

Review of the performance of CPS London

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ABBREVIATIONS

Common abbreviations used in this report are set out below.

AP	Associate prosecutor
BCP	Borough crown prosecutor
BCU	Borough Command Unit (police)
CA	Crown advocate
CJSSS	Criminal Justice: Simple, Speedy, Summary
CJU	Criminal Justice Unit (police)
CMS	CPS computerised case management system
CPS	Crown Prosecution Service
CPSD	CPS Direct
CPSLD	CPS London Direct
CQA	Casework quality assurance
CTL	Custody time limit
DBM	District business manager
DCP	District crown prosecutor
DCV	Direct communication with victims
DGSP	Director's guidance on the streamlined process
HMCPSI	Her Majesty's Crown Prosecution Service Inspectorate
IPT	Integrated prosecution team
JDA	Judge directed acquittal
JOA	Judge ordered acquittal
MG3/3A	Forms sent by police on which the prosecutor records the charging decision and action points
MPS	Metropolitan Police Service
NRFAC	Non-ring fenced administration costs
NWNJ	No Witness No Justice
OBM	Optimum business model
OPA	Overall performance assessments
PCD	Pre-charge decision
PCMH	Plea and case management hearing
PTPM	Prosecution team performance management
WCU	Witness care unit
WMS	Witness management system

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FOREWORD

This review of the performance of CPS London concludes a large exercise to assess how the vast majority of criminal cases – those which touch most closely on the everyday lives of citizens – are handled in our capital city. They range from routine public order offences, theft, and common assault through to robbery, rape and other sexual offences. They include categories of cases such as domestic violence and hate crime which require sensitive handling. The assessments did not extend to the most serious cases, including murders and other serious and sensitive casework at the Central Criminal Court (Old Bailey) and elsewhere in London since we are satisfied that they continue to be handled well in CPS London's Complex Casework Unit which previously received a good rating.

The results are disappointing although we found some cause for optimism. Inspectors found that, of the 20 boroughs assessed, one was good, seven were fair and twelve were poor. This indicates a deterioration from our 2005 and 2007 overall performance assessments where, despite significant aspects of poor performance, London achieved an overall rating of fair.

A clear overall pattern emerged: it was one of fundamentally sound decision-making when cases were in their early stages but without the necessary follow-through, leading to poorly prepared cases, particularly those which were contested, with adverse effects on trial readiness and presentation at court. This tended to feed through into worse outcomes in London when compared to national performance – particularly as regards the Crown Court – even though outcomes had improved when compared with previous years.

Paradoxically, the inspection teams were struck by the real commitment and professionalism of most staff. They felt that, given the right environment, they could do better and wanted to. There was considerable insight at the front line as to the need for improvement and in some instances almost palpable relief that at last the problems they faced might be addressed.

In seeking to identify the causes of these problems, we concluded that the operational aspects of CPS London had suffered severely as the result of an initiative overload. These emanated from a combination of government policies relating to the criminal justice system as a whole, CPS national initiatives and a separate reform programme developed by the London Criminal Justice Partnership. As a result we found front line prosecutors and caseworkers struggling to manage caseloads and “fire fighting” rather than being in charge of and confidently controlling and presenting their cases.

The optimism signalled earlier rests on two premises. First, the fundamental commitment of staff referred to earlier. Secondly, we found that the incremental changes in the senior management team also brought with it increasing realism and appreciation of the very real and justified concerns at operational level. A fresh approach is being adopted based on a determination to drive forward in a measured way, with careful matching of resources to commitments. This will require some difficult decisions, particularly at a time of heightened resource constraints. There is a determination to slim down the unjustifiably large central administration of CPS London and manage its family-friendly policies in a way which is loyal to the ethos of the Service but also focuses more on business delivery.

This change of direction is not only sensible but necessary, and we wish the new management team well. Provided it is given the space within which to manoeuvre, the organisation can be substantially strengthened. HMCPsi will be monitoring the situation and proposes to follow up this review in a year or so from now.



Stephen Wooler CB, HM Chief Inspector

HMCPsi, March 2010

1 INTRODUCTION AND KEY FINDINGS

- 1.1 This is Her Majesty's Crown Prosecution Service Inspectorate (HMCPISI) report on CPS London. The findings set out in the report draw on a number of associated inspection activities undertaken in 2009-10. These include HMCPISI borough performance assessments (BPA) of 20 CPS London borough units, a similar assessment of the CPS London traffic unit, a scrutiny of the operation of CPS London Direct (which provides telephone charging advice on volume crime cases to the Metropolitan Police Service [MPS] during normal office hours) and a detailed consideration of the implementation and impact of a number of key initiatives which have been introduced by CPS London since it was last subject to an overall performance assessment (OPA) in December 2007¹. The report also considers the impact of changes to the area's structure and resources.
- 1.2 HMCPISI's original intention had been to assess all 33 boroughs (including the City of London) in order to reflect the variations in performance that we expected across an area as diverse as London. This approach was endorsed by senior managers in CPS London and confirmed following the successful piloting of the methodology in the CPS Croydon borough in March 2009. In the event, findings from the early assessments showed a relatively narrow range of performance and consistency in the themes emerging and the aspects for improvement. Some of these were of serious concern and needed to be tackled urgently at a senior management level. The CPS London senior management team (SMT) confirmed that the boroughs that had been assessed were fairly representative of London as a whole and that to undertake further assessments would be unlikely to add significantly to our findings. We therefore decided to confine the exercise to 20 borough performance assessments (including the pilot assessment of CPS Croydon borough), drawn from five of the six CPS London districts, together with an assessment of the London traffic unit.
- 1.3 Overall we assessed one borough as Good, eight as Fair (including the London traffic unit) and 12 as Poor as illustrated in the following table:

District	Borough	Score/Assessment	District	Borough	Score/Assessment
Woolwich	Bexley	16 Fair	Isleworth & Kingston	Ealing	19 Fair
	Greenwich	11 Poor		Hammersmith & Fulham	8 Poor
	Lewisham	8 Poor		Hillingdon/Heathrow	23 Fair
	Traffic unit	17 Fair		Hounslow	11 Poor
Snaresbrook	Barking & Dagenham	19 Fair		Kensington and Chelsea	Not assessed
	Hackney	16 Poor*		Kingston	Not assessed
	Havering	18 Fair		Merton	Not assessed
	Redbridge	15 Poor		Richmond	Not assessed
	Tower Hamlets	13 Poor		Wandsworth	Not assessed
	Waltham Forest	22 Fair		Southwark & Croydon	Bromley
Harrow & Wood Green	Barnet	18 Fair	City of London		Not assessed
	Brent	8 Poor	Croydon		** Good
	Enfield	8 Poor	Sutton		Not assessed
	Haringey	9 Poor	Westminster		13 Poor
	Harrow	15 Poor	British Transport Police		Not assessed
Blackfriars & Inner London	Camden	Not assessed	Islington	Not assessed	
	Islington	Not assessed	Southwark	Not assessed	
	Southwark	Not assessed	Newham	Not assessed	
	Newham	Not assessed	Lambeth	Not assessed	
	Lambeth	Not assessed			

* The score would indicate a rating of Fair, but the limiter of having three Poor aspects reduced this.

** Croydon was the unit selected for the pilot BPA. It was scored under a different mechanism but would still have been assessed as Good under the scoring mechanism subsequently used for all other boroughs assessed.

1 CPS London overall performance assessment undertaken by HMCPISI in December 2007.

1.4 The analysis of aspects of performance across the boroughs (including the traffic unit) assessed indicates the main weaknesses to be in:

Crown Court casework	15 poor
Disclosure	12 poor
Magistrates' court casework	11 poor
Service to victims and witnesses	11 poor
Serious violent and sexual offences	8 poor

1.5 In extrapolating the findings over half of the CPS boroughs were delivering poor quality service to the public and to their partners in the criminal justice system (CJS). No borough was able to show that they were excellent in any aspect of their work, save in that past assessments, and current feedback, show that the top tranche of casework including murders and other serious casework at the Central Criminal Court (Old Bailey) and the most sensitive elsewhere are being handled well in the Complex Casework Unit which previously received a good rating.

1.6 Otherwise it is a major concern that the rest of the Crown Court casework is too often poorly prepared, with adverse effects on readiness and presentation at court, and that outcomes despite some improvement since our OPA in 2007 remain substantially worse than nationally.

1.7 Related aspects of casework, including the vital care and support of victims and witnesses, are variable and poor in many boroughs.

1.8 In recent years the SMT had endeavoured to deliver new initiatives and structures to address performance issues, but too often these were poorly implemented, or had not been coordinated effectively or as a whole. Individually the change initiatives have sound features, but together have left the frontline prosecutors and caseworkers struggling and “fire fighting”, rather than being in charge of and confidently controlling and presenting their cases.

1.9 During the course of our assessment process there were incremental changes in the CPS London SMT, resulting in different post holders in each position by the end of the review. This was coupled with substantial changes in managers at both district and borough level.

1.10 As the balance changed, we encountered a frank acknowledgement of the weaknesses and recognition of the need for a new approach, along with a determination to make that happen. This was accompanied by an understandable and proper disinclination to discuss past events leading to the poor performance: simply a determination to look to the future.

1.11 In the first part of this report we set out our evaluation of how CPS London has arrived at the current position in which it finds itself. Our findings, and the comments of the judiciary and others in the CJS, revealed significant concerns about the ability of CPS London to undertake its core business to the standard expected both by criminal justice partners and the public it serves. As well as looking at the current situation we have also considered the approaches being developed by the new senior management team to address those issues.

1.12 We have considered the relationship of the area with its key criminal justice partners, most particularly through the operation of the London Criminal Justice Board² (LCJB). The LCJB led strategically and project managed the delivery of a number of key initiatives which we have

2 The London Criminal Justice Board has recently renamed itself the London Criminal Justice Partnership. However, for the period covered by this report it was known by the previous title.

identified as having an impact on the delivery of the area's core work, in particular the move to CPS and MPS integrated prosecution teams (IPT). In order to provide a full picture of what has happened in CPS London over the last few years it is necessary in this report to evaluate how well, from a CPS perspective, those initiatives have been delivered.

- 1.13 We discuss in detail the impact various projects, and importantly their interdependencies, have had on the ability of the area to carry out its core business. In particular we look at the move to IPT, the operation of the optimum business model, the Director's guidance on the streamlined process and the impact of the modernising charging programme. We also consider how the area's development of its advocacy strategy and the introduction of borough community prosecutor coordinators have affected how it is able to manage its resources.
- 1.14 Our findings are inevitably a matter of concern for the CPS and its stakeholders including the wider public. They will also bring disappointment to its staff. We therefore wish to state clearly from the outset first that we were impressed by the commitment and effort of most staff, and secondly it is not, for the most part, the concepts behind the many and varied initiatives that have been implemented in CPS London which are flawed, but in part the manner of the operational delivery and the levels of compliance with what they set out to achieve. There also appeared to be either a lack of awareness at the most senior level of how projects were actually working or a strong tendency to move from pilot stage to full implementation too quickly and to sign off major initiatives too readily as business as usual without a full and robust assessment. We discuss all these issues in depth in the report, but a consistent theme that appears to permeate the CJS in London was that projects or initiatives could not be seen to fail regardless of what the reality was for the practitioners on the ground who are required to deliver, often with insufficient resources.
- 1.15 The new SMT which was formed during our assessment has clearly acknowledged and was starting to address the key issue that was impacting on all aspects of performance, namely how the area resources its work within its given overall budget allocation. This will be crucial in the years to come with an expectation of substantial budget cuts.

Methodology

- 1.16 Following discussion between HMCPSI and CPS London it was agreed that a pilot BPA would be undertaken to assess the effectiveness of the methodology and the scoring mechanism used to assess each borough. CPS London suggested two sites, Croydon and Waltham Forest, the latter being one of the original pilot IPT sites. Understandably the area suggested two boroughs where they anticipated that performance would be better than might be found elsewhere in London. It was decided to pilot the work at Croydon using the scoring mechanism from previous OPAs. Following the evaluation of the pilot the scoring mechanism was amended to remove potential anomalies that could occur as a result of reducing the number of aspects that could be realistically scored at borough level. These amendments would not have affected the assessment of Croydon, which came out as Good³ using either approach. The scoring methodology used in assessing individual CPS London boroughs is set out at annex A. A matrix setting out the detailed assessments of each borough is at the start of part three.
- 1.17 Although modelled on the OPA process the borough assessments involved a more in-depth evidence base, including a self-assessment by each borough of its performance against the criteria set out in our framework. Interviews were held with the judiciary, partner agencies and defence representatives both London-wide and at borough level. Those who assisted in the overall London review are listed at annex B, the detail of those who assisted in the BPAs can be found in the specific borough reports. Questionnaires were sent to other key stakeholders including Victim

3 This was the only borough unit assessed as Good. Waltham Forest was assessed as part of the main programme and scored the second highest points rating within the Fair category.

Support and community groups. Group interviews were held with CPS administrators and prosecutors and check and clarification meetings⁴ took place with borough-based managers. Inspectors also conducted interviews with previous members of the SMT, members of the current SMT, key personnel within CPS London headquarters and trade union representatives.

- 1.18 Inspectors examined a selection of finalised magistrates' court and Crown Court files from each borough comprising a mix of case types and outcomes. In total 394 magistrates' court and 289 Crown Court files were examined. The findings from that file examination are referred to in the relevant parts of the text and some further findings are set out at annex C. In addition we examined a further 100 pre-charge decisions made by CPS London Direct.
- 1.19 Limited observations and assessments of the quality of case presentation against the CPS National Standards of Advocacy were undertaken in the magistrates' courts and the Crown Court.
- 1.20 Inspectors also considered a substantial amount of documentation including performance information, documentation relating to the delivery of initiatives and strategies, and the minutes of various meetings.
- 1.21 HMCPSP invited suitably informed members of the public to join the borough performance assessment process as lay inspectors. They are unpaid volunteers who examine the way in which the CPS relates to the public through its dealings with witnesses and victims; engagement with the community, including minority groups; handling of complaints; and the application of the public interest test contained in the Code for Crown Prosecutors.
- 1.22 The Chief Inspector is grateful to the lay inspectors and to all those who gave their time to be interviewed or provided the inspection team with information.

Structure of the report

- 1.23 This report is in three parts. We set out at the beginning the key facts pertinent to CPS London, including structure, caseload, staffing and financial resources, followed by a summary of our key findings. The first part then provides our findings from the inspection of the performance of CPS London, namely how the area manages its:
- casework
 - resources;
 - change programme;
 - business planning; and
 - performance.
- 1.24 Part two contains an overall assessment of our findings from the casework aspects⁵ of the BPAs and part three contains a matrix of our findings and short summative reports on the specific performance of each of the boroughs assessed.

4 Check and clarification meetings are held between inspectors and borough managers towards the end of the assessment process to check and clarify key issues and findings.

5 These are pre-charge advice and decisions; decision-making, preparation and progression in magistrates' court cases; decision-making, preparation and progression in Crown Court cases; the prosecution of cases at court; serious violent and sexual offences and hate crimes; disclosure; custody time limits and the service to victims and witnesses.

2 KEY FACTS ABOUT CPS LONDON

2.1 This chapter sets out the structure of CPS London and the changes it has undergone since our last overall performance assessment (OPA) of the area in 2007. It also looks at changes to the caseload and staffing resources of the area over this period of time.

Structure

2.2 Very little changed structurally between the time of our 2005 and 2007 OPAs⁶, the area was divided into three geographical sectors together with the Serious Casework Sector. The area had, in this period, acquired the Fraud Prosecution Service (FPS), which anomalously took cases from all CPS areas. The FPS was subsequently removed from the CPS London structure in September 2009.⁷

Below sector level was a district structure that was aligned geographically into nine units. The West sector had two districts, the North and East sector had three and the South sector had four. Each of the districts had responsibility for a number of borough units.

2.3 At the time of the 2007 OPA, three borough units (Waltham Forest, Tower Hamlets and Hackney) were piloting what are termed as integrated prosecution teams (IPT)⁸. This involved the boroughs leaving their CPS premises and moving into their local police stations, although their part of the premises was separate and distinct.

2.4 In 2007 CPS London agreed with CPS headquarters to undertake a senior management review (SMR) of the area including its structure. The way in which the districts were aligned was proving difficult as they had very little co-terminosity with the other criminal justice agencies.

2.5 The interim report of the SMR (January 2008) proposed five structural options. The option decided upon by the CPS London Board was to replace the sector structure with two regions (North and South on the dividing line of the River Thames), each including three districts. Each region is headed by a regional director and regional business manager who, in addition to managing the region's business, each have specific London-wide responsibilities. Line management of district business managers is the responsibility of the district crown prosecutors who in turn report to the two regional business managers.

2.6 These significant changes started in 2008 and are still ongoing. Some were a consequence of the SMR but others flowed from the implementation of the IPT project. By the end of 2009 a total of 21 borough units (including the City of London unit) were based in police premises and substantial amounts of the CPS London estate had been or was in the process of being relinquished. Additionally the districts were realigned to one or more Crown Court centres, the detail of which is set out at annex D.

The structure of the centre

2.7 This reorganisation took place alongside changes to the structure of CPS London headquarters, which was undergoing further fundamental modification by the new senior management team (SMT) at the time of our assessment. Senior managers had been supported by an Executive Office and there were three teams reporting to the regional business managers, namely Communications, Strategic Planning and Change, and a Business Performance Unit. The new SMT has decided to slim down significantly and reduce headquarters (from a headcount of over 90 to 33) and plans are in place to reduce and combine the above four teams to form a London Operations Centre which would report through a single manager to one of the regional managers. The new structure is expected to be in place by April 2010, and additionally there is also an Equality and Diversity Team

6 CPS London Overall Performance Assessment undertaken December 2005 and CPS London Overall Performance Assessment undertaken December 2007.

7 See the inspectorate report Review of the Fraud Prosecution Service October 2008 for more detail about this part of the Service.

8 Three units, City of London, Barnet and Camden (Holborn) had been co-located with the police for some years but not under the IPT structure.

at the centre. Underpinning the CPS London Board there are now five sub-committees namely Finance and Business Operations, Leadership and People Management, Corporate Risk, Audit and Assurance, Advocacy and Quality of Legal Decision-Making.

The advocacy units

2.8 As part of its advocacy strategy, a central advocacy unit (CAU) was set up in 2009 to undertake case presentation in the Crown Court in the most serious cases, with local advocacy units established at each Crown Court centre to deal with borough based cases. At the time of this report these units are autonomous and (with the exception of the CAU) are managed at district level. However the CPS London SMT is now considering various options including whether these units should in effect be amalgamated into a single London-wide advocacy unit based at various locations.

Charging and CPS London Direct

2.9 One of the drivers behind the move to borough units was to provide the resources for face-to-face charging advice at a local level. However in early 2008, towards the end of the fieldwork for the joint inspection of statutory charging,⁹ it became apparent, as part of the findings of that inspection, at a national and CPS London level, that there were significant police concerns in some boroughs over delays in police officers getting appointments for charging decisions. Therefore at very short notice a new unit was created, known as CPS London Direct (CPSLD), to provide telephone charging advice during normal office hours where there would otherwise be significant delay (at that time over four weeks) in getting an appointment at the local charging centre.¹⁰ It is clear that the new plans for the operation of this unit will make fundamental changes to how CPS London delivers part of its core business, namely the provision of charging advice.

Caseload¹¹

2.10 In this section we look at the changes in the caseload mix of the area over a period of time, and the implications for how it carries out its work.

2.11 In 2002-03 CPS London finalised 186,754 magistrates' court cases¹² and 17,687 Crown Court cases. By the end of 2008-09 this had reduced to 155,890 magistrates' court cases but increased to 26,830 Crown Court cases. Crown Court cases are of course more difficult and complex than magistrates' court cases.

2.12 In 2007-08 Crown Court caseload increased by 13.5%, compared with a 1.7% drop in magistrates' court finalised cases. There was a further 6.6% increase the following year (2008-09), but there was a reversal in the trend of declining magistrates' court caseload with an increase of 4.7%. The performance information available for 2009-10 indicates that magistrates' court caseload is continuing to rise. For the first time in a number of years the percentage increase in summary offences appears to be greater than in the other categories. Some of the rise in the magistrates' courts workload will be the increase in Crown Court cases since all cases start in the magistrates' courts, which accounted for 19.7% of the increase in magistrates' court caseload in the year to December 2009.

2.13 The more serious indictable¹³ and either way offence category saw a year on year increase in 2007-08 (when the summary offence caseload was falling) and 2008-09, and the overall number of contested cases in the magistrates' courts (which require the most preparation) rose steeply in the

9 The joint thematic review of the new charging arrangements November 2008.

10 The unit also at this time provided charging advice in Operation Blunt (knife crime) cases.

11 The caseload figures referred to for periods prior to April 2009 include those dealt with by the Fraud Prosecution Service (FPS) which used to be part of CPS London but came part of the CPS's Casework Divisions from April 2009. However, the FPS caseload made up a very small percentage of the total London caseload and has a minimal impact on caseload changes between 2008-09 and 2009-10.

12 The magistrates' court caseload includes cases that go on to the Crown Court.

13 Indictable-only cases will have a very limited impact on magistrates' court casework as they are sent to the Crown Court (usually at the first hearing).

12 months to December 2009¹⁴. The balance of cases charged following CPS advice and those where the police may charge without such advice is also changing, with a decrease in the former mirrored by an increase in the latter. The more detailed changes in the area's caseload are set out at annex D.

- 2.14 In parallel with the rise in contested magistrates' court cases, the area has also seen a steady reduction in the overall number of cases that result in a timely guilty plea. These dropped from 62.5% in January 2008 to 56.2% in September 2009. This trend has arisen at a time when the CPS and the police have introduced a streamlined process for the preparation of files which reduces the amount of information and evidence the police need to provide to the CPS in cases where there is an anticipated guilty plea. The full impact of the streamlined process had yet to be assessed.
- 2.15 The position in relation to the Crown Court is, within the context of an increasing caseload, also complex. In 2007-08 there was a substantial 21.5% increase in the most serious types of case, but this slowed to a 1.5% increase in 2008-09. However the number of cases where the defendant elected trial at the Crown Court jumped by 31.5% in 2008-09 (albeit these cases only make up a small proportion of the overall Crown Court caseload).
- 2.16 Therefore, overall caseload is now rising and analysis shows that those cases that require the most preparation and management, and therefore take up the majority of the area's resources, are also increasing. As we discuss later in this report, this is taking place at the same time as substantial changes in the make up of the area's workforce, with fewer crown prosecutors available to undertake case preparation.
- 2.17 The total number of magistrates' court sessions rose from 55,404 in 2007-08 to 56,059 in 2008-09. In the nine months to December 2009 a total of 41,617 sessions had been covered. However, the proportion of sessions covered by agents rose substantially in the same period from 8.0% to 24.2%. Some (but not all) of this would be attributable to the increase in the total number of court sessions. In the Crown Court there was a sharp drop in sessions from 55,226 in 2007-08 to 43,345 in 2008-09. In the nine months to December 2009 a total of 32,782 sessions were covered.

Financial resources

- 2.18 The non-ring fenced administration costs (NRFAC) budget is comprised mainly of salary costs. In 2008-09 CPS London had a staffing budget of £57.3m but spent £56.8m (excluding the Fraud Prosecution Service whose budget formed part of the CPS London budget until September 2009). In 2009-10 the staffing budget (as at November 2009) increased by 6.7% (compared with the previous year's spend) to £60.6m, a more generous increase than for the CPS as a whole. The area's forecast staffing expenditure for 2009-10 is £61.2m representing a 7.7% increase on the previous year. A key contributor is the very large increase in expenditure from £496,000 in 2008-09 to a projected spend of £1.9m in 2009-10 (an increase of 289.7%) on agents, to cover the presentation of cases in the magistrates' court. This reflects the lack of in-house prosecutors to cover the core aspects of CPS work, namely the provision of charging advice, and the preparation and presentation of cases.
- 2.19 When compared to the budget, the area was forecasting, as at end of November 2009 an overspend of approximately £1.5m for NRFAC in 2009-10. Since our assessment this has been reduced significantly to £0.3m (as at end January 2010). In terms of how the actual NRFAC expenditure is allocated across the area, the proportion of funds allocated to the districts/boroughs has been falling year-on-year, whereas that allocated to the London Operations Centre (previously the Area Secretariat) has been rising. At the time of our assessment this balance was changing.

14 The rise has occurred in cases charged following CPS advice and those cases where the police can charge without first seeking advice.

2.20 Expenditure in relation to programme expenditure (comprising mainly prosecution costs) is also expected to be above budget with a forecast overspend as at November 2009 of £1.9m for 2009-10, Since our assessment this forecast has risen to a £2.2 million overspend (as at end January 2010).

Human resources

2.21 Since March 2007 the total number of prosecutors has increased from 440.6 to 487.2 (November 2009). This represents a 10.6% increase in prosecutor resource. However, within this overall figure there have been significant changes in the mix of prosecutors. The number of crown prosecutors has fallen from 361.8 to 238.4 (-34.1%), whilst the number of crown advocates (prosecutors who may on reaching the required standard present cases in the Crown Court) and associate prosecutors (non-lawyers who after training may present certain categories of case in the magistrates' court) rose from none in 2007 to 118.1 and 65.5 respectively in 2009. This change in the staffing mix has reduced the availability of overall prosecutor resource to carry out two of the three key casework functions, namely the provision of charging advice and case preparation.

3 SUMMARY OF KEY FINDINGS

- 3.1 Some aspects of how CPS London has to manage its work are undoubtedly different from other areas. It has to deal with the specific casework problems associated with being the political and economic capital city including the transient nature of many victims and witnesses. Like other metropolitan areas it has a large and diverse ethnic minority population, but in some boroughs this is in larger numbers than found elsewhere in the country. For example, the majority of residents in the borough of Brent are from ethnic minority groups. This can make some aspects of casework more difficult, for instance where there are cultural pressures put on victims not to continue to support prosecutions, but this is not unique to prosecuting in London; it is just that there are more such cases.
- 3.2 The socio-economic mix of the area spans the full spectrum from pockets of high deprivation to extreme wealth (the latter probably being more marked in the capital than elsewhere). Aspects of this mix contribute to the scale of serious casework the area has to deal with for example gun and gang related crime. However, the area has the resource of its Complex Casework Unit staffed by skilled prosecutors and paralegal staff to handle these cases. Our overall performance assessments have found that this has consistently been to a good standard.
- 3.3 Where the criminal justice system (CJS) in London can justifiably point to differences is in the scale of initiatives that it pilots prior to their national implementation, for example the streamlined process for file preparation and virtual courts. It is unusual to find developments in the CJS that are not piloted in at least some part of London. This coupled with the development of London-specific initiatives, for example the move to integrated prosecution teams and CPS national initiatives for example the optimum business model for the processing of cases has resulted in an overload of initiatives. Often major change projects are implemented concurrently which can add to strains. We also found that there was insufficient consideration of the impact of later initiatives on earlier ones that had already been piloted, leading to severe strains at the operational level which were not always adequately reflected in the decisions that were being taken at a strategic level.
- 3.4 We emphasise that the concepts behind most of the initiatives agreed within the London Criminal Justice Board (now Partnership) as part of the London Reform Programme potentially carry with them benefits for the CJS in London. We are aware of the expectations of savings to the CJS, primarily the Metropolitan Police Service, flowing from these initiatives. Nevertheless, from a CPS perspective, implementation has not always been tailored to the different circumstances across the area or ensured appropriate compliance and mitigation of risks. Area managers consider that in some cases the pace of implementation was too quick, or the initiatives had a substantial adverse impact on CPS London's resources and its ability to deliver good quality casework.

Casework

- 3.5 Within this context it is encouraging that overall the level of successful outcomes (convictions), against a backdrop of increasing caseload, has improved since our last OPA in 2007. Progress, particularly in the Crown Court, has been from a low baseline and in this critical aspect of performance the area lags behind that found nationally.
- 3.6 Of concern is the fact that those aspects of performance where boroughs scored most poorly were in respect of their handling of Crown Court cases, magistrates' court cases, the service provided to victims and witnesses, disclosure and serious violence, sexual offences and hate crimes. All these aspects go to the heart of CPS core business.

- 3.7 Our previous assessments¹⁵ that the Complex Casework Unit (CCU) handles murder cases and other serious and complex cases well has been confirmed by feedback we received. However, the lower tier of serious violent and sexual offences and hate crime is not being managed well by eight of the 20 borough units we assessed.
- 3.8 In relation to Crown Court casework three-quarters of the boroughs were assessed as Poor overall with the ongoing review and preparation of Crown Court cases being the most significant weakness, followed by similar issues in the magistrates' courts. These fundamental issues need to be addressed. The large majority of decision-making, either at the charging or initial review stage, is in accordance with the Code for Crown Prosecutors but there are a small but important number of cases which are discontinued, often at a late stage, when a different prosecutor or advocate takes a different view of the case but there have not been any material changes of circumstance. More cases are the subject of acquittals in the Crown Court when the prosecution drops the case than when a jury acquits the defendant. The accuracy of this case data may be affected by a high number of incorrect case finalisations on the case management system. The SMT are aware of the potential level of error in recording case outcomes and are taking steps to improve the position, including a training programme on case management system data quality.
- 3.9 Higher standards of foresight, determined case building and strengthening, and careful timely case preparation are needed to ensure that cases are ready to proceed at the allotted time and that evidence is presented in the best possible fashion.
- 3.10 Prosecutors do not always identify at an early stage what is required to ensure a successful outcome and could be more proactive in indicating further lines of enquiry required to support the prosecution case. Proactivity was undermined by a lack of effective supervision and monitoring systems and poor preparation at an early stage was contributing to cases either not being ready for trial or not being as robust as possible. This was often compounded by the late receipt from the police of material necessary for effective case preparation. This manifests itself in late applications for special measures to help witnesses give their best evidence and other aspects designed to strengthen the prosecution case. There is a lack of intellectual rigour when preparing cases, with prosecutors asking merely for the full file and not assessing what are the issues in dispute. This continues with minimal, if any, analysis of the case in the instructions to the advocate at the Crown Court.
- 3.11 Nevertheless, the performance in relation to effective, ineffective and cracked trials in London is good when compared to national performance. CPS London plays its part in this, but it is also down to the approach of some courts not to list cases for trial until satisfied that the prosecution is ready.
- 3.12 Some specific aspects of performance need urgent attention, including compliance with the requirements for the disclosure of unused material. There is a renewed focus on improving compliance but it is too early to assess whether this has been successful.
- 3.13 Where there has been specific attention on driving up aspects of performance this has shown some success, for example the management of custody time limits was assessed more favourably than any other aspect in our borough performance assessments. There has also been progress in ensuring that letters to victims are sent where required under the provisions of the direct communication with victims scheme, although there is scope for further improvement and more work needs to be done on their quality.

¹⁵ 2005 and 2007 OPA *ibid*.

3.14 In this context, it is positive that public confidence in the effectiveness of CPS London in prosecuting people accused of committing crime is higher than that found nationally. In September 2009 (the last month for which figures are available), the level of confidence was 52% compared with 48% nationally. In contrast other CPS areas with much better outcomes have lower public confidence rates.

Managing resources

3.15 All this is taking place against a background of resourcing difficulties that has seen the area unable to cover all aspects of its business adequately, although it receives its pro-rata share of the CPS national budget based on the activity based costing model. Unlike other areas, CPS London had adopted a process of taking from this what its operations centre and central functions such as its Complex Casework Unit needed before dividing the balance amongst the borough units. The proportion of the budget allocated to the units has been decreasing year-on-year. This trend is now being reversed, with recognition that resourcing the front line units is the top priority.

3.16 The area has assessed that it has a shortfall of 42 prosecutors against its requirements to resource charging, case preparation and presentation. This assessment assumes that borough-based crown advocates do not undertake any Crown Court advocacy, so may underestimate the extent of the shortfall. The consequences of this have been a significant increase in the use of agents to replace in-house prosecutors in the magistrates' courts and also the abstraction of staff from the important tasks of case preparation and presentation of cases in the magistrates' courts. The boroughs have also lost prosecutors to the central and local advocacy units as part of the area's strategy to increase in-house coverage in the Crown Court. The demands of resourcing CPS London Direct (CPSLD) are also going to put further strains on the borough units while the area attempts to achieve its aim of 80% of charging decisions being provided by telephone. CPSLD had to resort to the use of external agents to provide pre-charge advice to police. This is lawful only if decisions are effectively reviewed and endorsed by a supervisor who is a crown prosecutor.

3.17 One of the difficulties the area has faced is that until recently it has not had a clear picture of how its people resources are spread across the operational units or what the impact of flexible working arrangements have on their ability to adequately cover the necessary work. This has been aggravated by the preference exercise undertaken as part of the move to integrated prosecution teams (IPT), which did not consider this issue. Detailed work is now taking place, which involves essential adjustments in the balance of resources. This includes reducing staff at the centre and returning them to the front line. Additionally, responsibility for ensuring resources are in the right place at the right time is to be passed back to district managers.

3.18 The area has committed to an ambitious Crown Court advocacy savings targets. A key element of its advocacy strategy is the establishment of a central advocacy unit (CAU). Although the CAU was set up later than anticipated in 2009, which contributed significantly to the area not achieving its targeted savings, the 2010 advocacy savings targets remain very optimistic: for example, the CAU must increase its gross savings by 333% in 2010 to reach its target compared to the actual gross savings made in 2009. It is questionable whether the CAU (with salary costs forecast to be £1.8m in 2010) offers value for money at a time when magistrates' court cases are going into court with inadequate preparation for want of resources. The SMT is currently considering this as part of its review of advocacy strategy.

3.19 The area has a centralised financial control structure, which is currently under review. The decision to return financial delegation to district level in April 2010 is to be welcomed and should relieve some of the burdens currently felt by the area finance team. This should allow greater focus on improving payment performance, particularly relating to the graduated fee scheme payments where there has been a significant backlog in payments. Concerted effort was made in January 2010 to reduce the backlog, which is expected to take to the end of March 2010 to clear.

Managing change

- 3.20 Since we first identified some poor performance in CPS London in our 2005 overall performance assessment, the Prime Minister's Delivery Unit has worked with CPS London and the London Criminal Justice Board (LCJB) to agree positive joint action to address long-standing issues. Notwithstanding this our borough performance assessments found that aspects of poor performance remain.
- 3.21 The area operates in a challenging and sometimes harsh environment compared to many parts of the country. It is a positive indicator that CPS London is working with colleagues in the LCJB to deal with matters jointly and innovatively. Nevertheless, interdependencies, the deployment and adequacy of resources and the fundamental issues of casework quality need to be addressed if solutions are to succeed.
- 3.22 The requirement to deliver a number of initiatives over the last three years has compounded these difficulties. Their combined effect is at the core of the effectiveness and efficiency problems. The move to IPT, where the CPS boroughs are based in police premises, has improved working relationships, but is as yet far from delivering the wide-ranging benefits envisaged. Three years down the line the extent of the efficiency savings remains unclear and it is now apparent that some of the units, whilst they have the requisite resources, are too small to undertake all the necessary functions effectively. They have only limited resilience to cope with planned or unplanned staff absences, and district crown prosecutors need to ensure that they work more collaboratively to address this. It is of concern that CPS London's own senior management review identified that the then sector directors were not fully involved at the outset in key decisions about the move to IPT, although one sector director was a member of the London reform programme group. Looking back with six CPS leases due to expire, we can appreciate the economic attraction of moving to less costly police premises, but we have to conclude that there was inadequate assessment of the risks and benefits of the move to IPT.
- 3.23 The projected annual savings to the CPS of £4.7 million (net) accommodation costs by 2012, and to the MPS of 151.4 staff or about £4.6 million (or to facilitate the return of police officers to street duties) once IPT is fully implemented are substantial and laudable for criminal justice in London. However, determining that the work of those 151.4 police staff could be covered by 32 temporary additional CPS staff for two years and thereafter absorbed in efficiency savings appears extremely optimistic. The risks involved in such a speedy implementation programme appear very high, even with the benefit of hindsight. The immediate benefits to police and the ability to get cases to first hearing, and indeed to final hearing, without extending the time scales have overridden the negative impact on investigation, preparation and presentation of prosecution cases. Late in the day a consultants' report identified the actual resource needs of CPS London to deal with the casework and related tasks and our findings reveal deficiencies in the quality of prosecution casework. Unfortunately, there was no clear agreement for any of the police staffing or CPS accommodation savings to be transferred back to CPS London in terms of staffing resource as necessary or on a longer-term basis.
- 3.24 One of the risks to IPT was the impact of other projects, and two of these have had a clear impact. The introduction of the streamlined process has led to the prosecutor receiving less evidence and information at the time of the charging decision. As a result when a defendant contests the allegations far more work has to be done post-charge, and this has increased the pressure on the IPT units which have taken over many of the file-building tasks previously done by the police. Prior to the introduction of the streamlined process the area had operated successfully a "quick process", which was similar to the streamlined process, but with the important distinction that the police supervised any additional required file-building.

