many cases.
- In some cases lawyers did not follow the guidance of the Disclosure Manual when completing the schedule of unused material (MG6C). Correspondence was frequently unanswered. Although files contained a folder for disclosure material, it was often not used. Disclosure record sheets were not used on magistrates' courts files and were often not completed on Crown Court files.
- There was some evidence of prosecutors' performance in relation to disclosure being assessed through the Casework Quality Assurance system but compliance with this system was not regular. In view of our findings, we consider that the Sector's own assessments do not fully identify issues in relation to lawyers' handling of disclosure. Appropriate action was not always taken where necessary.

8. THE SERVICE TO VICTIMS AND WITNESSES**2 - FAIR**

Compliance with the Direct Communication with Victims (DCV) scheme with regard to timeliness was achieved, but the volume of letters sent is falling. Witness warning procedures are, on the whole, effective and there is regular liaison with the Witness Service and Victim Support. Central planning for the No Witness No Justice (NWNJ) project began during 2004-05. The first Sector inter-agency Witness Care Unit (WCU) became operational in March 2005, but elsewhere issues relating to CPS Witness Care Officers (WCO) security clearance with the Metropolitan Police Service (MPS) and access to police IT have only been resolved very recently.

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

- DCV and Speaking Up For Justice (SUFJ) are generally embedded throughout the Sector. Dedicated DCV caseworkers and co-ordinators monitor timeliness and compliance with the scheme and provide monthly reports to senior managers on timeliness. The Sector met its timeliness target of 70% during 2004-05. The reason for not achieving its target in the first quarter of 2005-06 had been identified and the Sector is taking steps to resolve the issue.
- Managers monitor the quality of DCV letters and analysis of a sample of letters on-site shows that they are of generally good standard. Meetings with victims and their families are offered where appropriate.
- Cases requiring Special Measures are usually identified at the charging stage. Lawyers dealing with sexual offences or youth work are expected to have attended the SUFJ training. At Enfield and Haringey Youth Courts minimum Special Measures are granted to youth witnesses without the need for a formal application. Monitoring of Special Measures applications is limited. Managers consider that any issues would be identified at joint performance management and case progression meetings with the police and at case progression hearings.
- Witness warning procedures in relation to the provision of witness warning memos and the list of witnesses attending court to the police are generally timely and effective and pre-trial checks are carried out systematically. There is timely supply of witness details to the Witness Service.

- The responsibility for ensuring that victims and witnesses are kept informed of the progression of their case lies primarily with the police. The CPS WCO at the City Criminal Justice Unit (CJU) has access to both the CPS and City of London Police IT systems, enabling the facilitation of speedy communication to victims and witnesses regarding case outcomes.
- The Sector ensures that all prosecution advocates and CPS staff at court undertake their responsibilities in respect of victims and witnesses. Managers attend court and conduct advocacy monitoring to ensure compliance. Crown Court managers inform the District Crown Prosecutor of any counsel who fail to address witness issues.
- There is regular and effective liaison with the Witness Service and Victim Support through their attendance at the Borough Criminal Justice Group meetings.
- Central planning for the NWNJ initiative began in 2004-05. The Sector participated in meetings to agree systems and the charging administrator at City CJU was involved in drafting the job plan for the CPS WCO. The first WCU with both police and one CPS staff member became operational in March 2005 at City CJU in accordance with the delivery plan and received a positive post-implementation review. Improvements have been noted, including an increase in witness attendance.
- There is clear analysis of cracked and ineffective trial data both within the Sector and at meetings with criminal justice partners at all levels and efforts are being made to secure a reduction in the number of cases where this occurs as a result of witness issues.

Aspects for improvement

- The Sector sent 999 DCV letters in 2004-05, averaging 83 letters per month, against a proxy measure of 952 each month calculated by Headquarters for the whole of the Area, which would amount to some 300 letters for the Sector. Senior managers explain that the 80 fewer letters sent in quarter 4 from quarter 3 2004-05 may have been due to the reduced discontinuance rate as a result of the introduction of statutory charging. The charging data does not support this.
- Implementation of NWNJ with the MPS is problematic and some deadlines have been missed; CPS WCOs have been appointed but are still awaiting placement in police stations due to security vetting issues to be agreed with the MPS before staff can have access to MPS IT systems. Since the introduction of police WCUs, some benefits have been realised, such as an increase in witness attendance.

