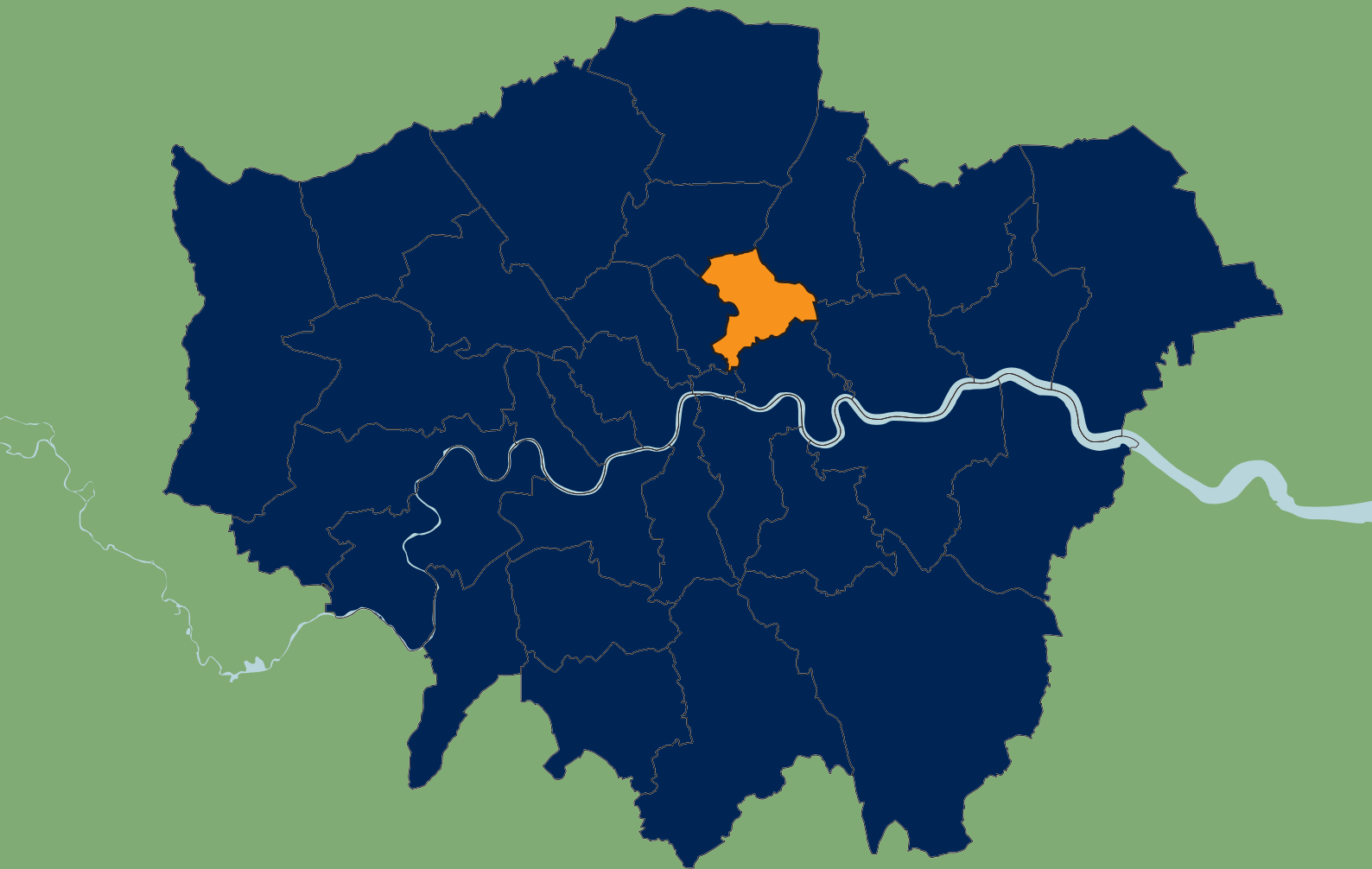


CPS London Borough Performance Assessments

Hackney Borough

Undertaken October 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 (HMCPPI) assessment of the performance of the Crown Prosecution Service (CPS) London area's Hackney 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 HMCPPI based on absolute and comparative assessments of performance. These came from national data; CPS self assessment; HMCPPI 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. HMCPPI also invites suitably informed members of the public, nominated by national organisations, 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 8 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 HMCPPI 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 Hackney 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 HACKNEY 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.

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

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 £1,223,339¹.

Staff	Numbers at October 2009
Borough crown prosecutor	1
Level D manager	1
Business manager	3.5
Crown prosecutors	10.5 ²
Associate prosecutors	0
Caseworkers	6
Administrative support staff	9
Total (full time equivalent)	31

1 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.

2 Includes one pupil shortly to become a C1 lawyer.

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 ²	1504	514	-65.8%
Total pre-charge decision cases	2779	1747	-37.1%
Magistrates' court proceedings³			
Magistrates' court prosecutions	4234	3783	-10.7%
Other proceedings	0	0	-
Total magistrates' court proceedings	4234	3783	-10.7%
Crown Court proceedings⁴			
Cases sent or committed to the Crown Court for determination	796	831	4.4%
Committals for sentence ⁵	162	181	11.7%
Appeals from the magistrates' court ⁵	45	47	4.4%
Total Crown Court proceedings	1003	1059	5.6%

Inspectors visited the borough in October 2009. The lay inspector was Joanne Harris, a housing association manager in Hull. The role of the lay inspector is described in the introduction. She 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. She also visited some courts and assisted in interviews with Witness Service representatives. 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. Her time was given on a purely voluntary basis and the Chief Inspector is grateful for her effort and assistance.

³ Including decisions resulting in no further action, taken into considerations, cautions and other disposals.

⁴ Including cases that have previously been subject to a pre-charge decision and those that go to the Crown Court.

⁵ Including cases that have previously been subject to a pre-charge decision.

⁶ Also included in the magistrates' court figures, where the substantive hearing occurred.

C SUMMARY OF JUDGEMENTS

Contextual factors and background

The borough was one of the first in CPS London to move from a CPS building to a collocated site within Stoke Newington Police Station. This move took place in 2007 and the borough is therefore now a well established integrated prosecution team (IPT) site. 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 collocation of police, CPS and the witness care unit, 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 borough crown prosecutor (BCP) appointment was made. Some other roles are filled by staff on temporary promotions. Staffing numbers have improved in the last 12 months and this has helped to ease some of the casework problems and allowed the borough very recently to reduce its dependency on agents to conduct cases in the magistrates' courts. The borough implemented the optimum business model (OBM) some time ago to manage the preparation of its summary cases, but it 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 in which there is 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 (BCPC) 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 the police to drive up performance. These efforts 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 (PCD) 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 to police. 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 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 are complied with.

The presentation of the borough's cases at court was of an acceptable standard both in the magistrates' court and the Crown Court. More attention to the quality of file endorsements (which record the decisions taken, the 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 in cases of 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.

The borough's 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 that might redress this problem.

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

Compliance with the Service's responsibilities under the direct communications 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 available at the first hearing for all cases where a not guilty plea is anticipated.

Performance management on the borough 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 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 an IPT in 2007 and the impact of this on staffing levels, the area has struggled to cover the workload with its own staff and there is a high level of reliance on agents. 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 the borough staffing is stabilising, more focus on forward planning and tackling the persistently difficult aspects should be possible.

In the light of our findings, the borough's performance assessment is **POOR**⁷.

Aspects for improvement

We 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' courts 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).

⁷ Under our scoring method the borough would have been rated as fair, but the limiter referred to in the introduction applies as the borough had three aspects rated as poor.

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 both 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).

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	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 – Poor⁸

⁸ Under our scoring method the borough would have been rated as fair, but the limiter referred to in the introduction applies as the borough had three aspects rated as poor.