- 3.25 The increased pressure is compounded by the inadequate staffing of the optimum business model units who prepare the contested magistrates court cases (which rose by 17.3% in the 12 months to December 2009). One of the root causes is that in far too many cases an unrealistic assessment is made by the police of whether the defendant will plead guilty.
- 3.26 Against this backdrop it is surprising that the LCJB signed off the streamlined process to the business as usual phase in March 2009. Either the board was uninformed as to the high impact of non-compliance or sign-off was merely on the basis of the soundness of the process and the benefits to the police as opposed to its application. Its genesis was a desire to 'reduce bureaucracy' which is laudable but it is equally mistaken to equate the gathering of evidence with bureaucracy.
- 3.27 In a further development after the move to IPT an inconsistency developed between two initiatives. As a result of the national CPS/police modernising charging programme, the majority of charging decisions will now be delivered by telephone from a centralised London location by CPSLD. This will cut across a potential benefit of IPT because the input of local prosecutors, knowledgeable about local issues, and who have built up a professional rapport with local investigators is likely to be diminished. This also has to be seen in the context of the political necessity to develop the role of the borough community prosecutor coordinator who it is envisaged will go to the heart of the problems of the local community and engage with them on those issues. Yet many of the key charging decisions most likely to be relevant and influential are not going to be addressed at a local level.
- 3.28 We question why, when the area is undoubtedly struggling to deliver its core business, resources are having to be diverted to this role. Raising public confidence is correctly a key aim, but ensuring the guilty are convicted by presenting high quality cases properly prepared, with the right levels of support to victims and witnesses should be the key priority. There is now a greater sense of realism about what the area can actually achieve in its community engagement with a sharper focus on what is deliverable.
- 3.29 All this points to some lack of strategic vision and oversight. Business cases for change projects were often lacking from a CPS London perspective. Overall there was little consideration of the impact of individual projects on others that were being introduced in parallel, which exacerbated the situation and cast doubt on how some of the projected efficiency savings for the individual change initiatives will be achieved or how they were determined at the start of the project. As well as a lack of cost/benefit analyses for the major change projects, there was a lack of overall evaluation.
- 3.30 There appears now to be a recognition both by CPS London and their CJS partners that there needs to be a period of stability, to put a hold on further initiatives and focus on delivering good quality casework in a period of reducing budgets. HMCPSI welcomes this recognition.

Managing performance

- 3.31 The focus on managing performance, particularly around key casework issues has slipped. In part this is due to the numerous changes at district and borough management level, but also because of the pressure to implement initiatives and resource-constraints, which have led to most boroughs having to "fire-fight" to keep casework on track.
- 3.32 Responsibility for quality assuring casework performance now sits with the head of the CCU, who will also take the lead for promulgating legal guidance. This, reinforced by both greater stability and responsibility at district management level, should enable the area to re-focus on improving the quality of its core business. It also has the potential to strengthen the links between the CCU and other operational units.

3.33 Inspectors made 14 recommendations designed to assist the CPS London senior management team (SMT) in taking forward the improvements they have identified as necessary to drive up the performance of the area. The appointment of a new Chief Crown Prosecutor in early December 2009 completed the recruitment of the current SMT, a month before the focus of our assessments shifted from the borough to central and overarching issues. Between then and the completion of this report there has been much activity on the part of senior managers to identify the key issues facing CPS London and work has started to address priorities on a number of fronts. In general our recommendations are consistent with and have been adopted in the approach and thinking of senior managers. Much of the early work underway will assist CPS London to address our recommendations, which are as follows:

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- 1** The SMT should ensure that cases are prepared and managed to a universally high standard with strong and well-founded cases presented to the court, with particular reference to:
 - the early identification of key issues in the case;
 - proactive management of case building
 - timely applications for special measures, the adducing of hearsay and bad character evidence;
 - full compliance with the duty of disclosure; and
 - proper continuity of case handling including the instructions to the trial advocate.
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- 2** The SMT should review its overall approach to allocating and managing its people resources, to ensure optimal use is made of these. This needs to include:
 - reviewing CPS London's advocacy strategy in the light of resourcing tensions, the performance issues that need to be addressed and potential future budget cuts, to ensure a more pragmatic approach;
 - reviewing the resource deployment and productivity of the central operations departments with a view to redeploying any excess capacity to the front line;
 - continued work with HM Courts Service on listing to ensure the most cost-effective deployment of crown prosecutors and associate prosecutors;
 - reviewing the additional resource requirements of the change projects in place and take action to address these; and
 - refining the borough resources model as the organisation redefines its priorities and reviews its delivery action plan in the light of this.
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- 3** The SMT will need to ensure that review dates are incorporated into all flexible working agreements that continue after the forthcoming review and any new requests are considered carefully against business needs.
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- 4** The SMT should:
 - review the area's advocacy strategy to assess if the area is achieving value for money in having a dedicated central advocacy unit at a time of increasing budget constraints. (This is also in the context of its aim to achieve 100% in-house magistrates' courts cover, and the recent moves to try and divert resources back to the front line as part of the resources model);
 - review how advocacy work should be divided between the central advocacy unit and local advocacy units, and the referral process of cases to the central advocacy unit; and
 - in conjunction with CPS headquarters consider the use of separate cost codes for local advocacy units to allow for greater accuracy and transparency of actual salary costs against savings achieved.
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- 5** The SMT should, as a matter of urgency, allocate resources to clear the backlog in the payment of counsel's fees. The payment process should then be reviewed with the aim of implementing a more effective control structure to ensure that backlogs do not occur.
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- 6** The SMT will need to ensure that prior to any revised financial delegation, district staff have sufficient training in their new roles and responsibilities, have sufficient support staff to handle the increased volume of work, and are adequately supported by the centre.
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- 7** The SMT should evaluate the new management structures to assess whether the weaknesses identified in the 2008 senior management review have been overcome and where not, take any further steps and revisions that are necessary to refine the new governance arrangements.
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- 8** The SMT should refine and communicate to the front line its revised approach to the borough community prosecutor coordinator role and its rationale for this to ensure clarity and avoid misunderstanding.
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- 9** In developing the roles and responsibilities of the new and reduced change team, the SMT needs to ensure that there is:
- a clear focus on overall programme management with strong links between CPS managed and LCJB managed projects;
 - a shift of focus to the evaluation and benefits realisation project phase and the revision and refinement of projects in the light of these; and
 - awareness of timescales so that ongoing projects are not adversely affected by too swift a withdrawal of support through a reduction in the change team.
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- 10** District business plans should be implemented across all districts, aligned to the overall Area Delivery Action Plan as well as incorporating local priorities. A highlight report should be devised for the board to provide a more effective update for board meetings.
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- 11** The SMT should introduce risk registers at district level, linked to district business plans, which would increase awareness of risk within the organisation and encourage engagement of local managers in risk management. Also, there should be a more effective linkage adopted between the Area Delivery Action Plan actions and the countermeasures to mitigate risks listed within the risk register.
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- 12** The SMT should review its arrangements for advocacy monitoring to ensure that all advocates, including external advocates, are covered.
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- 13** The SMT should review performance management arrangements at borough level with the aim of developing a clear focus on analysis and improvement activity and as part of this reconsider the allocation of user licences for performance management tools. The new approach should be underpinned by appropriate performance management training and ensuring that boroughs are adequately resourced.
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- 14** The SMT will need to assess the future requirements of the performance reporting arrangements at the various levels in light of the changing governance arrangements and imminent reduction in the size of the central performance team.
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Part one

4 MANAGING CASEWORK

4.1 In this section we set out how CPS London is managing its casework and its performance against key casework outcomes. Further information on performance against outcomes and business critical targets is at annex E. We have taken as our baseline the performance outcomes at the time of our last round of overall performance assessments in December 2007 and, unless stated to the contrary, measured any changes against performance in the 12 months to December 2009. Assessing the implications of increased convictions is difficult given the number of factors which affect it: the assumption by CPS of responsibility for charging was expected to increase convictions by weeding out weak cases; by contrast the use of alternative disposals has removed a significant tranche of more straightforward cases likely to result in convictions. Overall it is encouraging to note that the trend in relation to successful outcomes is one of improvement but has some way to go before it meets the national level of performance. Nevertheless there are weaknesses in many aspects of case preparation and progression.

Pre-charge decision-making benefits realisations

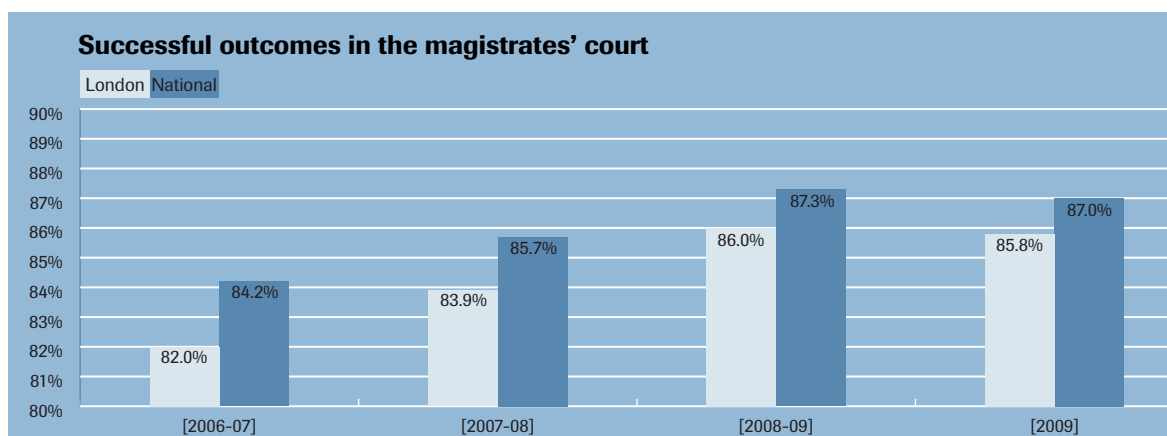
- 4.2 One of the core parts of CPS work is the provision of pre-charge advice. The most significant measure of success, in our view, is the proportion of such cases that result in conviction. In addition, the success of the assumption of responsibility for charging is measured against six benefits, namely the discontinuance rate, guilty plea rate and overall attrition rate in pre-charge decision cases in the magistrates' courts and similarly in the Crown Court.
- 4.3 Since 2006-07 the guilty plea rate in magistrates' court case has improved in London but by a much smaller percentage than found nationally. The discontinuance and attrition rates have deteriorated although both have improved nationally and performance against each of the three measures remains below national levels.
- 4.4 The position in respect of Crown Court cases is more encouraging. Performance has improved in all three measures and at a greater rate than found nationally in respect of the discontinuance and guilty plea rates. However overall performance remains below that found nationally.

Magistrates' courts successful outcomes

4.5 Performance in the magistrates' courts in respect of all outcomes (CPS charging decisions and police charged cases) is shown below:

Successful outcomes (convictions) as a percentage of completed magistrates' court cases

	2006-07	2007-08	2008-09	2009	Change 2006-07 to 2009
London	82.0%	83.9%	86.0%	85.8%	3.8%
National	84.2%	85.7%	87.3%	87.0%	2.8%
Gap	2.2%	1.8%	1.3%	1.2%	



4.6 This improving successful outcome trend is encouraging, although overall performance is still not as good as found nationally and declined slightly in the 12 months to December 2009, as did the national rate. Additionally the proportion of contested cases that result in an acquittal has steadily increased both in real and percentage terms from 3,204 in 2007-08 (representing 32.5% of all contested cases) to 4,195 in the 12 months to December 2009 (representing 37.6% of all contested cases). This decline in performance reflects the evidence from our borough performance assessments, which showed that the quality of the preparation and management of contested magistrates' court cases was adversely affecting their trial readiness and effective presentation.

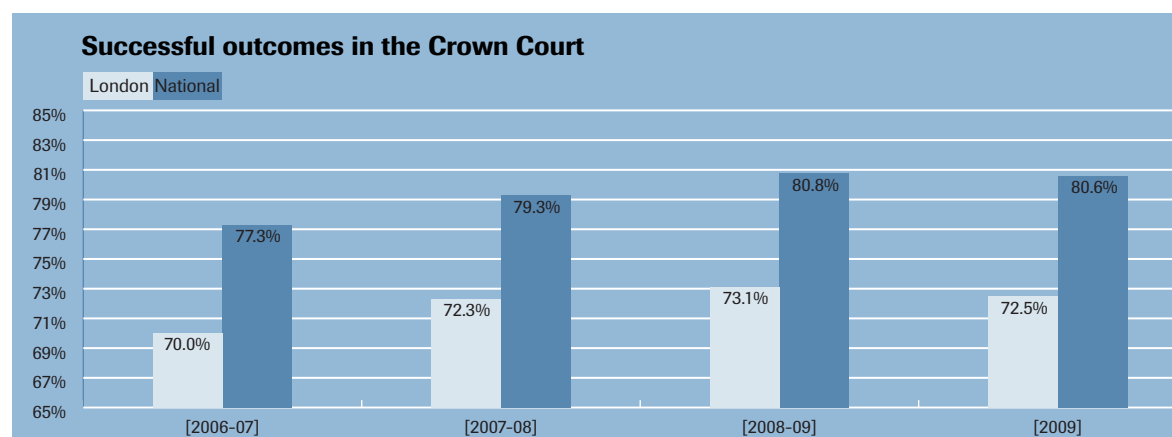
Magistrates' Courts effective trial rates

4.7 The effective trial rate (the proportion of cases fixed for a contested hearing which actually proceed on the appointed day) in magistrates' court cases has improved from 44.1% in 2006-07 to 47.2% in the 12 months to December 2009. As with successful outcomes, this is encouraging but also better than national performance (which declined from 43.8% to 43.4% during the same period). In contrast the perception of the judiciary and criminal practitioners is that CPS performance has deteriorated in London, so that readiness for trial is worse, and that the CPS only responds when the court drives progress. This accords with our case examination and observations that much of this success in getting trials on is down to last minute "fire-fighting" by the CPS, including the prosecutor on the day of trial, to ensure cases are ready to proceed.

Crown Court successful outcomes

4.8 The following table illustrates the improvement in Crown Court outcomes:

<i>Successful outcomes (convictions) as a percentage of completed Crown Court cases</i>					
	2006-07	2007-08	2008-09	2009	Change 2006-07 to 2009
London	70.0%	72.3%	73.1%	72.5%	2.5%
National	77.3%	79.3%	80.8%	80.6%	3.3%
Gap	7.3%	7.0%	7.7%	8.1%	



4.9 As in the magistrates' courts the successful outcome rate in the Crown Court has improved since 2006-07, albeit there is now a slightly bigger margin of performance between CPS London and nationally. Area performance is consistently below that found nationally.

4.10 As in the magistrates' court the proportion of contested cases that result in an acquittal after trial have increased, but more markedly, from 1782 (representing 42.9% of all contested cases) in 2007-08 to 2,238 in the 12 months to December 2009 (representing 48.6% of all contested cases). However it is the number of cases dropped by the prosecution (judge ordered acquittals) that is the greater problem. CPS London dropped 15.4% of its Crown Court cases in the 12 months to December 2009 compared with 11.6% nationally. Again this reflects our findings of last minute case preparation which can result in the prosecution not being able to put the best available evidence before the jury or instead having to drop the case.

Crown Court effective trial rates

4.11 The effective trial rate for Crown Court cases has declined but still remains much better than that found nationally. National performance has also declined albeit by smaller margins. In 2006-07 the Crown Court effective trial rate in London was 57.9%, but had declined to 54.0% in the year to December 2009. National performance had declined from 48.2% to 46.5%. The level of cracked and ineffective trials in London deteriorated over the same period, but the level of cracked trials remained much better than the national average whilst the ineffective trial rate was slightly worse.

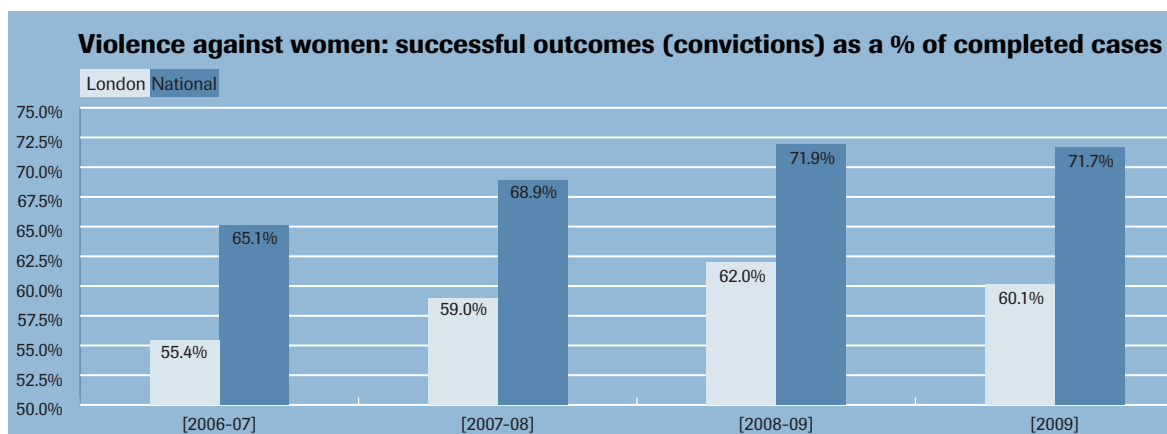
4.12 In the light of our findings about the lack of preparation of Crown Court trials and the concern expressed about this by the judiciary and criminal justice partners in London, these figures may appear surprising. However, some court centres have adopted a policy of not listing cases for trial until they are satisfied the CPS are ready to proceed, which may affect positively the overall effective trial rate.

Violence against women and hate crime outcomes

4.13 In addition to overall outcome performance, the CPS also measures its performance in respect of violence against women specifically and hate crimes generally. The performance of CPS London compared with that found nationally is illustrated as follows:

Violence against women: successful outcomes as a % of completed cases

	2006-07	2007-08	2008-09	2009	Change 2006-07 to 2009
London	55.4%	59.0%	62.0%	60.1%	4.7%
National	65.1%	68.9%	71.9%	71.7%	6.6%
Gap	9.7%	9.9%	9.9%	11.6%	

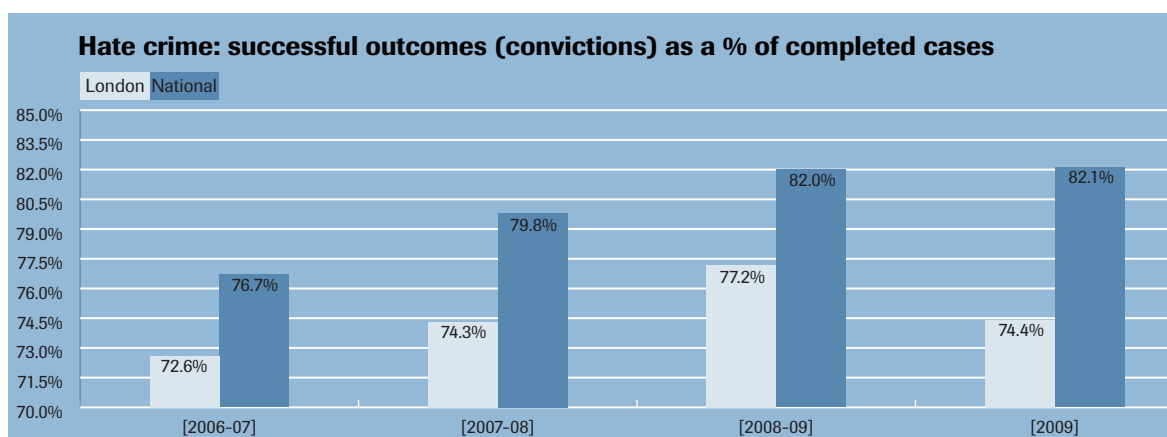


4.14 Again there is an encouraging trend of improvement in successful outcomes since 2006-07 in violence against women cases but less so than found nationally and the margin between the two is still considerable. Performance fell back very slightly in the 12 months to December 2009.

4.15 In cases involving allegations of rape (a sub-set of the violence against women data), CPS London had a successful outcome rate in 2007-08 of 45.2% compared with 57.7% nationally, which rose in 2008-09 to 47% compared with 57.7% nationally. This declined to 43.8% in the 12 months to December 2009, compared with an improvement nationally to 58.2%.

Hate crime: successful outcome (convictions) as a percentage of completed cases (target 82%)

	2006-07	2007-08	2008-09	2009	Change 2006-07 to 2009
London	72.6%	74.3%	77.2%	74.4%	1.8%
National	76.7%	79.8%	82.0%	82.1%	5.4%
Gap	4.1%	5.5%	4.8%	7.7%	



4.16 Overall hate crime performance is improving albeit very slowly, and still lags substantially behind national performance and has not met the target. It is of concern that the successful outcome rate has dropped markedly in the 12 months to December 2009. The findings from our borough performance assessments were mixed. In some cases we found that particular care and attention was given to ensuring they were properly prepared, but others were left to drift and there was a lack of consistency of approach in domestic violence cases when the victim withdrew support for the prosecution.

Proceeds of Crime Act

4.17 CPS London collates its proceeds of crime restraint and confiscation orders centrally and the volume and value targets are set at area level. Performance against targets is encouraging. For 2008-09, London obtained a total of 491 confiscation orders (10% of the national total), with a combined value of £38,513,344, (33% of the national total) exceeding the value target figure by £18,868,344 (although nearly all obtained by the Complex Casework Unit); in the same period, 352 restraint orders were achieved against a target of 98 orders. The involvement at borough level with this process was variable; some had prosecutors assigned to provide training and guidance and where this occurred there was a more positive working relationship with police financial investigation units.

HMCPSP assessment of casework performance

The quality of decision-making

4.18 Decision-making at the pre-charge stage and the application of the Code for Crown Prosecutors (the Code) is appropriate in most cases. The evidential stage of the Code test was applied appropriately in 95.2% of magistrates' court cases and 96.3% of Crown Court cases. The public interest stage was applied appropriately in 99.4% and 99.6% of cases respectively. Our assessments consider whether the decision was one that was open to a reasonable prosecutor within the parameters of the Code. We do not seek to second-guess decisions. There is little difference in the quality of decision-making at the summary trial and committal preparation stage.

4.19 Although the level of decision-making is largely satisfactory, the quality of the advice at the pre-charge stage as set out on the MG3 (record of charging decision) should be improved, with 16.7% assessed as poor, and the majority fair. Issues included a lack of detailed analysis of the case, insufficient instructions to the prosecutor at court and inadequate consideration of ancillary matters. Additionally, the appropriate charge was selected in 89.9% of cases and this needs to be improved.

4.20 Ancillary issues, including whether bad character, hearsay or special measures applications were appropriate, were identified within the charging advice in the majority of relevant cases, but somewhat superficially. There was a marked lack of proactivity on the part of London prosecutors in requesting the necessary evidence that could support a prosecution application. It is important that these issues are addressed thoroughly at this stage, as they are often not addressed again until late into the case preparation process.

4.21 Some prosecutors expressed the view that identifying ancillary issues had become more difficult as result of the changes brought about by the Director's guidance on the streamlined process (DGSP), proportionate file building and a reduction in the information provided by investigating officers.

4.22 Action plans (which should set out what further information or evidence is required), when they were used, often lacked detail, having insufficient depth of focus on what was needed to be achieved.

- 4.23 Since the implementation of CPSLD, most London boroughs have had to redeploy their charging centres administrators to other duties, thereby removing the mechanism by which the CPS were able to chase outstanding action plans. CPS London has not established an effective alternative process to ensure that action plans are monitored and progressed once the authority to charge has been given. Boroughs have adopted differing practices, with some having none at all. This is having a detrimental effect on the quality and timeliness of case preparation since inspectors noted that a significant proportion of actions were not completed until very late in the day and, in some cases not at all. The position is not straightforward because charging authority can emanate from a borough lawyer, CPSLD or CPS Direct. In some instances police do not or cannot act on the authority (for example if alleged offender does not answer bail). It becomes difficult to track cases following different paths.
- 4.24 Subsequent decisions to drop cases were correct in 90.2% of magistrates' court cases, but timeliness and appropriate consultation with the police needs to improve. In over 20% of the cases dropped at the Crown Court there had been no material change in circumstances since the decision to charge and the decision often represented simply another view by a different prosecutor or counsel at a late stage. This can be upsetting for victims who have prepared themselves to give evidence and have an expectation that the case will go ahead.

Case preparation

- 4.25 The standard of case preparation is a significant weakness. Prosecutors do not always identify at an early stage what is required to ensure a successful outcome and could be more proactive in indicating further lines of enquiry required to support the prosecution case. Proactivity was undermined by a lack of effective supervision and monitoring systems, and poor preparation at an early stage was contributing to cases either not being ready for trial or not being as strong as possible. This was often compounded by the late receipt from the police of material necessary for effective case preparation. This manifests itself in late applications for special measures and other aspects designed to strengthen the prosecution case. There is a lack of intellectual rigour when preparing cases, with prosecutors asking merely for the full file and not assessing what are the issues in dispute.
- 4.26 In respect of the preparation of magistrates' court cases the optimum business model units for processing contested magistrates' court cases were not working well in many boroughs. Frequent abstraction of staff was adversely affecting timeliness due to late case preparation, with some actions and remedial work being left undone until very close to the hearing date. The position was also exacerbated by upgrades to the initial file not arriving from the police until shortly before the date of trial or committal. Most borough crown prosecutors considered that they did not have enough resources to fully staff the units, but few had analysed workloads or provided any detailed resource requirements.
- 4.27 Poor case preparation was the most common concern expressed by CPS London's criminal justice partners, highlighting in particular the lack of case ownership, poor timeliness of prosecution decision-making and late service of evidence and disclosure of unused material.
- 4.28 In those cases in our file sample where the court made formal directions there was timely compliance with them between the first hearing and trial in only 89 out of 214 relevant cases (41.6%) and appropriate applications were timely, in accordance with the criminal procedure rules in only 50 out of 153 relevant cases (32.7%).
- 4.29 The rate of discharged committals¹⁶ in London is improving and for 2008-09 was 0.3%, although slightly above the national average of 0.2%. Performance for the 12 months to December 2009 had

¹⁶ Cases which should proceed to the Crown Court but which fail at the magistrates' court because the prosecution is not ready and an adjournment is refused.

drifted a little to 0.4%. There were 437 discharged committals in London in 2008-09, representing 2.1% of all cases prepared for committal.

- 4.30 Overall, London boroughs do not have robust systems in place to ensure that all discharged committal cases are routinely reviewed and, where appropriate, that proceedings are reinstated without further delay.
- 4.31 Inspectors noted a general tendency for committal papers to lack important supporting evidence, often forensic and medical statements or recorded media, such as CCTV and video evidence, as well as relying on some handwritten statements. Late service of committal papers was an issue generally and prosecutors were not proactive in escalating enquiries. This adds to the pressure once the case reaches the Crown Court.
- 4.32 There was little difference in the quality of preparation in Crown Court cases. Prosecutors were not proactive in managing and progressing individual cases. Late requests for information were common and there was a general failure to follow up outstanding enquiries, as well as a culture of late replies to correspondence. Worryingly, there was little difference noted between those cases for which an adequate action plan had been provided at an early stage and those where one had not. Although processes varied between boroughs, paralegal staff completed most of the preparation work, in many cases without significant contribution from the allocated lawyer. Collectively, London borough units are failing to prioritise their preparation of serious casework effectively (the most serious casework is dealt with by the Complex Casework Unit, which handles cases well).
- 4.33 Crown Court case preparation was timely in all respects in only 98 out of 287 relevant cases (34.1%) in the file sample, and compliance with plea and case management hearing directions was poor, being achieved in only 76 out of 214 relevant cases (35.5%). Where case progression meetings took place, parties considered them to be constructive and assisted, to a degree, in identifying where remedial action was required. However, some Crown Court venues have returned to listing cases for mention to ensure that they are trial-ready and provide judicial oversight of case progression.
- 4.34 There is no consistent and effective monitoring of compliance with Crown Court orders and concern is increasing over the apparent inability to comply with judicial directions. Observations conducted by inspectors' revealed apparent deficiencies in case preparation, which were subject to adverse comment by the court. The impression being given at case review hearings was that little was being done to progress cases between court listings and it was not unusual for outstanding matters to be dealt with on the first day of trial, such as the service of unused documents on the defence, applications for special measures, hearsay and bad character evidence. Most of the borough units acknowledged deficiencies in Crown Court case progression and the need to improve performance generally, particularly in relation to the timely completion of court directions. The added commitments imposed upon paralegal staff as a result of integrated prosecution team (IPT) working is adversely affecting this aspect of CPS London's performance.
- 4.35 The SMT is now taking steps to address these issues through the implementation of the paralegal structure, placing more support at the Crown Court centres, which should improve the management of compliance with court directions.
- 4.36 Inspectors noted that some cases were allowed to drift towards trial before being abandoned at the door of the court often on account of trial counsel's view of the strength of the evidence or because of concerns expressed by the judge.

- 4.37 The quality of case management in the Crown Court file sample was good overall in 57 cases (19.9%), fair in 155 cases (54.2%) and poor in 74 cases (25.9%).
- 4.38 The quality of instructions to counsel was poor overall. Although some better examples did exist, these were isolated and did not necessarily relate to the more serious cases. In the 277 relevant cases, inspectors assessed the quality to be good in 29 cases (10.5%), fair in 69 cases (24.9%) and poor in 179 cases (64.6%). Poorer examples contained little or no reference to the facts, strengths or weaknesses of the case. Outstanding evidence was not highlighted and no indication was given in relation to acceptable pleas. Most commonly, the instructions consisted of the electronic template together with a copy of the prosecution documents, leaving the trial advocate to work through the material without any guidance tailored to the particular circumstances of the case.
- 4.39 Overall, events tended to dictate the course of the prosecution, rather than any conceived strategy and there was little evidence of prosecutors working closely with police investigators to build stronger cases.

Serious violent, sexual offences and other hate crimes

- 4.40 Nearly half the boroughs assessed were poor at handling this aspect of their casework, although child abuse, rape and sexual assault cases were generally handled better than other casework and were usually, but not always, dealt with by an appropriate specialist throughout.
- 4.41 Key issues were a lack of the additional care and attention that cases of this type deserve and non-compliance with the relevant CPS policies.
- 4.42 Since our assessment the area has created a centralised rape and serious sexual offences charging advice unit, staffed by prosecutors experienced in dealing with rape cases. This unit will provide charging advice on almost all cases within this category (including those involving allegation of child abuse that meet the criteria), although where the advice is to proceed the case will subsequently be dealt with by the relevant borough unit. Borough case management panels will be constituted for all rape cases, which should improve the oversight of their preparation.
- 4.43 Case allocation depended upon which category of seriousness or sensitivity is engaged. All rape and child abuse cases were allocated to an identified, specialist prosecutor, whereas, for domestic violence cases, all lawyers were expected to deal with such cases once they had gained sufficient experience and received appropriate training. London's restructuring into smaller IPTs together with the extraction of experienced lawyers to local advocacy units or CPSLD, has left a number of the boroughs with insufficient prosecutors to ensure that a specialist prosecutor is always on hand during office hours to provide charging advice. Also, as a consequence of IPT, borough units now have a smaller pool of suitable lawyers available to conduct the specialist work and in some cases the only available specialist is the borough crown prosecutor (BCP). Conversely, some units have more specialists than are needed to cover the type of work available, for example one borough had six rape specialists.
- 4.44 In some boroughs the designation of specialist or champion is little more than a title and the 'premium service' applied to the preparation and prosecution of serious cases was limited. Specialist prosecutors in the boroughs have been unable to devote much time to their roles, not least because of the competing pressures to attend court, provide charging advice and complete non-specialist work. Not all staff were familiar with their roles as clear descriptions were not available. In only a small minority of the boroughs did the specialists have a role in mentoring less experienced colleagues, monitoring performance or producing reports covering their specialisms. Commonly, no specific guidance had been disseminated by them to team members on the borough.

- 4.45 The quality of review and case progression in domestic violence cases was mixed. There were individual examples where prosecutors analysed cases well and provided useful advice on investigation and case building. Some added real value by identifying evidential issues early.
- 4.46 However the availability of enhanced evidence in domestic violence case is not being considered consistently by all prosecutors across all boroughs either at the pre-charge stage or as part of subsequent case preparation. The availability of enhanced evidence was recorded in only 51 out of 116 cases (44.0%). In a number of instances, prosecutors failed to consider the availability of other independent evidence to support a domestic violence prosecution. Enhanced evidence can corroborate a victim's complaint so that the prosecution is not so easily undermined by the withdrawal of the victim's support at or before trial.
- 4.47 The CPS domestic violence policy was inconsistently applied for example in relation to the consideration of enhanced evidence in domestic violence cases at the pre-charge decision-making stage and what approach should be adopted when a victim withdrew support for a prosecution. In some boroughs prosecutors would readily apply for a witness summons, but then withdraw the case if the victim did not attend court in answer to the summons.
- 4.48 Boroughs had not pursued actively local violence against women (VAW) strategies and demonstrated a tendency to treat the initiative as simple re-statement of an existing priority crime. In only one borough was it noted that the BCP was due to meet the leads in the local VAW group. Moreover, with the recent introduction of the borough community prosecutor coordinator role (BCPC), with the exception of allegations involving rape, the prevailing tendency is for managers at borough level to pass responsibility onto the BCPC for implementing the VAW policy, hate crime initiatives generally as well as undertaking a high proportion of community engagement.
- 4.49 In most boroughs, engagement with local safeguarding children panels and agencies has only been made very recently if at all, with little in the way of active pursuit of any safeguarding policy. In one of the boroughs inspected, however, the BCP did have a firmer grasp on matters and had agreed with the Deputy Director of the local Safeguarding Children Board to hold joint meetings every two months to discuss issues. Already identified by the borough as key priorities were: the gang culture in youths; joint training initiatives; and sharing casework lessons. Otherwise, whilst the majority of borough managers have had some contact with local safeguarding boards, nearly all active programmes are scheduled to take place in the future. Across London as a whole, there was little being done routinely at the time of the assessment and most had no working relationships with their local Safeguarding Children Board.

The disclosure of unused material

- 4.50 A manifestation of inadequate case preparation was specific weaknesses around the duty of disclosure of unused material. Only 58.1% of magistrates' court cases indicated full compliance with the initial disclosure requirements although this rose to 65.1% in the Crown Court. Compliance with the duty of continuing disclosure was lower at 54.5% and 52.7% respectively. Often decisions were being made on items inadequately described on the schedules provided by the police or schedules were not being sent back to the police to add items that were clearly missing. Where items were incorrectly included on sensitive material schedules they were not being sent back to the police to be transferred to the correct schedule, resulting in the defence not necessarily being made aware of their existence.
- 4.51 A number of boroughs commented that, since introduction of the DGSP the quality and timeliness of the provision of disclosure documentation by the police had deteriorated. One borough had reached a local agreement with the police that they would supply the relevant disclosure schedules in streamlined process cases to avoid subsequent delay.