9. PRESENTING AND PROGRESSING CASES AT COURT 2 - FAIR

During 2004-05 the Area Advocacy Trainer (AAT) trained and monitored in-house staff and agents and also monitored counsel. Reporting on counsel's performance in the Crown Court was informal. The Sector negotiated favourable listing arrangements with the Crown Court for deployment of Higher Courts Advocates (HCAs). There has been similar progress with some of the magistrates' courts although the use of designated caseworkers (DCWs) remains an issue. The Sector plays its part, with other agencies, in improving case progression in court. Efforts are made to ensure advocates have adequate preparation time. Courts are allocated to specialists when necessary.

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

- The Sector tries to ensure papers are provided promptly to in-house advocates and agents prosecuting in the magistrates' courts. The rota is settled in advance of the week's business and daily lists prepared. There can be late additions to the lists. Administrative staff are at court at the busier centres to assist prosecutors. The Sector has substantially increased in-house court coverage. Managers use a diary to allocate cases to reviewing lawyers to avoid duplication of preparation. The Sector has negotiated with the Crown Court in order to obtain listings that achieve maximum value from HCAs.
- Selection of prosecution advocates for all courts is usually undertaken with full consideration of their experience and qualifications. Inexperienced prosecutors receive advocacy training as part of their induction. Suitably trained prosecutors cover Youth Courts. The caseworkers in the Trials Units utilise a preferred list of counsel for sensitive cases.
- The Sector used the AAT to induct and train staff and to assess advocacy performance, including agents and counsel, focusing on those where performance was an issue. A grading was awarded in accordance with national guidelines (and covered file endorsements) and feedback was given. Performance was further monitored as necessary.
- Senior managers attend court in order to increase in-house coverage and to monitor staff attendance and performance. There are regular meetings at each Crown Court centre with Courts Service (HMCS) representatives and the Resident Judge at which performance feedback is given. The monitoring of counsel in the Crown Court is based on reports from caseworkers, HCAs and the AAT. The Sector Director takes up any issues arising with the Joint Advisory Selection Committee.

- There is an Area agents' instructions pack which was last updated in May 2004. Up to October 2004, prospective counsel agents were obliged to attend a week's course run by the AAT before they were instructed.
- Managers use the Casework Quality Assurance scheme to check on the standard of file endorsements and issues of poor quality are raised at team meetings.
- The Sector is amongst those agencies leading initiatives to improve case progression in court. It is currently working to remove barriers to ensure the effective deployment of its 13 DCWs. There have been recent signs that criminal justice partners are now willing to engage constructively on matters such as listing following the Prime Minister's Delivery Unit review of the criminal justice system in London. The Sector has agreed arrangements with many of the magistrates' courts and other court users on other aspects of listing and case progression generally.
- In 2004-05 coverage by in-house prosecutors was 69% with the aim of 100% cover of the generality of magistrates' and youth court sessions and has increased to 94.7% in quarter 2 of 2005-06.

Aspects for improvement

- During 2004-05 the high levels of ineffective trials, committals that were not ready to proceed and some general lack of readiness meant that a significant number of cases did not progress well. The situation improved substantially towards the end of the year and in 2005-06.

10. DELIVERING CHANGE
2 - FAIR

In 2004-05, the Sector had a Business Plan which set out all relevant priorities. This was not followed by a 2005-06 Sector Plan, as senior managers decided to rely on the Area Business Plan. Joint planning with criminal justice system (CJS) partners for the delivery of key initiatives is undertaken at Area-wide level. External reviews of key projects are followed by post implementation reviews, progress against which is monitored by the Senior Management Team (SMT). The combined impact of the various projects on business objectives may not be fully considered. Individual project risks are identified but the Sector does not have a business risk register. Training needs, including Equality and Diversity (E and D) training, are identified by staff and managers, and in plans for the delivery of key projects. The lack of systematic training which has been identified by staff and managers is being addressed.