D DEFINING ASPECTS

1 PRE-CHARGE ADVICE AND DECISIONS

Assessment
2 – Fair

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

- We examined 35 finalised cases which had been subject to a pre-charge decision (PCD) where the decision was to authorise charge. In 11 of the 35 cases (31.4%) the threshold test was applied initially, and this was appropriate in all 11 cases. Hackney has a higher proportion of threshold test cases than many CPS areas as a result of the serious nature of the crimes in the borough necessitating applications for remands in custody.
- The application of the evidential stage of the full code test accorded with the Code for Crown Prosecutors (the Code) at the time of the charging decision in all 24 relevant cases and the public interest stage was applied in accordance with the Code in each case. The most appropriate charge was selected in 33 of the 35 cases (94.3%). In one of the remaining cases, the lawyer did not advise charging a non-racially aggravated offence as an alternative to the racially aggravated offence charged.
- Overall, the quality of the MG3s (a form which records the decision and provides advice on further action necessary) in the finalised file sample was good, with 20 rated as good, 11 as fair and four as poor. Action plans, where completed, met the required standard in 20 of the 23 relevant cases (87%). The remaining three MG3 forms did not have target dates for most actions and where target dates were specified, they were unrealistically short. Lawyers were not requesting information unnecessarily before making a charging decision.
- There was little variation in the quality of decision-making in our file sample whether the decision was made by lawyers from the borough, CPS London Direct (CPSLD) which provides daytime charging decisions in volume crime cases through a telephone service or from CPS Direct (CPSD) which covers all cases out of office hours through a national telephone service. The quality of the MG3s provided by CPSD was of a higher standard than those by borough lawyers. We only examined one case where the charging decision was made by CPSLD, so it is not possible to compare this accurately with CPSD and the borough.
- Ancillary issues, including whether a bad character, hearsay or special measures application should be made, were considered appropriately in 27 of the 32 relevant cases (84.4%). Prior to the introduction of the Director's guidance on the streamlined process (DGSP), the borough used to ensure that all ancillary matters were fully dealt with before a charging decision was made. With the reduced material provided under DGSP, this is not always possible now.
- Lawyers are aware of the need to consider restraint and confiscation issues at charging. There were no cases in the file sample where it was appropriate to consider whether there should be restraint proceedings and confiscation applications.
- The outcomes for Crown Court cases subject to a PCD are worse in all respects than those for CPS London overall and worse than national performance in the financial year ending 2008-09. The figures for the 12 months to June 2009 show deterioration in the Crown Court, with the discontinuance rate increasing to 19.5%, and the attrition rate rising to 30.1%. However, the guilty plea rate has increased to 58.8%.

- Magistrates' court cases had a lower (better) discontinuance rate than those for CPS London overall and the national performance in the financial year ending 2008-09 and in the 12 months to June 2009 has improved significantly to 9.6%. The guilty plea rate was slightly below the London overall performance in 2008-09 and worse than the national performance. The guilty plea rate has improved slightly in the rolling 12 months to June 2009 to 68.2%, but is still worse than both the national average and the London overall performance. The attrition rate in 2008-09 at 23.7% was worse than the national performance and the London overall figure. In the 12 months to June 2009 the attrition rate had risen slightly to 24.3% which remains worse than both the national performance and the London overall figure.

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough*
Pre-charge decision cases						
Conviction rate	80.8%	76.2%	74.4%	80.5%	75.5%	77.3%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	13.1%	13.3%	14.1%	14.9%
Guilty plea rate	74.4%	69.8%	68.1%	74.2%	68.8%	68.2%
Attrition rate	19.2%	22.1%	23.7%	19.5%	23.0%	24.3%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	17.6%	11.8%	15.7%	19.5%
Guilty plea rate	72.9%	60.8%	57.4%	73.0%	61.1%	58.8%
Attrition rate	19.4%	27.3%	29.0%	19.5%	27.6%	30.1%

* 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 provides face-to-face duty prosecutor coverage at Stoke Newington Police Station from Monday to Friday. Charging decisions for routine cases are made by CPSLD. This has been the case since March 2009. This has enabled Hackney to reduce the lawyers providing charging advice from two per day to one. There is a protocol covering the cases referred to CPSLD. If urgent charging decisions are required on cases not covered by the protocol, then the borough will provide an additional lawyer to cover this. However, the borough does have a high volume of serious cases that are not referred to CPSLD necessitating the need still for one lawyer full-time to provide face-to-face charging decisions.
- The duty prosecutor may either provide face-to-face charging advice at the surgery, or if there is extensive evidence to consider, retain the file and provide written advice at a later date. The police raised no concerns regarding the timeliness of the provision of written advice.
- PCD cases involving allegations of child abuse are dealt with in a weekly surgery by a child abuse specialist.
- All cases are required to have been reviewed by a police evidential review officer (ERO) before a charging appointment can be made. The charging manager keeps an electronic diary of appointments. We were advised that there have been instances of files being sent by the ERO for a charging decision where the file did not meet the required standard for the file to be referred to the CPS. These cases are raised by the BCP with the police when they occur.

- Neither the duty prosecutor nor the charging centre manager are proactive in identifying at the start of the day the likely impact of custody cases. However, there is sufficient flexibility within the appointments system to enable consultations cancelled due to an incoming priority case be rescheduled quickly or referred to CPSLD. The police provide electronic copies of the MG3 form in advance of the appointment.
- The quality of police files for charging decisions is discussed at the monthly prosecution team performance management meetings which have been held regularly since April 2009, but were only held sporadically before then. In 34 of the 35 cases (97.1%) in our finalised file sample the police provided enough material to enable the prosecutor to make a charging decision. In the remaining case we were unable to determine if sufficient information was provided as a result of the items being removed from the file prior to archiving. The proportion of cases dealt with at first consultation in 2008-09 (75.6%) is slightly below both the London and national averages. This may be partly explained by the complex and serious nature of much of the crime dealt with by the borough necessitating further work being done before charge.
- The combined successful outcomes rate of 74.4 % for cases that have received a CPS charging decision is below the national average of 80.8% although it has improved in the rolling 12 months to June 2009 to 77.3%. The ratio of charged to no further action cases at 2.50:1 in 2008-09 is significantly above the London average of 2.08:1. The two sets of data may indicate that lawyers at the charging stage may not be robust enough and are charging cases which are later discontinued or result in unsuccessful outcomes. However, Hackney has a particular problem with witness intimidation resulting in witnesses refusing to support a subsequent prosecution. This is a problem that is exacerbated by the time it takes to reach the trial stage.
- The case management system (CMS) is used appropriately to record charging decisions. In our file sample we observed that in many instances the police part of the MG3 had not been imported into CMS.

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

Assessment
0 – 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 June 2009		
	National	CPS London	Borough	National	CPS London	Borough
Discontinuance and bindovers	8.7%	8.0%	8.7%	8.7%	8.0%	9.6%
No case to answer	0.2%	0.3%	0.6%	0.2%	0.3%	0.5%
Dismissed after trial	2.0%	2.4%	2.2%	2.1%	2.5%	1.9%
Discharged committals	0.2%	0.3%	0.7%	0.2%	0.3%	0.8%
Warrants	1.6%	3.0%	3.1%	1.6%	2.9%	2.7%
Overall conviction rate	87.3%	86.0%	84.6%	87.3%	85.9%	84.6%

- The application of the evidential stage of the full Code for Crown Prosecutors (the Code) test accorded with the Code in 14 of 15 cases (93.3%) in our finalised file sample. In the remaining case, there was no copy of the review on either the paper file or on the case management system, but it was apparent from other information on the file that a review of some form had taken place. The public interest stage was applied correctly in all cases where the evidential stage had been correctly applied.
- Case preparation was timely in only three out of 15 cases (20%). At the time of our assessment of the borough, the files being reviewed by the optimum business model (OBM) unit were only being reviewed either one or two days before a trial is due to start. This is not sufficiently far in advance to enable the borough to comply with its obligations in relation to unused material disclosure, special measures, and bad character and hearsay applications.
- Prosecutors at the pre-charge stage, or at the initial review stage in cases where the police have charged, look to add value by identifying further enquiries and evidence needed. Hackney is an integrated prosecution team (IPT) site and was one of the pilot sites for IPT. Prosecutors communicate directly with individual police officers rather than simply with the police criminal justice unit. This takes more of the lawyers' time and therefore has resource implications for the borough. Local arrangements have been agreed with the police to ensure that CPS requests for additional actions or information are completed. However, the lateness of reviews in OBM cases means that little value can be added to cases in the time available before trial.
- Cases proceeded to summary trial on the appropriate charges in all 13 relevant cases. Borough prosecutors did not accept pleas to alternative charges in any cases and were robust in not reducing charges unnecessarily. Feedback indicated that generally the level of charges proceeded upon were appropriate.
- Prosecutors are expected to identify linkages between cases for defendants initially at the charging stage. It is accepted that this does not always happen and the prosecutors rely on the police to advise them of such links. Feedback from partner agencies indicates that cases are often only linked at court when the defence advise the CPS of related cases.

- We examined three finalised magistrates' court cases where the proceedings were discontinued, all of which had been subject to a pre-charge decision. In two cases the decision to charge was correctly made on the threshold test and in the remaining case it accorded with the full Code test at the time of the decision to charge. In all three cases there was a material change in the circumstances leading to the decision to discontinue which was timely in two of the cases.
- The police were notified of the proposed discontinuance in only one of the cases (33.3%). The borough crown prosecutor (BCP) makes the final decision on all discontinuance decisions and considers representations from the police when they are received and did so in the one case in our file sample. In all three cases in our file reading the discontinuance could not have been avoided by better case preparation.
- During 2008-09, the borough had 27 cases that were discharged at the committal stage. This figure amounts to a discharged committal rate of 0.7% of all cases, compared with national performance at 0.2% and 0.3% for CPS London overall. As a percentage of cases listed for committal, in Hackney 3.2% of cases are discharged compared to the London average of 2% and the national average of 1.8%. In the first quarter of 2009-10 there were six discharged committals. All discharged committals are reviewed by the BCP although few are reinstated owing to evidential problems which have arisen after the initial charging decision. This usually relates to either forensic evidence not supporting the charge or witness problems that have manifested since the charging decision.
- The BCP analyses all adverse outcomes and provides feedback individually to lawyers where appropriate. These analyses are discussed with the police at prosecution team performance management meetings. The BCP prepares spreadsheets of all adverse cases to help identify trends. These spreadsheets enabled the borough to identify issues in relation to charges where the victim was a police officer.
- Overall the proportion of the borough's magistrates' court cases that result in a successful conviction is improving. In 2007-08, and 2008-09 the borough conviction rate was worse than the London and national averages but improved from 81.2% (national 85.7%; London 83.4%) in 2007-08 to 84.6% (national 87.3%; London 86%) in 2008-09. The 12 months to June 2009 shows the overall conviction rate remaining at 84.6%.

