

CPS London Borough Performance Assessments

Enfield Borough

Executive Summary



This is the executive summary of the report by Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) on the performance assessment of the Crown Prosecution Service (CPS) London, Enfield borough.

The borough performance assessment (BPA) process provides a benchmark for the performance of the CPS London borough units in ten key aspects of work. Each of the aspects is assessed as being Excellent, Good, Fair or Poor. The borough is then assessed on its overall performance in the light of these markings. The BPA also evaluates the management of resources at borough level.

The overall performance assessment of CPS London, Enfield borough was **POOR**.

The table below provides a breakdown of the assessed level of performance against the ten aspects:

Aspect	Score	Assessment
Pre-charge advice and decisions	2	Fair
Decision-making, preparation and progression in magistrates' court cases	0	Poor
Decision-making, preparation and progression in Crown Court cases	0	Poor
The prosecution of cases at court	2	Fair
Serious violent and sexual offences, and hate crimes	2	Fair
Disclosure	0	Poor
Custody time limits	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

Description and caseload

CPS London (the area) is organised into operational teams along geographical boundaries. London boroughs and the City of Westminster are covered by the Metropolitan Police Service and the City of London by the City of London Police. The area's borough units are co-terminous with the Metropolitan Police Borough Command Units with each headed by a borough crown prosecutor (BCP), a CPS lawyer. Local borough units are then grouped together to form a larger district based upon a common Crown Court centre (or centres). Responsibility for a district lies with a district crown prosecutor (DCP), a more senior lawyer who line manages the BCPs. The interface between CPS London's senior management and area staff is through the district, with the DCP ensuring that the area's vision and strategy is implemented by the BCPs at borough level. CPS London is divided into two regions (North and South) which comprise a number of districts. There is also a complex casework centre which handles serious and complex cases and those at the Central Criminal Court (Old Bailey).

The CPS London senior management team consists of the Chief Crown Prosecutor, three legal directors and two regional business managers.

Enfield borough has one office which is sited at Edmonton Police Station. It is part of the CPS London district with is aligned to the Crown Court centres at Harrow and Wood Green, although Enfield's cases are all committed to Wood Green Crown Court.

The office is an integrated prosecution team (IPT) site where CPS and police staff work closely together in shared accommodation. Borough staff deal directly with investigating officers rather than through the police criminal justice unit and undertake case building functions that were previously the responsibility of police staff. Borough business is divided on functional lines between magistrates' court and Crown Court work in respect of administrative work, whereas lawyers deal with both types of casework.

As of October 2009 the borough had an average of 24.8 full-time equivalent staff in post, and a budget of £1,350,515¹.

Staff	Numbers at October 2009
Borough crown prosecutor	1.0
Business managers	1.0
Crown prosecutors	6.2
Associate prosecutors	1.6
Caseworkers	7.6
Administrative support staff	7.4
Total (full-time equivalent)	24.8

Details of Enfield borough caseload in 2007-08, and 2008-09 are as follows:

	2007	2008	Percentage change
Pre-charge work (all cases referred to the CPS by police for a decision as to charge)			
Decisions resulting in a charge	1,389	850	-38.8%
Decisions not resulting in a charge ²	629	678	7.8%
Total pre-charge decision cases	2,018	1,528	-24.3%
Magistrates' court proceedings³			
Magistrates' court prosecutions	2,743	2,730	-0.5%
Other proceedings	2	0	-100%
Total magistrates' court proceedings	2,745	2,730	-0.5%
Crown Court proceedings⁴			
Cases sent or committed to the Crown Court for determination	548	631	15.1%
Committals for sentence ⁵	65	100	53.8%
Appeals from the magistrates' court ⁵	17	11	-35.3%
Total Crown Court proceedings	630	742	17.8%

1 The non-ring fenced administration costs budget contains payroll costs as well as budget for travel and subsistence. Things like training are included in the London-wide budget and are not allocated at borough level.