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

- In 2004-05 there was a Sector Business Plan (SBP) that set out its strategic objectives for the year, with each objective reflecting ties to the five headline priorities for CPS London for the period and national objectives and targets. There is a business planning cycle and the Sector's schedule of Full Management Team (FMT) meetings, held twice a year, are arranged to tie in with this cycle. However, in 2004-05, the SBP was not launched until the latter part of the second quarter.
- The SBP contained high level targets and measures, and task owners are set out but it did not include delivery or monitoring milestones. Progress is discussed at SMT and FMT meetings.
- There were no Business Plans for the Borough or District units in 2004-05 and 2005-06. However, other discrete plans, such as the Community Engagement Action Plan, had links to the 2004-05 SBP, as did staff Forward Job Plans (FJPs) at all levels.
- Joint planning with CJS partners for the delivery of key initiatives, is undertaken at Area-wide level, with limited involvement of Sector managers whose roles typically related to post-implementation delivery. There were, however, examples of effective and pro-active arrangements made with CJS partners at local level prior to the implementation of national initiatives.

Aspects for improvement

- The Area governance framework requires each Sector to develop and implement SBPs. However, an Area decision was made not to have SBPs for 2005-06. This left the Sector reliant on the high-level CPS London Area Business Plan 2005-06 which, whilst reflecting the 15 national CPS and Public Service Agreement targets, did not adequately address local priorities.

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

- Delivery of the change programme at an Area level and its provision of support to the Sectors is the responsibility of the Area Change Programme Team. Joint CPS and Metropolitan Police Service initiatives are managed under the auspices of Operation Emerald.
- Statutory charging has been successfully implemented at Sector level by the CPS London Area Change Programme Team. During 2005-06 the Sector commenced a phased move to further combined units, using senior Sector managers as the project management team. The first phase was due to be completed by November 2005, but had been put back to January 2006.
- The SMT receives discrete update reports on ongoing projects from internal and external project managers, and thereby acts as the change management team at Sector level. External reviews of key projects, such as statutory charging, are followed by post-implementation review plans. Responsibility for delivery is devolved at unit level and monitored by quarterly reports to the Sector secretariat.
- The 2004-05 SBP and the individual project plans included integrated Risk Registers, and post-implementation review plans were subject to risk analysis. Bi-annual meetings of the FMT were also a forum for in-depth analysis of barriers and to develop solutions for specific projects. Project plans also identified key skills and training requirements.
- There was some evidence of pro-active use of staff focus groups to measure the impact of previously completed local projects, such as the consolidation of pre-existing units into the North London Prosecution Service and the planning of a similar move in East London. Project plans for the delivery of this unit also include formal post-implementation reviews.

Aspects for improvement

- The feedback received by SMT is limited to individual project progress, dependencies and risks. With no clear change management strategy in place, there is little evidence that the combined impact of the various projects on business objectives is given due consideration.

- In the absence of an SBP for 2005-06 and an integrated Risk Register, there was no documented identification of key risks to the Sector's business, such as compliance with the Area's court coverage standards, for this period.

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

- Training needs are identified by staff and managers at Sector level through the appraisal process and in plans for the delivery of key projects.
- Until September 2005, the Sector had an E and D Officer, who was pro-active in the identification and delivery of relevant E and D training to staff.
- Individual staff records show training courses attended. These are collated to form a training log for the Sector through which managers monitor staff attendance at training. Sector and Area champions are also involved in the delivery of mandatory training to lawyers and caseworkers.

Aspects for improvement

- There is a Learning and Development Plan at Area level but not for the Sector. With the devolution of a proportion of the Area training budget to the Sectors from 2004-05 onwards, there is a need to raise the profile of training and staff development at Sector level through the newly established Sector Training and Development Committee.
- Casework dip checks and the Casework Quality Assurance system are used to identify individual training needs but there was no evidence that they were used to determine the effectiveness of training delivered through the subsequent use of smart FJP objectives.

11. MANAGING RESOURCES

2 - FAIR

Value for money (VFM) considerations are taken into account in planning and setting priorities. Unit managers each had VFM objectives and provided regular summaries of their financial position. Monitoring of Graduated Fee Scheme payments (GFS) was unreliable. The Sector addressed imbalances in staff distribution as required to fit its caseload profile. This issue remains although it is being addressed as part of the ongoing project to integrate units. A review of flexible working arrangements has been undertaken to ensure business needs are met. In 2004-05 non-ring fenced running costs and prosecution costs were overspent by just under 0.2% and 21.5% respectively. There have been significant improvements in the use of staff resources for court attendance leading to savings from the use of Higher Court Advocates (HCAs) and reduced use of agents. However, designated caseworkers (DCWs) are not yet effectively deployed.