- 4.52 In 17.7% of cases there was a failure to disclose potentially undermining or assisting material. In all but one case any potential miscarriage of justice was avoided as the case was dropped, the defendant was acquitted, or it was likely that the material was disclosed at trial. CPS London has now introduced a strict performance improvement regime to drive up the quality of disclosure, but it is too early to determine its effectiveness.
- 4.53 Prosecutors did not routinely endorse the sensitive material schedule so as to record their decision-making process and make clear whether items were sensitive and whether a public interest immunity (PII) application could be needed. The need to do this has now been reinforced by the recently published CPS London minimum standards for the disclosure of unused material.
- 4.54 Decisions on whether to make a PII application are referred to the district crown prosecutor, but there is no direct involvement of the district in case preparation procedures. It is therefore incumbent upon the individual boroughs to alert district managers of the possible need to consider PII in relation to sensitive material in borough cases. There is no established system in place to enable this to happen and communication between borough and district over casework issues is not as effective as it should be. This unsatisfactory position becomes further complicated when a local advocacy unit becomes involved in a sensitive material case, as there is a real risk that neither the district nor borough will be made aware of the existence or progress of the sensitive aspects in the case. The area is taking steps to address this by the use of borough case management panels.

Custody time limits

- 4.55 As part of overall case management, the handling of custody time limit (CTL) aspects was encouraging and had been the subject of a concerted effort by the area to improve performance and it was found to be much improved. No borough was assessed as Poor and most boroughs assessed scored better on this aspect than others relating to the handling of casework. As the table in the CTL section in part two illustrates, over half the boroughs were assessed as Good. Management checks were generally sound, and the necessary information recorded on the case files, which is all reflected in a reduction in the number of reported failures. There was some way to go before the time limits were determined and agreed in court, particularly in respect of magistrates' court cases.

The case management system

- 4.56 The use of the case management system to record actions and prepare cases was improving, as was the timeliness of recording hearing outcomes and case finalisations, although performance still lagged behind national levels. However, the file sample revealed a worryingly high level of incorrect finalisations, with 18.6% incorrectly recorded. This could skew case outcome data significantly, provide an inaccurate picture of performance and affect resourcing. Senior management are now addressing this issue and consider it could be one of the reasons why there appears to be a substantially higher proportion of Crown Court cases dropped by the prosecution than there are acquittals after trial.

Case presentation

- 4.57 Most prosecutors appearing regularly in the magistrates' courts have sufficient skill and experience to undertake the types of hearings they conduct. The in-house advocacy observed generally met the national advocacy standards, but a small minority were less than competent and required some mentoring to bring them up to standard. However, those that were fully competent in other respects often lacked the necessary cross-examination skills and failed to bring out points that may have affected the outcome. Some of this is down to a lack of adequate case preparation, as we observed cases where the prosecutor took the victim through their evidence competently but had clearly not considered the key points to put to the defendant. Criminal justice partners had a more mixed view on the quality of advocacy, with particular concerns expressed about the quality of some agents.

4.58 The findings from our observations are illustrated in the following table:¹⁷

	Advocacy Standard							Total observed
	1	2	3+	3	3-	4	5	
Crown advocates	0	1	1	26	8	0	1	37
Crown prosecutors	0	3	10	15	4	1	0	33
Associate prosecutors	0	4	9	6	7	1	1	28
Agents	0	0	3	4	4	1	0	12
Counsel	0	0	5	13	6	0	0	24
Total	0	8	28	64	29	3	2	134

4.59 Overall, preparedness for court was the weakest aspect of case presentation and was also the one consistently subject to adverse comment by criminal justice partners. No specific time is allocated to prosecutors to prepare for court and some were conscious of the affect such constricted case preparation had on the quality of their advocacy. It was apparent that trial advocates were preparing cases on the morning of the hearing. Some prosecutors displayed a good knowledge of their cases and were usually able to deal with issues raised by the court. Others, however, were not always fully prepared or able to address issues raised and lacked a comprehensive understanding of facts and issues in the case.

4.60 The standard of care shown to victims and witnesses at court was improving, and more so by in-house prosecutors than agents. With the possibility that the use of agents may increase further, the area needs to ensure that they are aware of their obligations under the prosecutor's pledge. In particular there was stated to be a reluctance on the part of agents to introduce themselves to victims and witnesses, which was confirmed by our observations.

4.61 In the Crown Court, the amount of case presentation undertaken by crown advocates in the local advocacy units is increasing. However the area faces very stretching savings targets for its overall in-house Crown Court advocacy. Advocates, both in-house and self-employed conducting non-trial work could be instructed late in the day, giving insufficient time to prepare, particularly for plea and case management hearings, although we observed cases where a high level of preparation was apparent.

4.62 Those in regular contact with prosecution advocacy in London have indicated that whilst the most serious contested cases were usually presented well, occasions had arisen when an otherwise able in-house advocate had been instructed to appear in a case beyond their experience and capability.

Victims and witnesses

4.63 A major component of the Victims' Code is the direct communication with victims (DCV) scheme whereby letters are sent to victims explaining the reasons when a charge is dropped or substantially altered. Historically, compliance with the scheme has been poor in London. In 2006-07 for instance it was just 37%. There has been an increased focus on improving compliance rates particularly in recent times with a new London-wide system introduced in 2009. We found a greater emphasis on DCV at borough level and developing systems for ensuring that cases in which a DCV letter should be sent are identified early on and letters are sent promptly.

4.64 In our file examination we assessed DCV performance as Excellent in 1.0% (2 cases), Good in 22.4% (47 cases), Fair in 31.0% (65 cases) and Poor in 45.7% (96 cases). Fair or Poor assessments were given where compliance, timeliness and or the quality of DCV letters was unsatisfactory. In too

¹⁷ This includes Crown Advocates observed at the Crown Court who are not attached to any borough unit but based in a local advocacy unit or the central advocacy unit. HMCPSI uses a seven point assessment scoring mechanism including 3+ and 3- whilst the CPS standard has only five points.

many cases we found the quality of letters was lacking which was confirmed by the assessments of our lay inspectors. In some instances it is arguable that a letter containing errors and or lacking in empathy may well be worse for the victim than no letter at all. It is concerning that poor quality letters are not being picked up through quality assurance.

4.65 The Prosecutors' Pledge commits prosecutors to take into account the impact of crime on the victim and their family when making a charging decision. However victim personal statements (VPS) are not taken appropriately. Only 47 of 184 (25.5%) relevant cases in the Crown Court and 33 of 184 relevant cases (21.4%) in the magistrates' courts had a VPS. Whilst it is the responsibility of police to take them, we came across very few prompts or requests by prosecutors for a VPS to be obtained.

4.66 At court, in-house prosecutors display generally good standards of care and attention to the needs of victims and witnesses. The attitude of agents and counsel in the Crown Court is more variable; it ranges from good in relation to sensitive cases such as rape or child abuse to poor in relation to general cases. Little action is being taken by boroughs to ensure all prosecutors comply with the Pledge.

4.67 The quality of information about whether, and what, special measures a victim or witness needs should be improved. This, coupled with late applications, means that they do not always get the appropriate support to assist them in giving the best quality evidence.

4.68 Whilst relationships between the CPS boroughs and witness care units (WCU) was generally good, only about half the boroughs assessed had a CPS witness care officer as envisaged under the original No Witness No Justice Scheme. At a time of diminishing resources the CPS post tended not to be filled if it became vacant. The area in conjunction with the police is reviewing how the service to victims and witnesses might best be delivered against the backdrop of reducing resources for both organisations. There was also a lack of understanding of what performance information was available at a local level to determine the overall quality of the service provided to victims and witnesses.

4.69 The sense of initiative overload is also true in relation to the service to victims and witnesses with various initiatives having been introduced in recent years. There has been a clear focus on improving DCV performance since our last OPA. Looking forward, more attention needs to be paid to ensuring that all the various new initiatives and policies are fully in place and contributing to improving the service to victims and witnesses as intended. This includes other aspects of the Victims' Code, VPS, the full range of special measures and more recently the Witness Charter, as well as work to meet the full range of WCU minimum requirements on a consistent basis. Much of this requires effective joint working. In the absence in many boroughs of a joint subgroup with other agencies to consider victim and witness issues there is a lack of focus on this aspect.

The SMT should ensure that cases are prepared and managed to a universally high standard with strong and well-founded cases presented to the court, with particular reference to:

- **the early identification of key issues in the case;**
- **proactive management of case building**
- **timely applications for special measures, the adducing of hearsay and bad character evidence;**
- **full compliance with the duty of disclosure; and**
- **proper continuity of case handling including the instructions to the trial advocate.**

5 MANAGING RESOURCES

Managing people resources

Staffing budgets and spend

5.1 London CPS overspent its non-ring fenced administration costs budget in 2006-07 by a significant margin of £3m representing over 5% of its budget (excluding the Fraud Prosecution Service whose budget formed part of CPS London's budget at that time) with staffing costs accounting for nearly all the increase. Concerted management action was taken over the next two years to control increasing staff costs including a recruitment freeze and the overall spend on staff declined in 2008-09. However, this has been at a time when caseloads in a number of aspects were increasing and new initiatives such as the CPS advocacy strategy were competing for staff resources. This has led to significant tensions at the front line.

*CPS London salaries actual costs breakdown by staff group:**

	2007-08	2008-09	% change from previous year	2009-10**	% change from previous year
	£'000	£'000		£'000	
Lawyers	30,026	30,263	0.8%	32,125	6.2%
Administrative staff ¹⁸	26,429	25,878	-2.1%	26,818	3.6%
Lawyer agents	636	496	-22.0%	1,933	289.7%
Other	340	165	-51.5%	340	106.0%
Total	57,431	56,802	-1.1%	61,216	7.8%

* excluding salary costs of Fraud Prosecution Service (which became part of CPS headquarters from September 2009)

** estimated outturn as at end of November 2009

5.2 Staffing costs in 2009-10 have started to rise again with spend forecast to increase by 7.8% by the end of the year. This is due primarily to an increase in lawyer salary costs and a very large increase in the use of agents to present cases in the magistrates' courts as boroughs find themselves unable to resource their workload internally. The spend on agent lawyers is forecast to rise by 289.7%, from £496,000 to just under £2m while lawyer and administrative staff costs are forecast to increase by 6.2% and 3.6% respectively.

Allocation and deployment of staffing resources

5.3 At the operational level we found most boroughs struggling to manage their workloads while trying to deliver a variety of initiatives including CPS London's advocacy strategy. Inevitably some boroughs are experiencing more difficulties than others, but resources overall at the front line are clearly stretched. Adding to the pressure is the fact that the right resources are not all in the right place. For instance one large borough with reduced lawyer numbers had not had an associate prosecutor (CPS staff who are not lawyers but who are authorised to conduct certain cases in the magistrates' courts, after training) for over a year while in other boroughs associate prosecutors (APs) were covering over 20% of magistrates' courts cases more cost effectively. In some there was more AP resource than court sessions available, or the working patterns of the APs did not enable the borough to maximise their use.

5.4 The difficulties faced by boroughs were having an adverse impact on the organisation's capacity to prepare, progress and present its cases to the required standards, with a consequent adverse impact on outcomes.

5.5 There are a number of factors contributing to the position CPS London now finds itself in, many of which are interlinked. Key factors are set out overleaf:

18 This generic term includes associate prosecutors, and paralegal staff of all grades.

1. Changing staff profile*

5.6 CPS London staff profile: FTE staff at each grade 2007 to date:

Staff grades	March 2007 (% total FTE staff)	March 2008 (% total FTE staff)	March 2009 (% total FTE staff)	November 2009 (% total FTE staff)	Change in numbers since March 2007	% change from March 2007
SCS and CCP	7.0 (0.5%)	7.0 (0.6%)	5.0 (0.4%)	6.0 (0.5%)	-1.0	-14.3%
Band D & E	78.8 (6.0%)	70.8 (5.7%)	71.0 (5.9%)	65.2 (5.3%)	-13.6	-17.3%
Crown advocates	-	100.7 (8.1%)	110.0 (9.1%)	118.1 (9.6%)	118.1	n/a**
Crown prosecutors	361.8 (27.5%)	257.9 (20.6%)	239.6 (19.8%)	238.4 (19.4%)	-123.4	-34.1%
Associate prosecutors	-	8.9 (0.7%)	58.9 (4.9%)	65.5 (5.3%)	65.5	n/a**
Total prosecutors	440.6 (33.5%)	438.3 (35.1%)	479.5 (39.7%)	487.2 (39.6%)	46.6	10.6%
Administration staff	868.9 (66.0%)	803.9 (64.4%)	723.7 (59.9%)	736.6 (59.9%)	-132.3	-15.2%
Total staff	1,316.5 (100%)	1,249.2 (100%)	1,208.2 (100%)	1,229.8 (100%)	-86.7	-6.6%

* excluding Fraud Prosecution Service staff numbers

** these grades did not exist in March 2007

5.7 The changing staff profile in CPS London, which is influenced by the area's advocacy strategy, helps explain the tensions. Whilst there are 10.6% or 47 more prosecutor grade staff than in 2007, the profile within the grade has changed significantly, with the number of crown advocates (crown prosecutors who, after training, are authorised to conduct cases in the Crown Court) and APs rising while the number of crown prosecutors has fallen by over a third. Overall there has therefore been a substantial reduction at operational level in crown prosecutors available to carry out two of the three core casework tasks, namely providing charging advice and preparing cases for court.

5.8 Some crown advocates are deployed fully on Crown Court work whilst others undertake, to varying extents, a mix of Crown Court and magistrates' courts work which reduces their availability to cover charging and magistrates' courts preparation and advocacy, tasks for which they are less cost effective. Whilst APs can present cases in the magistrates' courts more cost effectively, this is only fully effective if the numbers of associate prosecutors and court listings are correctly balanced and this is not the case in all boroughs. They are not able to cover charging sessions and although they can work in the proactive case progression teams they cannot undertake all the functions of a crown prosecutor.

2. Growth of the centre

5.9 Once CPS London receives its share of national CPS funding which is based on the Service's activity based costing (ABC) model, it has been allocating budget to the Central Casework Unit (CCU) and central support functions before allocating the remainder to boroughs. This approach to resource allocation, which has now been discontinued, is not the usual way by which areas allocate their budgets and has contributed to the growth of a large centre at the expense of resourcing the front line. At the time of the assessments over 90 full time equivalent (FTE) support and administrative staff were employed at the centre. This does not include staff deployed in central operational units such as the CCU, the proceeds of crime unit, central advocacy unit (CAU) and CPS London Direct.

3. Initiatives competing for resources

5.10 The need to deliver the various initiatives, in particular CPS London's advocacy and borough community prosecutor coordinator strategies means that there are competing demands on resources which puts additional strain on boroughs at the same time as the role out of integrated prosecution teams and the streamlined process are creating additional work demands.

5.11 In respect of the area's advocacy strategy, CPS London has established a dedicated CAU and a number of local advocacy units and now employs around 118 crown advocates. There is a real danger that further pressure to increase advocacy savings will result in more strain on the front line delivery of charging decisions and magistrates' courts casework as the more experienced prosecutors move into advocate roles and borough based crown advocates spend more of their time in the Crown Court (see also section on advocacy strategy below).

5.12 When the area's community strategy was launched in March 2009, it was envisaged that the role of borough community prosecutor coordinator would become full time in the larger boroughs. Whilst this is far from the case in practice, this initiative is taking much needed resource from core work.

4. High levels of staff turnover

5.13 The high level of staff turnover at management level, noted in the OPA 2007, has continued. This means that vacancies are often being managed or covered by temporary appointments and cuts across continuity. The following table illustrates the changes in district and borough management posts since we started the BPA process in March 2009.

CPS London: management changes at district and borough level from March to December 2009

District	Southwark & Croydon	Isleworth & Kingston	Blackfriars & Inner London	Woolwich	Snaresbrook	Harrow & Wood Green
Change in district crown prosecutor	yes	yes	yes	yes	yes	yes
Change in district business manager	no	no	no	no	no	no
Number of borough crown prosecutor changes	3 of 6 boroughs*	2 of 9 boroughs	0 of 5 boroughs	1 of 4 boroughs**	4 of 6 boroughs	1 of 5 boroughs
Total management changes	4	3	1	2	5	2

* Westminster borough has two BCPs – until recently there has been no differentiation between the posts; now one post is responsible for British Transport Police casework.

** Includes the London traffic unit

5.14 Overall 11 of the 35 borough crown prosecutor (BCP) or unit head posts (including the CPS London traffic unit) have changed hands at least once in the ten month period. The table does not fully reflect the degree of change as in some boroughs there have been a number of BCPs within the same period, for instance Hammersmith & Fulham borough has had seven staff filling the position of BCP during the life of our assessments. Although some stability is now being seen, in March 2010 five of the 35 posts were still held by staff on temporary promotion or who are acting up in the short term.

5.15 There is also a high level of staff turnover at borough level, much as a result of IPT and the associated preference exercise, one of the consequences of which has been a high level of staff on temporary promotion.

5. Lack of a clear resourcing strategy

5.16 Until recently CPS London did not have a clear picture of its staffing make up and lacked a fully developed resource model. The efficiency of the centralised operational units that have been resourced on a demand basis had not been assessed and there was little attempt to measure and balance resource allocations and caseloads with the reality of commitments at borough level. There was limited resource flexibility at the front line to counter the imbalances in staffing described above for example BCPs were unable to authorise recruitment or replace one grade of staff with another grade.

5.17 The new senior management team (SMT) has acted very quickly to develop a resourcing model that for the first time clarifies the resourcing position at borough level. In their initial review they found that, when comparing the staffing resources at borough level with the activity based costing

allocation after top slicing, the districts appeared sufficiently resourced. However, and crucially, this picture was found not to take into account all the work that needs to be done by prosecutors in front line posts (for example providing charging advice, case preparation and case presentation), nor the working patterns and other factors that influence the extent to which individual staff can be deployed across the different types of work that need to be covered. When taking account of actual commitments, and supplementing these with more detail on working patterns, a different picture emerges with all boroughs requiring more prosecutor resource. The review concluded that an additional 42 prosecutors were required.

5.18 This work is to be applauded and the systematic approach taken to the issue has generally been welcomed by district and borough managers. The model does however, make some important assumptions and for it to work will require changes to other CPS London strategies that are competing for front line resources. In particular it assumes that borough-based crown advocates are available to cover magistrates' courts, charging sessions and case preparation functions, but no Crown Court activity. The pressure to increase advocacy savings (a national requirement) may well cut across this assumption, added to which the deployment of crown advocates in the magistrates' courts is less cost effective. The model also provides no specific time allocation for borough community prosecutor coordinator (BCPC) activity which the new SMT expects to be integrated within normal activities, but which cuts across the area's BCPC strategy. One other aspect of the model which will need to be addressed is that it does not yet reflect the full extent of differing borough caseloads, for example one lawyer per day is allocated to the optimum business model proactive case progression team irrespective of the caseload of the borough.

5.19 Alongside this work the SMT was quick to re-consider the central structure that had been developed in response to the senior management review. It has been decided to create a far smaller support team at the centre than previously envisaged – reducing the headcount from over 90 to 33 posts and relocating staff to the front line; a move welcomed by those in the borough units.

The SMT should review its overall approach to allocating and managing its people resources, to ensure optimal use is made of these. This needs to include:

- **reviewing CPS London's advocacy strategy in the light of resourcing tensions, the performance issues that need to be addressed and potential future budget cuts, to ensure a more pragmatic approach;**
- **reviewing the resource deployment and productivity of the central operations departments with a view to redeploying any excess capacity to the front line;**
- **continued work with HM Courts Service on listing to ensure the most cost effective deployment of crown prosecutors and associate prosecutors;**
- **reviewing the additional resource requirements of the change projects in place and take action to address these; and**
- **refining the borough resources model as the organisation redefines its priorities and reviews its delivery action plan in the light of this.**

Flexible working arrangements

5.20 A high level of CPS London staff benefit from flexible working and alternative working patterns and this is seen as a positive benefit by employees. However, it is clear that in many cases business needs have not been considered fully and hence some agreements cut across operational needs. This includes career breaks which on occasions have been agreed without due consideration for the business. This is partly as a result of the CPS national 'employer of choice' recruitment strategy, reinforced by its work/life balance policies.

5.21 This has been exacerbated for some boroughs as they have moved to integrated prosecution teams (IPT). Flexible working arrangements were not adequately taken into account in the IPT preference

exercise which has resulted in some boroughs finding it difficult to reconcile and manage the flexible working arrangements of both existing and transferred in staff. In particular, staffing the courts and office on Mondays and Fridays which tend to be preferred days off for those working compressed hours or part time. However, in other boroughs flexible working arrangements are reported to be more manageable.

5.22 Adding to the difficulties, alternative working arrangements until very recently have tended to be agreed with no review timescales built in. This has meant that arrangements often carry on indefinitely, which can also lead to unfairness, as newer staff may not be able to access the same range of flexible working arrangements.

5.23 Until very recently there was no central picture as to the extent and impact of flexible working arrangements agreed across the area as a whole but these have now been assessed by the SMT as part of the work undertaken to develop a new resources model. Work is starting on reviewing the individual arrangements in terms of the circumstances of the individual and the business needs to establish if they remain viable. Senior management estimate that they need to review the working arrangements of around 600 staff in total. They are also reviewing the 'reasonable adjustments' agreed with around 30 lawyers that currently prevent them, for a number of reasons, from undertaking a core part of their role, in particular prosecuting in court.

5.24 Operational managers reported that they have in the past often felt pressurised into agreeing to flexible working requests. There are encouraging signs that the new resources model is helping managers to assess more fully the implications of new requests and provide a reasoned rationale in the case of refusal.

The SMT will need to ensure that review dates are incorporated into all flexible working agreements that continue after the forthcoming review and any new requests are considered carefully against business needs.

Sickness absence

5.25 The level of sickness absence varies significantly across the boroughs, from an average of less than one day per member of staff per year in one large borough to over 26 days in another large borough (year to October 2009). The overall level of sickness absence fell from 12.4 days per employee in 2007-08 to 9.3 days in 2008-09. Sickness absence now appears to be stabilising and for the year to September 2009 was 9.2 days compared with 8.7 days nationally.

5.26 The new SMT are already taking a more focused approach to managing sickness absence with an initial emphasis on reviewing long-term sickness cases. Continued work will be needed including ensuring operational managers are trained as to their responsibilities in this respect.

Managing financial resources

Non-ring fenced administration costs (NRFAC) expenditure

CPS London: NRFAC budget and spend 2007-08 to date*

Year	Actual spend (% annual change)	Budget	Variance	% Against budget
	£'000	£'000	£'000	
2007-08	62,200 (+0.1%)	62,362	162	99.7%
2008-09	62,565 (+0.6%)	63,161	596	99.1%
2009-10 (forecast)**	68,092 (+8.8%)	66,629***	-1,463	102.2%

* Excluding the Fraud Prosecution Service budget, which formed part of CPS London's budget until it returned to CPS headquarters in September 2009.

** full year forecast as at end November 2009.

*** this includes budget allocated and budget due.

5.27 The NRFAC budget comprises staff and general expenditure, the bulk of which is salary costs. Following an overspend of 5.1% in 2006-07 the area met its budget in 2007-08 and 2008-09. The area NRFAC budget for 2009-10 is £66.6m as at November 2009, and consists of £60.6m for salary costs, and £6.0m for administration costs. This excludes a budget of £911,450 allocated for the London Criminal Justice Board, which is held and administered by CPS London.

5.28 As at the end November 2009, the current forecast for the full financial year is an overspend of £1.5m against budget. This represents an 8.8% increase in spend compared to the previous year. In common with other areas, the budget is subject to reassessment throughout the year.

5.29 We referred earlier to the growth in staffing at the centre. On analysing actual spend it can be seen that the proportion of costs allocated to the districts/boroughs has been falling year on year, whereas that allocated to the London Operations Centre (previously the Area Secretariat) has been rising.

CPS London: Proportion of actual NRFAC spend			
	2007-08	2008-09	2009-10*
District/Borough	86.0%	83.7%	79.6%
Complex Casework Centre	8.3%	8.2%	8.0%
London Operations Centre/Area Secretariat	5.7%	8.1%	12.4%
London Area	100.0%	100.0%	100.0%

* using period April to end of November 2009.

Programme expenditure

Programme costs budget and expenditure 2007-08 to date*				
Year	Actual spend (% annual change) £'000	Budget £'000	Variance £'000	% Against budget
2007-08	36,533 (-7.4%)	35,638	-895	102.5%
2008-09	38,130 (+4.4%)	36,001	-2,129	105.9%
2009-10 (forecast)**	36,326 (-4.7%)	34,389***	-1,937	105.6%

* Excluding the Fraud Prosecution Service budget, which formed part of CPS London's budget until it returned to CPS headquarters in September 2009.

** full year forecast as at end November 2009.

*** this includes budget allocated and budget due.

5.30 The area programme costs budget, which comprises prosecution costs, including those for high cost cases and some very high cost cases (full scheme very high cost cases are funded by CPS headquarters), increased by 4.4% between 2007-08 and 2008-09, but is now forecast to fall by 4.7% in 2009-10. A fall in prosecution costs is to be expected as a result of CPS London's advocacy strategy, which is concentrating more resources on using in-house advocates in the Crown Court rather than counsel.

5.31 However, the predicted fall in programme expenditure was originally forecast to be greater, with the original budget allocation for programme costs for 2009-10 set at £27.5m (excluding the Fraud Prosecution Service). In practice the budget has risen to £34.4m as at the end of November 2009 (an increase of 25.1%). This was primarily due to slower progress being made with the advocacy strategy than planned. In addition to the £2m transfer from the NRFAC budget, the area was allocated a further £3m by CPS headquarters in the 5th budget tranche in November 2009.

*Advocacy strategy**In-house advocacy*

5.32 The level of in-house deployment of advocates in the magistrates' court is falling in the area from a high of 92.1% in 2007-08 (national 84.2%) to 87.9% in 2008-09 (national 85.5%) and 76.4% to the end of December 2009 (national 85.7%). The level of deployment varies significantly across the boroughs, ranging from just 38.9% to 99% in the nine months to December 2009. This should be set in the context of a target of 90% in-house coverage, with the intention of eventually achieving 100%. This decline is consistent with the SMTs findings from its review of staffing levels across the organisation in October 2009 which indicated that the area required a further 42 prosecutors in order to deliver core business needs. As a result of the decision to further reduce the size of the London Operations Centre (referred to above), six lawyers will be transferred back to the front line as a starting measure to try and address this issue.

5.33 CPS London has steadily increased its complement of associate prosecutors and the proportion of sessions covered by them has been rising from 18.8% in 2007-08 (national 20.4%), 20.5% in 2008-09 (national 24.8%) to 23.3% to the end of December 2009 (national 27.6%). Whilst the level of coverage has been rising, it has been consistently below national performance, although is now on target for the current financial year (local and national target is 25% in 2009-10 up from 23% in the previous year). As reported above, we found that there is an inconsistent distribution of associate prosecutors across the area.

In-house advocacy savings

5.34 In-house Crown Court advocacy is now provided from three sources: the central advocacy unit (CAU), local advocacy units (LAUs), and crown advocates working at borough level. The table below shows the advocacy savings targets against actual savings together with the salary costs where available (numbers shown on a calendar year basis):

CPS London: advocacy savings targets and actual savings in 2009 and 2010

	Advocacy savings target 2009 £'m	Actual advocacy savings 2009 (gross) £'m	Actual salary costs 2009 £'m	Advocacy savings target 2010 £'m	Estimated salary costs 2010 £'m
Central advocacy unit	2.2	0.6	0.9	2.6	1.8
Local advocacy units	5.8*	4.0*	n/a*	4.7	4.7
Borough based crown advocates			n/a*	1.0	1.0**
Total	8.0	4.6		8.3	7.5

*There are no separate cost codes for each LAU, therefore actual and targeted savings for 2009 have been given on a total basis. This also means that a breakdown of actual salary costs for 2009 cannot be provided.

**Total salary cost of borough crown advocates is estimated to be £4.1m. However CPS London has made an assumption that only 25% of their time will be for advocacy.

5.35 For the calendar year 2009, the area achieved only 57.5% of its advocacy savings target. In particular, the CAU achieved only very limited advocacy savings of £621,000 against salary costs of £881,000. Whilst a contributory factor has been the later than planned set-up of the CAU in May 2009 (instead of from the start of the year) performance has been significantly lower than expected. In May 2009, it was being predicted that the CAU was aiming to save £4m in counsel fees by the end of the financial year.

5.36 It has proved impractical for the area or HMCPSP to calculate the advocacy savings generated by the LAUs. This is due in part to CPS headquarters not permitting separate cost codes to be set up for each LAU, which has meant that it is very difficult to allocate and monitor specific salary costs to each of the units. Subsequently, it is very difficult to assess the performance of the LAUs with any degree of accuracy in respect of the net advocacy savings they generate. We believe that this

has had a negative impact on the savings being achieved. However the area could have also have been more proactive. In particular, the advocacy targets for each LAU were not communicated effectively to the units. For 2010, the LAU advocacy targets set will match salary costs. But without the specific cost codes (mentioned above), it will be an onerous task in monitoring progress against targets. HMCPSI raised the difficulty in calculating net savings in our report of the thematic review of the quality of prosecution advocacy and case presentation (July 2009), which called for greater clarity in this aspect.

5.37 There is also a lack of clarity in the respective roles and division of advocacy work between the LAUs and CAU, as well as between the LAUs and borough crown advocates. A proposal, which is in the process of being adopted, will see the Crown Court advocacy managers based in the LAUs referring cases (generated at borough level) to the CAU. No analysis or assessment has been undertaken of the potential for them not to refer suitable cases to the CAU due to the pressures on them to meet their own savings targets. Such an assessment should be performed as a matter of urgency to ensure the workability of such a proposal, which should form part of the review of the advocacy strategy currently underway.

5.38 The 2010 advocacy savings target is ambitious, and will require a great deal of work to achieve. Also, in respect of borough crown advocates, an assumption has been made that they spend approximately 25% of their time doing Crown Court advocacy. However this is contrary to the new resource model, which assumes that such advocates are only available for magistrates' courts, charging and case preparation functions, with no Crown Court advocacy.

5.39 The failure to meet the area advocacy savings target in 2009 has meant that prosecution costs are higher than expected, as counsel must be relied upon to make up this shortfall. In addition, as a consequence of not meeting its savings target, the area has had to return £2.5m to CPS headquarters in accordance with a 2008 agreement.

The SMT should:

- **review the area's advocacy strategy to assess if the area is achieving value for money in having a dedicated CAU at a time of increasing budget constraints. (This is also in the context of its aim to achieve 100% in-house magistrates' courts cover, and the recent moves to try and divert resources back to the front line as part of the resources model);**
- **review how advocacy work should be divided between the CAU and LAUs, and the referral process of cases to the CAU and**
- **in conjunction with CPS headquarters consider the use of separate cost codes for LAUs to allow for greater accuracy and transparency of actual salary costs against savings achieved.**

Counsel fee payment performance

Timeliness of graduated fee scheme (GFS) payment: performance May-December 2009

	Within 10 days	National performance	% variance	Within 20 days	Outside 20 days
GFS payments	45.2%	76.8%	-31.6%	58.1%	41.9%

5.40 The delays in making graduated fee scheme (GFS) payments were highlighted in our 2007 OPA and have remained problematic. In the eight months to December 2009 timeliness of payments was significantly worse than the national average. The current target (from the start of the financial year) is for all payments to be made within ten days (previously this was within 20 days). The most recent returns indicate that payment performance is worsening, with payments made within ten days dropping to 37.9% in December 2009. The area is currently addressing the backlog of fees, which is understood to be significant, but was unable to provide details as to the length of delay or value of GFS payments currently unpaid.

Timeliness of non-GFS prosecution costs payment: performance May-December 2009					
	Within 10 days	National performance	% variance	Within 30 days	Outside 30 days
Prosecution cost payments (excluding GFS)	47.9%	63.4%	-15.5%	86.6%	13.4%

5.41 The timeliness of the payment of other prosecution costs (excluding GFS) for the eight months to December 2009 was also worse than the national average.

5.42 The current target (from the start of the financial year) is for all payments to be made within ten days (previously this was within 30 days). The most recent performance indicates that payment performance (like GFS payments) is worsening, with payments made within ten days dropping to 37.4% in December 2009. There are particular issues with expert witness and interpreter/translator costs, which are currently being closely monitored by CPS London's Business Performance Unit.

The SMT should, as a matter of urgency, allocate resources to clear the backlog in the payment of counsel's fees. The payment process should then be reviewed with the aim of implementing a more effective control structure to ensure that backlogs do not occur.

Financial controls

5.43 Financial controls at district level have improved significantly since our last OPA in 2007. These have ensured much greater consistency in financial reporting.

5.44 Financial delegation has remained centralised since our last OPA. In January 2007, a decision was made to withdraw all financial delegation from the sectors in an attempt to curb excessive expenditure. The SMT recently decided to return financial delegation to the districts from April 2010. This would appear to be sensible, as currently all expenditure at district and borough level (excluding GFS) must be approved by the area finance team. Initial training for district managers in this respect was undertaken prior to the return of financial delegation. The area will need to ensure that district business managers have appropriate support to undertake their revised responsibilities.

5.45 The current process includes the requirement for travel and subsistence claims to be sent through to the area finance team, and the sheer volume of these claims and other types of expenditure has inevitably led to delays. This approach is not used by any other area and should be reviewed urgently to determine whether it is appropriate.

5.46 If the transfer of delegation to districts is for any reason delayed and put back beyond April 2010, an early decision should be made as to whether travel and subsistence forms should continue to be sent to the area finance team for approval.

The SMT will need to ensure that prior to any revised financial delegation, district staff have sufficient training in their new roles and responsibilities, have sufficient support staff to handle the increased volume of work, and are adequately supported by the centre.

6 MANAGING CHANGE

- 6.1 There continues to be a high level of change in CPS London comprising:
- internal CPS London area change programmes and national CPS change projects, some of which are managed by the CPS London Change Team and some by other Area managers;
 - joint change projects implemented with criminal justice partners, most of which fall under the London Reform Programme managed by the London Criminal Justice Partnership (LCJP – formerly the London Criminal Justice Board); and
 - the Office of Criminal Justice Reform (OCJR) where there is a national perspective, for example the virtual courts project.

Internal CPS change programme

- 6.2 We have assessed a number of key recent and current projects that form part of CPS London change programme:

Senior management review (SMR)

- 6.3 In late 2007, CPS London, in consultation with CPS headquarters, commissioned a review of its management and governance arrangements. The key issues identified by the review were that:
- the Board was not acting as a sufficiently corporate and delivery-focussed body;
 - there was not enough alignment of priorities and messages;
 - decision-making lacked a robust enough evidence base;
 - the structure was costly and some roles were duplicated and others not working as well as they might; and
 - change management capacity was weak.
- 6.4 The review proposed a number of structural options of which the preferred one was based on moving from three geographical sectors to two regions (North and South, based on the dividing line of the River Thames) with a stronger emphasis on London-wide as opposed to region-specific roles. The Complex Casework Unit was to remain. A project team was then put in place to implement the recommendations. Changes at senior level were largely driven by the moves of individuals and hence the new structure has taken some time to put into place. Most but not all of the recommendations were implemented. The project was closed in September 2009. At this point changes in respect of the operation of the CPS London Board and governance agreement had been agreed but were not fully in place.
- 6.5 However, to date there has as yet been no evaluation or assessment of costs and benefits realisation nor are there plans in place to do this.

