

CPS London Borough Performance Assessments

Havering Borough

Executive Summary



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

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

The overall performance assessment of CPS London, Havering borough was **FAIR**.

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

Aspect	Score	Assessment
Pre-charge advice and decisions	3	Good
Decision-making, preparation and progression in magistrates' court cases	2	Fair
Decision-making, preparation and progression in Crown Court cases	2	Fair
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	0	Poor
Managing performance to improve	2	Fair
Managing resources	Not scored	
Management and partnership working	2	Fair
OVERALL ASSESSMENT	18	FAIR

Description and caseload

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

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

Havering has one office, at Stratford, and is part of the district which is aligned to the Crown Court sitting at Snaresbrook. Since June 2008 cases have been committed or sent to the Crown Court sitting at Basildon, although there are still a few earlier ones to be dealt with at Snaresbrook. In the future there are plans for staff to move to the local police station to form an integrated prosecution team (IPT).

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

As of September 2009 the borough had an average of 17.4 full-time equivalent staff in post and a budget of £705,300¹.

Staff	Numbers at September 2009
Borough crown prosecutor	1.0
Business manager	1.0
Crown prosecutors	5.4
Associate prosecutors	1.0
Caseworkers	6.4
Administrative support staff	2.6
Total (full-time equivalent)	17.4

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

	2007	2008	Percentage change
Pre-charge work (all cases referred to the CPS by police for a decision as to charge)			
Decisions resulting in a charge	1,222	956	-21.8%
Decisions not resulting in a charge ²	584	480	-17.8%
Total pre-charge decision cases	1,806	1,436	-20.5%
Magistrates' court proceedings³			
Magistrates' court prosecutions	2,342	2,389	+2.0%
Other proceedings	0	0	—
Total magistrates' court proceedings	2,342	2,389	+2.0%
Crown Court proceedings⁴			
Cases sent or committed to the Crown Court for determination	390	401	+2.8%
Committals for sentence ⁵	36	54	+50.0%
Appeals from the magistrates' court ⁵	76	86	+13.2%
Total Crown Court proceedings	502	541	+7.8%

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

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

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

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

The inspection team

Inspection teams comprise legal and business management inspectors working closely together. HMCPSI also invites suitably informed members of the public to join the process as lay inspectors. They are unpaid volunteers who examine the way in which the CPS relates to the public through its dealings with witnesses and victims; engagement with the community, including minority groups; handling of complaints; and the application of the public interest test contained in the Code for Crown Prosecutors. In this assessment, the lay inspector was unable to join the team because of an injury.

Summary of judgements

Contextual factors and background

Havering has been trying to deliver its business and manage a number of London and national initiatives during a period of substantial instability within the borough and district. The district has undergone significant structural and management changes while, until April 2009, the borough was part of a conjoined unit with Redbridge. The current BCP managed both units when they were conjoined and has been the BCP of Havering since the separation. This change has been undertaken while both boroughs have been preparing to relocate to police premises as part of CPS London's move to IPTs.

Summary

The quality of decision-making is sound. The evidential and public interest stages of the Code for Crown Prosecutors test were applied correctly in all of the cases in the file sample. Cases proceeded on the most appropriate charge in all instances.

The process for delivering pre-charge decisions (PCDs) has changed with the introduction of CPS London Direct (which provides charging decisions to the police from a central unit in 'volume' crime cases). The CPS now provides face-face pre-charge advice two days a week. There is a marked distinction between case outcomes in the magistrates' court, where the borough has exceeded its targets for cases subject to PCD in 2008-2009 and for the 12 months to 30 June 2009, and the Crown Court where it is under performing.

The proportion of magistrates' court cases that resulted in a successful outcome in 2008-09 was better than both the national average and the overall CPS London rate, and performance remained the same for the 12 months to June 2009. By contrast, the proportion of Crown Court cases that resulted in a successful outcome in 2008-09 was much lower than London overall. This is almost certainly attributable to inefficient and ineffective case progression systems. Performance has shown a slight improvement in the 12 months to June 2009.

Ancillary issues, including whether applications for special measures to assist witnesses or applications to admit bad character evidence or hearsay should be made, are generally considered at the PCD stage but prosecutors do not routinely pick up on the need for further action in full file reviews, which results in late applications being made. This adds to the difficulties the borough is having in progressing cases in the magistrates' court and more so in the Crown Court, where cases listed for trial are not being properly considered until shortly before the date of hearing.

The effective trial rate (the proportion of cases fixed for a contested hearing which actually proceed on the appointed day) in the Crown Court is better than the national average, although not as good as that for CPS London overall. The ineffective trial rate in the Crown Court in 2008-09 was much better than the national average and this may be attributable to the speedy listing of cases in Basildon Crown Court.