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

3 Including cases that have previously been subject to a pre-charge decision and those that go to the Crown Court.

4 Including cases that have previously been subject to a pre-charge decision.

5 Also included in the magistrates' court figures, where the substantive hearing occurred.

The inspection team

Inspection teams comprise legal and business management inspectors working closely together. HMCPSI also invites suitably informed members of the public to join the process as lay inspectors. They are unpaid volunteers who examine the way in which the CPS relates to the public through its dealings with victims and witnesses; 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. In this assessment Mal Reston was the lay inspector. His views and findings have been included in the report as a whole. His time was given on a purely voluntary basis and the Chief Inspector is grateful for his effort and assistance.

Summary of judgements

Contextual factors and background

Since the borough has moved to IPT model, they have found it difficult to provide the levels of service expected across the criminal justice system. As with most boroughs in London, Enfield has also been affected by the need to implement two other significant change initiatives: The Director's Guidance on the Streamlined Process and the advocacy strategy. The former of these two initiatives brings additional pressure on case building systems as less evidence is available at the point of charge; the latter has reduced the prosecutors available to do some borough based work. The borough has struggled to cope with the level of change and this is reflected in the declining outcomes against many key performance indicators and difficulties in maintaining robust systems and processes. In addition to the changes of responsibility that are an integral part of the move to IPT, there has been a reduction in staffing levels at a time when the Crown Court caseload has increased. The borough has a high proportion of staff working part-time, which makes deployment more complicated, although the borough has been provided with more staff than the CPS staffing model suggests should be required.

There has been no DCP in post since July 2009 which has not helped borough managers. In addition to reducing leadership and guidance at district level, this has also impacted on inter-agency liaison arrangements.

The borough has benefited from being co-located with the police and this has helped develop positive relationships with officers at many levels. The Wood Green Crown Court staff maintain a very proactive role in case progression, which compensates to some degree for weaknesses in CPS case progression systems and maintains results at a higher level than might otherwise be achieved.

Whilst the borough has undoubtedly been faced with a challenging time in 2009, there did not appear to be a clear understanding of the causes of declining performance or a strategy to improve matters.

Summary

The quality of decision-making at the pre-charge decision stage is generally good with all cases complying with both stages of the Code for Crown Prosecutors (the Code) test. However, more needs to be done to make the overall charging process more effective. Greater attention is needed in dealing with ancillary issues and the overall quality and depth of the charging advice provided needs to improve. Outcomes against the six key CPS measures of benefit realisation for the charging initiative have been consistently weak, but have deteriorated significantly in 2009-10. There are a considerable number of outstanding cases that have been inactive for a substantial time; these need to be resolved. The coverage provided by the borough will reduce with the introduction of CPS London Direct which handles, through a telephone service, volume crime cases requiring a decision on whether or not to charge during ordinary working hours.

There are significant issues with conducting and recording full file and additional ad-hoc reviews after the pre-charge stage in magistrates' court cases. A proper record of review decisions could be located in only three of the 18 relevant instances (16.7%); this is clearly unacceptable. Despite the lack of review

records, decision-making was good as was the level of charge selected. In the 12 months to September 2009 the successful outcome (79.5%) rate was significantly worse than both the London (86.1%) and national (87.1%) average rates, having declined in 2009.

Case progression systems for cases in the magistrates' court were more satisfactory in 2008 but have been weak and inconsistent in 2009. There have been frequent occasions when the optimum business model unit has not been fully staffed, resulting in backlogs developing. This has a knock on impact in terms of advocacy at court, witness care issues, and indeed upon the reputation of the CPS, but it is still not treated with sufficient priority. That the trial effectiveness rate has not deteriorated as much as it might is primarily attributable to the robustness of court staff.

There are similar patterns for the handling of Crown Court casework, most notably in the lack of documented review decisions, although review decisions were generally sound. The level of successful outcomes in Crown Court cases has plummeted in the current financial year; in 2008-09 the borough achieved a successful outcome rate of 77.1%, whereas in the rolling 12 month period to September 2009, the figure had fallen to 69.5% compared to 72.7% in CPS London overall and 80.7% nationally.