The SMT should evaluate the new management structures to assess whether the weaknesses identified in the 2008 senior management review have been overcome and where not, take any further steps and revisions that are necessary to refine the new governance arrangements.

Optimum business model (OBM)

- 6.6 This is a national CPS initiative designed to improve the preparation and progression of contested magistrates' courts cases, whereby volume cases are prepared and progressed by a proactive case progression team (PCPT), as opposed to being allocated to individual lawyers who would have responsibility for their preparation. The PCPT comprises an administrator, case progression officer and a lawyer working in close proximity, each usually allocated to the team on a daily basis. The responsibilities for serious cases continue to be allocated to individual lawyers.
- 6.7 The 2008-09 London Area Delivery Action Plan envisaged that the OBM would be implemented in all boroughs by the end of September 2008 and national OBM team evaluation sign-offs completed by the end of March 2009. In practice the rollout has taken longer than planned and the revised date for final sign off was December 2009.

- 6.8 OBM arrangements in individual boroughs are at different stages of maturity and effectiveness. None of the boroughs assessed had fully effective OBM arrangements although in some it was beginning to show signs of improving casework performance. In some boroughs the PCPT was dealing with cases up to two to three weeks ahead of the trial date, while in others they were just one or two days ahead of hearing dates which is clearly unsatisfactory. The impact of late preparation was seen in late or no disclosure of unused material, late applications for special measures for victims and witnesses and a lack of proper case analysis at an early stage in the process to identify exactly what evidence was required and what for example could be agreed with the defence in accordance with S10 Criminal Justice Act 1967. This was leading to requests to the police to provide more information than was actually needed because this was quicker than taking time to consider the case properly.
- 6.9 In a number of boroughs our findings suggested that the OBM initiative had been signed off too early in the process by the national implementation team and before it was working effectively. For example in one borough the OBM was signed off at a time when it was clearly unable to cope with the workload. As a result the police had taken back some of the administrative work needed to prepare cases, which had been transferred to the CPS when they became an integrated prosecution team (IPT).
- 6.10 Whilst the concept of OBM provides a sound basis for the preparation and progression of volume crime cases, the difficulties lie in its resourcing. The problem is simply that when there are insufficient crown prosecutors to cover other core activity such as case presentation or providing charging advice, the PCPT is often the first port of call for abstracting staff. Additionally, the expectations on lawyers working in the PCPT in terms of workload are not always made clear and there is little monitoring of lawyer productivity when working on the unit. Coupled with this is the reduction in administrative staff, which puts further pressure on the boroughs' abilities to manage the case preparation process.
- 6.11 This was all reflected in the public face of the prosecution, with partner agencies and the local judiciary frequently commenting on either the lack of, or the very obvious last minute, case presentation. It was apparent to inspectors that in some boroughs the preparation of magistrates' court cases had collapsed.
- 6.12 It is encouraging that CPS London now recognises that the effective operation of the OBM unit is a core part of the business and has to be resourced accordingly. However, further work needs to be done around exactly how much resource each borough needs to allocate to the OBM process for it to function effectively. There are very significant differences in caseload between the boroughs that need to be reflected in the OBM coverage.¹⁹ The concern must be that to maintain the required level of staffing, resource gaps will appear in other parts of the business. More magistrates' courts case presentation will have to be done by agents at a time when the area's budget allocation is dropping in real terms.

CPS London Direct

- 6.13 At the same time as CPS London was moving towards IPT and co-location in police stations, so the seeds were being sown of a process that would have a fundamental impact on how the CPS delivered part of its core business at a borough level. In early 2008 the emerging findings from the fieldwork for the joint thematic review of the new charging arrangements²⁰ showed that in some parts of London police officers could not get an appointment for a CPS charging decision for many weeks and suspects were being re-bailed on one or more occasions. The Association of Chief Police Officers had also raised concerns about the slow and sometimes cumbersome aspects of the scheme.

19 For example in 2008-09 Hackney borough dealt with 251 contested magistrates court cases, while Redbridge (in the same CPS District) dealt with 165. In the 12 months to December 2009 Westminster unit dealt with 838.

20 *ibid.*

- 6.14 In order to address these concerns, CPS London (with the agreement of CPS headquarters) set up a unit known as CPS London Direct (CPSLD), which would provide telephone charging advice during normal office hours where the police would otherwise have to wait a substantial time (at the time over four weeks for a borough-based appointment) for a charging consultation.²¹ In those boroughs where there was no delay in getting an appointment there would be no need for recourse to CPSLD.
- 6.15 Running in parallel with this provision were national pilots launched under the joint CPS/ACPO “Modernising Charging” initiative which aimed to develop more widely the concept of telephone charging advice in volume crime cases. This represented a substantial shift from the previous CPS/ACPO view that a key element in the charging arrangements was the benefit to be gained from face-to-face consultations.²²
- 6.16 As a result of this national initiative, CPS London decided in May 2009 to extend the scope of CPSLD to all volume crime cases in London, subject to certain exclusions where the primary evidence was based on CCTV (which could not be viewed by the duty prosecutors). A memorandum of understanding was signed by CPS London and the Metropolitan Police Service (MPS). It is unfortunate that neither the City of London Police nor the British Transport Police were included in this agreement at this stage, which was to cause some difficulties for those forces.
- 6.17 Our key findings on the operation of CPSLD were:
- the unit was under-resourced, leading to unacceptable waiting times for police officers;
 - there was a huge spike in calls to CPSD when it came on-line at 5 p.m. from MPS officers unable or unwilling to access CPSLD;
 - significant levels of inappropriate referrals which prosecutors dealt with anyway out of sympathy for how long the officer had been waiting;
 - some strengthening of the role of the police evidential review officer had taken place but more was needed; and
 - counsel were being used on a daily basis and their decisions were not supervised appropriately.
- 6.18 In addition we found that at borough unit level there was insufficient analysis of what the impact of the expansion of CPSLD would have on the quantity of charging decisions that still needed face-to-face advice. There was also little consideration of how pre-existing charging surgeries, which were held to deal with serious sexual offences including child abuse, would be affected. As a result, whilst some boroughs had reduced their previous charging commitment from five to one or two days, others were carrying on providing almost the same level of cover. It was apparent that in some of the heaviest crime boroughs there were unwritten agreements that borough prosecutors would continue to provide charging decisions in cases that met the CPSLD referral criteria. CPS London has an expectation that 80% of its charging advice will be dealt with by CPSLD, albeit in September 2009 only 47% of charging advices were provided by CPSLD.
- 6.19 As part of the modernising charging programme, the CPS considered moving to a nationally based daytime telephone charging advice service that would have discharged the role of CPSLD. However, at the end of December 2009 it decided to maintain the provision of daytime charging within the auspices of the CPS Group structure. As CPS London is a “group” in its own right, this means that CPSLD remains under area control. The consequence of these decisions was to create a three-month hiatus when performance issues could have been addressed but were sidelined pending the anticipated move to CPSD.

21 The unit also dealt with Operation Blunt (knife crime cases) from the whole of London.

22 The joint inspection report was critical of how some aspects of the face-to-face process worked in practice but endorsed the principle.

- 6.20 The area has now determined that CPSLD needs an additional 11 prosecutors to meet its target of 80% coverage. As this resource can only be taken from the borough units, it will be essential that the volume target be met quickly as charging capacity will not be sustainable at current borough levels.
- 6.21 Another consequence of the development of centralising charging advice is that it cuts across the concept of IPT and the benefit of co-location of police officers and prosecutors. The scenario that can now arise is of a police officer going into the CPS office (based in their police station) for some charging advice being told to telephone CPSLD who might then divert that call back to the local prosecutor because CPSLD is too busy. The officer and the local prosecutor will then have a telephone conversation across the corridor.

Borough community prosecutor coordinators

- 6.22 This is a national CPS initiative implemented locally. Following a high profile launch in March 2009 at the Emirates Stadium, a borough community prosecutor coordinator (BCPC) was appointed in each borough with a remit to support the borough crown prosecutor (BCP) in engaging with local communities about local needs and concerns and to ensure that these are reflected in the prosecution of cases. There was to be a particular focus on hate crime, anti-social behaviour, persistent and prolific offenders and victim and witness needs.
- 6.23 At the time of our assessments, progress made by individual BCPCs was mixed, but generally limited. This was with the exception of one borough (Hackney), which was a national pathfinder site and perhaps as a result of this had put more resources into the project by allocating the BCPC more time for the role. The borough is one of those assessed overall as poor. Some BCPCs had made clear inroads into engaging with community groups, others had made less impact. Overall, activities tended to lack a clear focus and boroughs did not have a clear strategy for developing the role. Many activities recorded were meetings with other criminal justice partners that should have been part of the usual business of managing performance.
- 6.24 There was a lack of clarity in terms of the time to be allocated to the role, some understanding it to be a part time role whilst others expecting it to develop into a full time dedicated role. There was also a lack of clarity as to how the value of the work of the BCPC would be monitored and assessed.
- 6.25 The appropriateness of releasing expensive lawyer resource to community engagement work at a time when many cases are going to court with insufficient preparation due to resourcing difficulties is problematic. Good case preparation leading to better outcomes must be what is most in the interests of the local community and most likely to drive up confidence in the criminal justice system. It is also questionable if it is necessary for the BCPC to be a lawyer bearing in mind the BCP also has a key role in community engagement. As to the future, the senior management team intend to take a more focused approach to local community engagement and expect this to be an integral part of the BCP and hate crime and anti-social behaviour specialist prosecutor roles. They see this approach being underpinned by effective communication of issues and priorities to prosecutors. In line with this new thinking, the new resources model does not allow dedicated time for the BCPC role.

The SMT should refine and communicate to the front line its revised approach to the BCPC role and its rationale for this to ensure clarity and avoid misunderstanding.

The central advocacy unit

- 6.26 A key requirement of CPS London in common with all other areas has been to advance its advocacy strategy. An important part of seeking to achieve this has been the establishment of a central advocacy unit (CAU) in May 2009 to deal with the area's serious cases, with borough Crown Court cases being dealt with by local advocacy units (LAUs).

- 6.27 The planning and set up of the unit was poorly executed. A key risk identified in the business plan was that realistic time scales should be put in place, and that an experienced administrator be appointed at the outset to manage and oversee the project. This did not occur, with a temporary project manager appointed. In practice the CAU was set up later than envisaged and the permanent delivery manager was appointed in July 2009, several months after the CAU started. A decision was finally made to appoint a unit head in September 2009.
- 6.28 The business case did not consider fully or review the alternatives to a central unit. Three other possibilities were highlighted by the business case, but none were costed. Ten crown advocates were transferred from the boroughs in June 2009, whereas a more gradual process would have allowed time to monitor progress and assess more accurately the optimum staffing levels required. It would also have reduced the impact on the boroughs from which the advocates were recruited. Early on it was decided that the four senior crown advocates (SCAs) envisaged in the business plan would not be sufficient, and instead two SCAs and two principal crown advocates were recruited, which would incur greater staff costs.²³ The business case for this expensive resource was not formally evaluated.
- 6.29 The business case also did not set out a clear schedule of projected costs and savings for the first few years of the operation of the CAU. In 2009, the CAU missed its target for savings in counsel's fees by 72.7%. A key risk identified by the 2007 report was that the cost of the unit would not be recovered by the counsel fee savings. The mitigating countermeasures to ensure this would not occur included completing a full costing exercise during the planning phase; but this was not done. In addition, many of the expected savings highlighted in the business case appear to be ambitious, and are now in the process of being revised downwards. In short, it is impossible to determine at this stage whether the CAU is cost-effective.
- 6.30 There is a potential conflict of interest between the CAU and LAUs, which is likely to intensify as targets are set for LAUs as well as the CAU. The CAU relies on boroughs and LAUs to refer cases, but each of the LAUs will have their own advocacy targets to meet. CPS London is considering a number of options as part of its review of its advocacy strategy, one of which is that it should be the decision of the LAU as to which cases should be transferred to the CAU. There is the potential for LAU managers to be reluctant to refer appropriate casework to the CAU if that could impact adversely on them achieving their own target. The current manner of allocation also conflicts potentially with the underlying expectation that cases are channelled to the most suitably experienced advocate to handle the case.
- 6.31 The senior management review in early 2008 envisaged a CAU led by an advocacy manager responsible for a cross London advocacy team which would be likely to reduce such potential conflicts. It is not clear why this model was rejected. CPS London is now considering this option, which may well have been more appropriate in the first place.
- 6.32 It is becoming increasingly clear that the CAU will struggle to meet its challenging savings targets for 2010 and beyond, and as it stands does not represent value for money. It has also diverted valuable resources away from the frontline, and has had a detrimental effect on in-house deployment. The overall advocacy strategy is now being reviewed, including whether the CAU will remain in its current form and a report setting out possible options was received by the CPS London Board in early 2010.

23 Principal crown advocates are the highest crown advocate grade.

Management of internal CPS change programme

- 6.33 The SMR found that CPS London's change management capacity was weak. We found that significant difficulties still remain in this respect although some action had been taken to address the issues raised including the setting up of a business assurance and support team to support the IPT rollout.
- 6.34 Internal CPS London change management projects are largely managed and administered by staff based at the centre. Borough based staff told us that although local implementation teams are established for some projects, such as for OBM, there is generally insufficient engagement with those at the front line and that their views are not always heard either pre- or post-implementation. Projects then lose the benefit of input from experienced practitioners.
- 6.35 The SMR referred to the view on the part of senior managers that there was a high level of staff resistance to change. We did not find so much a sense of resistance to change, but more that staff were not always informed and persuaded of the rationale for the various initiatives. For example, in relation to IPT, the view of those in the operational units was that they could not absorb the work previously undertaken by police staff through efficiencies alone, which has been borne out in practice. Communication and dialogue in this respect was considered to be lacking. This lack of effective dialogue between senior managers and staff about change projects, combined with the centralisation of change management, has led to a position whereby staff and middle managers generally regard change as something that is done to them as opposed to something to which they make an active contribution.
- 6.36 The SMT will need to consider how best to involve staff in change and secure their commitment. The decision to reduce the size of the London Operations Centre (LOC), including the change team, is expected to result in greater involvement and assistance of borough staff in future change projects.
- 6.37 As we discuss in the section on the OBM there is a tendency to sign off projects and move them to the business as usual phase too early in the process. Sign-off appears to be as soon as the new structures are in place, as opposed to when the new arrangements are working and benefits are being achieved.
- 6.38 There is generally insufficient or timely post-implementation review and evaluation of change projects. Focus tends to be on whether the structural and physical changes are in place, as opposed to whether the benefits are being realised. For example, the SMR project was signed off in September 2009 when the new governance arrangements had been agreed although they were not fully in place at that time. As yet there is no timetable for a post-implementation review or benefits realisation exercise to establish if the deficiencies identified by the initial review have been addressed successfully and to identify any remedial action required.
- 6.39 Overall programme management and coordination needs to be more effective, especially given the pace of change in the area. This is not an easy task and is complicated by the fact that the CPS London change programme comprises a mix of CPS-managed projects, some of which but not all, are managed by the central change team, as well as joint projects managed by the LCJB. Projects also range considerably in scope and complexity. There was a strong sense that projects tend to be managed in silos and the impact of their interdependencies was not addressed sufficiently. This applies both to interdependencies between internal CPS London projects, but particularly those between internal CPS London projects and joint projects with criminal justice partners. This issue is starting to be addressed through a review of project interdependencies and their impact in four boroughs under the auspices of the LCJB.

6.40 There is a clear sense of initiative overload at borough level. Combined with the resourcing difficulties currently being experienced, this has meant that boroughs are often not able to give change projects the focus and attention they need. This in turn has contributed to change projects generally taking longer to implement than planned and we found that a number of projects were not yet embedded despite being signed off at a strategic level as business as usual.

6.41 Following the SMR, there was some restructuring of the change team. To provide greater clarity and accountability, the SMR recommended that each member of the SMT should act as a senior reporting officer (SRO) for individual change projects. Since the establishment of the new senior team in late 2009, SRO responsibilities have been allocated to the SMT and are now clear. The LOC, of which the change team is a part, now reports directly to one of the regional business managers. The SMT plans to reduce significantly the size of the LOC. The change team will be reduced from its complement of 12.5 full time equivalent staff at the time of our assessment to a team of eight, which will cover both change and performance (neither figures include the three IPT change members). The rationale for such a reduction is the imperative to put more available resources on the front line and the fact that some of the major change projects are either implemented or well underway. Whilst the objective to reduce the resources allocated to the centre and enhance the support to the front line is laudable, given the difficulties around change management outlined above, this will be challenging from a change management perspective. Roles and responsibilities were being developed at the time of our inspection.

In developing the roles and responsibilities of the new and reduced change team, the SMT needs to ensure that there is:

- **a clear focus on overall programme management with strong links between CPS managed and LCJB managed projects;**
- **a shift of focus to the evaluation and benefits realisation project phase and the revision and refinement of projects in the light of these; and**
- **awareness of timescales so that ongoing projects are not adversely affected by too swift a withdrawal of support through a reduction in the change team.**

Partnership working and joint change management

6.42 There are good and constructive relationships between criminal justice partners' at the most senior level and communication at this level are generally effective, but locally the agencies are not always fully aware of the aims of LCJB projects. Some aspects of communication could have been better managed; for example one partner agency had not been informed of the appointment of the new Chief Crown Prosecutor for CPS London. The effectiveness of relationships and communication below this level are more mixed and in some cases could be improved upon.

6.43 Senior managers demonstrate a proactive approach to joint working with partners. Criminal justice partners were very positive in their responses in this respect, seeing senior managers as very committed to joint working and as playing a key role in the London reform programme. Several expressed concern about the sufficiency of CPS London's resources and the impact of this both on their own agency and on joint change projects. There was a sense that in some instances the CPS contribution to change projects were not always fully thought through with issues arising that might have reasonably been identified and addressed earlier in the process.

The London reform programme

6.44 An investigation into performance across the criminal justice system in London by the Prime Minister's Delivery Unit in early 2006 led to the development of the London reform programme, which has been the major driver for many initiatives. The joint change projects that fall under the London reform programme are managed under the auspices of the LCJB. We analyse the key projects:

Integrated prosecution teams (IPT)

- 6.45 The IPT project is based on the co-location of Metropolitan Police Service (MPS) and CPS London staff in local police stations. The optimum situation is for this to be an operational police station to provide ease of access between prosecutors and police officers in the cases. The name “integrated prosecution team” is something of a misnomer. Whilst most CPS borough units are now sited in police premises they occupy separate parts of the accommodation, although at a few sites CPS managers may share offices with their police counterparts. CPS staff at IPT sites now take responsibility for post-charge administration work, primarily around the building of cases for contested hearings in the magistrates’ courts, and committals to the Crown Court (including the service of the prosecution cases where the offence is indictable only). The initiative aims to decrease the workload in police criminal justice units, reduce duplication of effort between the CPS and police staff, reduce inefficiencies in processes, and contribute to performance improvements. IPT relies on two key principles: the supervision of files at all appropriate stages and a single shared file system. The initiative was piloted in three boroughs: Hackney, Tower Hamlets and Waltham Forest from April 2007. Following the pilots, a decision was taken to roll out IPT across London. At the end of December 2009, IPT had been implemented in 20 boroughs²⁴ with plans in place to roll out to remaining boroughs by April 2011.
- 6.46 IPT is a major project with far reaching consequences. It started as a bilateral project between the CPS and MPS, with project management responsibilities transferring to the LCJB following the pilot. As we said in our OPA report in 2007:
‘Whilst a compelling rationale for IPT was provided, the pilots were embarked upon prior to a full business case and success criteria for the pilots having been established and agreed’.
- 6.47 There has been a succession of business cases. From the CPS perspective there were several draft versions of a business case produced in April and May 2007, which appears not to have been finalised. The drafts focus on the pilot scheme and make the assumption that the IPT project would be proceeding. There is no assessment of the viability of other options to IPT and many of the benefits set out for IPT are in general terms and not measurable. When the LCJB took over responsibility for the project it commissioned an external consultancy to set out the broad economic case for IPT, which reported in March 2008, and subsequently in mid-2009 a joint business case was drafted; this has still to be finalised.
- 6.48 Following the pilots, the decision was taken to roll out IPT across London prior to a full evaluation or cost benefit analysis. A review of lessons learned in the pilot was conducted in July 2007, but this was focused on implementation issues and was not an evaluation. At the time of our OPA in December 2007, a full evaluation of the pilots had still to be undertaken, yet the timescale of the next phase of the rollout had been agreed. The SMR indicated that the then CPS sector directors were not fully involved at the outset in key decisions about the move to IPT, although one was a member of the London reform programme group.

24 The CPS City of London unit is co-located with the police but not under an IPT structure.

IPT: estimated overall total cost savings (excluding project costs)		
	CPS	MPS
Accommodation	Release of CPS buildings to release net savings by 2012 of: £5,700,000 per annum	One-off office building and refurbishment works of: £3,800,000
	Set against this is annual rent payable to the MPS of: £1,000,000 per annum	Set against this is rent from the CPS of: £1,000,000 per annum
Staffing	32 administrative staff (one per borough) until 2011 paid for by MPS	Staff reduction of 151.4 band E police personnel amounting to saving of: £4,566,642 per annum
		Saving of photocopying through transfer of work to CPS of: £280,000 per annum
		Set against cost of 32 CPS administrative staff until 2011 amounting to: £1,300,000 per annum

6.49 Implementation of IPT is intended to realise significant efficiencies. From CPS London's perspective, and excluding project costs, it expects by 2012 to save £4.7m annually on accommodation costs taking into account an annual rent of £1m payable to the MPS. In terms of staffing, one additional administrator post per borough is allocated once IPT is implemented to assist with the additional work taken on by the CPS for the first two years of the project (paid for by the MPS), after which the additional work is expected to be absorbed by the existing staff. There are as yet no agreed actual cost and benefit figures available to establish how realistic these estimates are proving in practice.

6.50 From the pilots onwards there were clear indications that CPS borough units were having difficulty covering the additional workload. Indeed it is difficult to see how even with greater efficiencies the work of 151 staff would be undertaken by 32. The staff preference exercise whereby staff were asked to identify in which new location they preferred to work has been a significant contributory factor. This was handled badly from an operational perspective and led to staff imbalances (for instance one borough had four associate prosecutors and another borough had none for a long period). Boroughs based in less desirable locations were particularly hard hit losing staff that they were unable to replace due to the recruitment freeze. There was no assessment of the staffing profiles or working patterns in each unit before the exercise started. As a result local managers found that they were acquiring staff whose working patterns did not all fit with those already in the unit, causing operational difficulties on certain days of the week or an inability to utilise fully the available resources. For example, one unit acquired an additional associate prosecutor (AP) whose working patterns coincided with the existing AP's, resulting in the unit not being able to increase the number of court sessions conducted by APs despite having increased its resources. Another example was units ending up with far more rape specialist prosecutors than their caseload justified, whilst others had too few. As a measure of the difficulties caused by the preference exercise, the new management team quickly stopped any further staff moves.

6.51 It is therefore difficult to determine to what extent the problems in managing the workload were due to staff shortages and the extent to which the additional workload was a factor. Adding to the complexity was, for some boroughs, the concurrent implementation of DGSP and/or OBM. These capacity issues should have been addressed through full evaluations of the pilots.

- 6.52 Without such an assessment it is also difficult to determine how the replacement of police staff in criminal justice units, with just one additional CPS administrative staff member for a temporary period, can bring about the perceived benefits set out in an early version of the business case. These were: enabling speedier communication and case file management; ensuring qualitative and proportionate prosecution files; providing the opportunity to eliminate duplication; improving email usage; reducing third party contact; improving quality and time for cases to get to court; and enabling file archive storage to be offset and managed by the MPS. A number have been achieved, but not those relating to quality.
- 6.53 In spring 2009, an external consultancy report was commissioned to report on the resource impact of IPT and DGSP on the CPS. To do this, the review team visited three boroughs that were at different stages of implementing IPT and DGSP. The review found that in Hackney, the incremental annual impact of IPT alone added an expected additional resource cost of £158,731 per year including travel. When scaled up across all London boroughs the total simulated expected incremental impact of IPT and DGSP is an additional cost of £4,655,163 per year for London (using the activity based costing baseline). This was clearly well above the one additional administrator provided for a temporary period. The consultants were then asked to undertake a short piece of work to outline potential efficiency savings that would reduce the scale of the impact. Working with five boroughs, potential efficiency savings were found to reduce the estimated incremental impact of IPT and DGSP to £4.1m in year one, £3.7m in year two and £3.6m in year three. Whilst these figures are estimates, when set against the anticipated savings of IPT for CPS London of £4.7m they reduce significantly the likely net savings.
- 6.54 What is becoming increasingly apparent, and should have been picked up earlier in the process had there been an effective evaluation, is the limited resilience of the smaller borough units. Staff absences whether planned or unplanned can have a disproportionate impact, and boroughs need to work together more collaboratively to address this.
- 6.55 This aspect has now been raised at LCJB level with a view to the possibility of combining some of the smaller teams. It is very late in the process to be raising such critical issues and any changes may incur additional costs, and the SMT will need to ensure that they do not lose credibility with criminal justice partners or the benefit of close working with operational police officers and proximity to the local magistrates' courts. Requiring district crown prosecutors and district business managers to bring about closer more flexible working between the borough units should be the immediate step to take.
- 6.56 Looking back to 2006 when IPT was initially planned, with six CPS accommodation leases due to expire within an 18 month period, we can appreciate the attraction from an economic perspective of moving to less costly police accommodation. However, CPS London was embarking on IPT at a time when some areas were taking a different course, for example Essex and West Yorkshire were moving away from co-location. The overall fit of IPT within CPS national strategy is not entirely clear. For instance, IPT could potentially have helped reduce delay in giving charging decisions because of the co-location of prosecutors and police officers but recent decisions to centralise charging at London level cuts across this.
- 6.57 There is no doubt that co-location has its benefits and despite significant difficulties in implementation, IPT was found to assist in improving communication between the CPS and their police counterparts (including Witness Care Units). However, there appears to be a tendency to overstate the benefits of IPT, without investigating any negative issues. Police archiving and storage of files is a substantial benefit and saving for the CPS, but we found that some files had important documents missing and some files we requested were never found (in one borough this amounted to half the originally requested file sample).

- 6.58 The most recent version of the business case states:
'since the inception of IPTs significant improvements have been achieved in relation to: performance for discontinued cases, ineffective trials and attrition rates, increases in guilty pleas within magistrates' courts and Crown Courts, and bail appointments being used more effectively and overall reductions being achieved in the number of cases where detainees are being bailed to return.'
- 6.59 No figures are given and the extent to which IPT is contributing to any changes in performance, as opposed to the contribution of other initiatives, is not clear to us. Other CPS performance information suggests the rate of timely guilty pleas is decreasing. The conviction rate across London as a whole has improved, although with a small deterioration in 2009-10. However, there are wide variations between boroughs, and across London it is well below the national average in the Crown Court. The readiness of the prosecution is not highly regarded by the judiciary across most of the London courts. Our assessments have revealed significant weaknesses, albeit with an improving trend in some boroughs.
- 6.60 A clear and agreed picture of costs and benefits of IPT (together with the single file system) that takes into account the actual impact on CPS workloads is not yet available. In the absence of this and on the basis of our findings it is not clear whether the project represents such good value to CPS London as for the MPS, unless CPS London receives an increase in funding in return for the reducing its accommodation costs which benefits CPS headquarters, as opposed to CPS London; and at present it does not.

The Streamlined Process

- 6.61 As the area was in the process of rolling out the IPT initiative, the CPS nationally in conjunction with the police were testing a revised approach to police file preparation, known as the streamlined process, this was operated under guidance issued by the Director of Public Prosecutions, known as the Director's guidance on the streamlined process (DGSP).²⁵ One of the aims of DGSP was to reduce the amount of material that the police needed to provide to the CPS for a charging decision when a guilty plea was anticipated and the case was suitable to be dealt with in the magistrates' courts.
- 6.62 Prior to the introduction of the streamlined process the area had operated a "quick process", which was similar to the streamlined process, but with the important distinction that the police supervised any additional required file building.
- 6.63 Every borough that we assessed expressed concerns about the operation of DGSP and the lack of police compliance with the requirements. Their view, which was confirmed by our file examination, was that the police were not realistically assessing whether a plea of guilty could be anticipated. The consequence of this was that although prosecutors were still prepared to make a charging decision, there were significant difficulties when the defendant pleaded not guilty, as far more material has to be obtained at that stage to prepare the case for trial than would have been necessary under the previous process. Additionally this was occurring at a time when the overall level of contested cases was rising, adding more pressure to the process which now, under IPT, has transferred responsibility for case building to CPS staff. Concerns about the impact on CPS workloads led to the commissioning of the consultant's report, which we have discussed above in the context of the implementation of IPT.
- 6.64 The situation has become so serious in some boroughs that local bilateral action has been taken. For example, in one particularly busy borough the police have taken back the responsibilities for preparing cases that should fall to the CPS under the IPT arrangements and in another there is a local agreement to supply more material than is required for DGSP cases to enable the CPS to comply in a timely manner with their duty of disclosure of unused material.

²⁵ The first guidance was issued in December 2007.

6.65 It is difficult to reconcile these concerns with the decision of the LCJB to sign off implementation of DGSP in March 2009 on the basis that it was working effectively. Either the board was not informed as to the high impact of non-compliance or sign off was on the basis of the soundness of the process and benefit to police as opposed to its application in the round and the impact on CPS London.

Virtual Courts

6.66 The virtual courts business case of June 2008 states:

“The Virtual Court aligns with the objectives of the Criminal Justice System Strategic Plan (2008-2011) published in November 2007 and serves to help meet PSA targets in particular:

- *It supports the efficiency and effectiveness of the CJS in bringing offences to justice*
- *Increase public confidence in the fairness and effectiveness of the CJS by a first hearing within 3.5 hours of charge*
- *Improves compliance with the orders of the court by reducing Fail To Appear*
- *Increases efficiency by simplifying business process”*

6.67 Whilst this initiative does not have the same inter-dependencies with the other initiatives we have discussed, it has the capacity to make a considerable change to how CPS London delivers another part of its core business: namely the presentation of cases at court.

6.68 The piloting of virtual courts, whereby the defendant first appears before the court by way of a video-link from the police station, is a national project overseen by the OCJR. Early indications are that there is now more take up of the scheme in London than in the other pilot area (Kent) where the use of the scheme is minimal. The LCJB initially took the lead in developing the concept as part of the London reform programme but, as it required a change in legislation, project implementation passed instead to the OCJR.

6.69 When the scheme was initially piloted the consent of the defendant was required before the process could be used. It did not therefore reflect what the full impact would be, and the early conclusions of the LCJB that it was a success appeared to have been drawn from a very low evidence base. The requirement for defendant consent was removed on 14 December 2009 from which point a more accurate and realistic picture of the operation could be made.

6.70 The business case for the virtual courts states further that:

“The Virtual Court allows a defendant charged in a police custody suite to appear in a magistrates’ court for a first hearing by means of videoconferencing while physically located in the police station. The defendant will be located in the police station while the judge, court officers, prosecution and probation are located in the Magistrates’ Court. The Defence may either appear over a video link or be present in the court.”

6.71 The current process in London involves one magistrates’ court (Camberwell Green) servicing 15 police stations²⁶ across nine boroughs.²⁷

6.72 Our observations of the operation of the scheme at Camberwell Green Magistrates’ Court in mid January 2010 suggest that it is moving away from the original intention set out in the business case, with it being used for cases outside the original proposed remit. In particular the virtual court was dealing with defendants who had been bailed by the police to return to the police station to be dealt with by the virtual court. Most cases observed fell into this category. There would appear to be no cost saving in this approach as the defendant could have been bailed in the usual manner to appear at their local court. We understand that this practice has now been stopped.

26 Belgravia, Bexleyheath, Brixton, Bromley, Charing Cross, Croydon, Kennington, Lewisham, Paddington Green, Peckham, Plumstead, South Norwood, Streatham, Sutton and Walworth.

27 Bexley, Bromley, Croydon, Greenwich, Lambeth, Lewisham, Southwark, Sutton and Westminster.

6.73 In some cases observed it would have been more efficient if the defendant had been at court. At one police station the police did not, contrary to the expectations of the project, appear to have the facility to accept fine payments by credit or debit card, so where a defendant would have been able to pay a fine at the time of conviction the court had to send out a fine notice and allow additional time for the payment to be made. In road traffic cases the court often needs the defendant's driving licence.

6.74 None of the practitioners from the agencies operating the scheme could identify any discernible benefit and some explained that there were additional overall costs in the way it was run. Any potential long-term benefit was seen only in the context of the possible closure of existing courtrooms across London. In some cases there will be savings in the reduction of the transportation of defendants between police stations and courts.

6.75 The intention is that the court will schedule appearances by video-link between 8.30 am and 6.45 pm. For the CPS this creates additional staffing costs as premium payments are made to staff who administer and present cases outside the normal core hours. These additional costs had not been assessed as part of the project business case planning and negotiations with the trade unions took place very close to the time when the extended hours commenced. We are also aware that arrangements to obtain sufficient prosecutor volunteers to staff the extended hours of the scheme were taking place at the 11th hour. At the moment virtual court hearings are covered by crown prosecutors but the nature of the cases is such that when the scheme has bedded down they could be covered by associate prosecutors (AP). This would reduce the additional out of hours cost, but could have a negative impact on other aspects of the area's work if the APs are taken away from existing borough resources. There would also need to be appropriate systems in place to ensure that the charging advice given by a crown prosecutor is linked to the papers supplied to the AP at court. This was not happening in the cases we observed.

6.76 Additionally, virtual court defendants are entitled to be legally represented regardless of the nature of the allegation, which incurs an additional cost. We observed cases where, if the defendant had appeared at court in person they would not have been entitled to legal aid; for example an allegation of begging.

6.77 Other matters of concern were:

- a reduction in the lack of flexibility to move work between court rooms as one was now exclusively used for "virtual" cases, putting pressure on the ordinary remand court;
- inefficient IT aspects of lengthy downloading or printing times, which either reduced the time the prosecutor had to prepare the case, or resulted in the slot being lost. This can lead to defendants being bailed to their local court, which creates an ineffective hearing (the area informed us that solutions to the IT difficulties are now being worked on);
- the adverse impact on the ability of the prosecutor and defence representative to discuss issues around the cases – all conversations have to take place in the presence of the defendant;
- that there would appear to be additional police costs incurred through the need for a detention security officer at each police location;
- a lack of clarity about whether all cases suitable for the virtual court have to receive pre-charge advice from a prosecutor (which could increase the overall cost per case) – most cases observed would not ordinarily have needed a CPS pre-charge decision; and
- the introduction of an undesirable degree of informality into the conduct of the proceedings.

6.78 Whilst the cases we observed (including consideration of the relevant documentation) were all dealt with expeditiously, in the 125 minutes of our observations, the court was only actively engaged for just over half that period (66 minutes). Even then, most of the cases occupied the court for longer than would have been the case in a conventional hearing. This suggests that as currently operated the project is not utilising fully the court time available.

6.79 Although the full operation of the scheme is in its early days, it is essential that there is a realistic assessment of its effectiveness and that the final determination of whether it makes any real savings to the criminal justice system needs to take into account all factors. It is important that any further development of this initiative is informed by the proposed evaluation.

Joint project management from the CPS perspective

6.80 CPS London plays a central role in the London reform programme and its key joint projects can have a major impact on its operation. It is important therefore to make an assessment of the overarching themes.

6.81 Our main observation is that major change projects are sometimes driven forward at the expense of decisions made on sound data and evaluations against clear success criteria. Business cases do not always set out clear, realistic and measurable benefits and success criteria, and pilots are not always evaluated as fully as they should to provide a sound basis on which to make decisions about the future of the project and address difficulties; for example as seen in the IPT project.