Aspect for improvement

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 for improvement

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

2B Cases are prepared and progressed effectively

Trial rates

	Performance 2008-09		
	National	CPS London	Borough
Effective	43.4%	47.3%	40.2%
Cracked	38.0%	34.8%	36.0%
Ineffective	18.6%	17.9%	23.8%
Vacated	21.5%	16.3%	17.9%

- Magistrates' court cases that are not to be committed to the Crown Court and do not involve a defendant in custody are prepared for trial as part of the OBM. Those cases not prepared as part of the OBM are allocated to individual lawyers by the BCP.
- The OBM unit is staffed daily by a prosecutor and a caseworker. Additionally one day a week there is a second prosecutor working on the OBM unit. The range of work includes dealing with initial disclosure, preparing applications to the court and ensuring the relevant witnesses are warned to attend court. The complexity of the cases varies. Whilst some require extensive consideration, others can be dealt with more speedily.
- The OBM was signed off in June 2009. Although certain aspects of working practices have been reviewed and improved since then, the OBM as yet lacks resilience. CPS staff often struggle to get the information they need from police officers. At the time of our visit preparation was just one or two days ahead of court hearing dates which is clearly insufficient to provide the levels of service required. It also starts off a vicious circle with outstanding information and remedial action being required in unrealistic timescales. For some months the police have been undertaking the building of case files (which should have been a CPS responsibility) on a temporary basis to relieve the CPS given the difficulties it was experiencing in resourcing this function. There is a concern that if and when this work is returned to the CPS to resource it may overwhelm the OBM.

Aspect for improvement

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.

- Criminal Justice: Simple, Speedy, Summary has been implemented in the borough for some time now. Cases progressed at the first hearing in 16 out of 17 (94.1%) of the magistrates' court cases in our file sample. In the remaining case, the prosecution did not have sufficient information to enable a trial date to be fixed at the first hearing. There was timely completion of all directions between first hearing and trial in nine out of 13 relevant cases (69.2%). In the remaining cases, no effective action was taken by the CPS before the trial. There are no formal case progression arrangements at Hackney Magistrates' Court.
- More recently, in September 2009, the Director's guidance on the streamlined process (DGSP) has been implemented in the magistrates' courts. There is a concern that this is resulting in more defendants electing trial at the Crown Court and the tight timescales are putting strain on the borough's limited resources.

- The borough's effective trial rate of 40.2% in the year to 2008-09 is worse than London at 47.3% and the national average of 43.4%. The effective trial rate has improved in the first quarter of 2009-10 to 45.3%. Late review of files as outlined above contributes to the high rate of ineffective trials.
- The ineffective trial rate at Thames Magistrates' Court of 23.8% was worse than that for CPS London overall (17.9%) and nationally (18.6%) although performance has improved in the first quarter of 2009-10 to 20.6%.
- The cracked trial rate in 2008-09 was 36% which was worse than CPS London (34.8%) but better than nationally (38.0%), but this improved to 34.1% in the first quarter of 2009-10. Cracked trials due to the prosecution ending the case on the day worsened from 14.8% to 15.6% in the same period. In the same period in London overall performance deteriorated from 16.4% to 17.3%. Again, there is a link between this problem and the lateness of preparation work.
- Trial effectiveness in the magistrates' courts is monitored by the CPS, police and courts at the Effective Trials Group, a sub-group of the Borough Criminal Justice Group which covers both Hackney and Tower Hamlets. Meetings are held regularly and appear effective in addressing key cross-cutting issues. There are, though, recurring issues that tend to arise from meeting to meeting.
- Whilst initial decision-making is sound, a lack of timely full reviews and poor preparation leads to cases not being ready or their not being as strong as possible. This, albeit in conjunction with the nonattendance of witnesses, is a substantial cause of the low level of case outcomes.
- CMS usage to record hearing outcomes and case finalisations is poor at 52.4% in 2008-09 and is significantly below the London overall average of 59.9%. This has improved in the first quarter of 2008-09 to 56.7% (London 66.0%).

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

Assessment
0 – 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 June 2009		
	National	CPS London	Borough	National	CPS London	Borough
Judge ordered acquittals	11.6%	15.7%	18.4%	11.8%	15.9%	19.5%
Judge directed acquittals	1.0%	1.1%	1.2%	1.0%	1.3%	0.7%
Acquittals after trial	5.5%	8.5%	10.7%	5.5%	8.6%	8.5%
Warrants	1.1%	1.6%	1.1%	1.1%	1.6%	1.4%
Overall conviction rate	80.8%	73.1%	70.9%	80.6%	72.7%	69.5%

- The application of the evidential stage of the full Code for Crown Prosecutors (the Code) test at either the committal review stage or service of the prosecution case accorded with the Code in 14 out of 16 Crown Court cases (87.5%) in the finalised file sample. The application of the public interest stage accorded with the Code in all cases.
- 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 of the cases examined from the finalised file sample. However it took place in only five of those cases (45.5%).
- The procedure for referring cases to CPS London Complex Casework Centre is made available generically to all London staff via an electronic folder. Prosecutors and caseworkers are aware of the procedures for referring cases to the London Complex Casework Centre, and that the BCP is responsible for authorising such referrals. Currently, the borough has no cases which have been referred to the unit.
- There was good proactive case management in one case (6.3%), it was fair in ten (62.5%) and poor in five (31.3%). Feedback indicates that cases are not handled proactively. New procedures have been agreed with the police to escalate matters which are not taken forward swiftly by the police officer. Case preparation was only timely in four out of 16 cases (25%).
- The charges selected at the committal review stage were inappropriate in two cases, the wrong charges having been brought at the pre-charge decision (PCD) stage, and subsequent reviews failed to correct the mistake.
- The borough accepts that they are reliant on the police at PCD stage for information of linked cases. There are limited procedures for identifying linked cases other than this and the borough is reliant on the defence or the court for details of linked cases after PCD.
- The indictment was drafted correctly in 12 out of 16 cases (75%). It was amended correctly and in a timely manner in three cases but not amended correctly in the other. Indictments are drafted by the reviewing lawyer and are checked for accuracy by the B2 paralegal business manager before lodging them with the court by email.

- 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. Lawyers on the borough consider restraint and confiscation issues at PCD stage where information indicates it may be a relevant issue. Overall, caseworkers on the borough liaise effectively with local financial investigation officers and have contributed to the area achieving its confiscation and restraint targets. The borough has appointed a Proceeds of Crime Act champion who liaises with the police regularly on restraint and confiscation issues.
- The proportion of cases which resulted in a judge ordered acquittal (JOA) in 2008-09 at 18.4% was worse than that for CPS London overall (15.7%) and significantly worse than the national average of 11.6%. The rate has deteriorated slightly in the first quarter of 2009-10 to 19.5%.
- We examined four cases that had resulted in a discontinuance or JOA in the Crown Court. In all four cases, the decision to discontinue proceedings was made in response to a material change in the case after the decision to charge had been made and was taken in good time in three of the four cases.
- Overall, the proportion of Crown Court cases that resulted in a successful outcome in 2008-09 was lower than that for CPS London overall (70.9% compared with 73.1%) and much lower than the national average of 80.8%. The rate declined slightly in the 12 month to June 2009 to 69.5% compared with 72.7% for CPS London overall and the national average of 80.6%.

3B Cases are prepared and progressed effectively

Trial rates

	Performance 2008-09		
	National	CPS London	All Snaresbrook Crown Court cases ⁹
Effective	47.1%	54.7%	50.4%
Cracked	40.8%	30.0%	33.3%
Ineffective	12.1%	15.2%	16.4%

- The preparation of Crown Court cases in Hackney has been poor for some time both before and after committal (see aspect 2 in relation to discharged committals). The borough has lacked available resources. Earlier this year, leave, and sickness meant there was only one caseworker in place instead of four. The agencies and individuals to whom we spoke expressed particular concern over the timeliness and quality of the borough's casework preparation and our court observations, in particular, confirmed the deficiencies.
- The borough is seeking to address these issues by the introduction of a new case progression team (CPT) consisting of two members of staff. The role of the CPT will be to assist the preparation of Crown Court cases from the determination of mode of trial up to and including their trial. The borough has also increased the number of caseworkers to five.
- The case progression team are seeking to increase communication with police from the time a case is adjourned for the preparation of committal papers, with a view to ensuring case papers are received promptly.