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

- Six of the 16 key targets included in the Sector Business Plan (SBP) for 2004-05 include VFM considerations. Priorities, such as the cost of using agents, were routinely monitored. Unit managers each had VFM objectives included in Forward Job Plans
- Each unit provides a quarterly summary of its financial position and the Sector Secretariat provides the Sector Business Manager (SBM) with detailed monthly expenditure reports for each unit which are consolidated for consideration at Senior Management Team (SMT) meetings.
- Additional funding for national initiatives is factored into baseline budgets for each Sector. The Sector has rationalised its staff position during 2004-05 reducing its administrative staff in post and increasing the number of lawyers in line with its profiles.
- In November 2004, the Sector had forecast an overspend of under £600. Mid-year non-ring fenced forward estimates indicated an overspend of £287,000. However by the end of 2004-05 non-ring fenced running costs were overspent by approximately 0.2% (£30,000) of the Sector's budget allocation which is good performance for the purposes of this assessment. Non-ring fenced running costs were overspent by 7.3% in 2003-04.

Aspects for improvement

- There is limited evidence that some VFM targets were monitored during the period. The Sector did not, for example, have a reliable system for tracking its committed expenditure, agent fees and for Graduated Fee scheme (GFS) payments until June 2005. This resulted in a backlog of outstanding payments and in April 2005 the Sector reported it had £671,000 outstanding

un-invoiced GFS payments. In January 2005, an Area-wide fee log was due to be introduced, but had not been implemented at the time of our assessment in December. In 2004-05 the Sector overspent its prosecution costs budget by £2.17 million (21.5%).

- With limited financial analysis and management skills available at unit levels, the Sector remains at risk from inaccurate budget forecasting as financial and budgetary skills require further development.

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

- In December 2004, the Sector rolled-out its first combined unit with a consequent review of staff and structure. Similar exercises have been undertaken for the roll-out of a further combined unit in January 2006. The role of support staff such as typists and Business Managers have also been subject to review.
- The Sector's annual budget takes account of Sector and unit profiles based on the activity-based costing (ABC) model. In 2004-05, the Sector recognised that staff distribution across the units was not adequate. Staff have been moved between units and there has also been a preference exercise to assess staff skills and ensure unit business requirements are met Sector-wide.
- The Sector applies the Area flexible working policy. There was a recognition that the proportion of staff operating reduced, part-time and compressed hours has impacted on the Sector's capacity to deliver business needs. A review of these arrangements has been undertaken and a more stringent approval system is in place, managed by the SBM.
- In the latter part of 2004-05, the Chief Crown Prosecutor issued instructions about minimum court coverage targets for lawyers and caseworkers in order to increase advocacy levels and reduce a large projected overspend. Compliance is ensured by the SBM who authorises any necessary agent usage for special cases and emergencies. In 2003-04, the Sector used agents to cover 42% of magistrates' courts sessions. In 2004-05 this was reduced to 31% and in the final quarter only 9% of sessions were covered by agents.
- The Sector, in compliance with the Area policy on HCA deployment, commits HCAs to attending a minimum of one session every two months. The Sector had nine HCAs during 2004-05, who completed 127 sessions during the last quarter of 2004-05, and made savings of £391 per session, compared to a national average of £224; an excellent performance. This was achieved within a context of the Sector having the lowest HCA-to-lawyer ratio nationwide.

Aspects for improvement

- The Sector reported sickness levels of 6.7 days for 2004 compared with 9.6 days for the Area. However, the data used to collate these Sector figures was unreliable and may not have captured all instances of sickness.
- The Sector has 13 DCWs. Their effective deployment varied across the Sector. There is a target for DCWs to attend a minimum of four sessions per week which is monitored. However, the total number of sessions completed for 2004-05 represents coverage of less than two sessions per DCW per week.

12. MANAGING PERFORMANCE TO IMPROVE

2 - FAIR

The Sector has a well developed performance management reporting framework. Responsibilities for achieving performance improvements are cascaded to unit and team managers who remain responsible for addressing performance and operational issues. However, there were a variety of monitoring systems some of which were ineffective. Some underperformance against targets is being tackled by managers sometimes working in conjunction with other criminal justice system colleagues. Performance information is not consistently provided to staff in a user-friendly format. Compliance with the Casework Quality Assurance (CQA) scheme is not comprehensive and there is little evidence of analysis of trends and Sector-wide lessons.