6.82 There is a sense that projects once piloted cannot be seen to fail or any major weaknesses exposed. In this respect there appears to be a dislocate between what is happening and being experienced in operational units and what is reported to senior managers at the highest strategic level. For example, reports provided to the LCJB appear in some cases unduly positive. As set out above we found immense difficulties with DGSP, not with the concept itself, which is sound, but in its interpretation and implementation. Minutes of the LCJB meeting in March 2009, when it was agreed to close down the project and move it to business as normal, suggest an upbeat assessment was provided by focusing only on the major savings in police time being achieved. This was said to come 'with no detrimental impact on first appearances' but no note was made of the additional work created by DGSP for the CPS or the impact of a decrease in timely guilty plea rates and the increase in contested cases.

6.83 We are aware of the expectations of savings to the CJS, primarily the Metropolitan Police Service, flowing from these initiatives. Nevertheless, from a CPS perspective, there is a real sense of initiative overload at the front line. The fact that many change projects are being implemented concurrently is causing serious resourcing difficulties in key aspects of CPS London's core business, contributing to a concerning lack of case preparation and case progression. We were told that the LCJB's position is that there should be no further major projects implemented in London until the current change projects are fully implemented and embedded. We heartily endorse this view.

7 MANAGING BUSINESS PLANNING

Area planning processes and arrangements

- 7.1 CPS London has adopted the national CPS vision and direction, which are set out clearly in the Area Delivery Action Plan (ADAP) for 2009-10. Actions are listed under each of the strategic objectives. Quarterly progress updates are provided to the CPS London Board. Due partially to the detailed nature of the ADAP (246 individual actions are identified in the 2009-10 plan) and the abbreviated nature of the update comments, it is not easy to get a ready overview of progress. The board must also have experienced this difficulty. Action owners are not highlighted on the action plans, actions are no longer risk ranked in the 2009-10 plan (unlike in the 2008-09 plan) thereby making it more difficult to identify key priority actions, and progress updates tend to be brief.
- 7.2 The Area Business Plan supported by the ADAP is predicated on the successful delivery of a number of major change programmes. This includes internal CPS change programmes, such as the optimum business model (OBM), and joint change programmes such as integrated prosecution teams (IPT). We give our views on the major change programmes and how effectively they have been implemented in the previous chapter. Some of these projects have suffered from being implemented concurrently with insufficient consideration given to project interdependencies. There also appears to be some lack of holistic oversight; for instance the recent modernising charging arrangements run the risk of cutting across some of the potential benefits of co-location and greater local community engagement and accountability. The area business planning and review processes have not provided the vehicle for strategic oversight and coordination, as they should have. For instance the quarterly reviews have not picked up sufficiently on the difficulties being encountered at the front line.
- 7.3 CPS London's vision, direction and priorities have not been cascaded effectively to district and borough level. In part, this was due to the very detailed nature of the ADAP. In addition, the high turnover of district and borough managers and the removal of their financial delegation from 2007, has led to only limited engagement with managers in the planning process. Only a small minority of districts have a business plan, and no boroughs were found to have their own planning documentation. Whilst borough managers and their staff were aware of the existence of the ADAP, it was not seen as immediately relevant as it covers actions to be undertaken by the centre as well as by districts and boroughs, so was seen as lacking local focus and not directly relevant to the delivery of day to day business.
- 7.4 However, the senior management team are now addressing this issue with a business planning day for district and borough managers held in February 2010 following which district level business plans are being developed for 2010-11.

District business plans should be implemented across all districts, aligned to the overall Area Delivery Action Plan as well as incorporating local priorities. A highlight report should be devised for the board to provide a more effective update for Board meetings.

- 7.5 The 2009-10 Business Plan for London states that initiatives such as the area advocacy strategy and embedding the optimum business model (OBM) will lead to year on year savings of 3.5% in real terms by the end of 2010-11. However, CPS headquarters monitors such savings, with no visibility or tracking undertaken at local level. The budget allocated by CPS headquarters to London is net of any efficiency savings expected to be made. The lack of monitoring of efficiency savings targets by project initiative at CPS London level does not encourage appropriate focus on this aspect.

Governance arrangements

- 7.6 CPS London's governance framework has undergone a number of changes as a result of the senior management review (SMR), which reported in April 2008. The key findings were that the Board was not acting as a corporate and delivery focused body, and was not properly supported by an effective sub-committee structure. The recommendations of the SMR have led to the introduction of a smaller London Board underpinned by five sub-committees namely the Finance and Business Operations, Leadership and People Management, Corporate Risk, Audit and Assurance (CRAAC), Advocacy and Quality of Legal Decision-Making. It has taken some time to implement the new governance structures. Whilst the SMR programme project was signed off as completed in September 2009, the new governance structures were not fully operational at that time. In October 2009, the new Board met for the first time in its reduced size and in December 2009 a set of board behaviours, as recommended by the SMR, was adopted. The Quality of Legal Decision-Making Committee was due to meet for the first time in January 2010.
- 7.7 The CRAAC was established to oversee the governance and control arrangements within the organisation. Its remit extends to overseeing financial control, compliance and reporting, audit assurance and certificate of assurance processes, focusing mainly on the structure of these arrangements rather than the detail. A non-executive director, the first such post in a CPS area, has been appointed to chair the CRAAC as well as to sit on the Board. To avoid overlap with the national CPS Audit Committee, senior staff from CPS headquarters Internal Audit and Risk departments have been regularly consulted and have attended some of the CRAAC meetings.
- 7.8 It is apparent from a review of Board and sub committee minutes that there is some way to go for the Board to develop into the strategic oversight and delivery focused body envisaged by the SMR. This needs to be addressed as a matter of urgency by the SMT, as part of which it will need to commission more focused, high-level performance and change project updates. Decisions are not always being recorded and properly followed up as recommended by the SMR and the Board need as part of a benefits realisation exercise (see below) to ensure this aspect is addressed, as they have not nominated a specific officer to do this.
- 7.9 Whilst a lot of time and effort has been invested in the revised governance arrangements, it is not clear if they have addressed all the issues raised by the SMR. One of the programme closure recommendations was that the Strategic Planning and Change Team should undertake a review of benefits. There are as yet no plans to do this important piece of work that is urgently needed.
- 7.10 As part of its review of progress against the issues raised in the SMR (see recommendation seven), the SMT should consider the operation of the CPS London Board and its new governance arrangements.

Risk management arrangements

- 7.11 Risk management arrangements have improved significantly during the course of the current financial year, although further work is needed to embed the process into the organisation. CPS London has one strategic risk register, with no district or borough risk registers in existence. The strategic risk register is updated monthly by the Planning and Risk Team through liaison with the Head of Strategic Planning and Change and the Head of the Business Performance Unit. It is critical that risk is properly embedded and understood at all levels of management, as the current risk register indicates that the risks to CPS London are heightening, with two risks rated 'black' (severe) and 10 risks rated 'red' (high). Since his appointment in July 2009, the non-executive director provides an update on risk at Board meetings. The Board has agreed that each of the sub committee chairs will in future become risk owners, with risk a standing agenda item at each of the committee meetings. This new process was to be in place by January 2010. It is also the intention that a risk workshop will be organised for the Board as part of the planning process for the next financial year.

7.12 The SMT is now keen to strengthen accountability at district level, and propose to introduce district based risk registers.

7.13 At borough level there are no formal risk management structures in place and boroughs lacked a risk management culture.

The new SMT should introduce risk registers at district level, linked to district business plans, which would increase awareness of risk within the organisation and encourage engagement of local managers in risk management. Also, there should be a more effective linkage adopted between the Area Delivery Action Plan actions and the countermeasures to mitigate risks listed within the risk register.

Communication and training to support business needs

7.14 Communication at the senior level between CPS London headquarters and districts, and between districts and boroughs, has been adversely impacted by the high turnover of staff at these levels. Only at district business manager level have there been regular group meetings. The absence of management continuity and a heavy reliance on email communication (which often in reality staff do not read) has contributed to a general lack of clarity of direction and priorities within the organisation which is particularly apparent at the front line. Added to the high level of new initiatives introduced and resource pressures, there is a sense that everything is viewed as a priority by senior management. There is also a sense that communication is one way with those at the front line feeling that their views are not listened to.

7.15 Communication within boroughs is mixed. In some there was a good level of communication and in others less so. This again tended to be influenced by the continuity of management. The fact that many borough units are relatively small in number aids communication. There is some scope for more communication and interaction between boroughs, which at present is limited. Better communication between paralegal managers for example may assist them address common issues and share good practice. This would provide some of the resilience needed, while preserving the benefits of local partnership with, and close positioning to, the local magistrates' court.

7.16 Staff training needs are generally identified through the performance appraisal process, although this has not been fully effective in part due to the high turnover of managers. Boroughs relied on the area's central training course list that was circulated to staff to meet these needs. Managers and staff in around a third of the boroughs assessed considered that training provided generally met their needs with the remainder indicating that whilst some training was provided it was insufficient. Often the training they required was not available and at times staff felt they couldn't take the time out of work to attend the courses, as this would leave the borough short-staffed. A number of boroughs expressed concerns that the IPT training provided was inadequate.

7.17 The area has now increased its focus on legal skills training, starting with a legal skills questionnaire for all prosecutors, which will inform the training programme for the year ahead.

7.18 Most of the managers we met had received limited or no management training. Whilst there are some very experienced managers in London, there are also many new managers. Some good progress has been made recently with paralegal manager training undertaken in 2009. However, there is a pressing need to identify the development needs of all managers, particularly those newly promoted into management roles, and to implement a management training programme. The new SMT have identified management training as a priority and plans were in place to deliver extensive management training throughout 2010-11.

8 MANAGING PERFORMANCE

Area performance management

8.1 The senior management review acknowledged that progress had been made in generating performance data, but concluded that the root causes of poor performance were not being addressed. At an area level, performance is considered as part of the monthly Financial and Business Operations Committee meetings. Discussion is based around a monthly performance overview report, supplemented by a short summary report. The latter report focuses on the poorer performing boroughs (the “priority boroughs”), with some explanations and commentary. However, there is a question as to whether these reports are fit for purpose as there was a view from some senior managers that too much detail (in terms of performance data and planning updates) is reported to the CPS London Board and more information needs to be presented in a ‘highlight’ form. Certainly more work is needed to identify and address the root causes of poor performance.

Development and analysis of operational systems

8.2 The area has initiated a number of process compliance projects to review and set standards for the key business priorities of custody time limits (CTLs), direct communication with victims (DCV) and disclosure. The most progress to date has been in the management of CTLs, where work has included the issuing of a single London CTL system, conducting peer reviews and audits to assess compliance with national guidance and conducting further compulsory training for staff. While there are still some issues, particularly around the practice of prosecutors agreeing CTL dates in court, there have been noteworthy improvements in the management of CTL systems in London and a sharp reduction in the number of reported CTL failures. Performance in this respect now compares favourably with other areas.

Borough performance monitoring

- 8.3 The casework quality assurance (CQA) scheme is currently the principal way casework quality is assessed across the boroughs. Compliance with the CQA scheme (with a requirement of one case analysis per prosecutor per month) averaged 91% in London during the first quarter of 2009-10 in volume terms. This is an improvement from the compliance figure of 80% reported at the time of the 2007 OPA, although still below national performance which was fully compliant.²⁸
- 8.4 Whilst numerical compliance with the scheme is improving, the robustness of CQA assessments was found to be mixed. Our file examination showed only 59.1% of cases complied with the initial disclosure requirements, which contrasts significantly with the most recent CQA results (for the six months to June 2009) where managers assessed 99.6% of files as meeting the quality standards for disclosure.
- 8.5 In some boroughs, key issues arising from CQA assessments were identified and disseminated to individuals or staff at team meetings. In others, feedback was very limited with little or no analysis of trends or performance issues. Where casework quality reviews identified issues pertaining to individuals, they did not seem to be linked back to the personal development review process. The introduction of the optimum business model means that lawyers have less continuing accountability over case preparation, but specific actions about review and disclosure are ascertainable and should provide the opportunity for individual feedback.
- 8.6 The CPS nationally is planning, with effect from April 2010, to replace CQA with a performance management scheme built around its core quality standards. However, the issues we raise here are pertinent to any scheme and CPS London will wish to ensure that robust assessments are made under the revised arrangements.

²⁸ Although London only achieved an average compliance of 91%, the national average of 100% was made possible by other CPS areas achieving greater than a 100% compliance rate. This occurred because areas completed more CQA forms than targeted.

- 8.7 Under the new proposed structural arrangements, strategic responsibility for improving the quality of casework assurance will rest with the head of the Complex Casework Unit, who will need to develop much closer links with the districts and boroughs. There is also now a renewed focus on using case management panels to oversee the more serious, sensitive and complex cases.
- 8.8 The level of monitoring and analysis of adverse outcomes varied significantly from borough to borough. In some, monitoring was comprehensive, with in-depth analysis undertaken, while others were less thorough. In the most part, findings from adverse case analysis were shared with criminal justice partners in prosecution team performance management (PTPM) meetings. Despite this, most boroughs were not achieving sustained performance improvements from the adverse case analysis as in many instances the same issues were arising month after month without resolution.
- 8.9 Regardless of the level of monitoring, the issues were not being drawn together effectively at district level. The proposals to return significant management responsibility to district level should give more opportunity to develop a district assessment of casework performance, coupled with greater accountability at that level. Whilst borough crown prosecutors (BCPs) have to account for performance at district management meetings, this has not generally been accompanied by any assessment of the strengths and weaknesses of casework performance.
- 8.10 It was the view of some BCPs, and we agree, that the high turnover of managers at the district level, had taken the focus off performance. Some district crown prosecutor posts had been vacant for a number of months and therefore those districts did not have regular monthly discussions around performance. Not all new managers had been trained in performance management.

Advocacy monitoring and development of standards

- 8.11 CPS London does not have a systematic approach to monitoring advocacy standards for all advocates. It has two advocacy assessors (attached to the Central Advocacy Unit) who have 75% of their time allocated to carrying out advocacy assessments. Their remit in 2009-10 has been to assess the level two associate prosecutors (those qualified to undertake some summary trials) and crown advocates. In November 2009, there were nearly 500 prosecutors in London, including 65 associate prosecutors (APs) and 118 crown advocates. Against a target of 90 assessments, the assessors had together undertaken approximately 40 by the end of December 2009, comprising all of the level two APs and some crown advocates. This had risen to 70 by the end of February 2010. Those advocates assessed have been given comprehensive written feedback, which was copied to their line managers as well as being entered into a central information repository. However, there has been no area wide analysis of the assessment results to date and no coordinated action to address any shortfall in skills identified. During our court observations it was apparent that otherwise competent advocates lacked the appropriate skills to cross-examine effectively, and we received feedback about individual poor performers. We suspect that these are known to managers and the advocacy monitoring needs to be more focussed and to cover those advocates.
- 8.12 For other advocates monitoring is limited. Time and resource pressures have meant that most BCPs were limited to some ad-hoc monitoring of their staff on occasions coinciding with the BCP going to court. Feedback from this monitoring is usually informal. Additionally, the majority of BCPs said that they do not have the time to assess agents. Assessments might occur if the borough received particularly negative feedback about an agent but there are no area guidelines to assist in monitoring the quality of external advocates. Feedback from the judiciary is often focused on complaints about poorly performing advocates, but we were not assured that it was followed up with any action.
- 8.13 Overall this does not reflect the sort of focus on quality that the DPP and Chief Executive signalled in response to the HMCPSI thematic review of advocacy and case presentation.

The SMT should review its arrangements for advocacy monitoring to ensure that all advocates, including external advocates, are covered.

Borough level performance information

- 8.14 The extent of performance information available for borough managers, including data broken down to borough level has improved. A monthly performance overview report is prepared by the CPS London performance team. The report uses a traffic light system to rate performance in key areas against targets and allows for comparison with other boroughs. BCPs use this report as the basis for discussions around performance at the district management team meetings. The BCPs also provide commentary around their performance for quarterly performance reviews with district managers. However, the extensive turnover of managers outlined earlier in this report substantially limits the effectiveness of these accountability arrangements.
- 8.15 Whilst the majority of BCPs appeared to have a realistic understanding of their borough's performance in key areas, there was generally a lack of activity in using that information to make improvements. Analysis of the root causes behind poor performance was lacking. Managers at both district and borough level were largely relying on the performance information prepared for them at the centre with limited use of additional analytical tools such as CIS or MIS. This was due to a lack of time and/or training and access to these systems was not always readily available or the necessary user licences were not allocated to the right people with sufficient time to use them.
- 8.16 Updates to staff on performance varied across the boroughs. Only a minority of borough staff were well informed about their borough's performance through updates in team meetings and via email. A detailed database of London and borough performance, maintained by the CPS London Performance Team, is available for all staff on the shared drive, but overall there was little awareness or use of this.
- 8.17 Of concern is the number of incorrect finalisations (hearing outcomes and results) found in our file sample. Incorrect finalisations can distort the accuracy of performance information and resource allocation. Inspectors found that nearly 19% of cases examined were incorrectly finalised, and included guilty pleas being recorded as convictions after trial and discontinued cases recorded as jury acquittals. BCPs said that there was little time to undertake the necessary audits and spot-checking of information to address this however some coordinated work was being done by the district business managers at the end of 2009 and was now subject to close scrutiny at regional level.

The SMT should review performance management arrangements at borough level with the aim of developing a clear focus on analysis and improvement activity and as part of this reconsider the allocation of user licences for performance management tools. The new approach should be underpinned by appropriate performance management training and ensuring that boroughs are adequately resourced.

The SMT will need to assess the future requirements of the performance reporting arrangements at the various levels in light of the changing governance arrangements and imminent reduction in the size of the central performance team.

Use of performance appraisal to improve operational and personal performance

- 8.18 The performance and development review (PDR) process was in place for the vast majority of staff. Individual job plans were in place and half-yearly and yearly performance appraisal meetings were held between staff and managers, although these were not always timely. PDR objectives were generally set at the district level with some adaptation for local "team" needs. Many objectives were largely generic, which tended to lessen individual ownership of objectives and development plans. Many staff and managers viewed the PDR process more as a 'tick box'

exercise as opposed to a performance improvement tool. There is now a renewed focus at regional and district level on ensuring that this process becomes meaningful for both the individual staff member and their line manager.

Complaint handling

8.19 There was a lack of consistency in the handling of complaints. Whilst some boroughs maintained their own complaints log, others relied on the information being collated at district level. There was a general awareness of the escalation levels for complaints, and we saw an example of this working properly during our assessments. Individually, each borough received few complaints, but there was no analysis of trends at district or area level that would assist in identifying where improvements may be needed.

Joint performance management

8.20 Most boroughs have good working relationships in place with their partner agencies and are acknowledged to be open and collaborative. BCPs are participating in (and in many cases leading) a range of joint-agency meetings to look at performance, such as PTPM and sub-groups of the borough criminal justice groups (BCJGs). Some BCPs expressed difficulty in attending all of the meetings and specialist sub-groups requiring CPS representation. We saw examples where other staff were sent in their place, which served as a development opportunity, but reduced continuity and effectiveness.

8.21 There is appropriate sharing of information between the CPS and other agencies as part of these meetings, including the preparation and dissemination of adverse case outcome reports in some cases and comprehensive PTPM data. However, this information was not always provided sufficiently far enough in advance of meetings or in a form that enabled key issues to be readily identified.

Effectiveness of PTPM meetings

8.22 Whilst PTPM meetings are held regularly in most boroughs, they vary considerably in terms of their structure and attendees. Some boroughs have formal meetings with structured agendas; others comprise an informal discussion with the police to address current operational issues. Meeting minutes were often very brief so it was difficult to assess how effective these meetings were in progressing performance and what, if any, actions were being taken. There is a need to reassess the focus of these meetings, as the majority of charging decisions (the outcomes of which form the basis of these meetings) will no longer be made at borough level.

Trial effectiveness meetings

8.23 Most boroughs were involved in case progression and trial effectiveness meetings with the police, witness care units and HM Courts Service at the magistrates' courts level, although the effectiveness of these meetings varied. In many cases, boroughs would contribute information on the reasons for ineffective trials for discussion at these meetings, with the headline data provided by HM Courts Service. Less successful meetings were often the result of late or routinely unavailable trial data. Magistrates' courts trial effectiveness in London has improved since the time of the last OPA, while national rates have declined slightly over the same period. These meetings and the regular analysis of trial issues with other agencies is likely to be contributing to this improved performance. There were far fewer examples of meetings held at Crown Court level. Trial effectiveness in the Crown Court has decreased in London over the last three years, and the area needs to ensure that the local advocacy units and boroughs contribute generally to case progression and trial effectiveness meetings.

8.24 Overall, while relationships between the CPS and partner criminal justice agencies are positive, there were few examples of joint improvement strategies either area-wide or at the borough level that have delivered sustained improvements or better joint working. This lack of performance improvement may be a consequence of BCPs being pulled in too many directions and there was a view from partner agencies that the frequent movement of CPS managers, particularly at the district level, was a contributing factor. For partner agencies, the constant change in management, set out earlier in this report, has made it difficult to engage at a senior level and the view was that joint attempts at performance management might have suffered as a result.

Part two

In part two of the report we set out some further findings from our file examination and provide a more detailed commentary on some of the aspects of performance. When read in conjunction with part one these findings provide a detailed picture of how casework is dealt with in the area. Whilst we did not visit every borough, the CPS London senior management team confirmed that the boroughs that had been assessed were fairly representative of London as a whole.

9 PRE-CHARGE ADVICE AND DECISIONS

Pre-charge advice and decisions				
	Excellent	Good	Fair	Poor
Assessment of boroughs (including the traffic unit)	0	3	15	3

- 9.1 Inspectors examined 608 finalised cases that had been the subject of a pre-charge decision (PCD), where the advice was to proceed.
- 9.2 The final charging decision had been taken by CPS London Direct (CPSLD) in 35 of those cases (5.8%) and by CPS Direct (CPSD) in 211 cases (34.7%). The remaining 362 (59.5%) had been made by borough-based prosecutors.
- 9.3 Decisions were within the parameters of the evidential stage of the Code test in 96.2% of cases examined. CPS London prosecutors applied the evidential test appropriately in 95.4% of cases where they made the charging decision whereas for CPSD, the proportion was greater at 97.6%. The public interest stage of the Code was applied appropriately in 523 cases (99.6%).
- 9.4 There were 145 cases (23.8%) in which the threshold test had been applied, however it had been applied appropriately in only 114 of those cases (78.6%). Where it had been applied inappropriately inspectors found that in most cases the full Code test could have been applied on the evidence and information available, in the others it was not appropriate to apply to remand the defendant in custody and the defendant should have been bailed and the appropriate file submitted to the prosecutor for a full code test decision.
- 9.5 Overall, the most appropriate charge was selected appropriately at the pre-charge decision stage in 89.9% of relevant cases.
- 9.6 The quality of the written charging advice as recorded on the MG3 (the record of the charging decision) was variable. Most were considered to be either fair or good, although the better ones tended to be produced by CPSD rather than by London prosecutors. Inspectors assessed the quality of MG3s produced by London prosecutors to be excellent in four cases (1.0%), good in 110 (28.4%), fair in 188 (48.6%) and poor in 85 (22.0%). This does not compare well with the advice provided by CPSD where it was excellent in 20 cases (9.5%), good in 123 (58.6%), fair in 52 (24.8%) and poor in 15 (7.1%).
- 9.7 Ancillary issues received adequate consideration in only 203 out of 351 relevant cases (57.8%) where a CPS London prosecutor gave the charging advice. This, again, does not compare well with CPSD where ancillary issues were appropriately dealt with in 167 out of 170 relevant cases (98.2%).
- 9.8 Instructions to the advocate at court on how, for example, the case should progress and the approach to bail issues were included in the MG3 by London lawyers in 169 out of 330 relevant cases (51.2%), compared to CPSD where they were present on 187 out of 205 relevant MG3s (91.2%).
- 9.9 In a separate exercise, inspectors examined a further 89 pre-charge decisions made by CPSLD prosecutors, comprising a mix of cases where the advice was to proceed, take no further action or to direct an alternative disposal. The quality of decision-making in these cases was slightly lower than found in our main file sample. The decision was in accordance with the evidential stage of the Code test in 83 cases (93.3%) and in 60 of the 63 relevant cases (95.2%) where the public interest stage was considered.

- 9.10 All duty prosecutors have sufficient experience and receive adequate training in order to provide pre-charge advice in routine cases. A pressure exists, however, in relation to certain cases where a 'specialist' prosecutor is required, but may not be available to provide the initial review and charging decision. These cases are meant to undergo a further review as soon as practicable by an appropriate lawyer post-charge. This important step in the review process is not always completed either at all or in a timely fashion. Inspectors also found that no consistent process was embedded in London to ensure that cases charged applying the threshold test received a full Code test within a reasonable period of time. In some cases there was no indication that a full Code test review had been undertaken.
- 9.11 Cases are submitted for pre-charge advice in accordance with the Director's guidance on the streamlined process (DGSP), designed to allow a quicker, more proportionate, file build and the quality of files provided to the prosecutor is dependant upon robust quality assurance checks completed by police evidential review officers (EROs). Some London boroughs have expressed concerns that a proportion of cases were being unrealistically identified as anticipated guilty pleas (and therefore within the criteria) and prepared for court without being certified by a supervisor. Inspectors noted that the provision of EROs varied from borough to borough and that crown prosecutors have had limited success in persuading some police basic command units to increase the volume and quality of ERO supervision. In this regard, pre-charge processes would benefit from an effective joint training programme. Whilst pockets of joint training have taken place in piecemeal fashion, overall for London this has been an opportunity largely missed.
- 9.12 Borough prosecution team performance management meetings (PTPM) across London have a reduced profile since the introduction of DGSP and there is a lack of effective joint performance in a number of boroughs, with the police appearing to doubt PTPM as an effective mechanism for improving performance, in part due to the manner in which the data is presented. Equally, CPS managers at borough level appear to lack the determination to devise joint improvement strategies based on information-driven analysis through the PTPM process. However, in some boroughs there is now a renewed joint emphasis on the process as a means of improving performance.
- 9.13 CPS London makes good use of the case management system (CMS) to record pre-charge decisions. Almost all entries are timely and accurate, although more effective use could be made of the system to monitor and progress check some relevant aspects, such as action plans. Serious and sensitive cases were correctly flagged to indicate this status in 83.6% of relevant cases.

10 DECISION-MAKING, PREPARATION AND PROGRESSION IN MAGISTRATES' COURT CASES

Decision-making, preparation and progression in magistrates' court cases				
	Excellent	Good	Fair	Poor
Assessment of boroughs (including the traffic unit)	0	1	9	11

Case outcomes in the magistrates' court

	Performance 2008-09		Performance 12 months to December 2009	
	National	CPS London	National	CPS London
Discontinuance and bindovers	8.7%	8.0%	8.9%	8.3%
No case to answer	0.2%	0.3%	0.2%	0.3%
Dismissed after trial	2.0%	2.4%	2.2%	2.8%
Discharged committals	0.2%	0.3%	0.3%	0.4%
Warrants	1.6%	3.0%	1.5%	2.5%
Overall conviction rate	87.3%	86.0%	87.0%	85.8%

- 10.1 Inspectors examined 366 finalised magistrates' court cases. In 54 of those cases the defendant had been charged by the police without the need to first obtain CPS advice. In 48 of the 54 cases the decision was made within the parameters of the evidential stage of the Code test (88.9%), which is a lower compliance rate than for cases subject to a pre-charge decision. The public interest test was applied similarly in 46 of the 48 cases (95.8%).
- 10.2 The appropriate charges were selected at the pre-charge stage in 90.1% of relevant cases, including those subject to a pre-charge decision.
- 10.3 Of 272 cases that were subsequently reviewed for summary trial application of the evidential stage of the Code test at this point accorded with the Code in 260 (95.6%), whilst the application of the public interest stage accorded with the Code in 248 out of 249 relevant cases (99.6%). The appropriate charges were selected at the summary trial in 92.3% of cases.
- 10.4 In 36 magistrates' court cases, pleas were accepted either to some of the offences charged or to an alternative offence, that decision being appropriate in 33 of the cases (91.7%). In nearly all cases where a plea had been accepted, an insufficient record had been made of any basis of plea put forward by the defence, as well as the reasons for accepting it. In the majority of cases, prosecutors did not accept pleas to alternative offences and were robust in not reducing charges. Some criminal justice partners, however, expressed the view that on occasion prosecutors could be overly rigid, lacking a necessary degree of pragmatism, which ran contrary to an effective early disposal of some cases.
- 10.5 CPS London relies upon use of the case management system (CMS) to identify and join linked cases together. Adoption of the single file system in the integrated prosecution team (IPT) boroughs has helped to prevent duplicate paper files being registered on the system and cases against co-defendants proceeding separately in parallel, although our file examination showed that the necessary linkage was still not always being made.

- 10.6 Inspectors examined 82 finalised magistrates' court cases where the proceedings had been discontinued and found that the decision was a reasonable one having regard to Code principles in 74 of the cases (90.2%).
- 10.7 In 21 of the 70 discontinued cases (30%) examined the outcome could have been avoided by better case preparation. In 20 of the 70 cases (28.6%) that had been subject to a pre-charge decision, there had been no material change in circumstances since that stage. Discontinuance was timely in only 47 of the 70 cases (67.1%) and consultation with the police was recorded as having taken place in 44 of the cases (62.9%). Whilst there is not a requirement to consult with the victim before discontinuance this took place in 21 out of 44 relevant cases (44.7%).
- 10.8 All aspects of case preparation were timely in only 120 out of 346 relevant magistrates' court cases (34.7%).
- 10.9 Criminal Justice: Simple, Speedy, Summary (CJSSS) has been implemented across London and most cases examined proceeded at the first court hearing with 363 out of 386 relevant cases (94.0%) making some progress at this stage²⁹; this, however, proved to be a false dawn with problems emerging thereafter.
- 10.10 Use of CMS in the cases examined was assessed as fair. In 2009-10 to date the area met the targets for updating hearing outcomes and recording finalisations in 66.5% of cases compared with 77.1% nationally. As in many aspects there was a wide range in performance in the boroughs from 40.0% to 83.8%. Borough managers are aware of the need to ensure that CMS is used consistently and the importance of the timely updating of case information of the system. Whilst some improvements have been made, progress is limited, to a degree, by the restricted IT facilities and access to CMS available to the CPS at court.

29 This includes cases that were subsequently committed to the Crown Court.

11 DECISION-MAKING, PREPARATION AND PROGRESSION IN CROWN COURT CASES

Decision-making, preparation and progression in Crown Court cases				
	Excellent	Good	Fair	Poor
Assessment of boroughs	0	0	5	15

Case outcomes in the Crown Court

	Performance 2008-09		Performance 12 months to December 2009	
	National	CPS London	National	CPS London
Judge ordered acquittals	11.6%	15.7%	11.6%	15.4%
Judge directed acquittals	1.0%	1.1%	1.0%	1.4%
Acquittals after trial	5.5%	8.5%	5.8%	8.9%
Warrants	1.1%	1.6%	1.1%	1.8%
Overall conviction rate	80.8%	73.1%	80.6%	72.5%

- 11.1 The application of the evidential stage of the Code test accorded with the Code in 251 out of the 266 cases (94.4%), whilst the application of the public interest stage accorded with the Code in 236 out of 237 relevant cases (99.6%). In a further 13 cases we were unable to determine from the available material whether the evidential and public interest decisions accorded with the Code.
- 11.2 The appropriate charges were selected at the committal or service of the prosecution evidence stage in 239 out of 270 relevant cases (88.5%).
- 11.3 The requirement to conduct a subsequent or ad hoc review following a significant change of circumstances or the receipt of relevant additional material arose in 177 cases. In 75 (42.4%) there was an appropriate record of the required review having taken place.
- 11.4 The indictment was drafted appropriately in 234 out of 286 relevant cases (81.8%), with the majority of the remainder being adequately amended. Timeliness, however, was a greater issue, with only 66.7% of the indictments amended at an appropriate stage in proceedings.
- 11.5 Although the system for accepting pleas was not robust at many of the Crown Courts, there were very few instances of inappropriate pleas being accepted. Pleas were offered and accepted appropriately in 41 out of 42 relevant cases (97.6%) examined in the file sample. Invariably, however, where a basis of plea had been advanced and agreed, no proper note of it had been recorded and retained on the prosecution file.
- 11.6 The proportion of London cases resulting in a judge ordered acquittal (JOA) is substantially worse than the national average. In 2008-09, 15.7% of cases prosecuted in Crown Court centres in London resulted in a JOA, compared with 11.6% nationally. Performance for the 12 months to December 2009 shows a slight improvement to 15.4%, but this is still worse than the national figure of 11.6% for the comparable period.
- 11.7 Inspectors examined 75 London cases that resulted in a JOA. In 49 cases (65.3%), the decision to discontinue proceedings was made in response to a material change in the case after the original decision to charge had been made. However, the substantial majority of the cases were discontinued at a late stage in the progress of the case; in 18 of the 75 cases (24.0%), proceedings

were discontinued shortly before the trial date and in a further 38 of the 75 cases (50.7%), proceedings were discontinued on the day of trial. In the majority of cases, the decision could have been taken at an earlier stage, since the eventual outcome was foreseeable significantly before the trial date in over half the cases discontinued, and in 11 of the 75 cases (14.7%) at the pre-charge decision-making stage.

- 11.8 The quality and completeness of committal papers served on the court and defence is variable, with some bearing the hallmark of being put together hurriedly and at the last minute. Preparation at the committal stage also suffers from a proportion of full files submitted by the police having important evidence still outstanding, as well as incomplete unused material documents and schedules. As with magistrates' court cases, prosecutors have expressed the view that late and incomplete submissions of files have increased with the introduction of the Director's guidance on the streamlined process.
- 11.9 It is common for borough units in London to allocate Crown Court cases to a paralegal member of staff prior to the lawyer's review. This has the benefit of ensuring that preparation work is not delayed pending a prosecutor's availability to review the material, but it can lead to a degree of wasted effort in cases that are discontinued at the committal stage. Given the level of unsuccessful outcomes, it is important that prosecutors conduct a timely review of the full file of evidence to assist in building the case. There were often timeliness issues around forensic and medical evidence, as well as the quality of unused material schedules and associated documents.
- 11.10 The use of the case management system (CMS) to record information for Crown Court cases has improved and it is now being better used to provide an audit trail of actions in cases, although the recording of reviews and communications needs to be more consistent and comprehensive. The accuracy of hearing information and finalisations on CMS was less consistent, partly due to missing, inaccurate or poor quality minute sheets recording events in court. Overall usage of CMS within our sample was assessed as Good in 80 cases (27.8%), Fair in 159 cases (55.2%) and Poor in 49 cases (17.0%).

12 THE PROSECUTION OF CASES AT COURT

The prosecution of cases at court				
	Excellent	Good	Fair	Poor
Assessment of boroughs (including the traffic unit)	0	1	18	2

Case presentation in the magistrates' court

12.1 Advocates are generally able to progress cases at first appearance, despite difficulties which can arise through a lack of relevant information in respect of Director's guidance on the streamlined process (DGSP) cases, where some important detail can be limited. Cases progressed at first hearing in 363 out of 386 cases (94.0%). Thereafter, however, case progression lost momentum and it was common for pre-trial applications to be late and sometimes only advanced at the trial itself; in some cases, applications were not made at all. Cases were listed for mention at the defence request due to unanswered correspondence, for example in order to obtain disclosure of unused material. There was timely completion of all directions between first hearing and trial in just 89 out of 231 relevant cases (38.5%) in our file sample, and in only 50 out of 156 relevant cases (32.1%) were the necessary applications made and served in accordance with the applicable time limit.