⁹ 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 CPT are attending all Plea and Case Management Hearings (PCMH), recording all directions made in a case and then entering these on a spreadsheet and notifying the lawyer, caseworker and police officer of the directions together with action dates. The CPT are then monitoring the compliance with these directions. At the time of our inspection this process had only just started to be introduced, so it is too early to comment on its effectiveness. In our file sample all necessary action had been taken to progress the case at PCMH in all 16 cases. However, there was compliance with all PCMH directions in only six out of 15 relevant cases. Our file reading found that there was good proactive case management in only one case (6.3%), it was fair in ten cases (62.5%) and poor in five (31.3%). All aspects of case preparation were timely in only four of 16 cases (25%) examined. Applications for bad character, special measures or hearsay were made and served within the statutory time limits in seven out of ten relevant cases. Overall, all aspects of case preparation were timely in five out of 16 cases (31.3%).
- There are currently no case progression meetings held with the Crown Court. These were not seen as effective in the format that was previously used. The borough currently hold case progression meetings with the police and the witness care unit and hope to expand this to include the Crown Court, but no timescale for this exists,
- The borough currently has no cases which fall within the relevant criteria for the case management panel, although lawyers are aware of the referral criteria.
- Instructions to counsel were found to be poor overall with eleven cases (73.3%) rated as such in our sample, one as good (6.7%), three as fair (20%) and none as excellent. Instructions followed a template with little or no attempt to include any reference to the facts of the case or to add any value. The borough has recognised that the quality of instructions to counsel are not good and training has just been provided to caseworkers on the information that needs to be included in briefs to counsel. It was too early at the time of our on-site phase of the inspection to say if this has improved the quality of instructions to counsel.
- The cracked and effective trial data for Snaresbrook Crown Court is not disaggregated to borough level. The effective trial rate in 2008-09 was 50.4%, which is better than the national average, although not as good as that for CPS London overall. The cracked trial rate, at 33.3%, is worse than that for CPS London overall (30%) but better than the national average of 40.8%. There were three ineffective trials in our file sample, none of which could have been avoided by prosecution actions.
- The borough's use of the case management system (CMS) to record action taken by prosecutors and other significant events was fair. In our file sample, the use of CMS was good in three cases (18.8%), fair in 12 cases (75%), and poor in one case (6.3%). Cases were finalised on CMS correctly in 15 out of 16 cases (93.8%).

Aspect for improvement

The borough should ensure that the planned case progression system is implemented as soon as possible.

4 THE PROSECUTION OF CASES AT COURTAssessment
2 – 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 Thames Magistrates' Court, which also receives all of the neighbouring Tower Hamlet borough's cases. Some of Hackney's contested youth work is heard at West London Magistrates' Court where there are better facilities for hearing children's evidence. Stratford Magistrates' Court in the neighbouring borough of Newham is used for some trials.
- The borough currently has ten lawyers, three of whom are crown advocates (CA) but no associate prosecutors. The view of criminal justice partners was that prosecutors in the magistrates' court were generally in a position to progress cases at each hearing, but preparedness and the standard of advocacy varied between advocates. The borough has made high usage of agents in the last financial year, but that is being reduced.
- The borough crown prosecutor (BCP) is responsible for compiling the weekly court rota which must also accommodate sessions in the charging centre and the OBM commitments for lawyers. A specialist domestic violence court opened at Thames Magistrates Court in October 2009 and will sit for one session per week thereafter. There is regular liaison between the Tower Hamlets and Hackney BCPs concerning court coverage at Thames and recently they jointly negotiated a reduction in weekly court sessions from 72 to 66. Each borough resources 33 of those sessions but Hackney continues to rely significantly upon agent prosecutors in trial courts.
- The advocates we 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 perennial issues around reluctant or absent prosecution witnesses.
- The prosecution at first hearing were ready to progress 16 out of the 17 cases (94.1%) in our sample of magistrates' court files. In Crown Court cases the prosecutor took all steps to progress the case at the plea and case management hearing (PCMH) in all 16 cases. This has to be set against the problems caused at subsequent hearings by the late preparation of cases for trial. We found examples of 31 unnecessary adjournments in the 39 files examined and the prosecution were responsible for nine of these. The late preparation of cases in the magistrates' court via the optimum business model unit contributes significantly to the number of adjournments due to the prosecution. Of concern was the fact that in one case we looked at there were three unnecessary adjournments due to the prosecution.
- The overall quality of file endorsements was fair. The endorsements were good in eight out of 31 cases (25.8%), fair in 17 (54.8%) and poor in six (19.4%). In the Crown Court in particular, the chief omission was a clear and comprehensive record of the outcome of a contested hearing, where coverage by caseworkers was sparse. The quality of endorsements in the magistrates' court was better when it was an in-house lawyer covering the hearing.
- The borough's CAs are deployed regularly at Snaresbrook Crown Court to deal with Hackney PCMHs. The BCP is a regular visitor both to the Crown Court and magistrates' courts and provides instant feedback to the borough's advocates. Also some monitoring of less experienced advocates by London's Area Advocacy Assessor was carried out some time ago. However no monitoring of counsel or the CA in the Crown Court takes place.

- There are sound arrangements in place for monitoring the advocacy skills of new lawyers and CAs. New lawyers are monitored by experienced lawyers and crown advocates by the centrally based Crown Advocate Unit Manager, followed up with formal reports. The BCP attends court regularly and monitors lawyers' advocacy performance. There are constructive working relationships with senior magistrates' courts legal advisors who provide feedback on lawyer and agent performance. Feedback is also received on an ad hoc basis from the judiciary. This supplements the assessments conducted by the BCP. All experienced lawyers have been formally assessed on a least one occasion in the last 12 months. Feedback tends to be verbal and there is scope for following up assessments in writing. Arrangements have yet to be put in place for crown advocates to be formally monitored once a quarter as set out in the district business plan. At present assessment tends to be on an annual basis.
- The level of compliance with the Prosecutors' Pledge, Victims' Code of Practice and Witness Charter in terms of advocates' communication and interaction with victims and witnesses at court was satisfactory. The CPS and Witness Service work together well to ensure that victims and witnesses are kept informed at court.

5 SERIOUS VIOLENT AND SEXUAL OFFENCES, AND HATE CRIMESAssessment
2 – 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 June 2009		
National	CPS London	Borough	National	CPS London	Borough
71.9%	62.0%	64.7%	71.8%	61.0%	67.8%

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

Performance 2008-09			Performance 12 months to June 2009		
National	CPS London	Borough	National	CPS London	Borough
82.0%	77.2%	74.5%	81.9%	75.5%	71.8%

- There were 15 cases in our file sample involving allegations of serious violence, sexual offences and hate crime, with 12 of these cases (80%) being correctly identified and flagged on CMS. All three incorrectly flagged cases were domestic violence cases that had not been flagged as such.
- The Code for Crown Prosecutors was correctly applied in all relevant cases in our file sample. However, it was only carried out in a timely manner in three out of 15 cases (20%).
- Cases involving allegations of domestic violence are usually dealt with through the optimum business model process but all prosecutors have received domestic violence training. Cases are currently allocated, where appropriate, by the borough crown prosecutor (BCP) on the basis of current workload, experience and developmental needs. This applies to hate crimes as well as to domestic violence cases.
- In 13 out of 14 relevant cases (92.9%) the police had provided sufficient background information at the pre-charge decision stage. This suggests that the CPS is working with the police to ensure officers know what information is needed to build cases. There was compliance with the CPS policy on retraction in three out of six cases (50%), where the reluctance of the witness to continue in support of the prosecution was considered.
- Rape cases and serious child abuse cases are allocated to rape specialists who meet the national criteria. Where threshold test cases are advised on by a nonspecialist they are then referred and allocated to rape specialists as soon as practicable by the BCP for further review.
- Hackney borough provides a weekly advice clinic for officers from the Child Abuse Investigation Team to ensure that specialist advice is delivered. If a charging decision cannot be taken during the face-to-face consultation, the case will be allocated to the specialist lawyer to consider further
- We examined seven domestic violence cases although some were also in other specialist categories. The prosecutor failed to consider the availability of other independent evidence at the pre-charge stage in all seven cases which might enable a case to be pursued even if the complainant has withdrawn support. The borough has had a traditionally high rate of domestic violence incidents and experiences significant challenges in securing victim and witness attendance. 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 seven relevant cases did the case proceed against the victim's wishes.