12A: Managers are held accountable for performance

- There is a well developed performance management reporting framework through which Sector performance is monitored. Each month, Sector performance officers (SPOs) produce unit reports and similar quarterly performance reports (QPRs), which contain all relevant information, form the basis of a performance meeting of unit managers and senior managers.
- Unit managers meet monthly to discuss performance information, with each producing a performance summary which is consolidated to give a view of Sector-wide performance. Action is logged and updated monthly.
- Responsibilities for achieving performance improvements are cascaded to unit managers. Following the Charging Team's post-implementation review, managers remain responsible for addressing performance and operational issues relevant to their units. Unit managers have also taken action to reduce the proportion of adverse case outcomes.
- Staff at all levels have all been involved in improvement activity. There are also designated Champions for a range of specialist topics.

Aspects for improvement

- Whilst unit managers are primarily responsible for operational effectiveness and continuous improvement, it was clear that a variety of systems had evolved across the Sector, some used more effectively than others.
- There was evidence that effective action has been taken to address specific areas of underperformance, such as the quarterly analysis of adverse outcomes on one Trial Unit. However, work remained to be done to improve other key aspects of performance such as the deployment of designated caseworkers and the use of the casework management system (CMS) by lawyers.

- Forward Job Plans (FJPs) accompany staff Performance Appraisal Reports (PARs), and generally include smart objectives. The Sector reports that completion of PARs on time has improved from 67% in 2003-04 to 97% in 2004-05. Pockets of poor performance in this respect remain which the Sector must address.

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

- The units are involved in working with criminal justice system partners in Borough Criminal Justice Groups (BCJGs). Some BCJGs are highly effective, with full commitment from police Borough Commanders; others were less effective. Borough Crown Prosecutors (BCPs) have worked on joint performance teams with partners, especially the police, to reduce the level of cracked and ineffective trials.
- The strategy to deliver the four headline London Criminal Justice Board (LCJB) targets is managed at Area level, with Sector staff and managers having linked FJP objectives.

Aspects for improvement

- The BCJGs rely on the LCJB secretariat for most of the performance information required. There have been instances of local provision of data by the Area. However, collection and analysis of the required data is sporadic, and much performance data is not available at borough level. The units no longer complete the quarterly self-assessment designed for this purpose.

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

- The Sector holds four Management Information System licences which are all used by designated staff at Sector secretariat level, who are responsible for collection and presentation of performance data used by unit managers to produce periodic reports.
- The SPOs are responsible for the quality of the performance data produced. In certain instances, unit managers are responsible for authorising data input to ensure its accuracy. The quality of data collated by the Sector has suffered following amendments to the systems used to collect and present performance for the Area.
- The Area produces quarterly highlight reports showing the relative performance of each Sector, as well as Area-wide performance.
- The Sector has also adopted good practice for Higher Court Advocate deployment and equality and diversity monitoring processes from two other Areas.

Aspects for improvement

- Some performance information is available electronically for staff to consider, but it is not condensed or distributed pro-actively. Some discussion of performance within units occurs at staff meetings but it can be ad hoc in nature. Other units display performance data on notice boards. Few send tailored e-mails that include all pertinent information.

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

Aspects for improvement

- Compliance with the CQA scheme has been variable, with a high of 96% of the required form count in the second quarter of 2004-05. In the final quarter compliance dropped to 44% and did not improve during the first quarter of 2005-06. There is insufficient evidence that CQA has been applied robustly or used to improve performance, except by individual feedback to staff.

13. LEADERSHIP

3 - GOOD

The 2004-05 Sector Business Plan (SBP) incorporates the Area's vision and values. Managers' awareness of their roles and responsibilities, whilst clearly articulated in Forward Job Plans (FJPs) and similar documents, remains in development. There is a good level of interaction with criminal justice partners, with examples of pro-active work to improve performance. The Sector has begun the process of integrating its Criminal Justice Units (CJUs) and Trial Units (TUs) to improve all-round performance. However, the Senior Management Team does not include direct CJU representation, although there is a separate level D forum. Recent efforts have led to improvements in the regularity of team meetings. There were examples of managers and staff reviewing success and failure to inform future decisions. Equality and diversity issues have a high profile in the management of Sector business.

