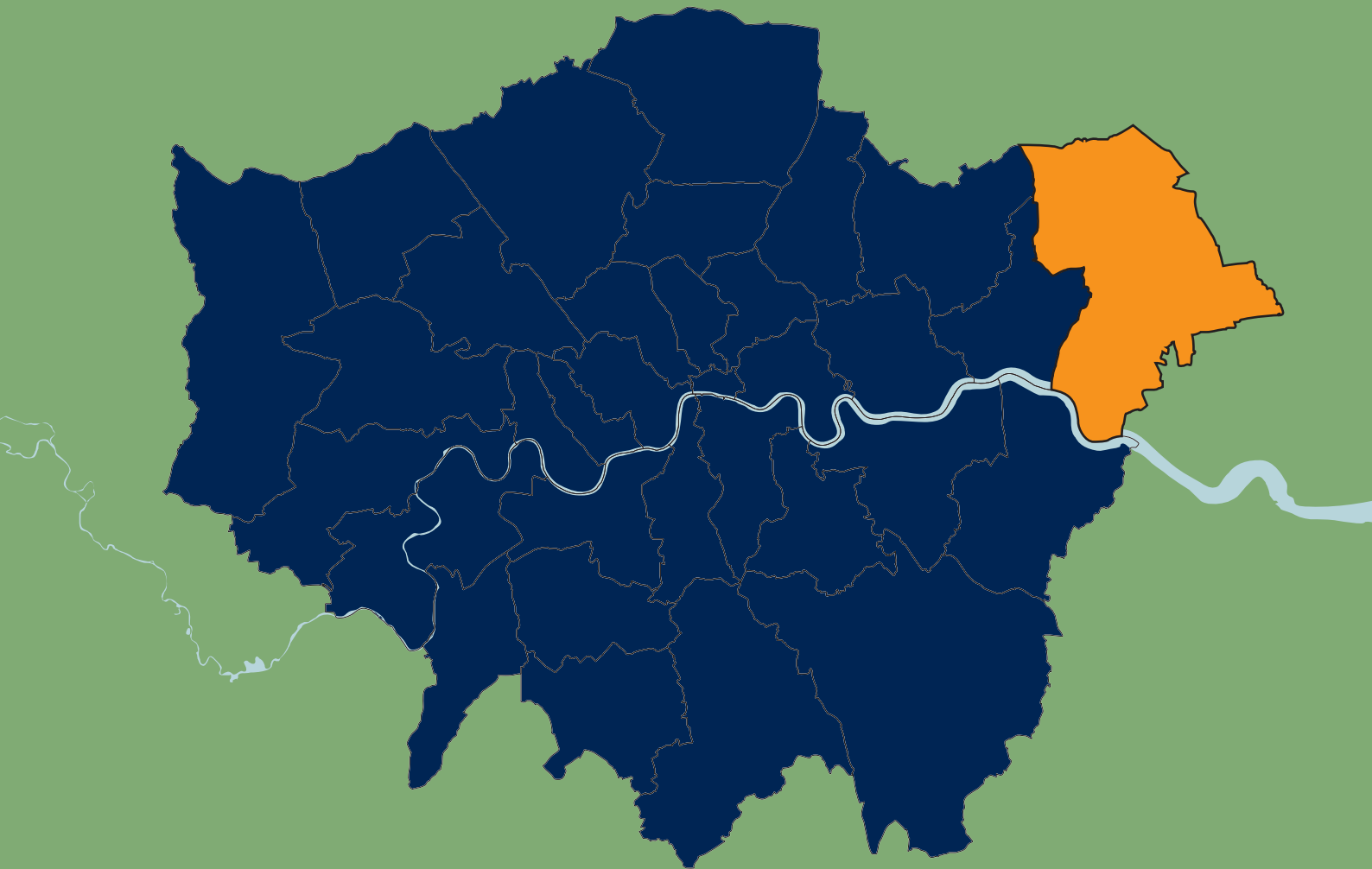


CPS London Borough Performance Assessments

Havering Borough

Undertaken September 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 in Havering 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 to join the process as lay inspectors. They are unpaid volunteers who examine the way in which the CPS relates to the public through its dealings with witness and victims; engagement with the community, including minority groups; handling of complaints; and the application of the public interest test contained in the Code for Crown Prosecutors.

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

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

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

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

Whilst borough performance assessment are not full inspections, significantly more evidence is collected and analysed than in area overall performance assessments. This enables 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 Havering 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 HAVERING 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.