12.2 Although there was some variation in the quality of file endorsements, the majority were fair or better. From the file sample, inspectors assessed the quality of file endorsements in 374 magistrates' court cases, which were excellent in two cases (0.5%), Good in 145 (38.8%), Fair in 178 (47.6%) and Poor in 49 cases (13.1%).

Case presentation in the Crown Court

12.3 Crown advocates within most local advocacy units (LAU) do not complete casework tasks and files are returned for the borough lawyers and paralegals to prepare. This does not sit comfortably with the 'cradle to grave' approach that originally underpinned the CPS advocacy strategy. Some LAUs, such as the one located at Snaresbrook Crown Court, have operated for some time and conduct the full range of work. Others, such as at Wood Green Crown Court, have been more recently formed, and concentrate on cases listed for plea and case management hearings, sentencing and appeal hearings. There is a temptation, to meet resource savings targets, to require CAs to conduct a greater number of cases than effectiveness might dictate. There is also a culture of instructing advocates conducting non-trial work late in the day, giving them little opportunity to prepare properly. Overall, there has been no clear, structured process in place to develop the skills of CAs consistently and a lack of regulation and effective monitoring of CA performance.

12.4 The level of administrative support made available and quality of file endorsements in the Crown Court were variable, the chief omission being a clear and comprehensive record of the outcome. This most commonly occurred where the presence of a paralegal member of staff in court was intermittent or absent. From the file sample, inspectors assessed the quality of file endorsements in 288 Crown Court cases as good in 78 cases (27.1%), fair in 160 (55.5%) and poor in 50 cases (17.4%). Inspectors were able to conduct some advocacy assessments at the Crown Court centres, which included both in-house advocates and counsel. Due to the limited time available, the observations were more restricted than those completed for our thematic review of advocacy, but were consistent with the findings detailed in that report.³⁰ Whilst the advocacy was assessed to be of acceptable standard, it was also true to say that none was of a high calibre, although the cases observed were neither complex nor particularly taxing in nature.

30 Report of the thematic review of the quality of prosecution advocacy and case presentation, July 2009.

12.5 In addition to our observations, we took the views of the judiciary who indicated that, whilst the most serious contested cases were usually presented well, that it was not invariably so and occasions had arisen when an otherwise able in-house advocate had been instructed to appear in a case beyond their experience and capability. Overall, the quality of case presentation was variable and, despite some good advocates, too often prosecutors, particularly in-house CAs, lacked a detailed knowledge of their cases and were unable to deal proactively with matters arising in case management hearings. The poor state of CPS London's case preparation was, at least in part, attributable to a reduction in the number of crown prosecutors employed to review and prepare cases. From the finalised file sample, there was timely completion of all Crown Court directions between first hearing and trial in just 76 out of 219 relevant cases (34.7%), whilst in only 79 out of 185 relevant cases (42.7%) were the necessary applications made and served in accordance with the applicable time limit.

13 SERIOUS VIOLENT AND SEXUAL OFFENCES, AND HATE CRIMES

Serious violent and sexual offences, and hate crimes				
	Excellent	Good	Fair	Poor
Assessment of boroughs (including the traffic unit)	0	2	11	8

13.1 Inspectors examined a total of 284 cases involving serious violence, sexual offence and hate crimes. Where, in a particular case, the charges fell into more than one category, for example child abuse and rape or domestic violence coupled with serious violence, the inspection findings have been included in each of the relevant categories. Where more than one serious or sensitive offence was prosecuted, but the offences were all within the same category, for example a racially aggravated assault and a religiously aggravated public order offence, that case has been included only once within that category. In total, 384 assessments were made in eight principal categories. A table giving the precise break down of cases by category and venue appears below:

Serious and sensitive case categories examined from the file sample	MC	CC	TOTAL
Domestic violence	113	34	147
Child abuse	2	25	27
Rape	n/a	50	50
Sexual offences (other than rape)	6	33	39
Religiously or racially aggravated offences	33	23	56
Serious violence	4	50	54
Homicide/attempted murder	n/a	1	1
Road traffic offences involving a fatality	6	4	10
Total number of assessments	164 (42.7%)	220 (57.3%)	384 (100%)

13.2 Although there were pockets of poor performance, flagging of sensitive cases on the electronic case management system (CMS) across London was generally good. Of the 284 cases that should have been identified as serious or sensitive, 235 of them (82.7%) were appropriately flagged.

13.3 Sufficient background material was submitted by the police for an informed decision to be taken by the prosecutor providing the pre-charge advice in 235 out of 284 cases (82.7%).

13.4 Child abuse, rape and sexual assault cases were generally handled better than other casework and were usually, but not always, dealt with by an appropriate specialist throughout. Although the case ownership was higher in these cases than for less serious matters, it was not universal that the same prosecutor would deal with the case from start to finish. Out of the 50 rape cases from the file sample, 15 of them (30.0%) lacked continuity of prosecutor. More could also be done to comply with the requirement in certain types of case to offer a meeting to the victim if the case was dropped. In seven out of 21 relevant cases (33.3%), the CPS failed to offer to meet with the victim when it was obliged to and in three out of eight cases (37.5%) no proper record had been made of whether the victim had been consulted at the stage when an alternative plea was offered.

13.5 The agreed procedure for rape cases concluding with a not guilty outcome was not routinely adhered to, and in only three out the 16 relevant cases (18.8%) was an appropriate report prepared and submitted by the trial advocate.

13.6 Overall, no consistent procedure was evident to cope with the issue of victim retraction in serious and sensitive cases, irrespective of whether the borough had experienced difficulties in securing victim and witness attendance over a considerable period of time. Prosecutions proceeded against the victim's wishes in 29 out of 122 relevant cases (23.8%).

- 13.7 Inspectors examined 52 racially or religiously aggravated offences and found that the appropriate offences were usually charged and that, in 44 out of the 50 cases (88.0%) which resulted in a successful outcome, the defendant was convicted of the offence or offences selected at the pre-charge decision-making stage. This suggests that prosecutors at the pre-charge stage are good at selecting the appropriate charges. There were no examples of cases where the prosecutor had failed to place the racial or religious motivation appropriately before the court, although such information was not always recorded on the file. In four out of the 52 cases (7.7%), the prosecutor accepted pleas to a non-aggravated alternative offence; whilst this is not a high proportion, it was of concern that in two the prosecutor accepted the plea without complying with the CPS policy.
- 13.8 Overall, an inherent fragility was apparent around the decision-making process in cases where a CPS policy was engaged. Although invariably not sufficient to subordinate the Code test to the policy, a lack of robustness and consistency was detected in these categories of case; for example, an historic abuse case where the initial decision to charge was contradicted at a later stage by a different prosecutor, inevitably causing the complainant understandable distress.
- 13.9 There were pockets of proactive working, but some cases were left to drift in a parlous state, notwithstanding requests for remedial action made by the advocate instructed to prosecute the trial. In one case examined, a thorough and well-reasoned advice by counsel designed to strengthen the case was ignored by the CPS on three occasions until it finally became impractical and too late for it to be acted upon at all.

14 DISCLOSURE

Disclosure	Excellent	Good	Fair	Poor
Assessment of boroughs (including the traffic unit)	0	1	8	12

14.1 Cases were assessed against a number of disclosure criteria, the most important of which were compliance and timeliness of initial and continuing disclosure. The results in those four categories are given in the table below.

Cases from the finalised file sample in which the duty of disclosure was examined. ³¹	MC		CC		Combined	
	Cases	%	Cases	%	Cases	%
Cases in which the duty of disclosure at the initial stage was fully complied with.	169/291	(58.1%)	175/269	(65.1%)	344/560	(61.4%)
Cases in which completion of initial disclosure stage was timely.	126/273	(46.2%)	222/262	(84.7%)	348/535	(65.0%)
Cases in which the duty of disclosure at the continuing stage was fully complied with.	18/33	(54.5%)	96/182	(52.7%)	114/215	(53.0%)
Cases in which completion of continuing disclosure stage was timely throughout.	13/28	(46.4%)	56/155	(36.1%)	69/183	(37.7%)

14.2 In the magistrates' court, the timely service of disclosure occurred in only 46.2% of cases and this was a product of late case preparation in general combined with the late receipt of disclosure schedules and documents from police.

14.3 The quality of disclosure schedules was often unsatisfactory. A frequent failing was the absence of items that would be commonly anticipated as forming part of the prosecution unused material, such as incident reports and previous convictions of witnesses. Few defective schedules were challenged by prosecutors, and the quality of endorsements on schedules was variable.

14.4 In 42 of the 216 cases (19.4%) where the duty of initial disclosure was not complied with fully this was due to a failure to disclose potentially undermining or assisting material. In all but one of these cases the outcome prevented any potential miscarriage of justice, as the proceedings were dropped or the defendant was acquitted after trial. The one case has been drawn to the attention of the Chief Crown Prosecutor.

14.5 The disclosure record sheet (DRS) is not routinely used to list and explain in chronological sequence disclosure activity. Inspectors examined 558 cases which ought to have had a DRS, yet found only 146 cases (26.2%) where a DRS was present. Generally there was a failure to keep them up-to-date when they were used. Whilst IPT archiving difficulties may explain their absence in some instances, the lack of a record of the DRS on either the case management system, or on the paper files from non-IPT sites, indicates that they are simply not being used, contrary to the frequently expressed belief of local managers.

14.6 Third party disclosure issues were handled well in a few cases examined, and it was handled appropriately in 20 of the 42 cases (47.6%). Overall, however, there was a general lack of awareness of the potential for unused material to exist in the hands of a third party. Although appropriate procedures exist for the proper consideration of the most common types of third party material in the form of a draft protocol agreement between CPS London and the local authorities, not all borough units have promulgated the secured agreement to the protocol.

31 This excludes those cases where we were unable, due to the absence of material on the file, to determine compliance.

15 CUSTODY TIME LIMITS

Custody time limits				
	Excellent	Good	Fair	Poor
Assessment of boroughs	0	11	9	0

- 15.1 In September 2008, CPS London issued a notice to all staff to ensure that the national custody time limits (CTL) guidance was adopted in all boroughs. This was done in the light of the high number of CTL failures in London and HMCPSI's impending assessments of London boroughs. The senior management team then instructed all boroughs to adopt the London CTL system. This is compliant, for the most part, with the national standard, although there are some disparities between them.
- 15.2 The area has made a concerted effort to improve performance in this aspect and it was identified as a key priority in 2009-10. As well as reinforcing the need for compliance with the guidance there had been training and peer reviews in some boroughs, which have identified where improvements should be made. This effort is reflected in our assessments, with borough scores for this aspect being normally higher than their overall assessment.
- 15.3 Management checks both at paralegal business manager and borough crown prosecutor level are generally robust, but the area needs to ensure that, with the current movement of staff, individual units do not find that they have lost the requisite skills and knowledge.
- 15.4 Our examination of a mix of finalised and live files indicated that CTL expiry dates were being correctly calculated in almost all cases, and there were appropriate checks to rectify those that were incorrect. Where there were possible weaknesses it was usually that not all files indicated the review date for consideration of whether an application to extend was needed, and the endorsement of management checks on the files varied.
- 15.5 Applications to extend were made appropriately in all relevant cases examined, although in some the case chronology could have been better. There was a lack of prosecutor oversight of the drafting of some of the applications.
- 15.6 Agreement in court of the CTL expiry dates was mixed. It was clearly happening in some magistrates' courts, but not in others. In some our observations indicated that it was not happening, contrary to the view of borough managers. The position in the Crown Court is clearer, with the court alive to when CTLs expire and the requirement to fix trials before that date.
- 15.7 Overall, the concerted drive in London (which emanated from a national initiative by the DPP) appears to have had considerable impact and the number of CTL failures should therefore decline.

16 THE SERVICE TO VICTIMS AND WITNESSES

The service to victims and witnesses				
	Excellent	Good	Fair	Poor
Assessment of boroughs (including the traffic unit)	0	0	10	11

DCV compliance rates (volume against proxy target)			
	2007-08	2008-09	2009-10 (to end Sep 2009*)
CPS London	59.1%	91.1%	96.3%
England & Wales	87.0%	117.0%	126.9%

* last period for which national figures are available

16.1 Letters should be sent to victims explaining why charges are dropped or substantially altered in accordance with the direct communication with victims scheme. The level of compliance of 96.3% appears good on the face of it. But HMCPSI has found in other inspections and audit work that the proxy targets, against which compliance performance is measured, are unrealistic and can substantially underestimate the actual number of DCV letters required. The CPS suspended performance reporting against proxy targets in October 2009 while it reviewed their efficacy. In 2008-09 12 boroughs reported compliance levels in excess of 100% including one of 146%; this supports concerns that the proxy targets lead to inflated reported compliance levels.

DCV timeliness				
		2007-08	2008-09	2009-10 (to end Dec 2009)
Letters to vulnerable & intimidated victims in 1 day	CPS London	41.0%	65.9%	83.5%
	England and Wales	60.4%	78.9%	85.6%
Letters to other victims within 5 days	CPS London	64.5%	83.1%	87.5%
	England and Wales	77.0%	88.6%	92.0%

16.2 The CPS has a number of other responsibilities under the Victims' Code, including that prosecutors introduce themselves to victims before a trial and explain any delays on the day, that the CPS answer queries from witness care units (WCU) and provide lists of witnesses required to attend court (LWACs) to WCUs and that expenses are paid on time. There are currently no formal means of assessing compliance with these but our observations in relation to compliance at court by prosecutors is set out in aspect 4.

16.3 Ancillary issues including the applicability of special measures were considered in 67.6% (375 of 555 cases) of relevant pre-charge decision cases examined but often only to a limited extent. It was not always clear whether the needs of victims and witnesses had been properly discussed or if special measures had been considered in relevant cases. The reverse side of the MG11 witness statement form that provides victim and witness details, is often not completed meaning that the charging lawyer does not have all the relevant facts. This is particularly an issue in cases handled under the Director's guidance on the streamlined process (DGSP). The need for charging lawyers to ensure that the relevant witness details are available and where they are lacking that they are followed up should be reinforced.

16.4 A range of special measures are available to assist vulnerable and intimidates witnesses to give their best evidence, such as the giving of evidence from behind a screen or through a video link. Appropriate special measures applications are generally made once it is clear that a witness is vulnerable or intimidated but applications are often late including too many applications made on the day. Whilst late applications can be the result of witnesses becoming more nervous as the trial approaches this is also due to the needs of the witness not being properly assessed at the earliest opportunity. Late applications, including those made on the day, tend to be agreed by the court but this means that witnesses do not always have the reassurance in advance that special measures will be available to help them. The outcomes of special measures applications are not always communicated to the WCU and/or Witness Service and, as we indicate in aspects 2 and 3, the applications are not always timely.

16.5 WCUs were established as part of the No Witness No Justice initiative (NWNJ) to provide support to witnesses from the point of charge to case completion. Each borough has its own WCU located within a police station. Where boroughs have moved to IPT, the WCU is located in the same building as the CPS. WCUs were designed as a joint police / CPS initiative, although in practice they are predominantly staffed and managed by the police. Early on it was agreed by the two parties that the CPS would provide one witness care officer (WCO) in each WCU. However, in many boroughs the CPS is failing to provide a WCO. At the time of our assessment CPS WCOs were only in place in approximately 50% of WCUs; in one borough the CPS WCO position had been unfilled for three years and in another for 18 months. This is clearly unsatisfactory and was raised as a concern by a number of police representatives interviewed. There was a sense that the CPS is not playing its role and this was impacting adversely on the WCUs' ability to meet its workloads. It is also contributing to a perception that WCUs are wholly police units, indeed we found instances in documentation available to the public of the WCU being referred to as the police WCU.

16.6 WCUs are required to meet 16 minimum requirements in relation to conducting witness needs assessments and keeping witnesses updated as to the progress in their case. When the area self assessed itself against the minimum requirements it scored a total of 19 points (two points for each aspect given a green rating and one for each amber rating) – just one CPS area scored lower. Although this had increased to 23 points in March 2009, this was reduced to 17 points on moderation by the Victim and Witness Central Delivery Unit. At this time, the area was progressing in relation to the proportion of detailed witness needs assessments undertaken but was having difficulties in accessing accurate hearings and sentencing outcome information promptly. WCOs were not therefore always able to update witnesses within the prescribed timescales. At the time of our borough assessments a more recent self-assessment was not available but informal assessment indicated that accessing hearings and outcomes information promptly remained a key problem.

Witness attendance rates	2007-08	2008-09	2009-10 (to end Dec 2009)
CPS London	80.3%	83.1%	81.3%
England & Wales	83.9%	86.0%	86.8%

16.7 Improving witness attendance rates continues to prove challenging. The support provided to witnesses in the lead up to the trial by WCUs is a key factor here. Even so many victims and witnesses can be frightened and reluctant to attend court for fear of recrimination irrespective of the level of support offered. LWACs produced by the CPS are generally accurate and timely. There were in several boroughs instances of 'blanket' warnings where all witnesses in a case were warned before decisions were made as to which witnesses would be required, which is far from ideal. This tended to be in streamlined process cases where the prosecutor did not have all the information necessary to make decisions as to which witnesses would be required.

16.8 In most boroughs, there was a good working relationship between the CPS and the WCU, and many cited co-location as a contributor to closer working relationships and an improved exchange of information. In some boroughs, communication from the CPS to the WCU could be more effective, particularly in regard to communicating the outcomes of special measures applications. There were also generally good relationships with Witness Service although in many boroughs communication to them of the outcomes of special measures applications could be improved upon.

Performance in NWNJ primary measures

	2007-08		2008-09		2009-10 (to Dec 2009)	
	London	National	London	National	London	National
Magistrates' courts						
Ineffective trials due to prosecution witness issues	3.9%	4.0%	3.6%	3.6%	3.9%	3.5%
Cracked trials due to witness issues	5.7%	5.2%	5.0%	4.7%	5.4%	4.8%
Crown Court						
Ineffective trials due to prosecution witness issues	2.6%	2.4%	3.3%	2.5%	3.3%	2.7%
Cracked trials due to witness issues	1.9%	1.9%	1.9%	1.9%	2.5%	2.1%

16.9 Performance in primary measures other than witness attendance rates, as shown in the table above, is mixed with no clear trend of improvement apparent in the magistrates' courts and declining performance in the Crown Court.

16.10 NWNJ set out a number of primary performance measures, that include cracked and ineffective trials due to witness issues, and secondary performance outcome measures, that include witness attendance rates, VPS, special measures applications and referrals to support organisations.

16.11 Both primary and secondary performance data is available at borough level except where borough cases feed into the same courts in which case data is collated accordingly. Cracked and ineffective trial data is generally shared between agencies and reviewed at local cracked and ineffective trial meetings. In many boroughs these are attended by local WCU managers, which is helpful. However, there was a low level of awareness of the availability of secondary data at borough level and limited use is made of it. This data is not routinely shared with partners.

Part three

At the beginning of part three we set out a matrix showing the scores against each aspect for all the boroughs assessed. There is then a short summative report on each borough (grouped into their respective districts).

Summary of borough scores

District and Borough	Overall assessment	Score	Pre-charge decisions	Decision-making etc Magistrates' Court	Decision-making etc Crown Court	Prosecution of cases at court	Serious crime etc	Disclosure	CTLs	Service to Victims and witnesses	Managing performance to improve	Management and partnership
Woolwich												
Bexley	Fair	16	Fair	Fair	Poor	Poor	Fair	Fair	Fair	Fair	Fair	Fair
Greenwich	Poor	11	Fair	Poor	Poor	Fair	Poor	Poor	Good	Poor	Fair	Fair
Lewisham	Poor	8	Fair	Poor	Poor	Fair	Poor	Poor	Fair	Poor	Poor	Fair
Traffic unit	Fair	17	Good	Fair	n/s	Fair	Good	Poor	n/s	Fair	Fair	Good
Snaresbrook												
Barking & Dagenham	Fair	19	Fair	Fair	Poor	Fair	Good	Fair	Fair	Fair	Fair	Fair
Hackney	Poor ³²	16	Fair	Poor	Poor	Fair	Fair	Poor	Good	Fair	Fair	Good
Havering	Fair	18	Good	Fair	Fair	Fair	Fair	Poor	Good	Poor	Fair	Fair
Redbridge	Poor	15	Fair	Fair	Fair	Fair	Poor	Poor	Good	Poor	Fair	Fair
Tower Hamlets	Poor	13	Fair	Poor	Poor	Fair	Fair	Poor	Fair	Poor	Fair	Good
Waltham Forest	Fair	22	Fair	Fair	Fair	Good	Fair	Fair	Good	Fair	Fair	Fair
Isleworth & Kingston												
Ealing	Fair	19	Fair	Poor	Poor	Fair	Fair	Fair	Good	Fair	Good	Good
Hammersmith & Fulham	Poor	8	Fair	Poor	Poor	Poor	Poor	Fair	Fair	Poor	Poor	Fair
Hillingdon/Heathrow	Fair	23	Fair	Fair	Fair	Fair	Fair	Good	Good	Fair	Good	Fair
Hounslow	Poor	11	Poor	Poor	Poor	Fair	Poor	Fair	Good	Poor	Fair	Fair
Harrow & Wood Green												
Barnet	Fair	18	Fair	Fair	Poor	Fair	Fair	Fair	Fair	Fair	Fair	Fair
Brent	Poor	8	Poor	Poor	Poor	Fair	Poor	Poor	Fair	Poor	Fair	Fair
Enfield	Poor	8	Fair	Poor	Poor	Fair	Fair	Poor	Fair	Poor	Poor	Poor
Haringey	Poor	9	Poor	Poor	Poor	Fair	Poor	Poor	Good	Poor	Fair	Fair
Harrow	Poor	15	Fair	Fair	Poor	Fair	Poor	Poor	Good	Fair	Fair	Fair
Southwark & Croydon												
Croydon ³³	Good		Good	Good	Fair	Fair	Fair	Fair	Fair	Fair	Good	Good
Westminster	Poor	13	Fair	Poor	Poor	Fair	Fair	Poor	Good	Poor	Fair	Fair

32 The score would indicate a rating of Fair, but the limiter of having three Poor aspects reduced this.

33 Croydon was the unit selected for the pilot BPA. It was scored under a different mechanism but would still have been assessed as good under the scoring mechanism subsequently used for all other boroughs assessed.

CPS LONDON – BEXLEY BOROUGH

Borough crown prosecutor: Peter Burt		Borough statistics	2008-09	% change
Borough crown prosecutor at time of assessment: Sharon Grant		Pre-charge decisions resulting in charge	838	18.7%
		Pre-charge decisions not resulting in a charge	404	-30.7%
Staff numbers (<i>number of lawyers</i>)	18.1 (4.8)	Total pre-charge decisions	1242	-3.6%
General budget 2009-10	£710,677	Total magistrates' courts proceedings	1768	-9.2%
Prosecution costs 2009-10	£307,766	Cases sent or committal to the Crown Court	283	-1.4%
Date of assessment	9/2009	Total Crown Court proceedings	373	-1.4%
Performance aspects		BPA 2009		
Pre-charge advice and decisions	[2] Fair	Serious, violent and sexual offences, and hate crime	[2] Fair	
Decision-making, preparation and progression in magistrates' courts' cases	[2] Fair	Disclosure	[2] Fair	
Decision-making, preparation and progression in Crown Court cases	[0] Poor	Custody time limits	[2] Fair	
The prosecution of cases at court	[0] Poor	The service to victims and witnesses	[2] Fair	
		Managing performance to improve	[2] Fair	
		Managing resources	Not scored	
		Management and partnership working	[2] Fair	
OVERALL ASSESSMENT		[16] FAIR		

Summary

CPS Bexley serves the area covered by the Metropolitan Police in the London Borough of Bexley. It has an office located in Bexleyheath Police Station and forms an integrated prosecution team.

The overall quality of pre-charge decision-making is fair.

The successful outcome rate in the magistrates' court in the year to June 2009 is 88.9%, which is better than the CPS London average of 85.9% and the national average of 87.3%. Similarly, the borough's effective trial rate in the magistrates' court for the same period was also above national and CPS London performance.

By contrast, the borough performed less well in the Crown Court in the year to June 2009. In the Crown Court, the successful outcomes rate for the same period was 68.8%, which was worse than the CPS London average of 72.7% and the national average of 80.6%. The borough relies too heavily on the initial review and lacks robust systems to ensure that serious cases are effectively prepared thereafter.

The quality of case presentation was variable. While some advocates were not always fully prepared for hearings in Crown and magistrates' courts, the borough's associate prosecutors were generally well regarded.

Successful outcomes for cases involving violence against women including allegations of rape and domestic violence were significantly worse than national averages.

Compliance with the prosecution's duties of disclosure of unused material overall is fair, although there were weaknesses in the process at the initial disclosure stage.

The systems for managing custody time limits are satisfactory, although the CTL champion and staff in general would benefit from refresher training. There were no reported failures from 2007 to the time of our assessment.

The borough has increased the number of letters sent to victims to explain why a charge has been dropped or significantly altered, but needs to improve the timeliness of letters. The borough enjoys a good working relationship with its partner Witness Care Unit.

The borough has overspent against its allocated budget in 2008-09 substantially. Deployment of advocates in the magistrates' courts is high. Whilst its caseload has fallen significantly, the borough has not been able to maintain the quality of Crown Court work. Sickness absence has been substantial.

Overall, the quality of performance management is satisfactory, but it requires a more focused analysis and understanding of those aspects that adversely affect the borough's performance.

Managers have concentrated on day-to-day operational issues at the expense of developing fully effective borough partnerships. Relationships with staff are generally positive and there is effective informal communication between managers and staff.

CPS LONDON – GREENWICH BOROUGH

Borough crown prosecutor: Philip Fernandez		Borough statistics	2008-09	% change
		Pre-charge decisions resulting in charge	1401	-1.6%
		Pre-charge decisions not resulting in a charge	1422	-21.2%
Staff numbers (<i>number of lawyers</i>)	26.1 (8.2)	Total pre-charge decisions	2823	-12.6%
General budget 2009-10	£1,112,093	Total magistrates' courts proceedings	2979	-17.7%
Prosecution costs 2009-10	£538,669	Cases sent or committal to the Crown Court	620	-0.8%
Date of assessment	9/2009	Total Crown Court proceedings	759	-0.9%
Performance aspects	BPA 2009		BPA 2009	
Pre-charge advice and decisions	[2] Fair	Serious, violent and sexual offences, and hate crime	[0] Poor	
Decision-making, preparation and progression in magistrates' courts' cases	[0] Poor	Disclosure	[0] Poor	
Decision-making, preparation and progression in Crown Court cases	[0] Poor	Custody time limits	[3] Good	
The prosecution of cases at court	[2] Fair	The service to victims and witnesses	[0] Poor	
		Managing performance to improve	[2] Fair	
		Managing resources	Not scored	
		Management and partnership working	[2] Fair	
OVERALL ASSESSMENT		[11] POOR		

Summary

CPS Greenwich serves the area covered by the Metropolitan Police in the London Borough of Greenwich. It has an office located in CPS premises in The Cooperage.

The quality of pre-charge decision-making is fair, but poor outcomes are indicative of a lack of proactivity on the part of prosecutors at the early stage together with poor case management and preparation thereafter.

The borough has had significant difficulty operating the optimum business model which has adversely affected the timeliness and quality of case preparation for summary trial.

There is a tendency to rely on the initial review as the principal mechanism for building the prosecution case, which can result in late or inadequate preparation.

The successful outcome rate in the magistrates' court in the year to June 2009 is 83.0%, which is worse than the CPS London average of 85.9% and the national average of 87.3%. In the Crown Court, the successful outcomes rate for the same period had improved to 78.2%, which is better than the CPS London average of 72.7% but worse than the national average of 80.6%.

The prosecution of cases at court was variable with some advocates lacking development of their advocacy skills to the required standard.

Decision-making in respect of cases involving allegations of serious violence, sexual offences and hate crimes is variable, being better in those cases that have been reviewed by specialists. Outcomes are poor and not improving, and the borough has not met any of the national targets.

Compliance with the prosecution's duties of disclosure of unused material is poor.

The systems for managing custody time limits are satisfactory and there have been no reported failures on the borough for the last three years.

Witness warning systems are satisfactory but the target for witness attendance rates has not been met. Greater consideration of the needs of victims and witnesses at pre-charge stage is required although the relationship with the witness care unit is good.

The borough was underspent against its budget in 2008-09. There is good deployment of in-house prosecutors in the magistrates' court but the implementation of a district strategy for the deployment of crown advocates is required.

The quality of performance management is adequate, although some aspects could be improved such as analysis of adverse outcomes.

The focus of borough management has been very much on day-to-day operational issues. There is effective informal communication between managers and staff but a need for regular team meetings to be held to ensure all staff are kept informed of key issues within the borough.

CPS LONDON – LEWISHAM BOROUGH

Borough crown prosecutor: Gary Dolby		Borough statistics	2008-09	% change
		Pre-charge decisions resulting in charge	1789	3.2%
		Pre-charge decisions not resulting in a charge	1812	14.5%
Staff numbers (<i>number of lawyers</i>)	27.7 (9.4)	Total pre-charge decisions	3601	8.6%
General budget 2009-10	£1,284,548	Total magistrates' courts proceedings	3418	5.0%
Prosecution costs 2009-10	£584,747	Cases sent or committal to the Crown Court	607	-24.2%
Date of assessment	9/2009	Total Crown Court proceedings	748	-23.0%
Performance aspects	BPA 2009			BPA 2009
Pre-charge advice and decisions	[2] Fair	Serious, violent and sexual offences, and hate crime		[0] Poor
Decision-making, preparation and progression in magistrates' courts' cases	[0] Poor	Disclosure		[0] Poor
Decision-making, preparation and progression in Crown Court cases	[0] Poor	Custody time limits		[2] Fair
The prosecution of cases at court	[2] Fair	The service to victims and witnesses		[0] Poor
		Managing performance to improve		[0] Poor
		Managing resources		Not scored
		Management and partnership working		[2] Fair
OVERALL ASSESSMENT	[8] POOR			

Summary

CPS Lewisham serves the area covered by the Metropolitan Police with whom it shares accommodation in the London Borough of Lewisham as an integrated prosecution team

This borough has some difficult issues concerning the nature of crime locally and victim and witness non-attendance at court when trials eventually take place. Caseloads have fallen in the Crown Court, but standards have not improved.

The successful outcome rate in the magistrates' court in the year to June 2009 is 81.8%, which is worse than the CPS London average of 85.9% and the national average of 87.3%. In the Crown Court, the successful outcomes rate for the same period had improved to 78.2%, which is better than the CPS London average of 72.7% but worse than the national average of 80.6%. Recent outcomes at both venues have declined.

The quality of decision-making at the outset is generally sound. However, the borough needs to improve on the quality and timeliness of its case review, preparation and progression, most notably in respect of contested cases. Inspectors found that some trial advocacy was affected by poor or late case preparation.

Allegations of serious violence, sexual offences and other hate crimes are treated appropriately and the quality of decision-making is better than in less serious cases. However successful outcomes are comparatively low. No strategy is in place to address how these outcomes might be improved.

Compliance with the prosecution's duty of disclosure of unused material is neither thorough nor timely, with inaccurate schedules not being challenged and a failure to record actions taken.

The borough has adequate monitoring of custody time limits but tighter management of them would afford the borough a greater level of security.

The service provided for victims and witnesses needs to be improved. A concerted strategy to reduce victim and witness attrition ought to be a key priority for the borough.

Performance management needs to be strengthened as outcomes on the borough are generally below target. The borough has formed constructive relationships with partners to address joint performance issues but this has not yet been translated into widespread improvement in outcomes.

The borough met its target for deployment of in-house prosecutors in the magistrates' court in 2008-09 despite a reduction in lawyer resources. The borough's associate prosecutors are highly regarded by criminal justice partners but a rigorous analysis is needed of prosecutor deployment and case weight to ensure that resource needs have been set appropriately.

The focus of borough management has been on day-to-day operational issues, mainly managing workload with a reduced level of resources. There is effective informal communication between managers and staff but formal communication channels should be utilised to ensure all staff are kept informed of key issues.

CPS LONDON – BARKING & DAGENHAM BOROUGH

Acting borough crown prosecutor: Mohammad Cheema		Borough statistics	2008-09	% change
		Pre-charge decisions resulting in charge	1102	19.0%
		Pre-charge decisions not resulting in a charge	716	42.9%
Staff numbers (<i>number of lawyers</i>)	24.4 (5.0)	Total pre-charge decisions	1818	27.4%
General budget 2009-10	£1,454,000	Total magistrates' courts proceedings	2755	8.2%
Prosecution costs 2009-10	£462,868	Cases sent or committal to the Crown Court	470	-1.7%
Date of assessment	10/2009	Total Crown Court proceedings	607	4.1%
Performance aspects	BPA 2009		BPA 2009	
Pre-charge advice and decisions	[2] Fair	Serious, violent and sexual offences, and hate crime	[3] Good	
Decision-making, preparation and progression in magistrates' courts' cases	[2] Fair	Disclosure	[2] Fair	
Decision-making, preparation and progression in Crown Court cases	[0] Poor	Custody time limits	[2] Fair	
The prosecution of cases at court	[2] Fair	The service to victims and witnesses	[2] Fair	
		Managing performance to improve	[2] Fair	
		Managing resources	Not scored	
		Management and partnership working	[2] Fair	
OVERALL ASSESSMENT	[19] FAIR			

Summary

CPS Barking & Dagenham serves the area covered by the Metropolitan Police in the London Borough of Barking & Dagenham. It has an office located in Stratford.

The borough has achieved a conviction rate that compares very well to the London and national averages. Performance relating to violence against women and hate crime is particularly encouraging.

The quality of legal decision-making is good at the pre-charge stage, but less so at the review stage, where inherent evidential problems are not always identified. Whilst there is some evidence of proactivity, reviews are often not followed through with case handling of comparable quality. The underlying principles of CPS policy on domestic violence are applied with energy, but its details are not always observed.

There is a lack of genuinely proactive case progression in both magistrates' court and Crown Court cases. Whilst the proportion of effective trials is relatively high in both, this is due more to the ability of staff to resolve outstanding issues on the eve of trial, than the effectiveness of joint and internal case progression systems. Compliance with court directions is often late, and statutory time limits for the filing of evidentiary applications are rarely met.

The successful outcome rate in the magistrates' court in the year to June 2009 is 87.9%, which is better than the CPS London average of 85.9% and the national average of 87.3%. In the Crown Court, the successful outcomes rate for the same period is 76.3%, which is better than the CPS London average of 72.7% but worse than the national average of 80.6%.

Witness care has improved recently, along with compliance with direct communication with victims and Prosecutors' Pledge schemes; but room for improvement remains, particularly in relation to communication with the witness care unit.

The quality of in-house advocacy is basically sound, but the borough needs to focus on allowing all advocates to fulfil their potential. There has been a large rise in agent usage in the magistrates' courts due to lack of lawyer time, and this is affecting quality overall.

The borough complies in the main with its duties disclosure of unused material to the defence, although disclosable items are not always served, and some items are served in error. Systems for dealing with custody time limit cases are adequate with some refinements needed.

Joint performance is consistently addressed with partners, and there has been robust communication on difficult issues, particularly in relation to file building and delays at the pre-charge stage. Internal performance is also managed with a degree of success, but more needs to be done to improve case progression and electronic case management system usage.

In recent years the borough has benefited from committed staff, strong leadership, effective engagement with partners, and a growing profile in the community.

