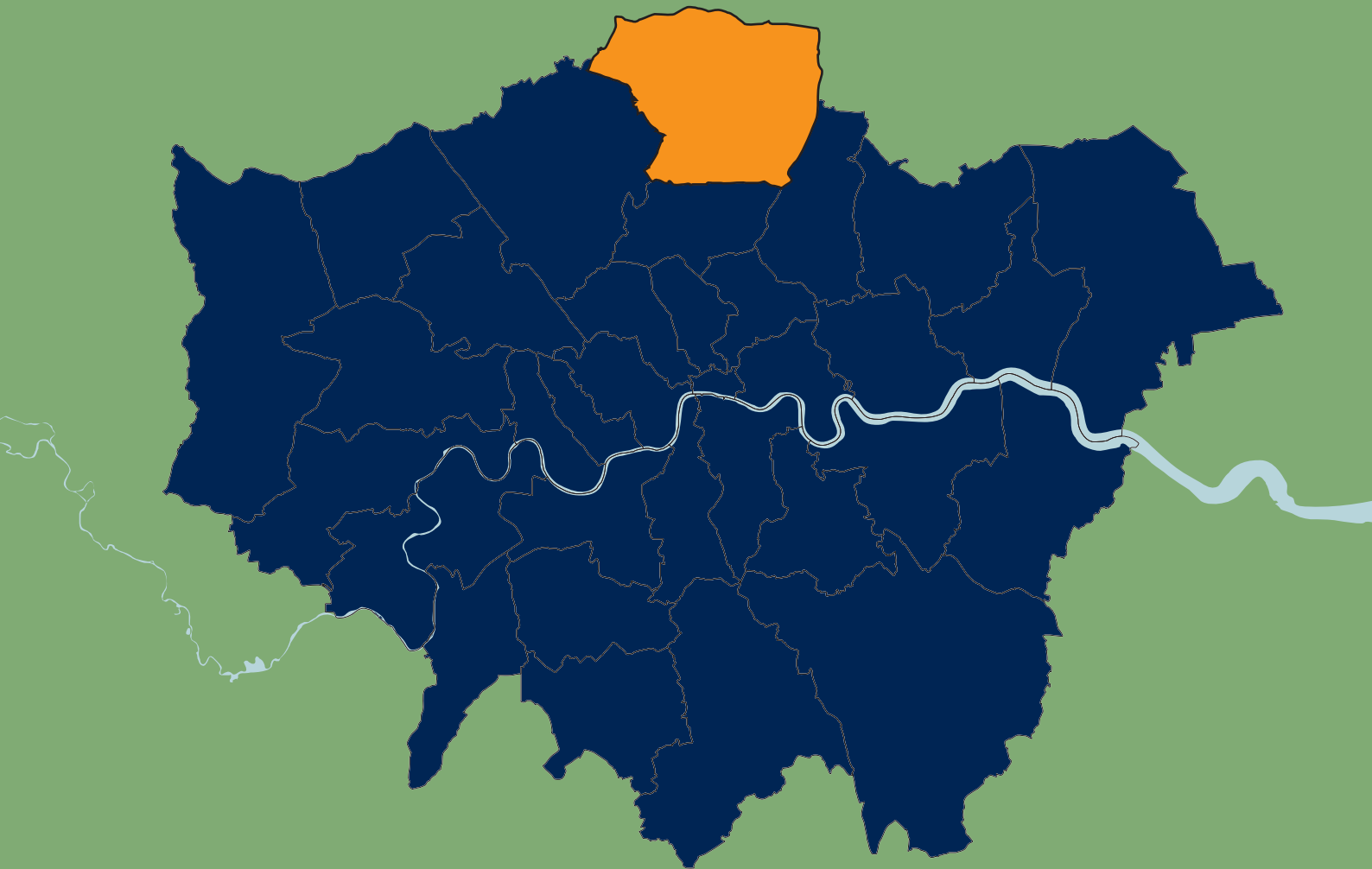


CPS London Borough Performance Assessments

Enfield Borough

Undertaken November 2009





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ABBREVIATIONS

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

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
NRFAC	Non-ring fenced administration costs
NWNJ	No Witness No Justice
OBM	Optimum business model
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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A INTRODUCTION TO THE PERFORMANCE ASSESSMENT PROCESS

This report is the outcome of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPIS) assessment of the performance of the Crown Prosecution Service (CPS) London in Enfield borough unit. It represents a more in-depth local assessment than the overall performance assessment of the North and East sector of CPS London published in 2008.

Assessments

Assessments and judgements have been made by HMCPIS based on absolute and comparative assessments of performance. These came from national data; CPS self assessment; HMCPIS assessments; and by assessment under the criteria and indicators of good performance set out in the Performance Assessment (PA) 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.

Inspection teams comprise legal and business management inspectors working closely together. HMCPIS 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 witness 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.

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 (see annex C).

Whilst we comment on the borough's performance in managing its resources, this aspect has not been scored.

The table at page 9 shows the unit performance in each category.

Whilst borough performance assessment are not full inspections, significantly more evidence is collected and analysed than in area overall performance assessments. This enables HMCPIS to give a more discerning picture of CPS London overall which recognises the substantial variations within the area. This assessment is designed to set out comprehensively the positive aspects of performance and those requiring improvement.

Our original intention had been to assess all 33 boroughs (including the City of London) in order to reflect the variations in performance which we expected across an area as diverse as London. This approach was endorsed by senior managers in CPS London. In the event, the 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. CPS London senior management team 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.

The findings from the borough performance assessments undertaken will be drawn together in a pan-CPS London report which will contribute to providing an overall picture of the performance of the area. The pan-London report will also address 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 important to bear in mind that, despite the title of the report, this is a report about the performance of the CPS in Enfield borough. That performance is influenced by a range of factors including matters which are responsibility of managers at district and area level. It should not be regarded purely as a critique of the borough unit and the staff who work in it. Both the credit and the responsibility for what we find in the boroughs – good and bad alike – must be shared with those middle and senior managers whose decisions and behaviours influence what happens on the front line of prosecutions.

Direction of travel

Where feasible we will indicate any changes in the unit performance from the year 2007-08 to date if this is ascertainable.

We have identified any strengths or aspects for improvement in performance within the text.

B DESCRIPTION AND CASELOAD OF CPS ENFIELD BOROUGH

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 level D 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 level E 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 including 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 which is aligned to the Crown Court sitting at Harrow and Wood Green, although Enfield's cases are all committed to Wood Green Crown Court.

As of October 2009 the borough had an average of 24.8 full-time equivalent staff in post and a budget of £1,350,515.¹

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

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.

Details of Enfield borough unit 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%

Inspectors visited the borough in November 2009. The lay inspector was Mal Reston. The role of the lay inspector is described in the introduction. He examined files that had been the subject of particular public interest considerations or complaints from members of the public and considered letters written by CPS staff to victims following the reduction or discontinuance of a charge. He also visited some courts and had the opportunity to speak to some of the witnesses after they had given evidence. This was a valuable contribution to the inspection process. The views and findings of the lay inspector have been included in the report as a whole, rather than separately. His time was given on a purely voluntary basis and the Chief Inspector is grateful for his effort and assistance.

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.

C SUMMARY OF JUDGEMENTS

Contextual factors and background

Since the borough has moved to the integrated prosecution (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 district crown prosecutor 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.

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 2008-09 the successful outcome rate (84.0%) was worse than both the London and national average rates. Of even more concern is the significant decline in more current performance at borough level: for the rolling 12 months to September 2009, the rate has fallen to 79.5%.

Case progression systems for cases in the magistrates' court were more satisfactory in 2008 but have been weak and inconsistent in the current year. 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, most important of all, the reputation of the CPS, but 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%.

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 is generally satisfactory, but the instructions to counsel are 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 is variable, 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 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 these have just 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 is good as is the level of charge selected.

The borough's compliance with the prosecutor's duty of disclosure 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 is weak, but frequently goes unchallenged. The handling of sensitive material is 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 integrated prosecution team 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 challenge 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.

In the light of our findings the Unit's performance assessment is **POOR**.

Aspects for improvement

We identified 16 aspects for improvement:

-
- 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).

 - 2 The borough should take urgent action to reduce the backlog of outstanding pre-charge cases (aspect 1).

 - 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).

