

CPS London Borough Performance Assessments

Hackney Borough

Executive Summary



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

The assessment process provides a benchmark for the performance of the borough in ten key aspects of work, each of which is assessed as being excellent, good, fair or poor. The unit is then assessed on its overall performance in the light of these markings. The process also evaluates the management of resources at borough level.

The overall performance assessment of CPS London, Hackney borough was **POOR**¹.

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

Aspect	Score	Assessment
Pre-charge advice and decisions	2	Fair
Decision-making, preparation and progression in magistrates' court cases	0	Poor
Decision-making, preparation and progression in Crown Court cases	0	Poor
The prosecution of cases at court	2	Fair
Serious violent and sexual offences, and hate crimes	2	Fair
Disclosure	0	Poor
Custody time limits	3	Good
The service to victims and witnesses	2	Fair
Managing performance to improve	2	Fair
Managing resources	Not scored	
Management and partnership working	3	Good
OVERALL ASSESSMENT	16	POOR ¹

Description and caseload

CPS London (the area) is organised into operational teams along geographical boundaries. London boroughs and the City of Westminster are covered by the Metropolitan Police Service and the City of London by the City of London Police. The area's borough units are co-terminous with the Metropolitan Police Borough Command Units with each headed by a borough crown prosecutor (BCP), a 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 and those at the Central Criminal Court (Old Bailey).

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

Hackney has one office, at Stoke Newington Police Station, and is part of the district which is aligned to the Crown Court sitting at Snaresbrook. It is an integrated prosecution team (IPT) site where police and CPS staff work closely together in shared accommodation.

¹ Under our scoring method the borough would have been rated as fair, but the limiter applies as there were three aspects rated as poor.

Borough business consists of both magistrates' courts and Crown Court work, and staff of appropriate skills and experience may deal with both types of case.

As of October 2009 the borough had an average of 31 full-time equivalent staff in post and a budget for 2009-10 of £1,223,339².

Staff	Numbers at October 2009
Borough crown prosecutor	1
Level D manager	1
Business manager	3.5
Crown prosecutors	10.5 ³
Associate prosecutors	0
Caseworkers	6
Administrative support staff	9
Total (full-time equivalent)	31

Details of Hackney 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	1275	1233	-3.3%
Decisions not resulting in a charge ⁴	1504	514	-65.8%
Total pre-charge decision cases	2779	1747	-37.1%
Magistrates' court proceedings⁵			
Magistrates' court prosecutions	4234	3783	-10.7%
Other proceedings	0	0	-
Total magistrates' court proceedings	4234	3783	-10.7%
Crown Court proceedings⁶			
Cases sent or committed to the Crown Court for determination	796	831	+4.4%
Committals for sentence ⁷	162	181	+11.7%
Appeals from the magistrates' court ⁷	45	47	+4.4%
Total Crown Court proceedings	1003	1059	+5.6%

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

3 Includes one pupil shortly to become a level C1 lawyer.

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

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

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

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

The inspection team

Inspection teams comprise legal and business management inspectors working closely together. HMCPSI also invites suitably informed members of the public to join the process as lay inspectors. They are unpaid volunteers who examine the way in which the CPS relates to the public through its dealings with witnesses and victims; engagement with the community, including minority groups; handling of complaints; and the application of the public interest test contained in the Code for Crown Prosecutors. In this assessment Ms Joanne Harris, who works within the offices of Hull Churches Housing Association, was the lay inspector. Her views and findings have been included in the report as a whole. Her time was given on a purely voluntary basis and the Chief Inspector is grateful for her effort and assistance.

Summary of judgements

Contextual factors and background

The borough was one of the first in London to move from a CPS building to a co-located site. This took place in 2007 and Hackney is therefore now a well established IPT unit. This proved to be a significant challenge, but close relationships with police partners have helped to forge an effective and forward looking team. There is seen to be clear value in the co-location of the police, CPS and witness care unit (WCU), while views on a single file system are more mixed. There have been resourcing issues and it was only in December 2008 that a permanent BCP appointment was made. Some other roles are filled by staff on temporary promotion. Staffing numbers have improved in the last 12 months and this has helped to ease some casework problems and allowed the borough very recently to reduce its dependency on agents to conduct cases in the magistrates' court. The optimum business model (OBM) to manage the preparation of summary cases was implemented some time ago, but Hackney is not currently able to review cases sufficiently far in advance of trials to be fully effective.

Summary

The unit operates in a challenging environment with a high level of gun and gang-related crime. This presents associated problems of intimidation of victims and witnesses to prevent their attendance at court when trials eventually take place. Domestic violence is also prevalent. The appointment of a borough community prosecutor coordinator and the imminent launch of a specialist domestic violence court are seen as indications of a more positive approach to tackling these problems. Considerable efforts have been made to forge links with the courts and police to drive up performance. These are to be commended and are already beginning to result in encouraging trends in some performance measures.

The borough has in place a system to deliver pre-charge decisions to the police on a more limited basis than was the case prior to the introduction of CPS London Direct (CPSLD), a daytime telephone service providing charging decisions. Previously two borough lawyers provided charging advice each day. Since the introduction of CPSLD this has been reduced to one lawyer per day.

The quality of decision-making in magistrates' court cases is variable with high levels of discontinuance and discharged committals. The conviction rate is slightly below the national and CPS London averages. Case management needs to be significantly improved so that trials are prepared more thoroughly and in good time.