Havering borough has one office, at Stratford. It is part of the CPS London district with is aligned to the Crown Court sitting at Snaresbrook, but since June 2008 Havering borough cases have been committed or sent to the Crown Court sitting at Basildon, although it still has a few earlier cases 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

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.

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%

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

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

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

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

C SUMMARY OF JUDGEMENTS

Contextual factors and background

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

Summary

The quality of decision-making is sound. The evidential and public interest stages of the Code for Crown Prosecutors (Code) 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 (CPSLD) – which provides charging decisions to the police from a central unit in volume crime cases. The borough now provides face-to-face pre-charge advice on 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 the borough 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 special measures, bad character evidence or hearsay applications 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 in the Crown Court is better than the national average, although not as good as that for London overall. The ineffective trial rate in the Crown Court in 2008-09 was much better than the national average which 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' court and Crown Court is variable but we found that it complied with the national standards of advocacy. The associate prosecutor is highly regarded. 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 are robust and the borough has not had a failure for three years. Systems applied to magistrates' court cases is a strength. Dip sampling needs to become embedded into practice and oral applications to the court to extend time limits should be made in writing except in exceptional circumstances.

Havering did not meet its proxy target 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 rate 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 (PTPM) 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. It should prioritise on improving performance systems around the optimum business model (OBM), disclosure and performance in the Crown Court.

Havering has limited responsibility for managing prosecution and non-ring fenced administrative costs which are controlled at district level. The borough nearly met its 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 figure. 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 both Havering and Redbridge boroughs in preparation for the imminent move to IPTs and relocation to police premises. Unfortunately not all functions have been separated including administration, magistrates' court custody time limit 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. The borough needs to build an effective communication strategy both internally and externally as an important vehicle for change and performance improvements.

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

Aspects for improvement

We 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).
-

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 CMS 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 DCV 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).
-

Summary of judgements

BOROUGH PERFORMANCE ASSESSMENT 2009	
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

D DEFINING ASPECTS

1 PRE-CHARGE ADVICE AND DECISIONS

Assessment
3 – Good

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

- The quality of decision-making at the pre-charge stage is good. We examined 27 cases in our file sample which had been the subject of a pre-charge decision (PCD) where the advice was to authorise charge. The evidential and public interest stages of the Code tests were applied correctly in all cases. In five of the 27 (18.5%) the threshold test was applied initially and the reasons for applying it were properly recorded.
- Ancillary issues including whether special measures, bad character evidence or hearsay applications should be made were considered appropriately in each of the 22 relevant cases.
- There was only one case in our sample where it was appropriate to consider restraint and confiscation proceedings at the pre-charge stage. This was identified by the duty prosecutor who set out the possibility of an application under the Proceeds of Crime Act 1996 (POCA) in the MG3 (record of charging decision).
- Overall the quality of MG3s prepared by borough prosecutors is of an acceptable standard. Ten were rated as good, eight fair and two poor. Performance was broadly similar to the MG3s completed by CPS Direct prosecutors. Action plans were routinely completed and overall met the required standard in 22 out of the 27 cases (81.5%).
- The level of charge advised at the PCD stage was appropriate in all cases.
- The magistrates' court outcomes for 2008-09 for cases subject to a PCD were better than those nationally and for CPS London and remained better than those for London for the 12 months to June 2009. The outcomes for Crown Court cases subject to PCD in 2008-2009 and for the 12 months to June 2009 were worse in all respects than those found nationally and in London.

	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%	76.8%	80.5%	75.5%	75.3%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	11.9%	13.3%	14.1%	11.1%
Guilty plea rate	74.4%	69.8%	76.1%	74.2%	68.8%	74.9%
Attrition rate	19.2%	22.1%	18.3%	19.5%	23.0%	19.9%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	20.4%	11.8%	15.7%	19.0%
Guilty plea rate	72.9%	60.8%	58.0%	73.0%	61.1%	55.8%
Attrition rate	19.4%	27.3%	32.3%	19.5%	27.6%	33.0%

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

- The overall conviction rate at 76.8% in PCD cases for 2008-2009 is lower than national performance although it is marginally higher than CPS London. The 12 month period to June 2009 shows a decline to 75.3%.
- Our assessment of overall performance balances the quality of the decision-making against other factors such as the subsequent case preparation and progression and the consequential outcomes which are not as strong, notably in relation to the Crown Court.