 - 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).
-

Summary of judgements

BOROUGH PERFORMANCE ASSESSMENT 2009

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

D DEFINING ASPECTS

1 PRE-CHARGE ADVICE AND DECISIONS

Assessment
Fair

1A The quality of decision-making contributes to improving casework outcomes

- The quality of decision-making is generally sound. We examined 26 cases that had been the subject of a pre-charge decision (PCD) by the CPS. In five of these cases the threshold test was applied at the PCD stage.
- The full Code for Crown prosecutors (the Code) test had been correctly applied in 21 cases as regards both the evidential and public interest tests. However the recording of the reviews was poor.
- In four of the five cases where the threshold test was applied it was appropriate to do so. However in one case there was sufficient evidence to apply the full code test and in another the reason for applying the threshold test was not recorded; both of these were cases where the borough provided the PCD. There was no effective system to ensure that a full review was carried out on threshold test cases within a reasonable time.
- In 18 of the 26 cases we examined, the charging decision was taken by borough prosecutors while the remaining eight were decisions taken either by CPS Direct or CPS London Direct (CPSLD) (which became operational in Enfield in March 2009 and provides telephone charging advice in volume crime cases). Overall, the quality of the MG3 (record of charging decision) on locally charged cases was fair, with none rated as excellent; three (16.7%) were good; 12 fair (66.7%) and three (16.7%) poor. Common failings were the lack of clear case analysis and the absence of any instructions for the advocate at court.
- All relevant ancillary issues were considered in only 16 out of the 26 cases (61.5%). Failings commonly included a lack of consideration of bad character or special measures applications, especially in domestic violence cases.
- None of the cases in our file examination sample involved the consideration of a confiscation order. Until recently a Proceeds of Crime Act champion had been in post, but he has left the borough and not yet been replaced.
- The action plans within the MG3s met the required standard in nine out of 14 (64.3%) relevant cases. In only 18 out of 26 cases (69.2%) did the MG3 set out necessary instructions to advocates at court.
- In 24 of the 26 cases (92.3%) the most appropriate charges were selected. One of the two cases where we considered the charges selected were not appropriate involved allegations of assault that had been over charged and were later reduced. In the remaining case, separate assault charges were preferred against two defendants, but a joint public order charge should also have been advised.
- The borough performance has failed to meet five of the six measures of benefits realisation in relation to the charging initiative throughout 2008-09. The exception was the Crown Court discontinuance rate. National performance exceeded that of the borough in all measures except Crown Court discontinuance. However, when compared with CPS London as a whole the borough achieved better outcomes in respect of all three Crown Court measures. The year to September 2009 has shown a marked deterioration in performance across all six measures. While the figures may have been affected to some degree by the clearance of a backlog of unsuccessful cases, this is clearly a worrying trend when the performance was already poor in most aspects. The Crown Court discontinuance rate has deteriorated from good to poor in this period.

- The successful outcome rate or conviction rate for all the borough's PCD cases has fallen from 74.4% to 68.8% in the 12 months to September 2009 compared with the previous year. This is significantly below national performance of 80.1% and that of CPS London at 74.9% and is regarded as poor.

	Performance 2008-09			Performance 12 months to Sept. 2009		
	National	CPS London	Borough	National	CPS London	Borough*
Pre-charge decision cases						
Conviction rate	80.8%	76.2%	74.4%	80.1%	74.9%	68.8%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	15.5%	13.7%	14.7%	17.1%
Guilty plea rate	74.4%	69.8%	65.7%	73.6%	67.5%	61.4%
Attrition rate	19.2%	22.1%	24.9%	20.0%	23.8%	29.6%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	10.8%	11.7%	15.0%	20.7%
Guilty plea rate	72.9%	60.8%	65.7%	73.1%	61.0%	57.2%
Attrition rate	19.4%	27.3%	24.1%	19.5%	27.6%	33.1%

* Charging decisions made by CPS London Direct are included in the borough's performance data and reflected in the performance figures.

1B Pre-charge decision-making processes are effective and efficient

- The borough operates a charging centre (with one duty prosecutor) located in the police station on two days a week. Appointments are made via the police Evidential Review Officers (EROs) who maintain the appointment diary. Arrangements are in place for charging advice to be provided outside of these days if the case is not one that is covered by CPSLD. The borough has been without a charging centre manager for some time. Significant tasks such as monitoring outstanding pre-charge cases and following up responses when further evidence has been requested have not been easily absorbed elsewhere in the administrative team. At the time of our assessment there were approximately 200 outstanding pre-charge cases that had been inactive for a long time. Attention to these backlogs is essential.

Aspect for improvement

The borough should take urgent action to reduce the backlog of outstanding pre-charge cases.

- With the implementation of CPSLD earlier this year, a large amount of the PCD work has been diverted away from the borough but local managers have maintained their commitment to the charging centre. The cases currently advised upon locally are complex or sensitive cases often involving video evidence. At other times a duty prosecutor is always available to deal with urgent custody cases. The extent of coverage is appreciated by police partners, and with the proximity of the charging centre to the CPS office, lawyers are able to use gaps in charging appointments to carry out work on their own caseload.
- Charging advice is generally provided by one lawyer who is office based; he is very experienced and also a rape specialist. If he is unavailable, then another experienced lawyer is usually available to provide charging advice.

- The borough's prosecutors are located close to the police EROs who act as gatekeepers, allowing only eligible cases to be referred for early consultation or charging decisions. There are well-established channels of communication between police and CPS managers to address any disputed charging decisions or police charges that were contrary to the Director's Guidance on Charging. The borough crown prosecutor (BCP) and the police charging manager share an office, so any problems are picked up and resolved at an early stage.
- There were three cases in the file sample where more information was requested before a charging decision could be made; in all three cases the additional information was necessary.
- In the first two quarters of 2009-10 the proportion of cases where the decision of the CPS was no further action was 26.0% which is slightly lower than both national and CPS London rates and represents a slight fall from the 2008-09 figure of 27.0%. However the high number of outstanding cases yet to be finalised may be masking the true proportion as a significant number of those outstanding matters are unlikely to result in proceedings.
- The impact of the new CPSLD service is yet to be formally assessed. Police staff voiced significant concerns in the early days of CPSLD operation. Whilst it is felt to have improved, some concerns persist. There are currently no formal liaison meetings established between the two units, but the BCP has communicated issues directly to the head of CPSLD.
- The CPS part of the MG3 was on the case management system in all cases, but the police part of the MG3 was not always imported on to the system.

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

Assessment
Poor

2A Decision-making is of a high quality, and case handling is proactive to ensure that the prosecution maintains the initiative throughout the case

Case outcomes in the magistrates' court

	Performance 2008-09			Performance 12 months to Sept. 2009		
	National	CPS London	Borough	National	CPS London	Borough
Discontinuance and bindovers	8.7%	8.0%	9.0%	8.8%	8.1%	13.0%
No case to answer	0.2%	0.3%	0.1%	0.2%	0.3%	0.7%
Dismissed after trial	2.0%	2.4%	2.2%	2.1%	2.6%	3.1%
Discharged committals	0.2%	0.3%	1.1%	0.3%	0.4%	0.5%
Warrants	1.6%	3.0%	3.5%	1.5%	2.7%	3.7%
Overall conviction rate	87.3%	86.0%	84.0%	87.1%	86.1%	79.5%

- The application of the evidential and public interest stages of the full Code for Crown Prosecutors (the Code) test was in accordance with the Code in 14 of the 15 (93.3%) cases in our file sample.
- The systems for building a case after the charging decision are not robust with the result that additional evidence to strengthen a case is often not gathered in a timely fashion. Proactive case management was fair in six cases and poor in seven.
- In all contested magistrates' court cases, the case proceeded on the most appropriate charges, despite the lack of evidence of application of the full Code test.
- Full file reviews were carried out and recorded in only one out of 13 relevant cases; a subsequent ad hoc review was required in five cases but only recorded in two. We are advised by the borough that reviews are being undertaken but owing to time pressures they are not being recorded (on the file or in the case management system (CMS)). Overall we found that all aspects of case preparation were timely in just four cases out of 13 (30.8%).

Aspect for improvement

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.

- The only case in our sample where the prosecution accepted pleas offered by the defence was an appropriate and realistic decision.
- More could be done to ensure that linkages between cases involving the same defendant are identified at an early stage. In one case this led to a late discontinuance on public interest grounds, and in another, correspondence had been linked to the wrong file.