Case progression systems for Crown Court cases have struggled in recent times. 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 quality of indictments was generally satisfactory, but the instructions to counsel were poor. Court directions and orders are managed satisfactorily up to the plea and case management hearing stage, but are weak from that point on. This has resulted in many cases having unnecessary hearings before the case is finally listed for trial (this local practice of additional mention hearings disguises the inefficiency in case progression that is not readily apparent from the low ineffective trial rates).

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 borough has been able to make limited use of associate prosecutors (CPS staff who are not lawyers but who are authorised to conduct certain cases in the magistrates' court after special training) due to the number and working patterns of those in post. This has contributed to high agent usage in the magistrates' court. Until recently the borough had two crown advocates in their complement of staff, but they had transferred to the specialist advocacy unit at Wood Green Crown Court. This has reduced the availability of in-house lawyers to cover court sessions.

Serious and sensitive cases are not always identified appropriately, and the system of allocation does not ensure that a prosecutor with relevant specialist experience is involved in the early stages of preparing such cases. As with casework outcomes generally, the level of successful outcomes in serious and sensitive cases has deteriorated significantly in the past 12 months. Compliance with the Code test was good as was the level of charge selected.

The borough's compliance with the prosecutor's duty of disclosure of unused material to the defence is poor. Record keeping was again a weakness, both in terms of completeness or its very existence as an audit trail. The quality of disclosure schedules from the police was weak, but frequently went unchallenged. The handling of sensitive material was inconsistent and needs to be improved. Overall, timeliness needs to be improved and it is not uncommon for disclosure to be served on, or shortly before, trial dates.

The borough had a custody time limit failure in 2008-09 that could have been prevented had the approved processes and system checks been followed correctly. While there have been no further recorded failures, there is a need to strengthen the management oversight which is not yet fully effective.

The quality of service provided to victims and witnesses is extremely variable. For the most part, crown prosecutors at court are liaising well with most victims and witnesses; agents do less well in this respect. There has been improvement in the volume of letters written under the direct communication with victims scheme, albeit letters are still missed too frequently. The timeliness of letters can be improved, as can the quality, which is inconsistent. There are far too many occasions where special measures are not considered at an early enough stage and similarly there are delays in the witness warning process. Witness attendance rates have declined in 2009-10 and at 72.9% are significantly worse than London and national averages. Many of the timeliness issues stem from the weaknesses in case progression systems.

While there are a few examples of actions taken leading to improvements in some aspects of casework, there is little by way of an effective strategy to improve overall performance which is still poor in many respects. There is little understanding of the root cause of weak performance and data analysis needs to be strengthened. The casework quality assurance scheme and the performance development and review processes are not yet effective tools in driving performance improvements. The CPS is represented regularly at joint performance meetings, but there is still a long way to go in translating discussion in meetings into effective remedial actions, leading to improved outcomes.

As a result of the preference scheme used to deploy staff in the new IPT environment, the borough has a high proportion of staff who work part-time hours, and the type of staff by role is not necessarily suited to the nature of work covered; this presents challenges in deploying staff effectively. As with other boroughs, Enfield has been faced with a decline in staff numbers at a time when Crown Court caseload and case progression responsibilities are growing. While recognising the challenges faced, the borough did not have a clear picture of what its ideal staff profile would look like, or how to get the best out of its existing workforce.

Planning and strategy was weak in the borough. While the borough was aware that performance falls short of expectations, there was no evidence of a systematic approach to drive change/improvement or even to identify priorities. Managers did not have a coherent strategy for dealing with the challenges faced and seemed to be resigned to the difficult position in which they found themselves. If improvement is to be achieved a more dynamic approach is required. Despite the difficulties in Enfield, the borough has managed to maintain positive relationships with criminal justice partners; this is a creditable achievement.

Inspectors identified 16 aspects for improvement:

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- 1 The borough needs to identify the factors causing the deterioration in performance across all six charging measures and to implement an action plan to improve performance (aspect 1).
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- 2 The borough should take urgent action to reduce the backlog of outstanding pre-charge cases (aspect 1).
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- 3 The borough needs to ensure that all cases are reviewed in a timely manner and that all reviews are recorded to provide a record of actions and reasons (aspect 2).
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- 4 The borough crown prosecutor should set clear objectives and performance targets for the optimum business model linked to improvements in magistrates' court case preparation (aspect 2).