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

- The 2004-05 SBP identifies business priorities agreed to by the Full Management Team which comprises the Sector Director (SD), the Sector Business Manager (SBM), Performance Manager and Finance Officer with the Unit Heads and their Unit Business Managers. The plan adopts the national CPS vision and values and is made available to all staff.
- Managers' objectives include responsibilities for delivery in line with Sector, Area and national CPS objectives. These are effective in the main, and are monitored in regular meetings between SD and each Unit Head on a quarterly basis to discuss performance issues. However, internal reviews have shown that in practice not all managers are fully aware of their roles and responsibilities.
- Both the SD and the SBM take part in meetings and activities which make them visible to staff. These include attendance at Unit, Sector sounding board and focus group meetings at which staff views are canvassed on the impact of organisational changes.
- There is active co-operation between senior managers and colleagues in other criminal justice system (CJS) agencies. At the highest level are the SD's meetings with resident judges to discuss case progression and listing issues. Unit Heads are also active participants in Borough Criminal Justice Group (BCJG) meetings and activities.
- The District Crown Prosecutors (DCPs) are responsible for liaising with officials of the Crown Court and there is evidence of pro-active work with the Effective Trial Management Programme. Specialist and experienced lawyers

are involved in community engagement activities. FJPs for all Unit Heads include activities aimed at improving community confidence and raising awareness of issues relating to hate crime and domestic violence. Three of the Sector's BCPs chair their respective BCJGs.

Aspects for improvement

- The existing senior management arrangement does not comply with the Area governance framework, which requires rotational membership of one Borough Crown Prosecutor (BCP) on the Senior Management Team (SMT). It currently consists only of the SD, SBM, and DCPs who directly manage the TUs and have line management responsibility for a cluster of BCPs who manage the CJUs. The SD holds separate meetings with BCPs. There is a risk that the perceived gap in relations between TUs and CJUs remains un-bridged.
- Unit meetings were held sporadically during 2004-05. In 2005-06, all Unit Heads have appraisal objectives that require them to hold a minimum of a meeting every two months. The SD ensures compliance by requiring each unit provide the dates and times of meetings in advance and by attending occasionally.

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

- 'Away days' for the Full Management Team serve as a forum for examination of success and failure during the preceding period. Senior managers have engaged with staff at all levels to identify issues from the integration of the various borough units into the North London Prosecution Service.
- Six Sector staff have received various awards during 2004-05 following the introduction of Area awards for good performance in 2004. There were examples of letters from the SD to staff commending them on attaining specified goals.
- The Sector had an Equality and Diversity Officer (EDO) until September 2005 whose role included ensuring staff awareness of CPS Dignity at Work principles. The EDO conducted staff workshops during 2004-05 which covered issues such as bullying and harassment. However, the 2004 Staff Survey results on Dignity at Work show that the Area scores below the national average but the results are not broken down to show Sector performance. During 2004-05 only one official complaint was made. The complaint was upheld. Most managers have now attended courses aimed at equipping them with tools to recognise and manage prejudice at work.

- The EDO had responsibility for delivery of the Area E and D plan at Sector level. In 2005-06 an E and D plan was also introduced. The EDO attended a number of management team meetings to give presentations to managers on integration of E and D in strategies into day-to-day activity. E and D issues are a standing item on SMT meeting agenda and a Sector E and D newsletter was also produced.
- Black and minority ethnic group staff make up 33% of the Sector's staff. This exceeds the demographic profile of the working population for the Area. Similarly, female staff exceed the Area profile by 10%. Conversely, people with declared disabilities accounted for 1.7% of the Sector's staff, 2% below the Area profile. Advertisements for recruitment publicise the fact that people with disabilities are under-represented in the CPS as a whole, and staff are encouraged to use the self-declaration facility to report their status.

14. SECURING COMMUNITY CONFIDENCE
3 - GOOD

Senior managers have demonstrated their commitment to community engagement activity and in 2004-05 the Sector focused on raising its profile within the boroughs it serves. There is evidence of good foundations on which the Sector can build its strategy. The Sector needs to ensure that the Community Engagement Log that was recently introduced is maintained and the information used to measure the impact and priority of community engagement activity.