- The proportion of cases discontinued, at 9.0% of the borough's caseload in 2008-09, was very similar to the performance nationally (8.7%) and that of CPS London (8.0%). There has been a significant decline in performance to 13.0% during the current year so far. The borough has not been able to establish definite reasons for this decline.
- We examined one case where the magistrates' court ruled that there was no case to answer at the close of the prosecution case. The CPS file jacket had not been retained and there was no adverse outcome report on the file, so it was not possible to determine the reason for the decision. Of the three discontinued cases in the file sample we considered that the decision to discontinue did not comply with the Code in one case. Better case preparation could have avoided the outcome in one of the discontinued cases and the decision was not timely in the other two.
- The borough has suffered from high levels of discharged committals in recent years but the trend is one of improvement. In 2007-08 there were 35 cases representing 6% of all committals but in the 12 months to September 2009 there were 17 cases discharged, representing 2.6 % of committals.
- Overall the proportion of magistrates' court cases that resulted in a successful outcome was 84.0% last year and was worse than the national performance of 87.3% and that of CPS London of 86%. The figure for the 12 months to September 2009 has shown a marked decline to 79.5%, which is regarded as poor. The borough managers are unclear as to the causes of such a decline in performance.

2B Cases are prepared and progressed effectively

Trial rates

	Performance 2008-09		
	National	CPS London	Borough
Effective	43.4%	47.3%	39.4%
Cracked	38.0%	34.8%	43.1%
Ineffective	18.6%	17.9%	17.5%
Vacated	21.5%	16.3%	17.8%

- The optimum business model (OBM) was implemented on the borough in November 2007 but at the time of our assessment in November 2009 had still not been signed off by CPS headquarters as operating satisfactorily. The case progression manager who runs the unit works part time, so there are times when no manager is present. This has caused occasional problems, as urgent emails sent to the manager cannot be accessed by others during their absence.
- During 2008, the borough was regularly able to deploy lawyers and administrative staff to the OBM unit. Following changes in staff, the borough has been much less successful in its staffing of the unit, and there have been frequent occasions when a lawyer was not available. This has contributed to backlogs and significant amounts of last minute work during 2009.
- At the time of our inspection the OBM was working on trials scheduled for between one and two weeks' time, although there were a few cases that were even more urgent awaiting action. This means that files are not being reviewed until shortly before the trial date, resulting in late applications for special measures, or to adduce bad character or hearsay evidence, as well as disclosure being served late. If for any reason further information is needed from the police, there is often insufficient time to obtain this.

Aspect for improvement

The borough crown prosecutor should set clear objectives and performance targets for the optimum business model linked to improvements in magistrates' court case preparation.

- Criminal Justice: Simple Speedy Summary has been implemented on the borough. From our sample of 15 cases, 11 (73.3%) proceeded at first hearing, and there is a shared commitment to eliminate unnecessary adjournments by HM Court Service and CPS managers. In two of the four cases that did not proceed at first hearing, the prosecutor adjourned the case to see if a retraction statement had been made by the victim. In a third, the prosecutor failed to notice the police had not laid the charges advised at the charging stage. This resulted in a subsequent unnecessary adjournment. We were unable to ascertain what happened at the first hearing in the fourth case, as the file jacket had not been retained. Directions made by the court at first hearing in trial cases were completed in a timely fashion in five out of eight relevant cases (62.5%). Necessary pre-trial applications were served within statutory time limits in only two of the five relevant cases. Case management was fair in six (46.2%) out of 13 relevant cases, and poor in the remaining seven (53.8%). There were ten unnecessary adjournments of which four were attributable to the prosecution.
- The ineffective trial rate during 2008-09 of 17.5% was a little better than both the national rate of 18.6% and that achieved by CPS London of 17.9%. However as the borough has a high cracked trial rate the overall level of effective trials was only 39.4% compared to the London average of 47.3%. Performance in 2009-10 has been more volatile. The ineffective trial rate for October 2009 had risen considerably to 25.9%. Our findings, and the view of criminal justice partners, suggest that this is caused by a lack of timely preparation by the CPS and the late service of disclosure, often on the trial date at court. The borough crown prosecutor, the witness care unit and the court have discussed trial effectiveness at joint performance meetings and an agreed action plan was drawn up. However, the borough has not implemented the actions required of it and indeed the existence of the action plan had not been discussed with staff.
- Use of the case management system (CMS) was assessed as fair in seven cases (50%), poor in five (35.7%) and good in two (14.3%). The outcome, disposal or other significant part of the result was wrongly finalised in three out of 15 cases (20%) and this needs to be addressed by borough managers to ensure that performance is represented accurately by the data generated from CMS.
- Much of the decision-making is sound, but lack of timely full reviews and poor preparation leads to cases not being ready for trial or their not being as strong as possible. This, albeit in conjunction with the non-attendance of witnesses, is a substantial cause of the low level of successful case outcomes.

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

Assessment
Poor

3A Decision-making is of a high quality, and case handling is proactive to ensure that the prosecution maintains the initiative throughout the case

Case outcomes in the Crown Court

	Performance 2008-09			Performance 12 months to Sept. 2009		
	National	CPS London	Borough	National	CPS London	Borough
Judge ordered acquittals	11.6%	15.7%	10.6%	11.7%	15.3%	17.0%
Judge directed acquittals	1.0%	1.1%	0.5%	0.9%	1.3%	0.6%
Acquittals after trial	5.5%	8.5%	10.1%	5.6%	9.0%	10.2%
Warrants	1.1%	1.6%	1.7%	1.1%	1.7%	2.6%
Overall conviction rate	80.8%	73.1%	77.1%	80.7%	72.7%	69.5%

- The application of the evidential stage of the full Code for Crown Prosecutors (Code) test at either the committal review stage or service of the prosecution case accorded with the Code in all 14 Crown Court cases in the file sample. The application of the public interest stage also accorded with the Code in all cases.
- We found documented evidence of a full file review in just two of the 14 cases (14.3%); this is clearly unacceptable. 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 11 cases but was present in just three (27.3%). The aspect for improvement in aspect two with regard to conducting and recording reviews applies equally to Crown Court cases.
- The borough has referred cases where appropriate to the Complex Casework Centre, including a gang rape case and a multidefendant public order case. The referral procedure is made available generically to all London staff via an electronic folder. Lawyers on the borough are familiar with the criteria.
- Crown Court cases are allocated by the borough crown prosecutor (BCP) on the basis of caseload, experience and any specialist skills of individual prosecutors. However, the BCP does not then notify the lawyer that a case has been allocated to them. Much of the preparatory work is done by caseworkers. Committals are signed off by whichever lawyer is available at the time. This means that the nominally allocated lawyer may have had little or no input into the case.
- The charges selected for committal were correct in 13 out of 14 cases (92.9%) and in 11 of the 12 (91.7%) that then proceeded to Crown Court trial. We found one case where the charging prosecutor had indicated that all defendants should be committed to the Crown Court, but one defendant faced a summary only charge. The committal preparation failed to rectify this by substituting an appropriate alternative charge. In another case involving an assault, the incorrect level of charge was brought. There were no cases in our file sample where pleas were entered on anything other than the full facts as set out by the prosecution.
- More could be done to ensure that linkages between cases involving the same defendant are identified at an early stage. In one case this led to a late discontinuance on public interest grounds, and in another, correspondence had been linked to the wrong file.

- The early identification of important evidence and material required to ensure successful outcomes is often lacking. Even where the prosecutor has identified the need to gather this material prior to charge, action is frequently delayed or is not robustly pursued with police investigators. There was good proactive case management in one case (7.1%), but in the remaining it was only fair in nine (64.3%) and poor in four (28.6%). Responsibility for all stages of case preparation lies with the allocated caseworker, before being passed to the reviewing lawyer for completion.
- We examined three cases where the judge directed the jury to acquit the defendant. In two cases the outcome was foreseeable before the trial started and in one case better preparation could have avoided the outcome. We were unable to find adverse case reports in any of the three cases.
- Indictments were correctly drafted by borough prosecutors in 12 out of 14 cases (85.7%), one of which was amended correctly.
- CPS London collates its restraint and confiscation orders centrally and the volume and value targets are set at area level. For 2008-09, London obtained a total of 491 confiscation orders, with a combined value of £38,513,344, exceeding the value target figure by £18,868,344; in the same period, 352 restraint orders were achieved against a target of 98 orders. Issues of restraint or confiscation were not relevant in any of the cases in our file sample. The borough had a Proceeds of Crime Act (POCA) champion who was working positively with his counterparts in the police. The champion was also a crown advocate and has now transferred to the specialist advocacy unit at Wood Green Crown Court. Following his departure, there is some risk to the borough in respect of the effective management of POCA issues.
- We examined two cases that had been terminated by the prosecution and thus recorded as judge ordered acquittals (JOA). Both of these cases were rape cases and the decisions to discontinue were in accordance with the Code, although in one case the decision could have been taken sooner. In one case there was no evidence of a second opinion being sought from another rape specialist before discontinuance as required by CPS policy. The proportion of JOAs was 10.6% of caseload in 2008-09 and was better than national performance of 11.8% and CPS London of 15.7%. During the current year the proportion has worsened significantly to 22.5% compared with national performance at 11.8% and CPS London at 15.9%. The borough was unable to identify why performance had declined so much.
- In 2008-09, the borough achieved a successful outcome in 77.1% of its cases. This was below the national figure of 80.8% but better than that of CPS London overall (73.1%). In the 12 months to September 2009 the level of successful outcomes has decreased significantly to 69.5% and is now well below national performance of 80.6%, and below that of CPS London which was 72.7%. The borough's performance in this respect must be regarded as poor.