- 5 The borough crown prosecutor should put effective systems in place to ensure that Crown Court cases are progressed effectively with timely preparation and compliance with court directions (aspect 3).

- 6 The quality of instructions to counsel needs to be improved (aspect 3).

- 7 Borough managers should work with police to ensure that only relevant material is removed from the file when it is archived post-finalisation (aspect 4).

- 8 Urgent steps need to be taken to:
 - ensure compliance with the prosecution's disclosure obligations;
 - quality assure disclosure decisions effectively;
 - provide feedback to individual prosecutors; and
 - implement refresher training and agree a joint training programme with police disclosure officers (aspect 6).

- 9 The borough should ensure that the management checks detailed in the national and local custody time limit (CTL) guidance are complied with and that lawyers agree CTL dates in court (aspect 7).

- 10 There is a need to improve the consistency and quality of letters generally and particularly those sent to victims and other members of the public (aspect 8).

- 11 The system for identifying and applying for special measures needs to be improved, particularly in respect of timeliness (aspect 8).

- 12 Witness warning systems need to be improved. In particular the flow of information between the CPS and the witness care unit needs to be quicker, which requires an improvement in the review and case progression systems.

- 13 The borough needs to use all available sources to improve the analysis of data to:
 - establish the root cause of problems;
 - identify actions to deliver improved performance; and
 - understand performance relative to other CPS boroughs/areas (aspect 9).

- 14 Managers need to make the performance and development review process more meaningful (aspect 9).

- 15 Borough managers should undertake an analysis of the workload and decide how staffing profiles and working patterns need to be changed to enable improved service delivery (aspect 10).

- 16 Borough managers need to develop an action/recovery plan that outlines how they intend to drive forward issues that require improvement (aspect 11).

Background to London borough assessments

HMCPSP's original intention had been to assess all 33 boroughs (including the City of London) in order to reflect the variations in performance which were expected across an area as diverse as CPS London, and this approach was endorsed by the area's senior managers. 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 level. London's senior management team confirmed that the boroughs which had been assessed were fairly representative of the area as a whole and that to undertake further assessments would be unlikely to add significantly to our findings. The inspectorate therefore decided to confine the exercise to 20 boroughs (including the pilot assessment of Croydon), drawn from five of the six districts, together with the traffic unit. The first nine borough reports were published on 19 January 2010.

Assessments

Assessments and judgements have been made by HMCPSP based on absolute and comparative assessments of performance. These came from national data; CPS self-assessment; HMCPSP assessments; and by assessment under the criteria and indicators of good performance set out in the performance assessment framework, which is available to CPS London. Evidence has also been taken from a number of sources, including the findings from the examination of a file sample, the view of staff, representatives of criminal justice partners and the judiciary. Inspectors have also conducted observations of the quality of case presentation in the magistrates' courts and the Crown Court.

The performance assessment has been arrived at by rating the unit's performance within each category as either Excellent, Good, Fair or Poor in accordance with the criteria outlined in the framework.

The inspectorate uses a points based model for assessment, with a borough's overall assessment determined by the cumulative total of points for all of the ten aspects that are scored. There are two limiters within the model. A borough cannot be rated Good or Excellent unless it is assessed as Good in at least two of the first four aspects. This is designed to give pre-eminence to the ratings for the core aspects of the borough's work. Similarly, if a borough is scored as Poor in three or more aspects its final assessment will be reduced by one grade from that which the overall points indicate.

The findings from the borough performance assessments undertaken are drawn together in a pan-CPS London report which provides an overall picture of the performance of the area. The pan-London report addresses a number of significant issues that have emerged as the assessments have progressed including the effectiveness of CPS London headquarters operations, and CPS London Direct which now makes a significant proportion of the charging decisions in the area. It is being published simultaneously with this report.

The full text of the report may be obtained from the Corporate and Operations Support Group at HMCPSP Inspectorate (telephone 020 7210 1197) and is also available on line at www.hmcpsti.gov.uk.