- The borough has designated champions or specialists across all aspects of casework, including a borough community prosecutor coordinator (BCPC). The BCPC currently is not being allocated any new cases and is using her time outside of courts and charging to build links with the community. The champions promulgate legal updates and good practice to their colleagues as well as providing guidance where needed.
- The borough has a specialist to deal with the gun and gang crime within the borough. He liaises regularly with the police and has provided training to the police in respect of evidence gathering for court. He also maintains a library of precedent applications and law reports on these topics which are made available to all staff.
- The charges proceeded with reflected the seriousness and nature of the offending and gave the court adequate sentencing powers in 14 of the 15 relevant cases (93.3%). The decision to discontinue or reduce the level of charge was made in accordance with the relevant CPS policy in each appropriate case in the finalised file sample. Decisions to discontinue are subject to the approval of the BCP. In rape cases a second opinion must be sought from a specialist in compliance with CPS policy.
- The level of successful outcomes at 64.7% in violence against women cases is above the London average of 62% but below the national average of 71.9%. It is below the borough's target of 71%. Borough performance for the 12 months to June 2009 has improved to 67.8% against the new target of 74%. Whilst prosecutors are properly continuing some cases where the victim is reluctant to proceed, they are doing so without taking sufficient account of the particular circumstances and merits relevant to each individual case.
- The level of successful outcomes in hate crimes is falling and remains below the national average both in 2008-09 (74.5%; national average 82%) and in the twelve months to June 2009 (71.8%). The target is 82%.
- It is clear that with local criminal justice partners a considerable amount of time and effort has been devoted by the borough's senior managers and domestic violence specialists to work initiated by the Borough Criminal Justice Group to tackle the high attrition rates in summary domestic violence cases. As part of this partnership work a new Specialist Domestic Violence Court was launched in October 2009 at Thames Magistrates Court
- Contact with the Local Safeguarding Children Board is made jointly with CPS Tower Hamlets, and a member of their staff attends and is a panel member.

Strength

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 for improvement

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 rate.

6 DISCLOSURE

Assessment

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

- Compliance with the duty to provide initial disclosure was poor. The prosecutor's duty was fully discharged in 19 of the 30 cases (63.3%) in our file sample. In two cases there was no record of any provision of initial disclosure. Initial disclosure was provided in a timely manner in two of the 12 magistrates' court cases (16.7%) and in all 15 Crown Court cases.
- In three out of nine cases we looked at where the CPS had not complied with the provisions regarding initial disclosure, the failure was in not disclosing undermining material. This is from a total sample of 30 cases.
- We noticed during the file examination that a number of the disclosure schedules and correspondence relating to them were not apparent on the file. We were advised by the borough that, under the integrated prosecution team processes, archiving was completed by police administrative staff who may not have fully appreciated the significance of retaining all case documentation before placing them into storage. This represents a significant risk given that cases may generate appeals, and the contents of files may sometimes be material to later cases (for example bad character).
- The duty of continuing disclosure was complied with in two out of the three relevant magistrates' court cases (66.6%). Consideration of a defence case statement was timely in two out of three in the magistrates' court (66.6%).
- Problems in the magistrates' court with the timeliness of disclosure may be caused on occasions by the late receipt of papers from the police. However, the late review of files on the optimum business model unit means that even if disclosure material is received promptly from the police, it is unlikely to be reviewed and served until very near the trial date. The courts confirm that disclosure material is often served on the defence on the day of trial.
- The duty of continuing disclosure was complied with in eight of the 12 relevant cases in the Crown Court (66.6%) and was timely in five of them (41.7%). Overall there is a need for a much better grip on this aspect of case preparation.
- The borough has worked together with the police with a view to improving the handling of unused material, especially following the introduction of the Director's guidance on the streamlined process (DGSP). The borough and the police have not provided joint training. There has been no specific training provided on disclosure for Hackney CPS staff for some time, although we are advised that refresher training is due to be undertaken shortly. The BCP regularly sends reminders to staff of their obligations to handle disclosure in accordance with the CPS-ACPO disclosure manual.
- In 2008-09 2.7% of ineffective magistrates' court trials were due to prosecution failures on disclosure. This is slightly higher than the London average of 2.6%, but this was a total of only 14 cases. These figures are combined for Hackney and Tower Hamlets boroughs. In the Crown Court, figures are not available at borough level.
- The use of disclosure record sheets (DRS) to record the chronology of disclosure decisions was only seen on one out of 28 relevant files. Although as stated above, this may be in part due to the archiving of files by the police. The case management system DRS form was not used on any of the 27 files we examined. The borough crown prosecutor states that DRS forms are used in all cases and this forms part of the casework quality assurance checks.

- Decisions on whether to make a public interest immunity (PII) application are referred to the district crown prosecutor. The PII log is maintained at district level. Whilst there were no cases involving PII applications in our file sample we are satisfied that the referral process is applied correctly. Sensitive material is not generally stored by the borough, with it being retained by the police.
- Inappropriate material was listed on sensitive material schedules in two cases in our file sample. In neither case were we able to find evidence of it being transferred to the appropriate schedule.

Aspect for improvement

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. Disclosure material should be reviewed at much earlier than the week of the trial as happens at present.

7 CUSTODY TIME LIMITSAssessment
3 – Good**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.
- All cases where there is a CTL are allocated to a named lawyer and not dealt with as part of the optimum business model process.
- There was one reported CTL failure in 2008-09 and none in 2007-08. This involved failings of individuals to act after identifying a slightly unusual situation where a case was wrongly sent to the Crown Court instead of being committed. There was a misunderstanding of the CTL rules in this situation by the person monitoring CTLs. Upon discovering the failure, a full investigation was undertaken and an audit of all files with a CTL was commenced. The audit revealed no other cases where the CTL position was incorrectly recorded. Guidance has been issued to all staff on the CTL rules in such circumstances and in general. There have been no reported CTL failures in 2009-10 so far.
- In our file reading, in all 12 relevant files, the CTL had been correctly calculated, but in only eight of those cases (66.6%) were the CTL expiry and review dates recorded correctly for each defendant and/or each charge. Checks on a sample of files where there was a CTL revealed that all were correctly recorded on the case management system as well as on back-up diary systems, one for magistrates' courts and one for Crown Courts. Where applications to extend were needed, they were all made in good time.
- A CTL protocol has recently been signed with the magistrates' court with the result that CTL expiry dates are now being agreed between the prosecutors and the court at hearings. The courts are working cooperatively with the borough to notify them of any changes in court hearings which may impact upon custody cases but agreement of CTL dates under the protocol are not evident from the file endorsements.
- Moreover HM Courts Service staff at the magistrates' court told us that they received from CPS Hackney borough a weekly spreadsheet of all custody cases of which they are aware listed during that week.
- The paralegal business manager has overall responsibility for CTLs and personally records and checks all the Crown Court cases with a CTL. The B1 manager is responsible for the magistrates' courts cases with a CTL. They are supervised by the paralegal business manager who checks the accuracy of the same by means of regular dip sampling and a three monthly CTL audit involving all live files. The CTL dates endorsed on the file at court are recalculated by the B1 manager for magistrates' court cases and by the B2 paralegal manager for Crown Court cases.
- The paralegal business manager is proactive in reminding caseworkers of all CTLs that are due to expire in the forthcoming month and ensuring that applications to extend are made where appropriate. The paralegal business manager is personally responsible for monitoring the Crown Court cases. In addition to the use of CMS and a back-up diary system, a chart on the wall shows all cases with a CTL due to expire in the next two months, thus providing an additional reminder to caseworkers of impending CTL expiry dates. The paralegal business manager provides an additional reminder to the relevant caseworkers and lawyers at the beginning of a month of all their cases with CTLs due to expire in the next six weeks.
- The paralegal business manager and relevant caseworkers have had training on CTLs from the BCP and the managers have considerable practical experience.