3B Cases are prepared and progressed effectively

Trial rates

	Performance 2008-09		
	National	CPS London	All Wood Green Crown Court cases ⁶
Effective	47.1%	54.7%	62.1%
Cracked	40.8%	30.0%	30.9%
Ineffective	12.1%	15.2%	7.0%

⁶ Crown Court trial data is not disaggregated to borough level, therefore this table reflects the composite performance of all those CPS London boroughs that commit cases to that Crown Court.

- The borough's Crown Court caseload has increased considerably since 2007-08. In 2008-09, the borough finalised 632 cases as against only 456 in the previous year. The figures at the mid point of the current financial year indicate that numbers are more stable this year (320 by September). The reasons for this growth are not fully understood by the borough's managers but clearly it has resulted in additional pressure being applied to the preparation and management of serious casework.
- All cases were progressed satisfactorily by the prosecution at plea and case management hearing (PCMH) and in 11 out of 13 relevant cases (84.6%) all pre-PCMH directions had been complied with in a timely fashion. Directions given at PCMH are recorded by the advocate in court, or by the caseworker, if present. The borough is therefore reliant on the quality of the endorsements of the advocate if a caseworker is not present.
- After PCMH the performance dipped with only five of ten relevant cases showing a timely completion of all directions between PCMH and trial. All necessary applications been served in accordance with statutory time limits in only four out of seven relevant cases (57.1%). Examples of late applications included special measures for prosecution witnesses and notices to admit important hearsay evidence. Further lines of enquiry or specialist evidence not identified at the charging stage were only considered routinely by prosecutors in the most serious cases. All aspects of case preparation were timely in only six (42.9%) of 14 cases examined.

Aspect for Improvement

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.

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- Instructions to counsel were poor in all 14 cases. The instructions were nothing more than the standard template document with no added value. Substantial improvement in the quality and content of instructions is required with attention particularly to case analysis and the reviewing lawyer's assessment of its strengths and weaknesses.

Aspect for improvement

The quality of instructions to counsel needs to be improved.

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- The rate of ineffective trials heard at Wood Green Crown Court was 7.0% during 2008-09. This was better than the national figure of 12.1% and that of London overall of 15.2%. The practice at Wood Green Crown Court of holding mention hearings to address case progression issues before a case is listed for trial is the main cause of the low ineffective trial rate, which is therefore not fully reliable as a measure of efficiency. There were five ineffective trials in the file sample. Only one of these was attributable to the prosecution although in one case, owing to a lack of endorsement on the file, we were unable to determine the cause of the ineffective trial.
 - The borough had no cases that were subject to a case management panel. Panels are convened to oversee the most serious casework, usually assessed as trials expected to last over 40 days or involve more than three trial counsel.
 - A specialist Crown Advocate (CA) unit has been set up at Wood Green Crown Court and two lawyers have recently transferred from the borough to this unit. All Crown Court cases are referred to the unit, and the manager selects which cases will be handled by the CAs. Almost all PCMH cases at Wood Green Crown Court are covered by the unit irrespective of who will be the advocate at any subsequent trial.

- The borough's use of Compass (CMS) to record action taken by prosecutors and other significant events was mixed. Finalisation details were correctly recorded in 12 out of 14 cases (85.7%) but the wider use of the system was less satisfactory. CMS use was rated as fair in nine cases (64.3%) and poor in five cases (35.7%). Monitoring of the correctness of finalisation codes is essential if performance data is to reflect accurately the borough's activity.
- Again our assessment has to balance a good or sound decision-making, initial fair proactive case management, and sound selection of charges against poor timeliness and quality of case preparation, which has led to criticism at the Crown Court and relatively poor case outcomes.

4 THE PROSECUTION OF CASES AT COURT

Assessment
Fair

4A Advocates are active at court in ensuring cases progress and hearings are effective; advocacy and case presentation are of a high standard

- The borough's magistrates' court work is dealt with at Enfield Magistrates' Court. Weekend remand hearings are held at Highbury Corner Magistrates' Court.
- The selection of suitable advocates is managed by the borough. At present there is only one associate prosecutor (AP), who works part time. Arrangements have been made with the court to enable the use of the AP resource. A second AP has recently joined the borough, but unfortunately the working pattern of the second AP will not assist to increase court coverage as much as it should. Agents are used on a regular basis in the magistrates' court where borough managers consider that there are insufficient internal resources available; agents normally cover trial courts. There are no specific procedures for allocating the few specialist prosecutors to prosecute cases within their specialised field in the magistrates' court but opportunities are taken when practicable.
- All instructions for Crown Court cases are sent to the specialist crown advocate unit manager who selects which cases the unit will cover. It appears that the unit intends to cover all plea and case management hearings (PCMH) irrespective of whether the CPS will be able to cover the trial. This does not accord with the CPS/Bar protocol. Where crown advocates are not selected to cover a case, paralegal officers select counsel from approved lists; this includes dealing with highly sensitive cases such as allegations of rape.
- The borough crown prosecutor is responsible for compiling the weekly rota, which must accommodate sessions at court as well as in the charging centre and the optimum business model unit. The AP has been regularly deployed to deal with plea and remand courts at Enfield Magistrates' Court with CPS lawyers covering both trial and youth work. There is no specialist domestic violence court at Enfield Magistrates' Court.
- The advocates observed met the CPS national standards of advocacy. The view of criminal justice partners, however, was that prosecution advocates were not always well prepared for trial hearings, as there were frequent late applications and recurring problems around reluctant or absent prosecution witnesses. While weaknesses in case progression are not conducive to high quality advocacy, external partners expressed mixed views as to the current overall quality of advocacy.
- Criminal Justice: Simple Speedy Summary has been implemented in the magistrates' court, which has contributed to some improvements. In 2008-09 the number of adjournments in guilty plea cases was just above the London average performance but has declined slightly in 2009-10. The number of adjournments in contested cases was worse than the London overall average in 2008-09 but in 2009-10 performance has improved and is now better than the London overall average.
- The prosecution were ready to progress at first hearing in 11 out of the 15 cases (73.3%) in our sample of magistrates' court files. In Crown Court cases the prosecutor took steps to progress the case at the PCMH in all 15 cases. There were 32 examples of unnecessary adjournments in all 29 files examined and the prosecution were responsible for 17 of these (53.1%).
- The quality of file endorsements was good in seven out of 25 cases (28%), fair in 11 cases (44%) and poor in seven (28%). The main omission was a clear and comprehensive record of the outcome of contested hearings. This was particularly prevalent in the Crown Court where coverage by caseworkers was sparse. In some cases we looked at the file cover had not been retained when the case file was put into storage; this meant that there was no complete record of endorsement.

Aspect for improvement

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

- The level of compliance with the Prosecutor's Pledge, Victims' Code of Practice and Witness Charter in terms of advocates' communication and interaction with victims and witnesses at court was generally good. Partner agencies expressed the view that over a period of time there had been an improvement in the care and attention given to victims and witnesses by CPS prosecutors although the performance of agents lagged behind that of in house staff. During the course of our visits we observed appropriate care being provided to victims and witnesses by prosecutors.