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

- The commitment of senior managers is clear and demonstrated. The Sector Director (SD), as the CPS London Domestic Violence (DV) co-ordinator, set up the CPS Domestic Violence forum in 2004. As the national anti-social behaviour order champion, she has responsibility for maintaining the CPS profile in relation to tackling anti-social crime. The SD is also the co-chair of the National Community Engagement Project Board which was established to develop a national strategy to community engagement. Senior managers and other members of staff took part in mock trials, court open days, participated in the Lesbian, Gay, Bisexual and Transgender (LGBT) forum and gave presentations to community groups on the role of the CPS.
- Securing the confidence of the community is seen as part of the Sector's core business. Increasing public confidence features in the Sector's Business Plan, supported by a community engagement strategy for 2004-05. The importance of community engagement and its link with performance and public confidence were discussed at the full management team away day in April 2005, supplemented by a presentation provided by the Sector Equality and Diversity Officer (EDO). This was cascaded to staff at team meetings.
- The demographics and key community contacts of local community and voluntary groups are detailed in borough profile documents. In addition, staff can access the community engagement database on the shared network.
- Up to September 2005, the Sector benefited from a Sector EDO, whose responsibility included co-ordinating events with the local community and voluntary groups and advising senior managers and staff on activities that needed to be pursued. For example, the Sector EDO conducted a community needs analysis of these groups and the LGBT community was identified as being at the greatest risk of exclusion and discrimination in Camden. As a result, the SD and a lawyer attended a seminar hosted by the Terence Higgins Trust and gave a presentation on the role and policy of the CPS in relation to homophobic crimes.

- Community engagement is also targeted through the Crime and Disorder Reduction Partnerships (CDRPs). Unit Heads periodically attend CDRP meetings. Additionally, the Sector engages with the CDRPs through the Borough Criminal Justice Groups on matters dealing with prolific and priority offenders.
- Contact with a number of voluntary and community groups has forged better links with organisations such as the Hackney Multi-Agency Racial Incidents Forum. Activities conducted with local schools have resulted in requests for work experience.
- The public confidence rating in bringing offenders to justice as measured by the British Crime Survey for the whole of the Area was 45% for March 2005, against a baseline of 43%.

Aspects for improvement

- The Sector does not consistently measure the success of its activity. Community engagement activities were not recorded until June 2005 and although feedback received is reviewed, it is not evaluated to inform future activities.
- There is little evidence that service improvements have been made as a result of consultation. The Sector's strategy in 2004-05 was to raise awareness of its role and work within the community, which it had begun to implement with its criminal justice system partners, and establish links with community groups, which it has continued to develop in 2005-06. Better performance data will become available when the Sector moves to a consultation and participation process.

ANNEX A

NORTH AND EAST SECTOR PERFORMANCE DATA

ASPECT 1: PRE-CHARGE DECISION-MAKING

MAGISTRATES' COURTS CASES							
Discontinuance rate				Guilty plea rate			
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%	13.1%	52%	68.8%	67.1%	65.7%
Attrition rate							
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%		23%	
CROWN COURT CASES							
Discontinuance rate				Guilty plea rate			
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%	19.8%	68%	66%	55.7%	50.7%
Attrition rate							
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%		37.6%	

ASPECT 2: MANAGING MAGISTRATES' COURTS CASES

INEFFECTIVE TRIAL RATE			
National Target	National Performance 2004-05	Area Performance 2004-05	Sector Performance 2004-05
24.5%	24.8%	31.7%	35.1%

OVERALL PYO PERFORMANCE (ARREST TO SENTENCE)			
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

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

TIME INTERVALS/TARGETS FOR CRIMINAL PROCEEDING IN YOUTH COURTS CHARGED AND SUMMONED CASES ONLY (MARCH 2005) (AREA ONLY - NO SEPARATE SECTOR DATA)						
	Initial Guilty Plea Target 59 days		Trials Target 176 days		Committals Target 101 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	87%	5,185	87%	3,309	91%	190
Area	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%	19%

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%	24.2%

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%	60%
Primary test in Crown Court	79.9%	75.5%	55.6%
Secondary test in Crown Court	59.4%	65.8%	53.3%
Overall average	70.3%	71.3%	56.3%

ASPECT 11: MANAGING RESOURCES

NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE (END OF YEAR RANGES)	
Area 2004-05	Sector 2004-05
100.8%	100.2%

DCW DEPLOYMENT (AS % OF MAGISTRATES' COURTS SESSIONS)				HCA SAVINGS (PER SESSION)		
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%	5.1%	£224	£268	£391

SICKNESS ABSENCE (PER EMPLOYEE PER YEAR)		
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

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

NOTES

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