8 THE SERVICE TO VICTIMS AND WITNESSES

Assessment

2 – Fair**8A The borough ensures timely and effective consideration and progression of victim and witness needs, and the service to victims and witnesses is improving**

- There has been significant focus within the borough on complying with the direct communication with victims (DCV) policy, one of the responsibilities of the CPS under the Victims' Code of Practice (Victims' Code). A new London-wide system has been implemented, and systems for ensuring the prompt identification of cases in which a DCV letter should be sent have been strengthened, as have systems for ensuring letters are sent within timescales. The need to ensure compliance with DCV policy is also regularly reinforced to staff in email communications and through focus on this aspect as part of the casework quality assurance scheme. Performance is monitored monthly at borough level and also as part of the monthly quarterly performance reporting regime. It is also discussed at borough staff meetings.
- In 2008-09, DCV compliance was behind the London average (80.1% compared with 91.1%) but the trend was one of improvement. Performance against the CPS proxy target for the borough in the first quarter of 2009-10 increased to 120.9%. Other inspection activity has revealed the unreliability of the proxy target and our file sample conflicts to a small extent with the reported performance. In our file sample there were six cases where the DCV scheme was triggered. DCV performance was rated as good or fair in two of these and poor in four cases. Of the latter, in one case the DCV letter had not been sent and in three cases the quality of the DCV letter was poor.
- There were no cases in our file sample in which a meeting should have been offered to the victim under the DCV policy. Timeliness in respect of letters both to vulnerable and intimidated victims and other victims was also below the average for London in 2008-09, but has improved significantly since. Timeliness performance in the first quarter of 2009-10 was 100% for all categories of victims.
- The CPS has a number of other responsibilities under the Victims' Code, including for example that prosecutors introduce themselves to victims before a trial and explain any delays on the day, and that expenses are paid on time. There are currently no formal means of assessing compliance with these but our observations are recorded in aspect 4.
- Ancillary issues including the applicability of special measures were considered in 27 of 32 cases (84.4%) of relevant pre-charge decision cases examined. In two of the five cases there had been a lack of consideration of special measures. However, it was not always clear whether the needs of victims and witnesses had been properly discussed or if special measures had been considered in relevant cases. The reverse side of the MG11 witness statement forms which provide victim and witness details, are often not completed meaning that the charging lawyer does not have all the relevant facts. This is particularly an issue in cases handled under the Director's guidance on the streamlined process (DGSP). The Prosecutors' Pledge says that prosecutors should take into account the impact of crime on the victim and their family when making a charging decision. Our file sample indicates that victim personal statements are taken only in a low proportion of cases (11.1%; none of the seven relevant cases in the Crown Court and two of 11 relevant cases in the magistrates' courts). In just one of the six cases that were discontinued was the victim's view considered prior to the decision to discontinue.
- Appropriate special measures applications are generally being made, but applications are often late including applications made on the day. This can be due to the needs of the witness not being properly assessed at the earliest opportunity but also as a result of witnesses becoming more nervous as the trial approaches. Whilst late applications, including those made on the day, tend to be agreed by the court this means that witnesses do not always have the reassurance in advance that special measures will be available to help them. The outcomes of special measures applications are not always communicated as they should be.

Aspect for improvement

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.

- Dates to avoid for both civilian and police witnesses are often not available at the first hearing when a trial date is expected to be set. This has been a major concern for some time and exacerbated by the introduction of DGSP. In the Crown Court the long delays to trial can add to difficulties as even when dates are provided these may not extend so far ahead; for example police availability is generally given for six months ahead. To avoid setting trial dates in the absence of dates to avoid, since June 2009 Thames Magistrates' Court has applied a policy of setting back cases for an hour or so to give an opportunity for dates to be established. Whilst this is helpful, it is still proving difficult to establish dates for all witnesses in such a short time scale and more needs to be done to ensure that dates to avoid are available for the first hearing.
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Aspect for improvement

Systems should be introduced to ensure that dates to avoid for all witnesses are available for the first hearing in anticipated guilty plea cases.

- Lists of witnesses required to attend court (LWACs) are provided to WCU staff who are responsible for warning witnesses. Accuracy and timeliness of LWACs has improved with the establishment of a dedicated court administration team from February 2009. There are weekly case progression arrangements for the Crown Court which follow-up on witness attendance issues but as yet there are not regular case progression meetings for the magistrates' courts which could provide a final check on witness issues.
- Witness attendance rates for 2008-09 were behind the average for London (76.5% compared with 83.1%). Performance in 2009-10 has been mixed and as at the end of August 2009 the year-to-date performance was 75.9%. The borough deals with the highest level of gang-related cases in London. Victims and witnesses can be frightened and reluctant to attend court for fear of recrimination irrespective of the level of support offered. Victims of domestic violence are frequently reluctant to attend court. The introduction of a Specialist Domestic Violence Court is designed to provide a greater level of support to victims and encourage more to give evidence.
- In general there is a good level of exchange of information between CPS, the WCU, police and Witness Service, except in relation to the outcomes of special measures and provision of witnesses' dates to avoid. Constructive working relationships were apparent; the co-location of police, WCU and CPS is considered to be an important contributory factor.
- With the exception of DCV compliance, and in common with other London boroughs, there are no formal procedures in place for monitoring compliance with other CPS responsibilities under the Victims' Code on a regular and formal basis. Similarly, there are no procedures for monitoring WCU performance against the minimum standards set out for them. In the absence of such, it is not possible to assess accurately the level of compliance or whether performance is improving. Informal assessment indicates that the WCU is currently meeting the majority of the minimum standards. However, at the time of our inspection the unit was operating with nine as opposed to 14 witness care officers. Although full needs assessments were generally conducted for all civilian witnesses once a LWAC was made available, there were insufficient resources to contact witnesses earlier to conduct an initial needs assessment. Witness care officers experience some difficulties in accessing accurate

hearings and sentencing outcome information promptly and as a result are not always able to update witnesses within the prescribed timescales. The lack of a CPS witness care officer since April is a concern and the position should be filled.

- DCV, witness attendance and magistrates' courts ineffective trials due to witness issues performance data is available at borough level on a monthly basis. Performance in the latter measure improved in the first quarter of 2009-10. However, other witness care performance information is only available on a London wide basis.
- Looking forward, more attention needs to be paid to ensuring that the various other initiatives and policies that have been introduced to improve the levels of service are fully in place and utilised. This includes VPS, the full range of special measures and Witness Charter, as well as work to meet the full range of WCU minimum requirements. It would assist to collate action needed across the various strands of work in an action plan. There is benefit in periodically reviewing CPS (and police performance) against the full range of responsibilities set out in the Victims' Code and the WCU minimum requirements. The borough criminal justice group structure indicates that the Victims' Code should be a standing agenda item at the effective trial group meeting but in practice it is not. The borough should consider in what forum such a review might best fit and ensure it takes place.

9 MANAGING PERFORMANCE TO IMPROVEAssessment
2 – Fair**9A There is an effective and proportionate approach to managing performance locally at individual, unit and borough level**

- Monitoring of casework quality is generally systematic and supportive of improving casework standards. It is undertaken in a number of ways and covers both magistrates' courts and Crown Court casework. The casework quality assurance scheme (CQA) is in place and compliance with this has improved significantly. The level of compliance in 2008-09, at 112%, was well above that for London as a whole (84.8%). There is a good level of feedback on a one-to-one basis, both positive and negative from this. Nine of the ten CQA forms reviewed indicated that performance was fully compliant with casework standards. This high level of scoring conflicts with some of the findings of our file sample, for example in relation to disclosure. This raises questions about the robustness of the process.
- A discharged committal log is maintained and a high standard of adverse case reports prepared for both magistrates' courts and Crown Court. These were introduced when the borough crown prosecutor (BCP) started in 2008, and have evolved since. Issues arising from individual cases are raised with the relevant lawyer and where there are wider lessons to be learned, these are brought to the attention of all lawyers, normally via email messages. There is scope for more overall analysis of adverse cases and for reports to be shared with lawyers to assist them in appreciating the wider picture and trends. The BCP also conducts a range of other file checks, for instance regular dip samples of charging MG3 forms, two optimum business model (OBM) files per week and dip samples of custody time limit files which support the monitoring of casework quality.

Strength

The quality of the magistrates' courts and Crown Court adverse case reports.

- The arrangements for monitoring lawyers and crown advocates are set out earlier (aspect 4) and feed into the appraisal process. There is no formal process for monitoring agent advocates. The administration manager assesses agents in terms of timeliness and preparation and this is supplemented by any information about performance in court received from other lawyers or HM Courts Service staff. Agents who fall short of requirements are rarely to be used again. Counsel are monitored on an exception basis.
- Hackney was one of two London boroughs in London in 2008-09 to receive ten red ratings out of 16 in the CPS London overall performance dashboard, and just one green rating. Performance overall was assessed as poor. The crime profile and the volume and complexity of work in Hackney make it a very challenging borough. The new management team continue to work very hard to address the poor performance in the borough. The implementation of an integrated prosecution team (IPT) in April 2007, involving the transfer of the team to Stoke Newington Police Station from Ludgate Hill led to staffing losses and general difficulties. Much of the management team's focus has been on stabilising and increasing staffing levels and developing the morale of staff. From July 2009 staffing levels have been near complement and at the time of our inspection we found a sense of optimism and confidence in the borough.
- Alongside this there has been a concerted focus on improving and implementing better systems and getting the foundations right. For example there were around 1400 outstanding pre-charge decisions in the system awaiting finalisation that have now largely been dealt with. (At the time of our inspection there were still around 200 to be addressed that dated back to 2008).