5 SERIOUS VIOLENT AND SEXUAL OFFENCES, AND HATE CRIMESAssessment
Fair**5A The borough ensures that serious violent and sexual offences, and hate crime cases are dealt with to a high standard***Violence against women: successful outcomes (convictions) as a percentage of completed cases*

Performance 2008-09			Performance 12 months to September 2009		
National	CPS London	Borough	National	CPS London	Borough
71.9%	62.0%	56.7%	71.7%	60.5%	49.6%

Hate crime: successful outcomes (convictions) as a percentage of completed cases

Performance 2008-09			Performance 12 months to September 2009		
National	CPS London	Borough	National	CPS London	Borough
82.0%	77.2%	81.0%	81.7%	75.4%	65.4%*

* Some caution should be applied in interpreting these figures as case numbers are low

- There were 11 cases in our file sample that came within the definition of serious and sensitive crime requiring specific flagging on the case management system (CMS). Eight of the 11 cases (72.7%) were correctly flagged on CMS, indicating that there is room for improvement in the accuracy of recording.
- Whilst efforts are made to allocate cases to individuals with relevant specialist experience, the selected prosecutor will often not get involved in the case at an early stage. Paralegal officers do most of the pre-committal preparation and much of the work post committal (with some lawyer oversight). The selected lawyer may have minimal input until just before the trial.
- The borough currently has six rape specialist prosecutors. This may be too high a figure to ensure that all the specialist lawyers get sufficient regular experience of handling rape cases. Two of the rape specialists have recently taken up the role of joint district rape co-ordinators and are currently establishing links with prosecutors and other agencies across the district. None of the specialists has a clear role description nor has any specific training sessions been delivered although there has been occasional dissemination of relevant material to other staff. Specialists do not presently analyse borough performance data, although the rape co-ordinators will now be involved in the production of the required district quarterly reports.
- We found that all charging decisions in cases of serious and sensitive offences complied with the evidential and public interest stages of the Code for Crown Prosecutors test. The charges that were pursued to committal or trial were considered to be the most appropriate in 17 of 18 relevant cases (94.4%). The decision to discontinue the proceedings was in accordance with the Code in all five relevant cases.
- We examined seven cases involving allegations of domestic violence. The prosecutor considered the availability of enhanced evidence at the pre-charge stage in only one of these. There did not appear to be any distinction between cases whether the charging decision was made by the borough lawyers or not. 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.

- The borough has over a long period had a high number of cases involving allegations of domestic violence and experiences significant difficulty in securing victim and witness attendance. Partner agencies consider that the specific ethnic make up of the borough has some affect on witness attendance with pressure brought from within the community on the victims of domestic violence not to proceed. CPS staff did not seem alive to this issue, other than in general terms.
- Although prosecutors were aware of CPS policies on retraction of complaints and referred to them in their decision-making, we noted that in only one out of four relevant cases (25%) did the case proceed against the victim's wishes. There should be a strategy in place in each case to outline the action to be taken where witness attendance is an issue including the use of a witness summons in appropriate cases.
- We examined two cases of rape that were both subsequently discontinued. In both cases they were dealt with by a rape specialist but the decision had been endorsed by a second specialist in only one. This is contrary to CPS policy. In both cases a meeting had been offered to the victim where the decision could be further explained by the prosecutor in accordance with the CPS policy on rape.
- The borough has no specific plan to implement the violence against women (VAW) strategy (which includes domestic violence cases). The borough crown prosecutor (BCP) attends monthly meetings with the police specialist rape unit in accordance with the Rape Protocol and the domestic violence co-ordinator attends the domestic violence forum.
- During 2008-09 the borough achieved successful outcomes in offences involving VAW in 56.7% of cases. This was significantly lower than national performance of 71.9% and of London as a whole of 62.0%. During the 12 months to September 2009 the borough's performance has dipped considerably to 49.6%.
- In respect of all hate crimes the borough achieved successful outcomes in 81.0% of cases in 2008-09 compared to the national performance of 82.0% and CPS London of 77.2%. However, in the 12 months to September performance has deteriorated significantly to 65.4%. The borough is unable to identify why performance has declined so markedly.
- The borough is represented at the borough criminal justice group meetings and other relevant meetings. However, few positive signs of improvement have been detected.
- The borough has appointed a borough community prosecution coordinator who has set about building links with various community groups. They have a reduced caseload to enable them to spend more time building up community links. The community prosecutor attends a number of meetings at which domestic violence issues are discussed.
- There has been no direct contact by the BCP with the local Safeguarding Children Board.

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

- The borough's compliance with the prosecutor's duty of initial disclosure is poor. In only 17 out of the 26 relevant cases (65.4%) in our file sample had the prosecutor's duty of initial disclosure been complied with fully. Although schedules of non-sensitive unused material were endorsed and served, they were frequently incomplete and lacked necessary comment explaining decisions whether to disclose or withhold certain items.
- Prosecutors were clearly under pressure of time to serve schedules that had either been received late from police disclosure officers or simply not reviewed at an early enough stage before trial. The problem of the late submission of schedules has been exacerbated by the director's guidance on the streamlined process project of proportionate police file building. As an indirect consequence compliance with initial disclosure was timely in only 16 out of 23 relevant cases (69.6%) and the quality of schedules was poor, with items listed that could not conceivably constitute unused material. Examples included defendants' previous convictions and audiotapes of interviews with the accused. Prosecutors did not as a rule challenge the quality of these schedules and we saw only one example of an incorrect form being returned to police for correction. There were no instances in our sample where undermining or assisting material had not been disclosed to the defence, but the laxity of the handling restricts the level of assurance that can be given.
- The duty of continuing disclosure was specifically triggered by a defence statement in seven cases in our sample and was complied with fully in only two of these (28.6%). Our sample contained no instances of a failure to disclose undermining or assisting material to the defence, but again this offers only limited assurance in the context of such lax handling. Defence statements were received late in many cases but prosecutors did not chase the service of these documents or refer missed deadlines to the court. Although they were forwarded to the police disclosure officer, rarely was a response received in sufficient time before the trial to allow continuing disclosure to be served in a timely fashion. There was no evidence of the lawyer directing the police disclosure officer as to what needed to be considered at the continuing disclosure stage. Borough staff indicated that defence case statements were rarely referred to lawyers before being sent to the police disclosure officer. Compliance was timely in the one case where continuing disclosure requirements were complied with fully.
- The quality of schedules of sensitive material was also poor although most were blank, implying that no sensitive material was held. Sensitive material was dealt with correctly in only two out of five relevant cases. A disclosure record sheet (DRS) was not completed effectively on any file. In some instances the DRS was on the file but not completed, but in most cases it was not on the file.
- There were two cases in our file sample involving the disclosure of third party material and this was dealt with correctly in one. There is currently no protocol in force dealing with the disclosure of third party material held by the local authority in the borough.
- Prior to the departure of the district crown prosecutor (DCP) in August 2009 all applications for public interest immunity (PII) certificates allowing the prosecution to withhold certain sensitive material from the defence were handled at district level. Interim arrangements have been in place until the new DCP takes up their post. There were no examples of PII hearings taking place in any of the cases we examined. Any relevant records are kept securely at district level.
- Some CPS training on disclosure has taken place in the past, but there has been little refresher or follow up work in recent times; the position is similar for joint training with the police.

Aspect for improvement

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.
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7 CUSTODY TIME LIMITSAssessment
Fair**7A The borough ensures that all cases with a custody time limit are dealt with appropriately and time limits adhered to**

- 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 HMCPSP's impending assessments of London boroughs. The London Management Team then instructed all boroughs to adopt the London CTL system. This is compliant, for the most part, with the national standard. However, managers need to be aware of the disparity and ensure that national requirements are also met.
- The borough had one reported CTL failure in 2008-09. This was fully investigated by the borough crown prosecutor and sector director in post at that time and a number of shortcomings in borough practice were identified. The borough had failed to complete the required CTL file audit that might have prevented the problems subsequently encountered. Some remedial actions have since been undertaken, but peer reviews indicate that some risks persist. However, no further failures have been recorded between July 2008 and November 2009.
- We examined six current cases where the defendants had been remanded in custody – three in the Crown Court and three in the magistrates' court. CTL expiry dates had been correctly calculated on all of them. In two cases, neither the CTL expiry date nor the review date had been entered into the paper CTL diary despite the expiry date being entered correctly onto CMS. In another case, the initial review date was not entered in the diary, but after a CTL extension had been obtained, the new review and expiry dates were in the diary. Some of these failings predated the absence of the CTL manager. In our general file sample we examined a further five cases involving CTLs; the correct expiry dates and endorsements were present in all cases.
- Applications for extension of CTLs in our sample were all made in good time and with appropriate chronologies to assist the court. These applications contained adequate information in order to establish due diligence on the prosecution's part.
- A CTL protocol has been agreed with the magistrates' court with the result that CTL expiry dates should be agreed between the prosecutors and the court at hearings. This does not happen in most cases. The court indicates that prosecutors do not seek to engage with the court clerk in agreeing the CTL expiry date. The courts are working cooperatively with the borough to notify them of any changes in court hearings that may impact upon custody cases but agreement of CTL dates under the protocol is not evident from the file endorsements.
- The borough manager responsible for overseeing the CTL procedures was absent at the time of our inspection and the work is being partly covered by the paralegal case manager. When a defendant is remanded in custody, the file is returned to the CTL manager who calculates the CTL expiry date and enters the same on the case management system and in the paper diary. There is no formal regular checking of these calculations contrary to the national and London guidance. The management oversight needs to be strengthened to minimise risk of any future failure.

Aspect for Improvement

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.