CPS LONDON – HACKNEY BOROUGH

Acting borough crown prosecutor: Toks Adesuyan		Borough statistics	2008-09	% change
Borough crown prosecutor at time of assessment: Denise Hanks		Pre-charge decisions resulting in charge	1,233	-3.3%
		Pre-charge decisions not resulting in a charge	514	-65.8%
Staff numbers (<i>number of lawyers</i>)	31.0 (<i>11.5</i>)	Total pre-charge decisions	1,747	-37.1%
General budget 2009-10	£1,223,339	Total magistrates' courts proceedings	3,783	-10.7%
Prosecution costs 2009-10	£945,290	Cases sent or committal to the Crown Court	831	4.4%
Date of assessment	10/2009	Total Crown Court proceedings	1059	5.6%
Performance aspects		BPA 2009		BPA 2009
Pre-charge advice and decisions	[2] Fair	Serious, violent and sexual offences, and hate crime	[2] Fair	
Decision-making, preparation and progression in magistrates' courts' cases	[0] Poor	Disclosure	[0] Poor	
Decision-making, preparation and progression in Crown Court cases	[0] Poor	Custody time limits	[3] Good	
The prosecution of cases at court	[2] Fair	The service to victims and witnesses	[2] Fair	
		Managing performance to improve	[2] Fair	
		Managing resources	Not scored	
		Management and partnership working	[3] Good	
OVERALL ASSESSMENT		[16] POOR³⁴		

Summary

CPS Hackney serves the area covered by the Metropolitan Police in the London Borough of Hackney. It has an office located in Stoke Newington Police Station and forms an integrated prosecution team (IPT).

The borough has established a good working relationship with police in providing pre-charge advice on a daily basis. Outcomes for 2008-09 were poorer than national and London averages in both the magistrates' courts and the Crown Court.

The magistrates' court optimum business model unit has not brought anticipated improvements in summary trial preparation with cases not being reviewed until very shortly before the trial date.

The successful outcome rate in the magistrates' court in the year to June 2009 is 84.6%, which is worse than the CPS London average of 85.9% and the national average of 87.3%. In the Crown Court, the successful outcomes rate for the same period is 69.5%, which is worse than the CPS London average of 72.7% and the national average of 80.6%.

The quality of instructions to counsel in Crown Court cases was poor, containing little reference to the individual aspects of the case. The borough is aware of these failings and steps are being taken to improve both the preparation of Crown Court cases and the quality of instructions to counsel.

Advocates complied with the national standards of advocacy, although more attention to the quality of file endorsements is necessary and more systematic monitoring of advocacy.

Performance in reducing attrition in cases involving violence against women and in cases of hate crime needs to be improved as outcomes are below both the London and national averages.

Compliance with the prosecution's duties of disclosure of unused material was poor with weaknesses evident across a range of elements. This aspect needs to be urgently addressed.

Despite an earlier custody time limit failure, the borough's monitoring systems appear sound and well managed.

Compliance with the direct communication with victims scheme has improved markedly. The service provided to victims and witnesses would be enhanced further by earlier consideration of special measures and more timely applications.

Performance management on the borough is driven strongly by the borough crown prosecutor who provides regular and constructive feedback to individuals as well as working well with partner agencies. Good work has been done by the new management team in improving systems and processes and getting the foundations right.

The borough has limited responsibility for managing budgets. Following the move to an IPT in 2007 and the impact of this on staffing levels, the area has struggled to cover the workload with its own staff and there is a high level of reliance on agents.

The management team have a good sense of what is required to be delivered locally and are visible and accessible. There is a good sense of team spirit and of support and co-operation between managers and their teams.

³⁴ The score would indicate a rating of Fair, but the limiter of having three Poor aspects reduced this.

CPS LONDON – HAVERING BOROUGH

Borough crown prosecutor: Corinne Soanders		Borough statistics	2008-09	% change
		Pre-charge decisions resulting in charge	956	-21.8%
		Pre-charge decisions not resulting in a charge	480	-17.8%
Staff numbers (<i>number of lawyers</i>)	17.4 (5.4)	Total pre-charge decisions	1436	-20.5%
General budget 2009-10	£976,000	Total magistrates' courts proceedings	2389	2.0%
Prosecution costs 2009-10	£454,086	Cases sent or committal to the Crown Court	401	2.8%
Date of assessment	9/2009	Total Crown Court proceedings	541	7.8%
Performance aspects	BPA 2009		BPA 2009	
Pre-charge advice and decisions	[3] Good	Serious, violent and sexual offences, and hate crime	[2] Fair	
Decision-making, preparation and progression in magistrates' courts' cases	[2] Fair	Disclosure	[0] Poor	
Decision-making, preparation and progression in Crown Court cases	[2] Fair	Custody time limits	[3] Good	
The prosecution of cases at court	[2] Fair	The service to victims and witnesses	[0] Poor	
		Managing performance to improve	[2] Fair	
		Managing resources	Not scored	
		Management and partnership working	[2] Fair	
OVERALL ASSESSMENT	[18] FAIR			

Summary

CPS Havering serves the area covered by the Metropolitan Police in the London Borough of Havering. It has an office located at Stratford.

The district has undergone significant structural and management changes. The borough was part of a conjoined unit with Redbridge borough until April 2009 when the current borough crown prosecutor (BCP) managed both units. The separation of the functions of Havering and Redbridge has been undertaken while both boroughs have been preparing to relocate to police premises as part of CPS London's move to integrated prosecution teams.

The successful outcome rate in the magistrates' court in the year to June 2009 is 90.7%, which is better than the CPS London average of 85.9% and the national average of 87.3%. In the Crown Court, the successful outcomes rate for the same period is 68.5%, which is worse than the CPS London average of 72.7% and the national average of 80.6%. This is almost certainly attributable to inefficient and ineffective case progression systems as the quality of decision-making is generally good.

Presentation of cases in both the magistrates' court and Crown Court is variable. The borough nearly met its target for deployment of in-house prosecutors in the magistrates' court and was better than the London average. The target for the use of associate prosecutors was met and also exceeded the London average. The deployment of crown advocates is managed at district level where a dedicated advocacy unit has been established at the Crown Court.

Compliance with the prosecution's duties in relation to disclosure of unused material is poor with limited recording of decisions and actions. Timeliness of the provision of unused material disclosure is an issue.

The borough systems to identify, monitor and review cases that are subject to custody time limits are robust and the borough has not had a reported failure for three years.

The relationship with the witness care unit is good but the borough needs to improve its performance under the direct communication with victims scheme, whereby the CPS writes to a victim when charges are dropped or significantly altered. The borough needs to be able to satisfy itself that the minimum requirements of witness care under the national No Witness No Justice scheme are being met.

The borough needs to build an effective communication strategy with partners, particularly at prosecution team performance management meetings, to develop a clearer understanding of where performance can be improved.

CPS LONDON – REDBRIDGE BOROUGH

Borough crown prosecutor: Bridget Chohan		Borough statistics		2008-09	% change
		Pre-charge decisions resulting in charge	1,247	24.9%	
		Pre-charge decisions not resulting in a charge	622	17.4%	
Staff numbers (<i>number of lawyers</i>)	19.8 (<i>5.8</i>)	Total pre-charge decisions	1,869	22.3%	
General budget 2009-10	£787,100	Total magistrates' courts proceedings	2,941	9.0%	
Prosecution costs 2009-10	£352,500	Cases sent or committal to the Crown Court	535	18.4%	
Date of assessment	9/2009	Total Crown Court proceedings	661	24.5%	
Performance aspects		BPA 2009		BPA 2009	
Pre-charge advice and decisions	[2] Fair	Serious, violent and sexual offences, and hate crime	[0] Poor		
Decision-making, preparation and progression in magistrates' courts' cases	[2] Fair	Disclosure	[0] Poor		
Decision-making, preparation and progression in Crown Court cases	[2] Fair	Custody time limits	[3] Good		
The prosecution of cases at court	[2] Fair	The service to victims and witnesses	[0] Poor		
		Managing performance to improve	[2] Fair		
		Managing resources	Not scored		
		Management and partnership working	[2] Fair		
OVERALL ASSESSMENT		[15] POOR			

Summary

CPS Redbridge serves the area covered by the Metropolitan Police in the London Borough of Redbridge. It has an office located in Stratford.

The assessment of poor overall performance reflects the difficult circumstances in which the borough has worked including significant structural changes. It is to the credit of the managers and staff that the rate of successful outcomes has been maintained above the London average whilst the caseload has increased significantly.

The quality of decision-making is generally sound with the most appropriate charge being selected. However, prosecutors making charging decisions do not routinely consider ancillary issues and there is a need to improve the timeliness of aspects of case preparation, in particular for cases listed for trial.

Case outcomes for cases subject to a pre-charge decision in 2008-09 were not as good as national performance.

The successful outcome rate in the magistrates' court in the year to June 2009 is 86.9%, which is better than the CPS London average of 85.9% but worse than the national average of 87.3%. In the Crown Court, the successful outcomes rate for the same period is 72.8%, which is better than the CPS London average of 72.7% but worse than the national average of 80.6%.

Presentation of cases at court was variable but the associate prosecutor was highly regarded. Compliance with the prosecution's duties of disclosure is poor, especially in relation to continuing disclosure and also the recording of actions taken.

Performance in the handling of serious violent and sexual offences and hate crimes needs to be strengthened, in order to improve case outcomes that are lower than the national average. There is a particular need to improve the handling of cases involving allegations of domestic violence.

The management of the custody time limit provisions is strong, particularly in the magistrates' court. There are good working relationships with the witness care unit, but applications for special measures for witnesses are often made late and letters to victims when charges are dropped or substantially altered were often not sent.

The recent changes in the borough have impacted on a number of aspects of performance and on overall resilience, and there is a need generally to strengthen the management of performance.

The target for deployment of in-house prosecutors in the magistrates' court was not met and was significantly below the London average and flexible working arrangements have not always aligned with the business need.

The focus of managers has been very much on day-to-day operational issues. There is a need to build an effective communication strategy both internally and externally as an important vehicle for change and performance improvements.

CPS LONDON – TOWER HAMLETS BOROUGH

Acting borough crown prosecutor: Punam Chopra		Borough statistics	2008-09	% change
Borough crown prosecutor at time of assessment: Toks Adesunya		Pre-charge decisions resulting in charge	1424	-1.7%
		Pre-charge decisions not resulting in a charge	914	14.8%
Staff numbers (<i>number of lawyers</i>)	32 (10)	Total pre-charge decisions	2338	4.1%
General budget 2009-10	£1,110,859	Total magistrates' courts proceedings	3912	-1.9%
Prosecution costs 2009-10	£543,448	Cases sent or committal to the Crown Court	874	15.5%
Date of assessment	10/2009	Total Crown Court proceedings	1093	24.9%
Performance aspects	BPA 2009		BPA 2009	
Pre-charge advice and decisions	[2] Fair	Serious, violent and sexual offences, and hate crime	[2] Fair	
Decision-making, preparation and progression in magistrates' courts' cases	[0] Poor	Disclosure	[0] Poor	
Decision-making, preparation and progression in Crown Court cases	[0] Poor	Custody time limits	[2] Fair	
The prosecution of cases at court	[2] Fair	The service to victims and witnesses	[0] Poor	
		Managing performance to improve	[2] Fair	
		Managing resources	Not scored	
		Management and partnership working	[3] Good	
OVERALL ASSESSMENT	[13] POOR			

Summary

CPS Tower Hamlets serves the area covered by the Metropolitan Police in the London Borough of Tower Hamlets. It has an office located in Bethnal Green Police Station and forms an integrated prosecution team (IPT).

The quality of pre-charge decision-making is sound but the timeliness of ongoing reviews and the standard of case preparation generally need to improve.

The successful outcome rate in the magistrates' court in the year to June 2009 is 84.5%, which is worse than the CPS London average of 85.9% and the national average of 87.3%. In the Crown Court, the successful outcomes rate for the same period is 73.7%, which is better than the CPS London average of 72.7% but worse than the national average of 80.6%.

Problems relating to implementation of an IPT with police partners have taken time to resolve and for the potential benefits to be achieved. The borough has also felt the effect of considerable staff turnover since this change.

Presentation of cases complies with the national standards of advocacy although the standard of prosecution of trials is often undermined by late or inadequate preparation of cases.

Allegations of serious violence, sexual offences and other hate crimes are treated appropriately and the quality of decision-making is generally good. Successful outcomes for offences of rape and domestic violence are poor although performance in respect of other hate crimes is much better.

Compliance with the prosecutor's duties of disclosure of unused material is neither thorough nor timely.

The borough has introduced more effective systems for monitoring custody time limit (CTL) cases. Continued vigilance remains essential to ensure that all aspects of the national CTL guidance are applied and fully understood by staff.

The service provided to victims and witnesses would be enhanced by more timely and effective applications for special measures and improved communication with the witness care unit and Witness Service. Compliance with the direct communication with victims scheme has improved in terms of timeliness of letters although some are still missed especially when charges are altered.

Performance management is driven strongly by the borough crown prosecutor who provides regular and constructive feedback to individuals. More use could be made of the analysis of performance data, trends and adverse outcome reports.

Associate prosecutor usage has increased following improved listing arrangements agreed with the court but work is needed to plan the future deployment of the borough's lawyer staff so that a realistic balance of court coverage, duty prosecutor and case preparation sessions is achieved.

The leadership is recognised as visible and effective and is well respected by criminal justice agency partners.

CPS LONDON – WALTHAM FOREST BOROUGH

Borough crown prosecutor: Lionel Idan		Borough statistics	2008-09	% change
		Pre-charge decisions resulting in charge	946	6.9%
		Pre-charge decisions not resulting in a charge	591	-14.8%
		Total pre-charge decisions	1537	-2.7%
Staff numbers (<i>number of lawyers</i>)	23.4 (6.4)	Total magistrates' courts proceedings	2848	19.3%
General budget 2009-10	£1,105,789	Cases sent or committal to the Crown Court	624	22.6%
Prosecution costs 2009-10	£459,890	Total Crown Court proceedings	759	23%
Date of assessment	10/2009			
Performance aspects	BPA 2009		BPA 2009	
Pre-charge advice and decisions	[2] Fair	Serious, violent and sexual offences, and hate crime	[2] Fair	
Decision-making, preparation and progression in magistrates' courts' cases	[2] Fair	Disclosure	[2] Fair	
Decision-making, preparation and progression in Crown Court cases	[2] Fair	Custody time limits	[3] Good	
The prosecution of cases at court	[3] Good	The service to victims and witnesses	[2] Fair	
		Managing performance to improve	[2] Fair	
		Managing resources	Not scored	
		Management and partnership working	[2] Fair	
OVERALL ASSESSMENT	[22] FAIR			

Summary

CPS Waltham Forest serves the area covered by the Metropolitan Police in the London Borough of Waltham Forest. It has one office located in Chingford Police Station as part of an integrated prosecution team (IPT) and one in Waltham Forest Magistrates' Court.

The introduction of CPS London Direct has reduced borough deployment in charging centres, but a reduction in lawyers means the benefits of charging are not fully realised. Inspectors had some concerns about the quality and depth of review and case outcomes are lower than the London averages.

Some recent system and process changes are showing early benefits but need to embed more fully. The initial success of the optimum business model was followed by later backlogs in magistrates' courts cases due to uncertainty in roles and responsibilities. These have now been addressed. The appointment of a borough Crown Court case progression officer has led to improvements in trial readiness. The standard of case presentation complies with the national standards of advocacy but the quality of instructions to advocates in Crown Court cases needs to be improved to provide a better analysis of the case.

The successful outcome rate in the magistrates' court in the year to June 2009 is 83.8%, which is worse than the CPS London average of 85.9% and the national average of 87.3%. In the Crown Court, the successful outcomes rate for the same period is 70.2%, which is worse than the CPS London average of 72.7% and the national average of 80.6%.

The borough has improved its undertaking of its duties of disclosure of unused material although some aspects of procedure need to be applied more consistently. The monitoring of cases subject to a custody time limit is particularly good. Staff have a good knowledge of the relevant regulations and awareness of systems. There have been no failures in recent years.

Cases of serious violence, sexual offences, domestic violence and hate crimes are dealt with appropriately by specialist prosecutors. Prosecutors comply with national policy although case outcomes are poor. The service provided to victims and witnesses is mixed. Some applications for special measures to assist witnesses in court are late. However, the numbers of letters sent to victims when a charge is altered or dropped are increasing.

Performance has been affected by the implementation of some recent initiatives and moving to police premises as part of the London programme of restructuring to IPTs. There is now a greater focus on managing performance, internally and with partners, in order to improve. Prosecution team performance management meetings are beginning to see improvements in outcomes. The recent loss of four lawyers has impacted on deployment in the magistrates' courts but the use of associate prosecutors is maximised. Community engagement has encompassed a wide range of activities although the approach needs to be more structured.

CPS LONDON – EALING BOROUGH

Borough crown prosecutor: Irene Bhadresa		Borough statistics	2008-09	% change
		Pre-charge decisions resulting in charge	1580	-0.4%
		Pre-charge decisions not resulting in a charge	1270	14.8%
Staff numbers (<i>number of lawyers</i>)	28.4 (6.8)	Total pre-charge decisions	2850	5.8%
General budget 2009-10	£1,418,006	Total magistrates' courts proceedings	3705	2.5%
Prosecution costs 2009-10	£836,604	Cases sent or committal to the Crown Court	872	25.5%
Date of assessment	11/2009	Total Crown Court proceedings	987	19.9%
Performance aspects	BPA 2009		BPA 2009	
Pre-charge advice and decisions	[2] Fair	Serious, violent and sexual offences, and hate crime	[2] Fair	
Decision-making, preparation and progression in magistrates' courts' cases	[0] Poor	Disclosure	[2] Fair	
Decision-making, preparation and progression in Crown Court cases	[0] Poor	Custody time limits	[3] Good	
The prosecution of cases at court	[2] Fair	The service to victims and witnesses	[2] Fair	
		Managing performance to improve	[3] Good	
		Managing resources	Not scored	
		Management and partnership working	[3] Good	
OVERALL ASSESSMENT		[19] FAIR		

Summary

CPS Ealing serves the area covered by the Metropolitan Police in the London Borough of Ealing. It has an office located in Acton Police Station and has formed an integrated prosecution team.

The successful outcome rate in the magistrates' court in the year to September 2009 was 84.0%, which was below the CPS London average of 86.1% and the national average of 87.1%. In the Crown Court, the successful outcomes rate for the same period was 69.8%, which was below the CPS London average of 72.7% and significantly below the national average of 80.7%.

The commitment to providing pre-charge advice has reduced since the introduction of CPS London Direct. Arrangements are satisfactory but may be affected adversely if lawyer coverage is further reduced. The quality of decision-making is variable.

There are weaknesses in the quality and depth of post-charge review and case preparation. Whilst borough performance has been weak, this is in the context of the need to manage business at the same time as implementing a number of initiatives and moving to police premises. A number of recent system and process changes are showing some early benefits but will need more time to embed.

The optimum business model brought initial improvements to case progression in the magistrates' courts. However the timeliness of case preparation, particularly in respect of disclosure obligations, needs to improve. There are also significant concerns about case progression in some Crown Court cases although serious and sensitive cases are generally handled better. These are dealt with by specialist prosecutors and there is good evidence of compliance with national policy although case outcomes are mixed.

Case presentation in the magistrates' court was acceptable, with associate prosecutors significantly above average. In the Crown Court there was compliance with the national standards of advocacy but instructions to advocates must provide better case analysis. There is a good awareness of custody time limits.

The service to victims and witnesses is fair and the number and quality of letters sent to victims is sound. Improvement is needed in some respects, particularly the timeliness of applications for special measures.

Despite an increase in workload, there has recently been a significant reduction in the numbers and experience of staff including the loss of four legal posts and some administrators. There is an imbalance between the number of crown prosecutors and associate prosecutors, the borough having four of the latter while other boroughs have one. Currently the borough cannot meet all its resource commitments. Nevertheless, managers have a good grasp of what needs to be delivered and have worked tirelessly to identify improvement and address issues with the resources they have available. Staff are enthusiastic and dedicated.

CPS LONDON – HAMMERSMITH & FULHAM BOROUGH

Borough crown prosecutor: David Cawthorne		Borough statistics		2008-09	% change
		Pre-charge decisions resulting in charge	1,356	19.3%	
		Pre-charge decisions not resulting in a charge	1,040	30.2%	
Staff numbers (<i>number of lawyers</i>)	17 (<i>4.4</i>)	Total pre-charge decisions	2,396	23.8%	
General budget 2009-10	£1,083,530	Total magistrates' courts proceedings	3,026	16.7%	
Prosecution costs 2009-10	£411,794	Cases sent or committal to the Crown Court	381	-11.2%	
Date of assessment	11/2009	Total Crown Court proceedings	504	-11.6%	
Performance aspects		BPA 2009		BPA 2009	
Pre-charge advice and decisions	[2] Fair	Serious, violent and sexual offences, and hate crime	[0] Poor		
Decision-making, preparation and progression in magistrates' courts' cases	[0] Poor	Disclosure	[2] Fair		
Decision-making, preparation and progression in Crown Court cases	[0] Poor	Custody time limits	[2] Fair		
The prosecution of cases at court	[0] Poor	The service to victims and witnesses	[0] Poor		
		Managing performance to improve	[0] Poor		
		Managing resources	Not scored		
		Management and partnership working	[2] Fair		
OVERALL ASSESSMENT		[8] POOR			

Summary

CPS Hammersmith & Fulham serves the area covered by the Metropolitan Police in the London Borough of Hammersmith & Fulham. It has an office located at Ludgate Hill London EC4.

The quality of legal decision-making is sound at the pre-charge decision stage, after which weaknesses in casework handling manifest themselves steadily throughout the process to trial or discontinuance. This may go some way to explain the conviction rates in the magistrates' courts and the Crown Court. Performance in both continues to decline.

The successful outcome rate in the magistrates' court in the year to September 2009 is 82.8%, which is worse than the CPS London average of 86.1% and the national average of 87.1%. In the Crown Court, the successful outcomes rate for the same period is 74.2%, which is better than the CPS London average of 72.7% but worse than the national average of 80.7%.

Case progression systems are not effective despite the introduction of new processes in magistrates' courts casework to address shortcomings. Despite this the borough has an effective trial rate which is better than the national average; this is due in part to the advocates at court working hard to rescue cases at the last minute. In Crown Court casework, files are not prepared and progressed to the standard that it is reasonable to expect; papers arrive late from the police and lawyers have competing priorities between Crown Court and magistrates' court casework. The case progression difficulties have permeated all aspects of casework including the treatment of victims and witnesses, the undertaking of the duties of disclosure of unused material to the defence and the handling of custody time limits.

The borough has struggled to have any sense of stability. Over the past year the borough has had seven borough crown prosecutors (BCPs) in varying capacities; this continual change at BCP level and the absence of an empowered manager able to address issues over a sustained period has impacted on all aspects of performance. The lack of stable management has resulted in little internal performance management being undertaken, little sharing of performance with staff, and on the ability to manage performance jointly with partners.

Despite the absence of any formal structures with partners and lack of a consistent point of contact, relationships remain good; this is an important foundation to drive improvements in service delivery. The borough has also seen a significant reduction in lawyers, which has been exacerbated by long-term sickness; as a small standalone unit there is a lack of resilience at all grades and it is currently unable to cover all of its commitments. In contrast, there are some committed professional staff who demonstrate considerable goodwill and spirits remain good in circumstances that could be demoralising.

CPS LONDON – HILLINGDON/HEATHROW BOROUGH

Borough crown prosecutor: Melanie Parrish		Borough statistics	2008-09	% change
		Pre-charge decisions resulting in charge	1830	-13.7%
		Pre-charge decisions not resulting in a charge	620	-21.6%
Staff numbers (<i>number of lawyers</i>)	27.9 (9)	Total pre-charge decisions	2450	-15.8%
General budget 2009-10	£1,401,166	Total magistrates' courts proceedings	3104	-18.6%
Prosecution costs 2009-10	£695,524	Cases sent or committal to the Crown Court	902	34.8%
Date of assessment	11/2009	Total Crown Court proceedings	1053	24.5%
Performance aspects	BPA 2009		BPA 2009	
Pre-charge advice and decisions	[2] Fair	Serious, violent and sexual offences, and hate crime	[2] Fair	
Decision-making, preparation and progression in magistrates' courts' cases	[2] Fair	Disclosure	[3] Good	
Decision-making, preparation and progression in Crown Court cases	[2] Fair	Custody time limits	[3] Good	
The prosecution of cases at court	[2] Fair	The service to victims and witnesses	[2] Fair	
		Managing performance to improve	[3] Good	
		Managing resources	Not scored	
		Management and partnership working	[2] Fair	
OVERALL ASSESSMENT	[23] FAIR			

Summary

CPS Hillingdon/Heathrow serves the area covered by the Metropolitan Police in the London Borough of Hillingdon/Heathrow. It has an office located in Harrow.

Charging decisions are sound though the depth of consideration of cases and ancillary issues could be more comprehensive. The borough handles cases from Heathrow Airport, which can involve specialised issues of law and evidence. There is praise from partners about the way these cases are handled.

Although casework decisions generally accord with the Code for Crown Prosecutors, case outcomes in the magistrates' courts could be improved although implementation of the optimum business model of working is beginning to show improvements. Performance in the Crown Court is better and there is a generally positive approach to case progression; although the conviction rate fell sharply in 2009 and the quality of instructions to advocates needs to improve to include such detailed analysis.

The successful outcome rate in the magistrates' court in the year to September 2009 is 84.2%, which is worse than the CPS London average of 86.1% and the national average of 87.1%. In the Crown Court, the successful outcomes rate for the same period is 75.5%, which is better than the CPS London average of 72.7% but worse than the national average of 80.7%.

The quality of advocacy is good. Most magistrates' courts cases are dealt with by borough lawyers and court listing arrangements assist the deployment of associate prosecutors who are well regarded. The quality of instructions to counsel could be improved by a more detailed analysis of case issues.

The borough makes great efforts to ensure that serious violent and sexual offences and cases of violence against women are dealt with well although outcomes are poor. There is specialist domestic violence court and weekly surgeries are held for consultations in rape and child protection cases. Disclosure of unused material is well handled as are cases that involve a custody time limit. There have been no custody time limit failures in recent years.

The service provided to victims and witnesses is mixed. Letters are sent to the victim in most cases in which the charge is altered or dropped and the quality of the letters is good, although some reveal a lack of proper checking. The needs of victims and witnesses are considered at pre-charge stage although not in particular detail and some applications for special measures are made late.

The borough has good performance management systems and performance information is considered internally and discussed with partners. The borough has limited responsibility for resource management; a recent preference exercise resulted in a loss of some managerial and administrative staff although lawyer numbers have led to a reduction in the number of agents used in the magistrates' courts.

Borough managers carry out their responsibilities effectively. The borough crown prosecutor maintains a deliberately visible presence in the office and morale is good. A stable period of management has seen an improvement in relations with partner agencies.

CPS LONDON – HOUNSLOW BOROUGH

Borough crown prosecutor: Nick Coates		Borough statistics	2008-09	% change
		Pre-charge decisions resulting in charge	1028	9.9%
		Pre-charge decisions not resulting in a charge	696	26.3%
		Total pre-charge decisions	1724	16.0%
Staff numbers (<i>number of lawyers</i>)	17.3 (6.3)	Total magistrates' courts proceedings	3244	20.5%
General budget 2009-10	£950,963	Cases sent or committal to the Crown Court	557	16.5%
Prosecution costs 2009-10	£479,640	Total Crown Court proceedings	684	18.8%
Date of assessment	11/2009			
Performance aspects	BPA 2009			BPA 2009
Pre-charge advice and decisions	[0] Poor	Serious, violent and sexual offences, and hate crime		[0] Poor
Decision-making, preparation and progression in magistrates' courts' cases	[0] Poor	Disclosure		[2] Fair
Decision-making, preparation and progression in Crown Court cases	[0] Poor	Custody time limits		[3] Good
The prosecution of cases at court	[2] Fair	The service to victims and witnesses		[0] Poor
		Managing performance to improve		[2] Fair
		Managing resources		Not scored
		Management and partnership working		[2] Fair
OVERALL ASSESSMENT	[11] POOR			

Summary

CPS Hounslow serves the area covered by the Metropolitan Police in the London Borough of Hounslow. It has one office, which at the time of the assessment in November 2009, was located in Tolworth but has since re-located to Hounslow Police Station and will become an integrated prosecution team (IPT) in April 2010.

The overall quality of pre-charge advice and decision-making is poor. Whilst the principles of the Code for Crown Prosecutors were correctly applied in the majority of cases, the most appropriate charges were not always selected. Where the threshold test was applied, cases were not reviewed at the earliest moment to ensure that cases only continue when appropriate and some proceedings should have been terminated sooner. Lawyers frequently required unnecessary additional work of the police, whilst themselves disregarding the need to deal with ancillary matters such as the need for special measures at an early stage.

Most cases lacked further consideration and this may go some way to explaining the poor outcomes particularly in Crown Court cases during 2008-09. It is vital to have proactive action plans at the outset, because the borough has insufficient staff to carry out additional reviews and build stronger cases to add value thereafter. Timely case preparation for trial was a major weakness.

The successful outcome (conviction) rate in magistrates' courts cases for the 12 months to September 2009 at 87.0% were better than for CPS London overall (86.1%), and similar to those nationally (87.1%). However, in Crown Court cases the borough's overall conviction rate of 70.0% was below that for CPS London (72.7%) and significantly below the national rate (80.7%). Outcomes have improved in both courts in 2009.

Weak case progression also means that advocates have to work hard to rescue cases in court, following late case preparation. Associate prosecutors were used to good effect and advocacy in Crown Court cases is dealt with by the local advocacy unit to an acceptable level.

Specialist cases are not prioritised and these are subject to the same weak handling and the borough needs to ensure some continuity of lawyers in such cases. Successful outcomes in cases involving violence against women and hate crime remain below the national average.

Compliance with the prosecution's duties of disclosure is generally satisfactory, but the general shortcomings in case preparation mean that compliance is not always timely.

Custody time limits (CTLs) are dealt with well by the borough. There is little effective case progression in either magistrates' courts or Crown Court cases. This impacts adversely on the care of, and service provided to, victims and witnesses. The letters sent to victims when charges are dropped or substantially altered were too often of poor quality. Applications for special measures for witnesses were often only considered and applied for at a late stage.

There has been a succession of borough crown prosecutors, which has brought uncertainty and difficulty in maintaining a consistent approach to management. In turn, this has had a detrimental impact on all aspects of borough performance both internally and externally. Nevertheless, relationships with the police and the courts are good.

Low staffing levels have also adversely affected performance and only a limited improvement can realistically be expected in Hounslow if this is not addressed. Attention needs to be given to the quality assurance of current processes and systems. Better use of the computerised case management system is required to ensure the accuracy of data.

CPS LONDON – BARNET BOROUGH

Borough crown prosecutor: Martha Godwin		Borough statistics	2008-09	% change
		Pre-charge decisions resulting in charge	1647	-0.7%
		Pre-charge decisions not resulting in a charge	836	16.0%
Staff numbers (<i>number of lawyers</i>)	23.3 (6.3)	Total pre-charge decisions	2483	4.4%
General budget 2009-10	£1,109,388	Total magistrates' courts proceedings	3445	4.6%
Prosecution costs 2009-10	£428,984	Cases sent or committal to the Crown Court	560	-8.0%
Date of assessment	11/2009	Total Crown Court proceedings	687	-6.1%
Performance aspects	BPA 2009		BPA 2009	
Pre-charge advice and decisions	[2] Fair	Serious, violent and sexual offences, and hate crime	[2] Fair	
Decision-making, preparation and progression in magistrates' courts' cases	[2] Fair	Disclosure	[2] Fair	
Decision-making, preparation and progression in Crown Court cases	[0] Poor	Custody time limits	[2] Fair	
The prosecution of cases at court	[2] Fair	The service to victims and witnesses	[2] Fair	
		Managing performance to improve	[2] Fair	
		Managing resources	Not scored	
		Management and partnership working	[2] Fair	
OVERALL ASSESSMENT	[18] FAIR			

Summary

CPS Barnet serves the area covered by the Metropolitan Police in the London Borough of Barnet. CPS Barnet is an integrated prosecution team (IPT) co-located with police staff in Colindale Police Station.

The quality of decision-making is generally sound. Prosecutors making charging decisions do not, however, routinely consider ancillary matters, such as special measures, bad character and hearsay evidence.

The successful outcomes rate in the year to September 2009 in the magistrates' court at 86.0% is similar to the CPS London average (86.1%), but below the national average of 87.1%. However, in the Crown Court, the successful outcomes rate declined sharply in the year to September 2009 and fell to 70.9%, which is below the CPS London average of 72.7%, and the national average of 80.7%.

Case progression systems for cases in the magistrates' court are weak and inconsistent but the effective trial rates are close to the London average in the magistrates' court. The good performance is partly attributable to robust weekly case progression meetings with the court and witness care unit, which normally consider cases about two weeks before the trial dates. Similar case progression systems exist for Crown Court cases. The meetings are a catalyst for late activity to enable trials to go ahead. The borough has suffered in recent months from the loss of experienced lawyers. They have not been fully replaced, and the majority of magistrates' court sessions in 2009-10 have been undertaken by agents. The standard of advocacy in the magistrates' court and the Crown Court is variable. Performance improvements need to be made with case outcomes, in ensuring an efficient optimum business model for preparing and progressing cases is in operation and increasing in-house advocacy levels.

In general instructions to advocates in the Crown Court lack analysis of the case. The borough has appropriate specialist prosecutors to deal with sensitive or difficult cases.

Compliance with the prosecution's duties in relation to the disclosure of unused material is often late even at the initial disclosure stage. The borough's systems for monitoring cases subject to custody time limits have received remedial attention. There has been some improvement in compliance with the direct communication with victims scheme and the timeliness of letters where the charge is significantly altered or discontinued, but the quality of letters can be much improved. There are strong links with the witness care unit.

Performance management on the borough needs to be strengthened and performance analysis with partners, particularly at prosecution team performance management meetings, needs to develop a clearer understanding of where performance can be improved.

The borough is developing its links with groups dealing with anti-social behaviour and safeguarding children and needs to develop its strategy for engagement with the community.

CPS LONDON – BRENT BOROUGH

Borough crown prosecutor: Biney Kwame		Borough statistics		2008-09	% change
Borough crown prosecutor at time of assessment: Weng-Yuen Wong		Pre-charge decisions resulting in charge	1104	-21.2%	
		Pre-charge decisions not resulting in a charge	735	-12.1%	
Staff numbers (<i>number of lawyers</i>)	27.4 (9) ³⁵	Total pre-charge decisions	1839	-17.8%	
General budget 2009-10	£1,455,514	Total magistrates' courts proceedings	3571	-1.8%	
Prosecution costs 2009-10	£599,759	Cases sent or committal to the Crown Court	732	8.1%	
Date of assessment	11/2009	Total Crown Court proceedings	887	7.3%	
Performance aspects	BPA 2009			BPA 2009	
Pre-charge advice and decisions	[0] Poor	Serious, violent and sexual offences, and hate crime		[0] Poor	
Decision-making, preparation and progression in magistrates' courts' cases	[0] Poor	Disclosure		[0] Poor	
		Custody time limits		[2] Fair	
Decision-making, preparation and progression in Crown Court cases	[0] Poor	The service to victims and witnesses		[0] Poor	
		Managing performance to improve		[2] Fair	
The prosecution of cases at court	[2] Fair	Managing resources		Not scored	
		Management and partnership working		[2] Fair	
OVERALL ASSESSMENT					[8] POOR

Summary

CPS Brent serves the area covered by the Metropolitan Police in the London Borough of Brent. It has an office located in Wembley Police Station which forms an integrated prosecution team with police.

The quality of pre-charge decision-making is variable and the proportion of successful outcomes is below the national and CPS London figures.

The successful outcome (conviction) rate in the magistrates' court in the year to September 2009 is 86.6%, which is better than the CPS London average of 86.1% but worse than the national average of 87.1%. Late and reactive case management is often left to the courtroom to be resolved by robust judicial intervention.