Instructions to advocates need to be improved. They tend to follow a template with little or no attempt to include a detailed analysis of the case or identification of strengths and weaknesses and did not contain instructions on acceptability of pleas, or address disclosure. Presentation of cases in both the magistrates and Crown Court is variable but inspectors found that it complied with the national

standards of advocacy. The associate prosecutor is highly regarded (CPS staff who are not lawyers but who are authorised to conduct certain cases in the magistrates' court after special training). Progress is generally made at each hearing. The crown advocate is not currently deployed in the Crown Court and there is a lack of monitoring both of in-house and external prosecutors.

As there are a limited number of specialist prosecutors cases involving allegations of serious violence, sexual offences, domestic violence and hate crimes are not always allocated to prosecutors with the appropriate experience or expertise.

Compliance with the prosecution's duties of disclosure is poor. Weaknesses include a failure to disclose to the defence material that is potentially undermining or assisting in a timely manner, decisions being made on inadequate descriptions in the police schedules and poor or incorrect endorsements on schedules. Where continuing disclosure is made it is served on the defence very late.

Systems to identify, monitor and review cases that are subject to custody time limits (CTLs) are robust and there has not been a CTL failure for three years. Systems applied to magistrates' court cases are a strength. Dip sampling needs to become embedded into practice and applications to the court to extend time limits should be made in writing unless there are exceptional circumstances.

The proxy target was not met in 2008-09 for the number of letters to be sent to victims to explain why a charge has been dropped or significantly altered. Timeliness of communications sent in respect of vulnerable and intimidated victims is an issue. Witness warning systems are satisfactory but the witness attendance rates targets have not been met. The relationship with the witness care unit is good but there is no awareness or monitoring of performance against the minimum requirements of the No Witness No Justice scheme.

Performance management needs to be strengthened and become more consistently embedded, alongside a regularised meeting structure. Performance analysis with partners, particularly the prosecution team performance management meeting, needs to evolve a clearer understanding of where performance can be improved. The borough also needs to introduce a regularised system of advocacy monitoring. Havering should prioritise on improving its performance systems around the optimum business model, disclosure and performance in the Crown Court.

The borough has limited responsibility for managing prosecution and non-ring fenced administration costs which are controlled at district level. It nearly met the target for deployment of in-house prosecutors in the magistrates' court and was better than the London average, although performance has significantly dipped in the first quarter of 2009-10. The target for the use of associate prosecutors was met and also exceeded the London average. The deployment of crown advocates is managed at district level where a dedicated advocacy unit has been established at the Crown Court. Systems to monitor and address sickness absences are in place, although sickness levels have been the third highest in London.

Since April 2009 the BCP and managers have needed to separate the conjoined functions of Havering and Redbridge, in preparation for the imminent move to IPT and relocation to police premises. Unfortunately not all functions have been divided, including administration, magistrates' court CTL management and sharing of lawyers. Whilst this situation gives both boroughs some resilience of resources, problems of role definition and resilience may arise when complete separation occurs. The consequences of these changes have meant the focus of borough management has been very much on day-to-day operational issues. Havering needs to build an effective communication strategy both internally and externally as an important vehicle for change and performance improvements.

Inspectors identified one strength and 11 aspects for improvement:

Strength

- 1 The CTL system of receiving, checking and monitoring CTLs in magistrates' court cases is robust (aspect 7).
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Aspects for improvement

- 1 The borough crown prosecutor should establish arrangements to ensure that cases are reviewed and necessary preparation work (especially relating to committals for trial) is undertaken on a timely basis (aspect 2).
 - 2 The borough crown prosecutor should institute regular monitoring of case management system finalisation codes to ensure accuracy and completeness (aspect 2).
 - 3 The borough crown prosecutor should put in place effective systems to improve Crown Court case progression and ensure timely compliance with court directions (aspect 3).
 - 4 The borough crown prosecutor and specialist prosecutors analyse the outcomes in sensitive cases and hate crime, with particular focus on cases involving violence against women, and take action to build and present stronger cases (aspect 5).
 - 5 The borough crown prosecutor should take steps to:
 - ensure compliance with the prosecution's disclosure obligations; and
 - quality assure disclosure decisions effectively and provide feedback to individual prosecutors (aspect 6).
 - 6 All requests to extend custody time limits should be made in writing unless exceptional circumstances exist (aspect 7).
 - 7 There is a need for systematic monitoring of the quality and timeliness of direct communication with victims letters to take place and for feedback to be provided (aspect 8).
 - 8 Formal arrangements should be established to discuss borough victim and witness performance issues with the police and court service (aspect 8).
 - 9 The borough should introduce a regularised and consistent system of monitoring in-house advocates and provide feedback (aspect 9).
 - 10 The borough should develop a communications strategy to formalise communication, internally and externally (aspect 11).
 - 11 The borough should develop a clear strategy on engagement to ensure appropriate community and partnership engagement which maximise the benefits to service delivery (aspect 11).
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Background to London borough assessments

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

Assessments

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

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

The findings from the assessments undertaken will be drawn together in a pan-CPS London report which will contribute to providing an overall picture of the area's performance. The report will also address a number of significant issues that have emerged as the assessments have progressed including the effectiveness of CPS London headquarters' operations and CPS London Direct, which now makes a significant proportion of the charging decisions.

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