8 THE SERVICE TO VICTIMS AND WITNESSESAssessment
Poor**8A The borough ensures timely and effective consideration and progression of victim and witness needs, and the service to victims and witnesses is improving**

- The borough missed its 2008-09 proxy target of 222 direct communication with victims (DCV) letters, sending out 166 (74.8%) over the year. A degree of caution is needed in taking comparative outcomes against the proxy target as an accurate reflection of performance since other inspection work has found that DCV proxy targets tend to understate the requirement for DCV letters in order to comply with the scheme. As a result of our other inspection work the CPS has suspended the proxy target in October 2009 pending a re-evaluation of how it should be assessed, although our findings in this borough assessment are broadly similar to stated performance. Figures for 2009-10 indicate significant improvement at 94.1% of the proxy target. However, analysis of unsuccessful outcome forms indicated that letters were not sent in over 20% of relevant cases. This was supported to some extent by the findings of the assessment of cases on the case management system (CMS) where two of the six selected cases did not contain a letter. Letters had been sent in eight of the ten relevant cases in our file sample, although the quality was poor in three.
- The timeliness of letters needs attention albeit performance was better than the London average in 2008-09. Data indicates that 50% (7 of 14) of letters to vulnerable and/or intimidated victims were sent within the one-day timeliness target, whereas 88.2% of letters were sent to other victims within the five-day target. Overall, timeliness in 2009-10 has deteriorated a little with figures of 60% and 79.7% respectively; performance was better in the second quarter as can be seen in the table below. The borough has utilised a dedicated DCV co-ordinator to assist with the administrative processes, although less time has been devoted to such work in recent times; the borough crown prosecutor takes an active interest in the DCV process and drafts many of the letters.
- The table below shows performance against targets for DCV compliance.

	Performance 2008-09		Performance second quarter 2009-10	
	Borough	CPS London	Borough	CPS London
DCV compliance (volume target 100%)	74.8%	91.1%	94.1%	90.4%
Vulnerable and intimidated victims (timeliness target 95%)	50.0%	65.9%	66.7%	78.9%
Other victims (timeliness target 95%)	88.2%	83.1%	85.1%	87.0%

- Greater care needs to be taken in the drafting of letters to victims and complainants. While we saw a few good letters, too many contained basic errors, a lack of suitable explanations, or a lack of empathy. The system for managing complaints needs to be strengthened.

Aspect for improvement

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.

- There is little evidence as to whether prosecutors continue to assess the needs of victims throughout the life of a case; the lack of documented reviews on files or in CMS is unhelpful in this respect. In the file examination, ancillary issues were considered appropriately in 16 of the 26 relevant cases (61.5%) – these were mainly special measures or bad character applications. It was not unusual for issues generally, including those related to victims and witnesses, to be identified very late in the process. During the spot checks of the case progression systems conducted during our assessment there were files dating back approximately four weeks where victim issues had been raised but not addressed; the cases involved were due for trial in two weeks' time. A Victim Personal Statement, which outlines the impact of the crime on the victim(s), was considered appropriately in only three of 15 relevant cases in our file sample.
- Prior to the implementation of the Director's guidance on the streamlined process, the CPS would obtain more information on victims and witnesses from the police at an earlier stage. The case progression and file building processes have struggled to cope with this change particularly when linked to the revised responsibilities under the integrated prosecution team project. This has contributed to an increase in late applications for special measures, with some not being considered or agreed until the day of the trial.

Aspect for improvement

The system for identifying and applying for special measures needs to be improved, particularly in respect of timeliness.

- There is a positive relationship between the CPS and the witness care unit (WCU). As they are located on the same floor within the police station, the line of communication is shorter. This is advantageous, although for the most part it relies on police staff chasing the CPS for any information required. Where information is available, the WCU work hard to keep victims and witnesses informed on the progress of their case; unfortunately information is often not available in a timely manner due to the case progression problems of the CPS. There is generally positive liaison with Victim Support staff on a day-to-day operational basis, but more can be done at the strategic level to improve relationships.
- There are significant problems with witness warning systems which are related to case progression weaknesses. Witnesses may be warned provisionally, based on the forms completed by prosecutors at initial hearings. The formal 'list of witnesses to attend court' forms are often issued late in the process and may still not take account of changing circumstances; the lack of ongoing review can hinder the proper consideration of witness issues. There have also been delays in updating the WCU with regard to witnesses whose required attendance has been agreed at the plea and case management hearing in the Crown Court. While there are other contributory factors, the weaknesses in the warning systems are partly responsible for the low witness attendance rates at court in 2009-10.

Aspect for improvement

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.

- As stated above, the proximity of CPS and WCU staff does offer some advantages in terms of access to information. Until August 2009, a member of CPS staff worked in the witness care unit, which also brought some benefits, including access to information held in CMS. The post could not be filled when it became vacant as the borough was not allowed to recruit and due to its other priorities staff could not be transferred from other roles. This has been discussed with, and accepted by, the police. There have been difficulties in complying with the protocol on the use of CMS and the witness management system.
- Borough performance against the target for witness attendance rates has declined significantly in the current financial year. The borough achieved a creditable 86.4% attendance rate in 2008-09, which was better than the average across London (but below the national target of 90%). However in 2009-10 performance stood at just 72.9%, which is significantly worse than both London and national averages. Borough managers consider that witness attendance in cases of domestic violence lie at the heart of the decline, although there has only been limited analysis of the causes. While this may be a contributory factor, we consider that the weakness of current case progression systems will have had a greater impact.
- The borough community prosecutor engages with a number of groups with a focus on domestic violence, although this has not yet led to any specific actions that might improve attendance rates.
- Borough staff and managers recognise the importance of the service provided to victims and witnesses and are aware that the current service falls short of the standard expected. However, there is limited evidence of constructive work being undertaken targeted at improving victim and witness care. The borough has not progressed issues raised in the Area Delivery Action Plan and the district objectives. It is not that the borough does not care about victim and witness issues, but they are simply struggling to cope at the present time and have yet to devise a coherent strategy to address the problems faced.

9 MANAGING PERFORMANCE TO IMPROVE

Assessment

Poor**9A There is an effective and proportionate approach to managing performance locally at individual, unit and borough level**

- The casework quality assurance scheme is held in low esteem by the borough and has subsequently developed into little more than a 'tick box' exercise. More importance is attached to the monitoring of adverse outcomes which is conducted for certain categories of case, and these checks at an individual case level tend to be more robust when they are done (adverse case reports could not be traced for some unsuccessful outcomes). There is little evidence of any trends or learning points emerging from casework monitoring.
- The level of successful outcomes in the magistrates' court has been consistently weaker than national and London averages over the past four years. Crown Court outcomes were better than the London average in 2007-08 and 2008-09, but have dropped significantly in the current financial year. These figures may have been affected by backlog clearance, causing some distortion. There was limited understanding in the borough of the reasons for the decline in performance.
- The borough crown prosecutor (BCP) has undertaken a limited amount of advocacy monitoring but relies mainly on feedback from third parties to inform her of performance. Historically there was contact between the judiciary and the district crown prosecutor (DCP) at which advocacy standards might be discussed; such meetings have not taken place recently as at the time of our assessment the DCP post had been vacant since July 2009. The Crown Advocacy Unit manager based at Wood Green Crown Court has regular contact with stakeholders who provide helpful feedback. As the newly formed unit finds its feet, so it is anticipated that more formal and improved systems of assurance can be introduced. Inspectors received mixed views from external agencies on the advocacy standards of both CPS staff and counsel.
- There is limited evidence of a systematic approach to process management. A review of custody time limit systems was undertaken, which identified some problems that have now been addressed. The borough did not conduct this review, which was part of an Area wide initiative, in a timely fashion. Some work has recently been undertaken with police counterparts to introduce improved escalation procedures to deal with the non-response by officers to requests for further evidence. However, on the whole, there is scope for considerable improvement in the management of systems and processes. Even where weaknesses have been identified through the formal quarterly performance review (QPR) process, there is little evidence of what is being done to address issues. The QPR process has been recognised as weak across the district and work is in hand to bolster the effectiveness of meetings. Whilst we have commented in aspects two and three on the need to improve case progression and preparation systems, there is a wider issue of process management that requires further improvement.
- Analysis of performance information is generally weak. There is some positive work in relation to individual cases, but overall, the borough has limited understanding of the root cause of many of its problems. At a high level, lack of resources and non-attendance of victims and witnesses in domestic violence cases were cited as problems, but there was little sign of how such concerns were being addressed. There was no awareness of the capability of the management information system to assist with data analysis. There were five cases (17.2%) in the file sample where the finalisation code was incorrectly recorded on the case management system. There was limited evidence that the borough was aware of its performance relative to others, other than in aspects of work where ratings were based on variance to national performance.