- There are some clear examples of where operational systems have been reviewed and overhauled with good results, for example the new custody time limit and direct communication with victims systems although the inherent unreliability of the proxy target makes it difficult to assess what progress has been made. To address the high level of discharged committals, a committals clerk was allocated to proactively chase service of papers and committal files, and this is seen to have contributed to the more recent reduction. A dedicated courts administration team has been established in the magistrates' courts as opposed to previous arrangements whereby staff covered this team on a rotational basis, which has led to better consistency and improved performance. Very recently a new case progression system has been implemented for Crown Court cases, which appeared promising. At the same time as the improvements above, OBM has yet to deliver the sustained performance levels necessary to underpin improved magistrates' courts performance. This is set out earlier in aspect 4.
- As to evidence of improvement against key performance indicators it is still too early to come to any firm conclusion. There are some aspects in which signs of improvement are evident although they have yet to be sustained. For example, the number of adjournments in contested cases had improved (from an average of 4.8 to 4.0) and the ineffective trial rate had reduced (down from 23.8% to 20.6%). Evidence of more sustained improvement could improve the borough's assessment for this aspect of performance.
- The extent of borough-based performance reporting has improved and since April 2009, data is available by borough for all key performance indicators. At a senior level there is a quarterly performance review between the regional director and regional business manager, and monthly performance management meetings between the district crown prosecutor (DCP) and BCP. The latter appear to have been particularly effective in analysing key performance issues and identifying improvement actions, although they have not been held since the DCP left at the end of July.
- Borough managers receive a copy of the monthly district performance figures and these are discussed at management meetings. Managers were generally aware of performance levels in their areas of responsibility. Performance is also discussed in all staff meetings and referred to in email messages from the BCP to staff. Most staff were found to have some knowledge of performance results in their areas of responsibility but some had a perhaps over-optimistic view of performance improvements achieved.
- Targets and priorities for the coming year are set centrally or at district level and personal objectives that link to these are then prepared as a basis for the performance development review (PDR) process. There has been a robust approach taken to ensuring that mid-year and end-of-year PDRs are completed on time. All staff spoken with about this had had timely reviews. The PDR process is generally regarded as a helpful development tool, particularly for newer staff and those on temporary promotion.

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

- The BCP demonstrates a clear commitment to managing performance jointly with partners attending a range of multi-agency meetings on a regular basis. Despite close working at senior level and a clear commitment to improve performance amongst all agencies, and some indications of performance improvement, there are many aspects where the desired changes are not yet forthcoming or sustained.
- There is generally good sharing of performance information between agencies. There is though a lack of Crown Court effective trial data available at borough level and still issues around the accuracy of magistrates' courts cracked and ineffective trial data.

- Prosecution Team Performance Management (PTPM) meetings are chaired by the BCP. Since April 2009 meetings have been more regular and are generally held monthly. The PTPM is generally considered a useful forum and is effective in tackling some important cross-cutting issues. There is scope for ensuring that all action points are captured in the minutes and that progress against these is reviewed and recorded at the start of each meeting to ensure continued focus on aspects where further progress is needed. PTPM reports which are sent out in advance of the meeting are not easily understood by all participants and would benefit from a narrative identifying the key points for the group. There appears to be insufficient analysis of PTPM data at the meetings and the lack of understanding may be a contributory factor. A recent positive development is that the CPS has supplied a copy of the adverse cases report, which identifies pre-charge decision cases and contains an analysis of each case, to the police. It is intended that these will be distributed to all PTPM members and discussed as a regular agenda item in the future.

Aspect for improvement

The addition of a narrative overview of borough performance to PTPM reports to assist managers in the interpretation and analysis of data.

- As set out in aspect 2, trial effectiveness is monitored at a multi-agency group. As for the PTPM, reviewing progress against actions agreed at the previous meeting at the start of new meetings may help focus and prioritise attention on the issues that are proving difficult to resolve, for instance provision of witnesses' dates to avoid and witness attendance which are regularly discussed. At present trial effectiveness data available for the Crown Court is limited to the effective trial percentage, and Crown Court trials are not covered by the Effective Trials Group. Through its own adverse outcome reports, the CPS analyses such cases and lessons learnt, but this is without the benefit of a multi-agency approach.
- Good working relationships exist between the CPS and criminal justice partners on a bilateral and trilateral basis. Good examples of the former are that the BCP attends police senior management meetings on a regular basis and the re-negotiation of listing schedules to better accommodate CPS resourcing difficulties. A mutual understanding of individual agencies' priorities and stakeholder expectations is evident. Within this context the CPS is playing a proactive role in working with partners to improve performance, albeit sustained improvements have yet to be achieved.

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.
- At borough level financial management is limited to ensuring financial propriety. This includes the casework business manager ensuring accurate and timely fees information sheets are completed by caseworkers and forwarded to the area graduated fees scheme team and the timely identification and management of very high cost cases, of which there are very few in the borough.
- In 2008-09, Hackney was one of 23 London boroughs to operate within its NRFAC budget with an outturn of 91.1%, giving it an amber red rating on the CPS London dashboard. In respect of programme costs, it was one of four boroughs to achieve a green rating with an outturn of 98.1% (excluding very high cost cases).
- The borough management team has limited ability to influence staffing structures or levels. At district level there is discussion between the district and borough managers on the best use of available resources. However, overall staff structures and levels are determined at the regional level with input from the relevant district crown prosecutors. This year the BCP has been given details of the borough's ABC (activity based costing) staffing profile for the first time.
- The volume of magistrates' courts cases dealt with in the borough fell in 2008-09 by 10.7% compared with the previous year (London +4.7%). Over the same period the number of committals increased by 4.4% (London +7.4%) while completed Crown Court cases decreased by 0.9% (London +5.2%). As funding is dependent on past volumes of cases completed, funding levels continue to be adversely impacted by backlogs in finalisations. At the time of our visit there were around 260 outstanding magistrates' courts cases awaiting finalisations on the case management system (CMS) of which around 150 were over three months old with some dating back several years. These were in the process of being dealt with. Our file sample confirmed that concluded cases are generally finalised correctly on CMS (96.8% recorded correctly).
- Given the changes to its workload, and the move to an integrated prosecution team, whereby CPS takes more responsibility for file building, the CPS has struggled to cover the workload with its own staff while starting to address the area's advocacy targets. For much of the time the current BCP has been in post (the substantive appointment was in December 2008) the borough has been operating under the accepted staff complement as staff have left the borough and have not always been replaced immediately. For example, in January 2009, the borough operated with just one caseworker. However, staff numbers since the start of this financial year have increased and by July were nearing the ABC complement. However, a relatively high proportion of current staff are on temporary promotion, which is not ideal. This includes all the five caseworkers and three of the four B level managers.
- The staffing difficulties outlined above have contributed to a high reliance on agents in the borough. In 2008-09, 38.3% of magistrates' courts sessions were covered by agents well in excess of the average for London (12.1%). Only one borough had a higher level. The level of agent use has continued to rise this financial year with 49.7% of sessions in the first quarter covered by agents (London 22.4%). The overall cost effectiveness of using such a high level of agents as opposed to permanent staff is questionable. The agreement with district managers under which the borough

could use agents for up to 30 half day sessions each month ended at the end of July 2009 and since that time agent use is negotiated on a weekly basis.

- Adding to lawyer resourcing difficulties is a lack of associate prosecutor (AP) resource. In 2008-09, just 4.0% of magistrates' courts sessions were covered by an AP, well below the average for London (20.5%) and a reduction on the previous year when 12.1% of sessions were covered (London 18.8%). The borough's single AP left on a career break in August 2008 and has not been replaced although a recruitment campaign is currently underway. The lack of AP resource is a concern and means many courts that could be covered by an AP are being covered more expensively by crown prosecutors or agents.
- The area's expectation that lawyers conduct six court sessions a week is broadly translated at borough level into an overall aspiration of six sessions a week that may comprise court, charging centre or optimum business model (OBM) unit sessions. The BCP allocates all cases with her priority being on ensuring that, with a focus on improving Crown Court attrition, lawyers have sufficient time to prepare these cases, and ensuring fairness in allocation of office sessions.
- A reduction in magistrates' courts sessions from 72 to 66 had been negotiated with HMCS, which for coverage purposes are divided equally between Hackney and Tower Hamlets. Allowing also for 10 charging centre sessions and 10 OBM sessions each week results in a weekly requirement of some 53 sessions weekly or 2650 sessions per annum. Based on 240 sessions per lawyer per year (which allows for annual leave and time for meetings and training) and with no associate prosecutor support, this requires some 11 fully trained lawyers to resource. However, if associate prosecutors were available to cover 20% of magistrates' courts sessions the lawyer requirement would be reduced to 9.6. At the time of our inspection, the borough had 6.4 C2 lawyers in post plus a pupil. There were also three crown advocates who cover some magistrates' courts. With no AP in post, lawyer resourcing, although improved, remains tight. The borough has shown a clear commitment to supporting the national Community Prosecutor initiative and is one of the ten national pathfinders. However, this has added to resourcing pressures.

Aspect for improvement

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.