Crown Court outcomes have also been lower than national and London averages and are declining. There is a need for more effective case management processes to ensure that trials are prepared in a timely manner and all court orders complied with.

The presentation of cases at court was of an acceptable standard both in the magistrates and the Crown Court. More attention to the quality of file endorsements (which record the decisions taken, progress of the cases and actions required) is necessary and more systematic monitoring of advocacy.

Performance in reducing attrition in cases involving violence against women and hate crime needs to be improved as outcomes are below both the London and national averages. Greater adherence to CPS policies and procedures in handling serious and sensitive offences should improve outcomes.

Performance in the disclosure of unused material is in need of immediate steps to remedy shortcomings. Better collaboration with police partners and quality assurance are two measures which might redress this problem.

Despite an earlier custody time limit failure monitoring systems appear sound and well managed. Training needs to be repeated for those lawyers and caseworkers who have recently joined.

Compliance with the CPS's responsibilities under the direct communication with victims scheme has improved markedly. The service provided to victims and witnesses would be enhanced further by earlier consideration of special measures and more timely applications. More work is needed to ensure that witness date availability is provided at the first hearing for all cases where a not guilty plea is anticipated.

Performance management is driven strongly by the BCP who provides regular and constructive feedback to individuals. There is a need to make performance improvements across a range of aspects and good work has been done by the new management team in improving systems and processes and getting the foundations right. Commitment is evident both to prosecution team performance management (PTPM) with police partners and to the multi-agency Effective Trials Group. Some positive benefits are beginning to flow from these groups.

The borough has limited responsibility for managing budgets. Following the move to IPT and the impact of this on staffing levels, Hackney has struggled to cover the workload with its own staff and there is a high level of reliance on agents. More recently the staffing situation is stabilising. The lack of an associate prosecutor has added to difficulties.

Senior managers have a good sense of what is required to be delivered locally. They are visible and accessible and communication is good. There was also a good sense of team spirit and of support and cooperation between managers and their teams. Senior managers demonstrate an open and constructive approach to joint working and good relationships were evident. A number of major joint initiatives have been implemented although as yet with mixed performance results. Now staffing is stabilising more focus on forward planning and tackling the persistently difficult aspects should be possible.

Inspectors identified three strengths and 11 aspects for improvement:

Strengths

- 1 The library of precedents maintained by the guns and gangs specialist is made available to all lawyers and caseworkers to assist their making similar applications (aspect 5).

- 2 The quality of the magistrates' court and Crown Court adverse case reports (aspect 9).

- 3 The quality of the borough's feedback and response to issues raised by the community involvement panel that was circulated to all London BCPs as a model of good practice (aspect 11).

Aspects for improvement

- 1 The borough should take steps to ensure magistrates' court files are reviewed sufficiently in advance of trials to enable applications to be made and unused material disclosure to be provided (aspect 2).

- 2 The borough should take steps to ensure that where defendants face more than one set of proceedings, they are linked from the outset (aspect 2).

- 3 The CPS needs to take a critical look at how its OBM operates, particularly the interface with police, and develop an improvement plan in association with the police, which should be regularly reviewed. As part of this it should consider how best to manage the building of prosecution files (aspect 2).

- 4 The borough should ensure that the planned case progression system is implemented as soon as possible (aspect 3).

- 5 The borough needs to identify the reasons for the low level of successful outcomes rate in cases involving violence against women and in hate crimes and take steps to improve the outcomes rates (aspect 5).

- 6 The borough should ensure that the police do not remove CPS documentation and disclosure material from the files before they are sent for storage. The borough should remove all unnecessary materials from files prior to sending the file back to the police (aspect 6).

- 7 Disclosure material should be reviewed much earlier than the week of the trial as happens at present (aspect 6).

- 8 The borough should ensure that the need for special measures is identified at the earliest opportunity and that applications are timely and outcomes communicated promptly to the WCU and Witness Service (aspect 8).

- 9 Systems should be introduced to ensure that dates to avoid for all witnesses are available for the first hearing in anticipated guilty plea cases (aspect 8).

- 10 The addition of a narrative overview of borough performance to PTPM reports to assist managers in the interpretation and analysis of data (aspect 9).

- 11 The borough should maintain a running total of the numbers of sessions covered by lawyers. This would help evaluate the workloads and productivity of lawyers and the cost effectiveness of agent use (aspect 10).

Background to London borough assessments

HMCPsi's original intention had been to assess all 33 boroughs (including the City of London) in order to reflect the variations in performance which were expected across an area as diverse as CPS London, and this approach was endorsed by the area's senior managers. In the event findings from the early assessments showed a relatively narrow range of performance and consistency in the themes emerging and the aspects for improvement. Some of these were of serious concern and needed to be tackled urgently at a senior level. London's senior management team confirmed that the boroughs which had been assessed were fairly representative of the area as a whole and that to undertake further assessments would be unlikely to add significantly to our findings. The inspectorate therefore decided to confine the exercise to 20 boroughs (including the pilot assessment of Croydon), drawn from five of the six districts, together with the traffic unit.

Assessments

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

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

The findings from the assessments undertaken will be drawn together in a pan-CPS London report which will contribute to providing an overall picture of the area's performance. The 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.

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