Aspect for improvement

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.

- The majority of staff have had a review of progress against objectives in the current financial year although a number remained overdue at the time of our visit in December 2009. Objectives are based around district priorities but in some cases are too role generic to be meaningful; for example some prosecutors are not expected to fulfil the duty prosecutor role but it features in their objectives. The mid year reviews seen were highly generic and added limited value. It is difficult to reconcile the fact that all staff are deemed to be meeting objectives with the current levels of performance and outcomes in the borough. Overall the impression given was that the appraisal process was more of a 'going through the motions' exercise than a genuine attempt to develop staff and manage performance.

Aspect for improvement

Borough managers need to make the performance and development review process more meaningful.

9B The borough is committed to managing performance jointly with criminal justice system partners

- Attendance at joint performance meetings is generally good within the borough, although there was a lapse in prosecution team performance management (PTPM) meetings in 2008-09. Regular integrated prosecution team meetings are held to discuss day-to-day operational issues and this has led to some proposed remedial actions. The nature and content of some meetings means that the CPS contribution is more limited. However, even in meetings where the CPS can make a significant impact, the effectiveness of their contribution is variable and actions agreed at meetings are not always completed.
- High-level data is exchanged between criminal justice agencies and this is usually done prior to meetings at which performance might be discussed. There is no evidence of any locally produced data to deal with issues specific to the borough being shared or disseminated.
- There are now regular PTPM meetings with the police that operate to a set standard agenda, covering specific PTPM measures, persistent and prolific offenders and any other business. There is little evidence of any real trend analysis and too much data is looked at on purely a monthly basis; this can be particularly problematic during times of backlogs, as figures can be highly erratic in the short term. An action to clear a number of very old cases has not been completed despite being discussed since at least July 2009. Police concerns over the service provided by CPS London Direct have been discussed at the meetings. We have commented in aspect one on the need to improve the understanding of the drivers of weak performance in the borough and to take appropriate remedial action; PTPM should be a useful catalyst for such work.
- Court representatives (both magistrates' court and Crown Court) tend to lead on case progression issues generally and particularly in monitoring the effectiveness of trials. The CPS contributes by looking at individual failed cases and by participating in regular case progression meetings. Ineffective trial rates were generally good in 2008-09 but have been less consistent in the current financial year. The practice of holding multiple hearings "for mention" until a trial is deemed ready will have a positive impact on the level of ineffective trials in the Crown Court, but tends to mask inefficiency and may increase delay. The borough is meeting the target for the average number of hearings per contested case in the magistrates' courts, although it is a little outside target for uncontested cases.
- A lot of energy and time is devoted to joint meetings at which performance is discussed to some degree. There are some examples where this has led to actions and/or progress to deliver improvement. Examples include: providing close circuit television in viewable format; the escalation process when police officers do not respond to requests for further evidence; and improvements in the handling of the single file. However, there are still too many instances of performance issues persisting with little to demonstrate that the causes of such problems have been identified or acted upon. There is little in the way of plans to deal with the ongoing problems with case progression that will impact on all agencies.

10 MANAGING RESOURCES

Assessment

Not scored**10A The borough deploys its resources efficiently and operates within budget**

- Financial management of the non-ring fenced administrative costs (NRFAC) budget, comprising mainly staffing and general costs, and programme costs budget, comprising largely prosecution costs, rests at regional and district level. At borough level there is limited responsibility for financial management of these budgets. For accounting purposes, spend is forecast and expenditure allocated to borough level cost centres, but in reality these are monitored at the district level and overseen and authorised by the region. Financial delegation within the region is limited, spend is authorised at that level and strict controls are exercised.
- Although borough responsibility is limited, budgets are allocated to each and there is some monitoring of progress. In 2008-09, Enfield exceeded its NRFAC budget, spending 111.4% of its allocation of £1,406,885. For 2009-10 its allocation has been reduced by approximately £56,000, but despite a fairly high spend on agents to prosecute in the magistrates' courts, the borough had spent less than its profiled budget at mid-year, primarily due to staff reductions.
- The borough had approximately 13 prosecutors, including associate prosecutors (APs), in post from March 2007 to May 2009. This has reduced during 2009-10 to 10.4 and has just changed again following the transfer of two crown advocates (CA) to the Wood Green CA unit and the arrival of a second AP from CPS Haringey borough. Administrative staff numbers have also reduced over time but have been fairly constant since mid 2008. Headcount has historically been calculated and allocated by the Area management team using the activity based costing model. The model suggests that the overall lawyer numbers are right but that the borough is generously provided for with administrative staff. During the same timeframe the caseload has reduced substantially in the magistrates' courts, but has risen significantly in the Crown Court in 2008-09 and the current year.
- As part of the integrated prosecution team project staffing numbers were adjusted across London and a preference exercise was conducted to allocate staff to specific locations. While understanding the potential benefits of the preference exercise it has not worked out well for Enfield in that they now have a very high level of part time staff which presents some difficulties in deploying staff effectively. Insufficient account is taken of such issues in the current London deployment models. Factors such as the number and days of court sessions and the match with staff availability have also not been considered fully. Revised models are being worked on with a view to improving the means of matching resources to workload.
- While recognising the problems faced by the borough, there is little evidence of any systematic approach to try and make the most of a difficult situation. There is limited evidence of any management controls to analyse workloads and determine priorities.
- The borough had two CAs who conducted a small amount of advocacy at Wood Green Crown Court. When they were not in the Crown Court they were used by the borough as prosecutors. With the formation of the specialist unit based at the Crown Court, the CAs have now been transferred and are no longer part of the borough. We comment in aspect four on the appropriateness of deployment of crown advocates. In 2007-08 agents covered 19.2% of all magistrates' courts sessions, but in 2008-09 the position deteriorated and agent usage increased to 30%. Despite a reduction in the level of formal charging centre sessions provided, the borough has struggled to meet all its other obligations without continued high usage of agents in this financial year. In the first half of 2009-10 agent usage stood at 33.2% against a target of 10%.

- Short-term agent funding has been made available on the understanding that the freed up lawyer resource will be used to improve case progression. There is limited evidence that this has resulted in an increase in the number of staff dedicated to case preparation and progression, or of any significant improvements as yet.
- There have been very low levels of AP court coverage over an extended period with the highest rate in the past three years being 7%. Whilst this is partly attributable to the number and working patterns of APs, it is still lower than would be expected, particularly in 2008-09 when only 50 half-day sessions were covered during the year. The recent arrival of a second AP from another borough will help a little, albeit working patterns and changes to court sittings mean that the borough is unlikely to gain the maximum benefit.
- Sickness absence levels in the borough are low. As at the end of September 2009 the annual rate of sickness absence stood at 6.3 days per person. This is better than the national target and the district average. The appropriate controls are in place with regard to meetings with individuals and medical referrals.
- A wide range of flexible working patterns exists among the staff. While this is positive for individuals in terms of work life balance it does create some difficulty in terms of effective deployment of staff. We have already commented above on the lack of a systematic approach to minimise the impact of staffing challenges. Borough managers consider that staffing levels and working patterns sit at the heart of their difficulties, but there is little evidence as to what they are doing to improve matters.

Aspect for improvement

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.

11 MANAGEMENT AND PARTNERSHIP WORKINGAssessment
Poor**11A Borough management has a clear understanding of what needs to be delivered to meet London, national and criminal justice system priorities, underpinned by effective planning and management**

- Strategy and priorities are primarily set at district and area level. Boroughs do not produce business plans but rely on updates against the Area Delivery Action Plan to demonstrate progress against key objectives. This gives a low level of assurance other than whether an objective has been achieved or not. We checked the position with regard to two outstanding objectives and there were no plans as to how, or even if, the borough would meet the objective. While the borough is aware that its performance falls short of expectations there was no sign of a proactive or systematic approach as to how things would improve.

Aspect for improvement

Borough managers need to develop an action/recovery plan that outlines how they intend to drive forward issues that require improvement.