Successful outcomes in Crown Court cases in the year to September 2009 at 66.6% were significantly worse than the national average of 80.7% and the CPS London average of 72.7%. Timely full reviews were frequently missing from case files and the quality of both indictments and instructions to counsel needs improvement.

The quality of the presentation of cases in the magistrates' court at Brent and at Harrow Crown Court was variable with late and poorly prepared files being a substantial factor.

Allegations of serious violence, sexual offences and other hate crimes are identified appropriately and allocated to specialist prosecutors. Successful outcomes in rape cases are very low albeit improving a little in 2009 whilst those in domestic violence and other hate crimes were better in 2008-09.

The borough's performance in relation to the discharge of its duties of disclosure of unused material is neither thorough nor timely.

The borough suffered two custody time limits systems failures in 2008-09 and thereafter systems were strengthened. More robust management supervision will help to minimise the risk of further failures.

Prosecutors who meet victims and witnesses at court are presenting a positive face of the borough and working well with Witness Service volunteers. However, the compliance with obligations to write to victims and explain why charges have been dropped or substantially changed had declined.

Performance management at borough level has been limited to feedback to individuals. Where joint meetings have been held, actions have not always been completed and partner agencies have lost some confidence in the collaborative approach.

The borough has operated within its budget in 2008-09. Staffing levels have fluctuated in the recent past and it is clear that the borough does not yet have the right numbers of staff in the right grades to deliver all its priorities.

An Area Delivery Action Plan was devised in September 2009 but until then there had been little business planning or risk management. Successful implementation of this plan is crucial if CPS performance in Brent is to improve.

³⁵ Lawyer figure includes one trainee lawyer.

CPS LONDON – ENFIELD BOROUGH

Borough crown prosecutor: Rohan Sankey		Borough statistics	2008-09	% change
Borough crown prosecutor at time of assessment: Issy Gillham		Pre-charge decisions resulting in charge	850	-38.8%
		Pre-charge decisions not resulting in a charge	678	7.8%
Staff numbers (<i>number of lawyers</i>)	24.8 (6.2)	Total pre-charge decisions	1528	-24.3%
General budget 2009-10	£1,350,515	Total magistrates' courts proceedings	2730	-0.5%
Prosecution costs 2009-10	£439,596	Cases sent or committal to the Crown Court	631	15.1%
Date of assessment	11/2009	Total Crown Court proceedings	742	17.8%
Performance aspects		BPA 2009		BPA 2009
Pre-charge advice and decisions	[2] Fair	Serious, violent and sexual offences, and hate crime	[2] Fair	
Decision-making, preparation and progression in magistrates' courts' cases	[0] Poor	Disclosure	[0] Poor	
Decision-making, preparation and progression in Crown Court cases	[0] Poor	Custody time limits	[2] Fair	
The prosecution of cases at court	[2] Fair	The service to victims and witnesses	[0] Poor	
		Managing performance to improve	[0] Poor	
		Managing resources	Not scored	
		Management and partnership working	[0] Poor	
OVERALL ASSESSMENT		[8] POOR		

Summary

CPS Enfield serves the area covered by the Metropolitan Police in the London Borough of Enfield. It has an office located in Edmonton Police Station as an integrated prosecution team.

The borough has been faced with a decline in staff numbers and has a high proportion of staff who work part-time, which presents challenges in deploying staff effectively.

The quality of decision-making at the pre-charge decision stage is generally good but the quality and depth of the charging advice provided to police needs to improve and greater attention paid to ancillary issues. There are significant issues with conducting and recording full file and additional ad hoc reviews after the pre-charge stage in magistrates' court cases, but overall decision-making was good as was the level of charge selected.

Case progression systems for cases in the magistrates' court are weak and inconsistent. There have been frequent occasions when the optimum business model unit has not been fully staffed, resulting in backlogs developing. This has an impact on advocacy at court, witness care, and adversely affects the reputation of the CPS. Case progression systems for Crown Court cases have also struggled. The paralegal officers are actively involved in drafting indictments, instructions to counsel and dealing with other case progression matters pre- and post-committal. Their work is subject to minimal checks by lawyers.

The successful outcome (conviction) rate in the magistrates' court in the year to September 2009 is 79.5%, which is below the CPS London average of 86.1% and the national average of 87.1%. In the Crown Court, the successful outcomes rate for the same period is 69.5%, which is below the CPS London average of 72.7% and the national average of 80.7%. The conviction rates in serious and sensitive cases have also deteriorated in the last year.

The presentation of cases at court was variable, and undoubtedly affected by the weaknesses in case progression systems. Cases normally progress at first hearing, but thereafter a lack of effective case progression systems leads to inefficiency. The reduced availability of in-house lawyers and the working patterns of associate prosecutors have contributed to increased use of agents in the magistrates' court.

Compliance with the prosecution's duties of disclosure of unused material was neither timely nor thorough. There is limited recording of decisions and actions and timeliness of service is an issue.

The quality of service provided to victims and witnesses is extremely variable. There has been improvement in the volume of letters written under the direct communication with victims scheme to explain why charges are dropped or substantially altered, but frequently letters are still not sent. The quality and timeliness of letters can be improved.

Performance management on the borough needs to be strengthened and performance analysis with partners, particularly at prosecution team performance management meetings, needs to develop a clearer understanding of where performance can be improved.

CPS LONDON – HARINGEY BOROUGH

Borough crown prosecutor: Steve Harris		Borough statistics	2008-09	% change
Borough crown prosecutor at time of assessment: Rohan Sankey		Pre-charge decisions resulting in charge	1,465	-16.7%
		Pre-charge decisions not resulting in a charge	1,129	9.4%
Staff numbers (<i>number of lawyers</i>)	26.2 (6.4)	Total pre-charge decisions	2,594	-7.0%
General budget 2009-10	£1,361,468	Total magistrates' courts proceedings	3,477	-5.1%
Prosecution costs 2009-10	£513,866	Cases sent or committal to the Crown Court	632	-10.6%
Date of assessment	11/2009	Total Crown Court proceedings	775	-4.7%
Performance aspects	BPA 2009		BPA 2009	
Pre-charge advice and decisions	[0] Poor	Serious, violent and sexual offences, and hate crime	[0] Poor	
Decision-making, preparation and progression in magistrates' courts' cases	[0] Poor	Disclosure	[0] Poor	
Decision-making, preparation and progression in Crown Court cases	[0] Poor	Custody time limits	[3] Good	
The prosecution of cases at court	[2] Fair	The service to victims and witnesses	[0] Poor	
		Managing performance to improve	[2] Fair	
		Managing resources	Not scored	
		Management and partnership working	[2] Fair	
OVERALL ASSESSMENT			[9] POOR	

Summary

CPS Haringey serves the area covered by the Metropolitan Police in the London Borough of Haringey. It has an office in police premises at Wood Green.

The quality of decision-making is generally sound. The borough has established a good working relationship with police through providing pre-charge decisions, but greater value needs to be added at the pre-charge stage. The quality of advice to police and consideration of ancillary issues need to improve.

The optimum business model unit has not brought anticipated improvements in summary trial preparation and outcomes deteriorated dramatically during 2008-09. The successful outcome rate in the magistrates' court in the year to September 2009 is 82.1%, which is worse than the CPS London average of 86.1% and the national average of 87.1%.

In the Crown Court, the successful outcomes rate for year to September 2009 is 62.7%, which is worse than the CPS London average of 72.7% and the national average of 80.7%. The quality of instructions to counsel in Crown Court cases was poor, containing little analysis or reference to the individual aspects of the case.

Advocates complied with the national standards of advocacy, although a lack of specific preparation time meant that, in some cases, prosecutors were under-prepared.

Borough performance for 2008-09 in cases of serious violence and sexual offences was significantly below the London average, but better in domestic violence cases.

Compliance with the prosecution's duties of disclosure of unused material was neither thorough nor timely with weaknesses evident across a range of elements.

The management of borough custody time limit processes was effective. Monitoring procedures appeared robust; staff were knowledgeable about the borough's systems.

The quality of direct communication with victims letters was generally good, although they were not always sent in appropriate cases. Relationships with the witness care unit have improved since the move to police premises; some further work is needed to keep witnesses up-to-date with case progress.

Performance on the borough needs greater management focus and managers were not able to demonstrate clearly that they knew the causes of the weak performance. Communication within the unit is generally effective, but some staff are missing key messages.

The borough participates in a number of forums to improve joint working and managers are seen by partner agencies as being responsive to issues raised. The recent move to police premises has been seen as a positive step by both the borough and the police. Managers have developed positive relationships with criminal justice partners, who have welcomed their collaborative approach, but focus has largely been on the day-to-day operational issues.

CPS LONDON – HARROW BOROUGH

Acting borough crown prosecutor: Smeetha Pillai		Borough statistics		2008-09	% change
Borough crown prosecutor at time of assessment: Wendy Barrett		Pre-charge decisions resulting in charge		858	-8.2%
		Pre-charge decisions not resulting in a charge		625	11.0%
Staff numbers (<i>number of lawyers</i>)	18.5 (3.3)	Total pre-charge decisions		1483	-1.0%
General budget 2009-10	£1,329,347	Total magistrates' courts proceedings		2271 ³⁶	12.8%
Prosecution costs 2009-10	£267,949	Cases sent or committal to the Crown Court		355	7.6%
Date of assessment	11/2009	Total Crown Court proceedings		460	9.3%
Performance aspects		BPA 2009		BPA 2009	
Pre-charge advice and decisions	[2] Fair	Serious, violent and sexual offences, and hate crime		[0] Poor	
Decision-making, preparation and progression in magistrates' courts' cases	[2] Fair	Disclosure		[0] Poor	
Decision-making, preparation and progression in Crown Court cases	[0] Poor	Custody time limits		[3] Good	
The prosecution of cases at court	[2] Fair	The service to victims and witnesses		[2] Fair	
		Managing performance to improve		[2] Fair	
		Managing resources		Not scored	
		Management and partnership working		[2] Fair	
OVERALL ASSESSMENT		[15] POOR			

Summary

CPS Harrow serves the area covered by the Metropolitan Police in the London Borough of Harrow. It has an office located at Harrow-on-the-Hill.

The district has undergone significant structural and management changes. It had at the time of our inspection been without a district crown prosecutor (DCP) for four months with a new DCP due to take up the post in December 2009.

The borough crown prosecutor has changed temporarily since our assessment. The borough had a new paralegal business manager who had been in post since October 2009. The borough has, for a number of reasons, faced a number of staffing challenges. This change has been occurring while the borough has been preparing to relocate to police premises at South Harrow as part of CPS London's move to integrated prosecution teams.

The proportion of magistrates' court cases that resulted in a successful outcome in the year to September 2009 of 86.7% was slightly better than the CPS London average of 86.1% but worse than the national average of 87.1%. The proportion of Crown Court cases that resulted in a successful outcome in the year to September 2009 of 68.3% was worse than the CPS London average of 72.7% and the national average of 80.7%. This is almost certainly attributable to inefficient and ineffective case preparation and progression systems and to the quality assurance systems, which are not yet effective.

Presentation of cases in the magistrates' court is varied. The reduced availability of in-house lawyers has contributed to an increased use of agents in the magistrates' court.

Cases involving allegations of serious violence, sexual offences, domestic violence and hate crimes are usually handled by prosecutors with the appropriate experience. But outcomes in offences of violence against women are less good than across London and nationally.

Compliance with the prosecution's duties in relation to disclosure of unused material is not timely and there is limited recording of decisions and actions.

The relationship with the witness care unit is good. The borough performance under the direct communication with victims scheme is mixed. Timeliness of communications to victims when charges are dropped or significantly altered is an issue. The borough needs to be able to satisfy itself that the minimum requirements of witness care under the national No Witness No Justice scheme are being met.

Performance management on the borough needs to be strengthened and performance analysis with partners, particularly at prosecution team performance management meetings, needs to develop a clearer understanding of where performance can be improved.

36 This figure is an approximation after deducting 2,100 traffic cases that were incorrectly allocated to Harrow instead of the traffic unit.

CPS LONDON – CROYDON BOROUGH

Borough crown prosecutor: Joe Gans-Lartey		Borough statistics	2008-09	% change
BCPs at time of assessment: Sarah Boland and Joe Gans-Lartey		Pre-charge decisions resulting in charge	2246	1.1%
		Pre-charge decisions not resulting in a charge	944	-32.5%
Staff numbers (<i>number of lawyers</i>)	31.5 (<i>11.0</i>)	Total pre-charge decisions	3190	-8.4%
General budget 2009-10	£1,601,428	Total magistrates' courts proceedings	4657	5.9%
Prosecution costs 2009-10	£574,214	Cases sent or committal to the Crown Court	853	11.0%
Date of assessment	4/2009	Total Crown Court proceedings	1088	12.0%
Performance aspects		BPA 2009		
Pre-charge advice and decisions	Good	Serious, violent and sexual offences, and hate crime	Fair	
Decision-making, preparation and progression in magistrates' courts' cases	Good	Disclosure	Fair	
		Custody time limits	Fair	
Decision-making, preparation and progression in Crown Court cases	Fair	The service to victims and witnesses	Fair	
		Managing performance to improve	Good	
The prosecution of cases at court	Fair	Managing resources	Not scored	
		Management and partnership working	Good	
OVERALL ASSESSMENT		GOOD³⁷		

Summary

CPS Croydon serves the area covered by the Metropolitan Police in the London Borough of Croydon. It has one office in Croydon.

The successful outcome rate in the magistrates' court in 2008-09 was 87.6% which is better than the CPS London average of 86.0% and the national average of 87.1%. In the Crown Court, the successful outcomes rate for the same period had declined slightly to 80.2% but was much better than the CPS London average of 73.1% but slightly worse than the national average of 80.7%.

The quality of decision-making is good. The timeliness of case preparation and the borough's responses to communications from partner agencies and defence representatives need to improve.

Crown Court caseload is increasing and this was putting a considerable strain on this aspect of performance, including monitoring compliance with Crown Court orders and, as with magistrates' court cases, on the timeliness of some aspects of disclosure, particularly the duty of continuing disclosure.

Decision-making in cases involving allegations of serious violent and sexual offences and hate crimes is good, and there was good proactive case management in cases involving allegations of domestic violence.

Some aspects of the management of the custody time limit (CTL) system need to be strengthened, particularly in respect of the CTLs in magistrates' court cases.

The service provided for victims and witnesses was mixed. The timeliness and quality of letters sent to victims was satisfactory, but less so in respect of applications for special measures.

There is good deployment of in-house prosecutors at the magistrates' court. The usage of associate prosecutors has been maximised, and changes to listing practices made to better accommodate their deployment.

The quality of performance management is good, although the use of the casework quality assurance scheme to improve performance could be more robust in respect of Crown Court casework. There is a good exchange of performance information with the borough criminal justice partners.

Borough managers demonstrate an open and constructive approach with their criminal justice partners and the judiciary.

³⁷ CPS Croydon borough was the site of the pilot assessment and was scored under a different mechanism, but would have still been assessed as Good under the mechanism used for subsequent boroughs.

CPS LONDON – WESTMINSTER BOROUGH

Borough crown prosecutors: Dolores Barrett and Sarah Boland		Borough statistics	2008-09	% change
		Pre-charge decisions resulting in charge	4,074	21.5%
		Pre-charge decisions not resulting in a charge	2,670	-39.4%
		Total pre-charge decisions	6,744	-13.1%
Staff numbers (<i>number of lawyers</i>)	47.6 (9.8)	Total magistrates' courts proceedings	13,432	15.0%
General budget 2009-10	£2,362,620	Cases sent or committal to the Crown Court	1,914	28.9%
Prosecution costs 2009-10	£1,048,800	Total Crown Court proceedings	2,765	38.3%
Date of assessment	1/2010			
Performance aspects	BPA 2010		BPA 2010	
Pre-charge advice and decisions	[2] Fair	Serious, violent and sexual offences, and hate crime	[2] Fair	
Decision-making, preparation and progression in magistrates' courts' cases	[0] Poor	Disclosure	[0] Poor	
Decision-making, preparation and progression in Crown Court cases	[0] Poor	Custody time limits	[3] Good	
The prosecution of cases at court	[2] Fair	The service to victims and witnesses	[0] Poor	
		Managing performance to improve	[2] Fair	
		Managing resources	Not scored	
		Management and partnership working	[2] Fair	
OVERALL ASSESSMENT		[13] POOR		

Summary

CPS Westminster serves the area covered by the Metropolitan Police in the City of Westminster. It has an office located in the Cooperage which is in London SE1.

The borough handles a substantially higher caseload than the other boroughs in CPS London. It has undergone significant structural and geographical changes and has also suffered from the loss of experienced lawyers (as a result of area structural and operational changes). This has had an effect on performance but it is a credit to the commitment and effort of staff and managers that the change in performance is not as marked as it could have been.

The quality of casework decision-making is satisfactory, although prosecutors do not routinely consider ancillary matters at the charging stage. This contributes to late applications to court for the necessary permissions as cases are not prepared for trial in a timely way.

Case outcomes for cases subject to a pre-charge decision in 2008-09 were better than the London average but still marginally lower than the national average.

The successful outcomes rate for all cases in the magistrates' courts in the year to December 2009 at 84.1% was below both the London average of 85.8% and the national average of 87.0%. The successful outcomes rate in the Crown Court in the year to December 2009 at 76.1% was better than the London average of 72.5% but below the national average of 80.6%.

Weaknesses in compliance with the prosecution's duties of disclosure of unused material to the defence include disclosure of items outside the statutory criteria, decisions based on inadequate police schedules and late provision of continuing disclosure.

Most advocates meet the national standards of advocacy but some advocates in the magistrates' court were lacklustre or were less than competent in certain respects.

Serious violence, sexual offences, domestic violence and hate crime cases are not always allocated to prosecutors with the appropriate experience or expertise. Successful case outcomes have declined but they are still better than the London average.

The management of the custody time limit provisions is strong. The relationship with the witness care unit is generally good but the warning of witnesses and sending of letters to victims when charges are dropped or substantially altered are not always timely.

In 2008-09 the borough met the target for in-house lawyer deployment in the magistrates' court, but loss of staff has meant that coverage has since decreased significantly, although associate prosecutor deployment has increased. Performance management on the borough needs to be strengthened substantially although performance analysis with partners has improved.

Managers have focused on day-to-day operational issues, but they are committed to engaging with partners and the community and generally partners are supportive.

CPS LONDON TRAFFIC UNIT

Borough crown prosecutor: Lorna Burns

		Unit statistics		2008-09	% change
Staff numbers (<i>number of lawyers</i>)	31.5 (6.0)	Pre-charge decisions resulting in charge	126		-32.6%
General budget 2009-10	£1,615,700	Pre-charge decisions not resulting in a charge	314		-20.9%
Prosecution costs 2009-10	£31,360	Total pre-charge decisions	440		-24.7%
Date of assessment	10/2009	Total magistrates' courts proceedings	15097		-7.8%
				BPA 2009	
Performance aspects	BPA 2009			BPA 2009	
Pre-charge advice and decisions	[3] Good	Serious, violent and sexual offences, and hate crime		[3] Good	
Decision-making, preparation and progression in magistrates' courts' cases	[2] Fair	Disclosure		[0] Poor	
Decision-making, preparation and progression in Crown Court cases	Not scored	Custody time limits		Not Scored	
The prosecution of cases at court	[2] Fair	The service to victims and witnesses		[2] Fair	
		Managing performance to improve		[2] Fair	
		Managing resources		Not scored	
		Management and partnership working		[3] Good	
OVERALL ASSESSMENT		[17] FAIR³⁸			

Summary

CPS London traffic unit (LTU) provides a London-wide service prosecuting traffic cases from all Metropolitan Police boroughs. It has an office located in Sidcup. LTU prosecutors enjoy a harmonious working relationship with police colleagues, providing good quality advice in serious and complex cases.

Decision-making was for the most part sound, but there is room for improvement in this and in the selection of the appropriate offence. Case preparation is fair in the majority of cases, but timeliness needs to improve.

The unit presently operates exclusively in the magistrates' courts, where the successful outcome (conviction) rate in the year to June 2009 is 91.3% which is better than the CPS London average of 85.9% and the national average of 87.3% for the full range of magistrates' court cases. Paralegal officers progress cases for summary trial. The volume of cases discontinued by LTU is significantly lower than for CPS London or nationally in 2008-09.

The LTU advises upon, but does not prepare or present the most serious traffic cases that are dealt with in the Crown Court. However, this situation is likely to change at some point during 2010.

The LTU prosecutors observed during the assessment all met the CPS national standards of advocacy, although the majority of court sessions are undemanding, with only the more involved traffic trials requiring more developed advocacy skills. The London traffic unit is part of the CPS national associate prosecutor (AP) 'Pathfinder' initiative, which is piloting AP's extended powers to undertake trials of non-imprisonable offences.

The LTU has three permanent 'specialist' lawyers experienced in dealing with serious and sensitive road traffic cases (often involving fatalities) who provide pre-charge advice to the police in all such cases.

Compliance with the prosecution's duties of disclosure of unused material is poor, lacking openness and transparency.

Communication with victims and witnesses rests either with the police court team or specially trained family liaison officers in traffic offences involving a fatality. The unit enjoys a good working relationship with the police team and liaison officers, but needs to improve the identification of cases where witness support is required at court.

Overall, the unit has a systematic approach to the monitoring of casework quality and advocacy and management and staff have a good awareness of performance.

In 2008-09, the unit was overspent against its budget despite achieving its target for in-house coverage in the magistrates' court and target for the deployment of APs.

The management team have a good awareness of the priorities for the unit and undertake a significant degree of planning outside of normal London processes, particularly in relation to new initiatives. Improved staff consultation strategies would help to improve engagement with change programmes.

38 The scoring matrix for the London traffic unit has been adjusted so as to take account of the two additional aspects that were not scored.

Annexes

A LONDON BOROUGH SCORING MODEL

London borough assessments were scored using the following model. Points were allocated to each aspect on the basis of:

Aspect rating	Points allocated
Excellent	4
Good	3
Fair	2
Poor	0

Points were then added and assessed against the following ranges:

Excellent	32 points and above
Good	24 to 31 points
Fair	16 to 23 points
Poor	15 points and below

Additional limiters

There were also two overriding limiters applied to the model ensuring that quality and outcomes were weighted within the model.

- Any borough with three or more Poor aspect ratings was automatically reduced to the next range e.g. a borough scoring 22 points, but with three Poor aspect scores, was automatically reduced to Poor.
- A borough needed to achieve at least two Good ratings in the first four aspects³⁹ of the framework to be scored as Good overall e.g. one scoring 25 points, but with only one Good aspect in the first four, would have been reduced to Fair.

London traffic unit

The scoring mechanism and points range were adjusted for the London traffic unit as it was not assessed for decision-making, preparation and progression in Crown Court cases or custody time limits.

³⁹ Pre-charge advice and decisions; Decision-making, preparation and progression in magistrates' court cases; Decision-making, preparation and progression in Crown Court cases; and The prosecution of cases at court.

B INDIVIDUALS AND REPRESENTATIVES OF LOCAL CRIMINAL JUSTICE AGENCIES AND ORGANISATIONS WHO ASSISTED US

Those who assisted us in the specific borough performance assessments are acknowledged in those reports.

Police

Deputy Commissioner T Godwin, Metropolitan Police Service
Assistant Commissioner F Armstrong, City of London Police
Superintendent S Hale British Transport Police
Ms S Yeoman-Jones British Transport Police

London Criminal Justice Partnership

Mr A Morley, Chief Executive

Crown Court

HHJ Beaumont QC, The Recorder of London, Central Criminal Court
HHJ Byers, Woolwich Crown Court
HHJ Chapple, Inner London Crown Court
HHJ Marron QC, Blackfriars Crown Court
HHJ McGregor Johnson, Isleworth Crown Court
HHJ Price QC, Kingston Crown Court
HHJ Radford, Honorary Recorder of Redbridge, Snaresbrook Crown Court
HHJ Rivlin QC, Honorary Recorder of Westminster, Southwark Crown Court

Magistrates' courts

Senior District Judge Workman (Chief Magistrate)

HM Courts Service

Mr K Pogson, Regional Director
Mr K Griffiths, Regional Justices' Clerk
Mr T Ring, Regional Justices' Clerk
Mr J Vantighem, Regional Justices' Clerk

Victim Support

Mr J Gardner London Regional Manager – Victim Support

Defence representatives

Mr M Duxbury, Vice President & Media Officer – London Criminal Courts Solicitors' Association

C SUMMARY OF KEY QUALITATIVE FINDINGS FROM THE FINALISED FILE SAMPLE EXAMINATION

	Magistrates' court (cases/percentages)				Crown Court (cases/percentages)			
	Excellent	Good	Fair	Poor	Excellent	Good	Fair	Poor
1 Overall what was the quality of the MG3/3A?	10 3.1%	117 36.8%	135 42.5%	56 17.6%	14 5.0%	116 41.6%	105 37.6%	44 15.8%
2 Overall, were the requirements of the DCV scheme met?	1 1.1%	25 26.9%	29 31.2%	38 40.9%	1 0.9%	22 18.8%	36 30.8%	58 49.6%
3 Overall do all file endorsements meet the required standard?	2 0.5%	145 38.8%	178 47.6%	49 13.1%	0 0.0%	78 27.1%	160 55.5%	50 17.4%
4 Was there proactive case management?	1 0.3%	70 20.8%	161 47.8%	105 31.2%	0 0.0%	57 19.9%	155 54.2%	74 25.9%
5 Did the instructions to prosecute (counsel & crown advocate) meet the required standard?	1 3.8%	5 19.2%	14 53.8%	6 23.1%	0 0.0%	29 10.5%	69 24.9%	179 64.6%
6 Overall were communications timely?	0 0.0%	77 26.7%	150 52.1%	61 21.2%	0 0.0%	70 25.9%	151 55.9%	49 18.1%
7 Did the use of CMS meet the required standard?	0 0.0%	132 34.1%	192 49.6%	63 16.3%	0 0.0%	80 27.8%	159 55.2%	49 17.0%
8 Overall were communications clear, professional, respectful, and courteous in tone?	2 0.7%	110 38.5%	161 56.3%	13 4.5%	2 0.7%	121 44.8%	134 49.6%	13 4.8%
9 Overall was the form of communication appropriate?	0 0.0%	131 45.3%	150 51.9%	8 2.8%	1 0.4%	136 50.0%	127 46.7%	8 2.9%

D KEY FACTS

District structure

District (with Crown Court centre alignment)	Boroughs or units
Blackfriars and Inner London	Camden; Islington; Lambeth; Newham; Southwark
Harrow and Wood Green	Barnet; Brent; Enfield; Haringey; Harrow
Isleworth and Kingston	Ealing; Hammersmith & Fulham; Hillingdon and Heathrow; Hounslow; Royal Borough of Kensington and Chelsea; Royal Borough of Kingston upon Thames; Merton; Richmond; Wandsworth
Snaresbrook	Barking & Dagenham; Hackney; Havering; Redbridge; Tower Hamlets; Waltham Forest
Southwark and Croydon	Bromley; City of London; Croydon; Sutton; Westminster
Woolwich	Bexley; Greenwich; Lewisham (and the CPS London traffic unit for some functions)

CPS London caseload, numbers and trends 2006-07 to date

	2006-07	2007-08 (% change from previous year)	2008-09 (% change from previous year)	12 months to December 2009 (% change from 2008-09)
Charging				
Decisions resulting in a charge	37,928	45,629 (+20.3%)	46,128 (+1.1%)	39,487 (-14.4%)
Decisions not resulting in a charge	43,221	37,251 (-13.8%)	36,762 (-1.3%)	31,720 (-13.7%)
Total pre-charge decisions	81,149	82,880 (+2.1%)	82,890 (+0.01%)	71,207 (-14.1%)
Magistrates' courts case type				
Summary	80,309	76,333 (-5.0%)	80,047 (+4.9%)	85,691 (+7.1%)
Indictable / either way	68,905	71,860 (+4.3%)	75,667 (+5.3%)	74,832 (-1.1%)
Advice and other proceedings	634	244 (-61.5%)	176 (-27.9%)	132 (-25.0%)
Total	149,848	148,437 (-0.9%)	155,890 (+5.0%)	160,655 (+3.1%)
Guilty pleas	85,526	85,438 (-0.1%)	89,656 (+4.9%)	86,584 (-3.4%)
Proofs in absence	14,554	15,341 (+5.4%)	19,703 (+28.4%)	24,950 (+26.6%)
Convictions after trial	6,759	6,665 (-1.4%)	6,007 (-9.9%)	6,974 (+16.1%)
Total successful outcomes	106,839	107,444 (+0.6%)	115,366 (+7.4%)	118,508 (+2.7%)
Unsuccessful outcomes	23,506	20,637 (-12.2%)	18,757 (-9.1%)	19,628 (+4.6%)
Committals	18,834	20,099 (+6.7%)	21,583 (+7.4%)	22,373 (+3.7%)
Contests	9,947	9,869 (-0.8%)	9,521 (-3.5%)	11,169 (+17.3%)
Crown Court case type				
Indictable only	7,742	9,404 (+21.5%)	9,544 (+1.5%)	9,419 (-1.3%)
Either way - defence elected	1,397	1,440 (+3.1%)	1,894 (+31.5%)	2,110 (+11.4%)
Either way - magistrates' direction	8,127	9,259 (+13.9%)	9,715 (+4.9%)	10,181 (+4.8%)
Appeals	1,699	1,804 (+6.2%)	2,108 (+16.9%)	1,991 (-5.6%)
Committed for sentence	3,211	3,263 (+1.6%)	3,569 (+9.4%)	3,149 (-11.8%)
Total	22,176	25,170 (+13.5%)	26,830 (+6.6%)	26,850 (+0.1%)
Guilty pleas	9,462	12,183 (+28.8%)	13,069 (+7.3%)	13,373 (+2.3%)
Convictions after trial	2,617	2,368 (-9.5%)	2,392 (+1.0%)	2,368 (-1.0%)
Total successful outcomes	12,079	14,551 (+20.5%)	15,461 (+6.3%)	15,741 (+1.8%)
Unsuccessful outcomes	5,186	5,551 (+7.0%)	5,692 (+2.5%)	5,969 (+4.9%)
Contests	4,415	4,150 (-6.0%)	4,435 (+6.9%)	4,606 (+3.9%)

Magistrates' courts – convictions after trial as a percentage of contests that go ahead

	2006-07	2007-08	2008-09	2009
Convictions after trial	6,759 (68.0%)	6,665 (67.5%)	6,007 (63.1%)	6,974 (62.4%)
Acquittals after trial and NCTA	3,188 (32.0%)	3,204 (32.5%)	3,514 (36.9%)	4,195 (37.6%)
Total	9,947 (100%)	9,869 (100%)	9,521 (100%)	11,169 (100%)

Crown court - convictions after trial as a percentage of contests that go ahead

	2006-07	2007-08	2008-09	2009
Convictions after trial	2,617 (59.3%)	2,368 (57.1%)	2,392 (53.9%)	2,368 (51.4%)
Jury acquittals and JDA	1,798 (40.7%)	1,782 (42.9%)	2,043 (46.1%)	2,238 (48.6%)
Total	4,415 (100%)	4,150 (100%)	4,435 (100%)	4,606 (100%)

E MISSION-CRITICAL BUSINESS TARGETS

Pre-charge decision-making benefits realisations

Magistrates' Court Cases		2006-07	2007-08	2008-09	2009	Change 2006-07 to 2009
Discontinuance rate	London	14.1%	14.7%	13.6%	15.8%	1.7%
	National	15.7%	14.7%	13.1%	14.1%	-1.6%
Guilty plea rate	London	64.8%	67.6%	69.8%	66.0%	1.2%
	National	69.2%	72.3%	74.4%	72.9%	3.7%
Attrition rate	London	23.3%	23.4%	22.1%	25.1%	1.8%
	National	22.0%	21.0%	19.2%	20.5%	-1.5%

Crown Court Cases		2006-07	2007-08	2008-09	2009	Change 2006-07 to 2009
Discontinuance rate	London	17.5%	17.1%	15.6%	15.3%	-2.2%
	National	13.1%	12.9%	11.7%	11.6%	-1.5%
Guilty plea rate	London	51.7%	59.9%	60.8%	60.5%	8.8%
	National	66.5%	71.3%	72.9%	73.1%	6.6%
Attrition rate	London	29.4%	28.1%	27.3%	27.9%	-1.5%
	National	22.2%	20.8%	19.4%	19.5%	-2.7%

Trial effectiveness for all cases

Trial effectiveness in the Magistrates' Courts		2006-07	2007-08	2008-09	2009	Change 2006-07 to 2009
Effective	London	44.1%	46.4%	47.3%	47.2%	3.1%
	National	43.8%	43.2%	43.4%	43.4%	-0.4%
Cracked	London	36.0%	35.8%	34.8%	34.8%	-1.2%
	National	37.3%	38.5%	38.0%	38.0%	-0.7%
Ineffective	London	19.9%	17.8%	17.9%	18.0%	-1.9%
	National	18.9%	18.3%	18.6%	18.6%	-0.3%
Vacated	London	19.6%	17.5%	16.3%	15.8%	-3.8%
	National	22.5%	20.8%	21.5%	21.5%	-1.0%

Trial effectiveness in the Crown Courts		2006-07	2007-08	2008-09	2009	Change 2006-07 to 2009
Effective	London	57.9%	54.4%	54.7%	54.0%	-3.9%
	National	48.2%	46.2%	47.1%	46.5%	-1.7%
Cracked	London	28.7%	31.8%	30.0%	31.1%	2.4%
	National	39.5%	41.9%	40.8%	41.3%	1.8%
Ineffective	London	13.4%	13.8%	15.2%	14.9%	1.5%
	National	12.4%	11.9%	12.1%	12.2%	-0.2%

Value of Crime Orders

	2006-07	2007-08	2008-09	2009*	Change 2006-07 to 2009
London	£18,281,281.0	£24,635,346.0	£38,513,344.0	£25,732,176.9	40.8%
National	£70,294,394.0	£90,023,327.0	£116,553,137.0	£100,504,905.5	43.0%

Number of Crime Orders**

	2006-07	2007-08	2008-09	2009*	Change 2006-07 to 2009
London	370.0	430.0	491.0	426.0	15.1%
National	3,236.0	3,965.0	4,717.0	4,562.0	41.0%

*2009 figures are the 12 months to December 2009

** for example restraint orders

CPS London Mission Critical Business Targets*Prosecution Costs Outturn*

	2006-07	2007-08	2008-09	2009-10 (YTD)*
London	98.8%	100.5%	101.1%	91.3%
National	101.0%	98.0%	99.7%	94.5%

*2009-10 figures are year to date to November 2009 and represent pro-rata spend against budget allocation to that month

Offences Brought To Justice

	2006-07	2007-08	2008-09	2009-10 (YTD)*
London	206,115	229,841	229,081	222,807
National	1,420,953	1,445,708	1,376,993	1,335,702

* Figures are for the 12 months to June 2009

Magistrates' Court hearings per case (Guilty Plea)

	2006-07	2007-08	2008-09	2009-10 (YTD)*
London	2.5	2.4	2.2	2.1
Target				2.1
National	2.8	2.6	2.2	2.1

*YTD figures are for the financial year to 31 December 2009.

Magistrates' Court hearings per case (Contested)

	2006-07	2007-08	2008-09	2009-10 (YTD)*
London	4.9	4.9	4.3	4.2
Target				4.0
National	5.5	5.3	4.4	4.2

*YTD figures are for the financial year to 31 December 2009.

Witness Attendance (Magistrates' Courts and Crown Court)

	2006-07	2007-08	2008-09	2009-10 (YTD)*
London	81.0%	80.0%	83.1%	81.3%
Target				90.0%
National	82.7%	83.9%	86.0%	86.8%

*YTD figures are for the financial year to 31 December 2009.

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