- In 2008-09 Hackney operated with two crown advocates who undertook 186 sessions in the Crown Court, just above the current district target for individual sessions, and made a modest contribution to the district's counsel fee saving (£83,042 of the £604,408 savings). Whilst the level of savings per session was behind the average for London, £446 compared to £560, the conversion rate of gross to net savings was relatively high at 72.9% (London 48.6%). In 2009-10 the number of sessions and consequent savings has reduced with 22 sessions covered in the first quarter generating £12,167 savings.
- Staff have been reminded of sickness absence policies and procedures and these are followed. In 2008-09 Hackney's sickness absence rate was below the average for London. It ranked 16th of the 33 boroughs. This good level of performance has continued into 2009-10 with days lost for the year to June 2009 at 8.2, below the London average of 9.3 days.
- Many staff benefit from the flexible working hours scheme which was identified by some staff interviewed as being an important benefit of working for the CPS. All staff, not just those on flexible hours, are required to complete timesheets that are monitored by the BCP. A small number of staff have negotiated alternative working arrangements (part-time or compressed hours). These are sufficiently flexible to fit with business demands.

11 MANAGEMENT AND PARTNERSHIP WORKING

Assessment

3 – Good**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**

- Priorities from the CPS London business plan are communicated to the district management team and reflected in the Snaresbrook business plan. Formal business planning is limited at the borough level to new initiatives that are often project managed from the centre. Whilst there is no borough action plan, there is broad understanding on the part of managers as to what needs to be delivered at local level. Team and individual objectives link with those set out in the area and district business plans and progress is reviewed against these on an individual basis. There is scope for more formal planning and reviews of borough wide progress against the individual objectives set out in the area and district business plans.
- Borough managers understand their responsibilities for implementing management decisions and are seen to act corporately in doing this. Staffing levels have been problematic and managers are well aware that the borough needs to improve performance across a range of aspects. As a result managers have adopted a hands-on approach to ensuring that work is delivered at the same time as tackling some of the underlying performance issues. Three of the four B1 managers are relatively new and on temporary promotion, which adds to pressures. There is scope for more delegation as and when new systems to ensure more resilience when managers are absent are developed and put in place. There was a good sense of team spirit within the borough and of support and co-operation between managers and their teams.
- Communications within the borough is good. There are frequent and regular all-staff team meetings and management meetings. Below this, individual team meetings are less frequent and tend to be held as a need arises, which staff confirmed was sufficient to keep them informed and involved. Managers are considered to be open and accessible to staff who feel able to raise any issues of concern. Communication with the district and other CPS London colleagues tends to be at a more senior level only. There is scope for more communication between level B managers and their counterparts in other boroughs which may assist them in addressing common issues and sharing good practices.
- A formal approach to risk management is adopted for major change initiatives managed by the centre. Outside this, there is no formal planned approach to risk identification and management at borough level. Risks to business delivery are identified and managed on a daily basis as part of the normal operational business processes. Whilst the borough was able to cite examples of where risks have been managed well, a formalised approach may assist the borough taking a more proactive approach to potential risks and their management.
- There is no borough-level training plan. The central training plan is circulated to staff who are responsible for identifying suitable courses and booking places. Staff are normally able to attend the courses they identify as necessary. Overall the system works well. Training records are not kept at borough level.

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

- Criminal justice partners confirmed that senior managers demonstrate an open and constructive approach to joint working and good working relationships were evident. The BCP participates in the borough criminal justice group (BCJG), chaired by the borough commander, and the effective trials group, a sub group of the BCJG, and chairs the prosecution team performance management forum and a range of other multi-agency meetings. Other senior staff generally attend the youth strategy and Sapphire groups. Contact with the judiciary tends to be on an ad hoc basis with formal meetings conducted at a district management level.
- A number of joint initiatives have been implemented within the borough with as yet mixed performance results in terms of key performance indicators outcomes. Hackney was one of the first to operate with CPS London Direct and Criminal Justice: Speedy Simple Summary and Director's guidance on the streamlined process (DGSP) have also been implemented.
- The borough has also implemented No Witness No Justice. Witness care units (WCU) were designed as a joint police/CPS initiative. In practice the borough WCU is police-led and managed, even being referred to as the 'police WCU' in an information leaflet about the new specialist domestic violence court (SDVC). The fact that the single CPS witness care officer position is currently vacant does not help in this respect. The CPS has worked closely with criminal justice agencies and other partners to secure funding and support for a SDVC to serve both Hackney and Tower Hamlets boroughs which was expected to commence in late October 2009.
- The introduction of community prosecutors is a new initiative to make CPS prosecutors more visible in the community and to enable them to more effectively take into account community priorities when making casework decisions. Hackney is one of ten pathfinders for this initiative nationally. The borough community prosecutor has taken a proactive and enthusiastic approach to community engagement. Much of the focus to-date has been in awareness raising about the new approach with partners and developing contacts.

Strength

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.

- The BCP does not currently attend Crime and Disorder Reduction Partnership meetings but arrangements are in hand for the CPS to be invited to join these in the future.

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 polices

- Staff confirmed that good performance is frequently recognised and acknowledged by managers both verbally in one-to-one sessions and in writing. Good performance is also acknowledged more publicly at unit all-staff meetings, and from time to time examples are published in Capital News. Particularly noteworthy performance is brought to the attention of district and regional managers who often commend staff.
- Managers and staff treat each other with respect and demonstrate an understanding of the behaviours expected of them in keeping with the CPS dignity at work policy. Staff consider that managers are visible and approachable and that they feel able to raise any issues or concerns they may have. Good relationships between lawyer and administrative staff were apparent. Managers challenge inappropriate behaviour; for instance an example was seen where a CPS lawyer from outside the borough treated a member of borough staff in an inappropriate manner. This was taken up by the line manager resulting in an apology.

- We found a good level of morale and motivation with a clear sense of team working and shared optimism, despite the challenges facing the borough. This has developed from a low base when the integrated prosecution team structure was first implemented in April 2007. Over the last year, the new management team has worked hard to resolve the staffing difficulties and develop a more stable and stronger team.
- Staff diversity statistics are not kept at borough level. Senior managers consider the profile of the borough team is sufficiently diverse to reflect the needs of the communities served. The balance of staff between all the borough teams has been considered on a regular basis. Locally, equality issues have been considered as part of the district advocacy strategy, staff moves and the office move project. At the time of our inspection, an equality impact assessment of the SDVC was underway.

ANNEXES

A PERFORMANCE DATA

Aspect 1: Pre-charge decision-making

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough
Pre-charge decision cases						
	80.8%	76.2%	74.4%	80.5%	75.5%	77.3%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	13.1%	13.3%	14.1%	14.9%
Guilty plea rate	74.4%	69.8%	68.1%	74.2%	68.8%	68.2%
Attrition rate	19.2%	22.1%	23.7%	19.5%	23.0%	24.3%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	17.6%	11.8%	15.7%	19.5%
Guilty plea rate	72.9%	60.8%	57.4%	73.0%	61.1%	58.8%
Attrition rate	19.4%	27.3%	29.0%	19.5%	27.6%	30.1%

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 June 2009		
	National	CPS London	Borough	National	CPS London	Borough
	87.3%	86.0%	84.6%	87.3%	85.9%	84.6%

Trial rates

	Performance 2008-09		
	National	CPS London	Borough
Effective	43.4%	47.3%	40.2%
Cracked	38.0%	34.8%	36.0%
Ineffective	18.6%	17.9%	23.8%
Vacated	21.5%	16.3%	17.9%

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 June 2009		
	National	CPS London	Borough	National	CPS London	Borough
	80.8%	73.1%	70.9%	80.6%	72.7%	69.5%

Trial rates

	Performance 2008-09		
	National	CPS London	Borough performance 2008-09
Effective	47.1%	54.7%	50.4%
Cracked	40.8%	30.0%	33.3%
Ineffective	12.1%	15.2%	16.4%

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 June 2009		
	National	CPS London	Borough	National	CPS London	Borough
	71.9%	62.0%	64.7%	71.8%	61.0%	67.8%

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

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough
	82.0%	77.2%	74.5%	81.9%	75.5%	71.8%

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%	91.1%

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	85.5%	90.0%	87.9%	61.7%
Associate prosecutor deployment (as % of magistrates' court sessions)	24.8%	23.0%	20.5%	4.0%
Crown advocates. Counsel fee savings against target	110.0%	£4,200,000	99.3%	127.9% (district performance)
Sickness absence (per employee per year)	8.7 days	N/A	9.3 days	8.2 days

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

Police

Chief Superintendent P. Rickett, Borough Commander
Chief Inspector P Mills
Mrs K Nicholls, Witness Care Unit Manager

HM Courts Service

Mr S Hill, Snaresbrook Crown Court Manager
Ms S Gaffney, List Officer

Crown Court

His Honour Judge Radford, Honorary Recorder, Snaresbrook Crown Court

Magistrates' court

District Judge Mr M Read
Mr S Van Gelder, JP Chair of the Bench
Mr K McHale, Deputy Justices' Clerk

Victim Support

Mr S Bruwer Witness Service Manager

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 aspects¹⁰ 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.

¹⁰ 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.

If you ask us, we can provide a synopsis or complete version of this booklet in Braille, large print or in languages other than English.

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