- Managers did not seem to understand fully the important role they have to play in making the most of the position in which the borough finds itself. The borough is primarily operating from day to day in fire-fighting mode and managers were not confident that their position was likely to improve in the foreseeable future. There was an air of resignation in the borough with little enthusiasm to drive performance improvements. There was no overt lack of corporacy but tasks and actions that should have been completed were not always done; this was more due to a failure to cope than consciously deciding not to do the work. There were minor issues (with staff from Haringey borough) at court over the efficient use of the case management system to update cases.
- There had been regular team meetings in recent months and the topics covered were generally relevant and important. It seems to be a useful forum for staff to raise issues of concern to them (CPS and external issues). It was rare in the example minutes seen to find that any actions were agreed to improve any problems raised, although in some instances work clearly goes on outside the meeting as evidenced by updates in later meetings. None of the three managers in the borough start work until later in the day (usually 10.00am) which means that they are not available to deal with problems at a time when they are quite likely to arise.
- Communication with external partners is generally satisfactory. The borough crown prosecutor (BCP) shares an office with police staff, which is helpful in terms of building relationships, as is the proximity between CPS and witness care unit staff. It is to the credit of all the staff that they have managed to retain a positive relationship with the police despite some of the challenges faced.
- There is no requirement for boroughs to maintain formal risk management systems. However it is clear that there are some significant local risks in Enfield that need to be managed carefully. There was no evidence of any systematic approach to try and mitigate risks although some ad hoc actions may be taken to deal with specific issues. Where performance risks have been identified at district level, the borough response tends not to be action oriented; the borough is not alone in this respect.
- Borough managers believe that systems exist to allow staff to get the training they require; staff spoken to were less confident on this matter. Whilst the original training for the implementation of the integrated prosecution (IPT) team was deemed less than perfect, some additional work has since been undertaken that has helped. The training needs analysis requested by district managers was not completed and there is no training plan or record of training undertaken.

11B The borough is committed to engaging with partners and jointly improving levels of service

- The borough has reasonably positive relationships with partners. There is frustration that the CPS service delivery is weak, particularly in case progression. However, many partners take a sympathetic approach in the belief that the staffing levels at the boroughs are at the root of most problems. The constant change of staff at senior levels, and the lack of a district crown prosecutor (DCP) since July 2009 has not been helpful in developing effective relationships. There were occasional instances of agencies blaming one another to third parties; this should be discouraged.
- There was limited evidence of the CPS making a positive or substantial contribution to the effectiveness of the overall criminal justice system at the time of the inspection. The BCP attends most of the inter agency meetings at which performance issues are discussed, but this is not often followed up by effective and lasting remedial actions. Some good work is done at an individual case level, but there is no systematic approach to driving improved efficiency.
- The Criminal Justice: Speedy Simple Summary initiative was implemented well by all concerned and had been successful in reducing ineffective trials and speeding up justice. The subsequent introduction of the Director's guidance on the streamlined process and the implementation of IPT are deemed to have caused problems for the CPS, albeit less so than in some other boroughs. This has resulted in relatively untrained staff taking on new responsibilities and additional work with reducing headcount. It is perhaps not totally surprising that, when combined with the timing of the IPT move and the absence of a DCP, the borough has experienced some difficulties.
- The borough does not treat case progression as a priority and as such the optimum business model has frequently failed to be effective. The courts play a leading role in case progression systems, and to some degree are managing the CPS processes via mention hearings to drive actions.
- The borough has a community prosecutor in post who is the focal point for most engagement with local organisations and agencies. At the present time much of the engagement activity is targeted at issues associated with domestic violence. There is a challenging dilemma for borough managers in that they are encouraged to promote the role of community prosecutor, but by doing so, they reduce the staff resource available to deliver front line service. Managers will need to ensure that engagement activity is targeted appropriately and based on specific objectives.

11C Managers act as role models for the ethics, values and aims of the London-wide service and the CPS, and demonstrate a commitment to equality and diversity policies

- Whilst we were told by managers that good performance is recognised, we saw limited evidence of this (which may be attributable to poor record keeping). There is some reference in interim reviews to work undertaken but the content is highly generic and often bland. In the three sets of team meeting minutes seen there was no reference to good news or positive performance. The issues raised in the good news section of district meetings were not necessarily relating to performance.
- Despite the fact that morale is generally low among staff, inspectors saw no evidence that this had led to staff treating others with a lack of respect.
- There were examples of adjustments being made to working practices to take account of individual's needs. This was not perceived as unfair by other staff. There had not been any complaints by staff over their treatment by colleagues or managers.
- The staff profile is representative of the local community served by the borough.

ANNEXES

A PERFORMANCE DATA

Aspect 1: Pre-charge decision-making

	Performance 2008-09			Performance 12 months to Sept. 2009		
	National	CPS London	Borough	National	CPS London	Borough
Pre-charge decision cases	80.8%	76.2%	74.4%	80.5%	75.5%	68.8%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	15.5%	13.3%	14.1%	17.1%
Guilty plea rate	74.4%	69.8%	65.7%	74.2%	68.8%	61.4%
Attrition rate	19.2%	22.1%	24.9%	19.5%	23.0%	29.6%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	10.8%	11.8%	15.7%	20.7%
Guilty plea rate	72.9%	60.8%	65.7%	73.0%	61.1%	57.2%
Attrition rate	19.4%	27.3%	24.1%	19.5%	27.6%	33.1%

Aspect 2: Ensuring successful outcomes in the magistrates' court

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

	Performance 2008-09			Performance 12 months to Sept. 2009		
	National	CPS London	Borough	National	CPS London	Borough
	87.3%	86.0%	84.0%	87.1%	86.1%	79.5%

Trial rates

	Performance 2008-09		
	National	CPS London	Borough
Effective	43.4%	47.3%	39.4%
Cracked	38.0%	34.8%	43.1%
Ineffective	18.6%	17.9%	17.5%
Vacated	21.5%	16.3%	17.8%

Aspect 3: Ensuring successful outcomes in the Crown Court*Successful outcomes (convictions) as a percentage of completed Crown Court cases*

	Performance 2008-09			Performance 12 months to Sept. 2009		
	National	CPS London	Borough	National	CPS London	Borough
	80.8%	73.1%	77.1%	80.7%	72.7%	69.5%

Trial rates

	Performance 2008-09		
	National	CPS London	All Wood Green Crown Court cases
Effective	47.1%	54.7%	62.1%
Cracked	40.8%	30.0%	30.9%
Ineffective	12.1%	15.2%	7.0%

Aspect 5: Serious violent and sexual offences, and hate crimes*Violence against women: successful outcomes (convictions) as a percentage of completed cases*

	Performance 2008-09			Performance 12 months to September 2009		
	National	CPS London	Borough	National	CPS London	Borough
	71.9%	62.0%	56.7%	71.7%	60.5%	49.6%

Hate crime: successful outcomes (convictions) as a percentage of completed cases

	Performance 2008-09			Performance 12 months to September 2009		
	National	CPS London	Borough	National	CPS London	Borough
	82.0%	77.2%	81.0%	81.7%	75.4%	65.4%

Aspect 10: Managing resources*Non-ring fenced administration costs budget outturn performance (end of year ranges)*

	CPS London outturn 2008-09	Borough outturn 2008-09
	99.1%	111.4%

Staff deployment

	National performance 2008-09	CPS London target 2008-09	CPS London performance 2008-09	Borough performance 2008-09
In-house deployment in magistrates' court	85.3%	90.0%	87.9%	70.3%
Associate prosecutor deployment (as % of magistrates' court sessions)	24.5%	23.0%	20.5%	3.0%
Crown advocates. Counsel fee savings against target	110.0%	£4,200,000	99.3%	122.2% (district performance)
Sickness absence (per employee per year)	8.7 days	N/A	9.3 days	15.2 days

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

Police

Chief Superintendent D Tucker, Borough Commander, Enfield Police
Ms June Petts, Witness Care Unit Manager, Enfield Police

HM Courts Service

Mr P Joseph, Court Manager, Wood Green Crown Court
Mrs L Hammond, Listing Officer, Wood Green Crown Court
Mrs D Noshir, Case Progression Officer, Wood Green Crown Court

Crown Court

His Honour Judge Lyons, Senior Presiding Judge, Wood Green Crown Court

Magistrates' court

Mr S Carroll, Deputy Justices' Clerk, Enfield and Haringey Boroughs
Mrs S Attwood JP, Bench Chair, Enfield Magistrates' Court
Mr P Cox JP, Chair of the Youth Panel, Enfield Magistrates' Court

Victim Support

Mr R Sadegh-Zadeh, Victim Support

Community Groups

Mr B Waters, Chair, Enfield Town Ward, Community Action Partnership Enfield

C LONDON BOROUGH SCORING MODEL

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

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

They will then be 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 will also be two overriding limiters applied to the model ensuring that quality and outcomes are weighted within the model.

- Any borough with three or more Poor aspect ratings will automatically be reduced to the next range e.g. a borough scoring 22 points, but with three Poor aspect scores, will automatically be reduced to Poor.
- A borough will need to achieve at least two Good ratings in the first four aspects⁷ 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, will be reduced to Fair.

⁷ 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.

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