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

- The borough was providing face-to-face pre-charge advice from Monday to Friday at Romford Police Station until March 2009 when CPS London Direct (CPSLD) took over the provision of PCDs in volume crime cases. Havering now provides pre-charge advice two days per week delivered by the crown advocate (CA) and one other duty prosecutor. The resources allocated enable timely charging decisions to be made.
- All duty prosecutors are experienced but there are a limited number of specialists. The CA is the domestic violence and POCA champion and the BCP is available to deal with serious and complex cases where required.
- There are effective systems to ensure that cases are referred to the correct charging location and are being referred appropriately by police to CPSLD. Any concerns are referred to the BCP who raises them at PTPM meetings.
- Havering is managing the interface with CPSLD effectively. CPSLD has begun monitoring but it is too early to assess the impact of the service on the police and borough or to identify any trends.
- The number of police evidence review officers (EROs) has reduced over the last year which has impacted on the quality of file submission, with too many cases being referred too early or being referred where the police could have made the decision to take no further action. This is being addressed with the police. The expectation is that the number of inappropriate referrals can be reduced by the introduction of a local protocol when the borough moves to an integrated prosecution team (IPT) in November 2009, coupled with the EROs assuming responsibility for managing the electronic diary. The BCP will be involved in joint monitoring of this new approach.
- Police do on occasion charge cases which should be referred for pre-charge advice. Prosecutors are instructed to refer such cases to the BCP who raises them with the police at PTPM so that they can be investigated and addressed.
- Instructions to the advocate at court were included in seven of the 20 cases (35%) where a borough prosecutor provided the charging advice. Given that the associate prosecutor conducts the majority of the first appearances at court it is vital that this information should be present on the MG3.
- In each case examined, the police provided sufficient material to enable the prosecutor to make a properly informed decision.
- Use of the case management system (CMS) to record PCDs is good. All of the cases in our file sample had an MG3 completed on CMS and most were appropriately flagged. Inactive cases are well managed. In August 2009 there were only 76 inactive cases awaiting finalisation or updating. The borough is working to clear the backlog before the move to IPT.

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

Assessment
2 – Fair

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%	5.3%	8.7%	8.0%	4.7%
No case to answer	0.2%	0.3%	0.2%	0.2%	0.3%	0.3%
Dismissed after trial	2.0%	2.4%	1.8%	2.1%	2.5%	2.2%
Discharged committals	0.2%	0.3%	0.3%	0.2%	0.3%	0.4%
Warrants	1.6%	3.0%	1.7%	1.6%	2.9%	1.7%
Overall conviction rate	87.3%	86.0%	90.7%	87.3%	85.9%	90.7%

- The application of the evidential and public interest stages of the full Code test was in accordance with the Code in each of the 16 magistrates' court cases examined. However there was no effective system in place to ensure that cases that had been charged under the threshold test of the Code were subjected to a timely full Code review.
- Full file reviews were carried out, and met the required standard, in only two out of 11 relevant cases (18.2%) and there is no effective system in place to ensure that they are completed.
- Prosecutors do not always identify at an early stage what is required to build cases to ensure a successful outcome. Nor do they take timely action to request further information or to chase outstanding material, even where the prosecutor at the pre-charge decision (PCD) stage has set out what is required, with target dates for submission of the evidence or material by the police. Overall there was good proactive case management in only three cases (18.8%). In the remaining cases, case management was fair in eight cases (50.0%) and poor in five cases (31.3%).
- Cases proceeded on the most appropriate charge in all instances. There were no cases in the file sample where pleas had been accepted to different or fewer charges.
- There was one case in our file sample where a defendant had two linked cases involving the same co-defendants on both linked cases. Both cases were identified at the PCD stage and brought to the court's attention by the prosecutor at the first hearing. All three cases were properly linked on the case management system (CMS).
- The proportion of cases where the proceedings were discontinued is better than that found nationally or across London as a whole. In 2008-2009 5.3% of cases were discontinued compared to 8.0% in London and 8.7% nationally. There was a marked improvement to 4.7% for the 12 months to June 2009. There were seven cases in our file sample which had been discontinued. In each case the decision to discontinue accorded with the full Code test. In five (71.4%) of these cases the decision to discontinue was timely. None of the discontinuances could have been avoided by better case preparation.

- The borough crown prosecutor (BCP) authorises all discontinued cases unless circumstances make it impracticable. The paralegal business manager enters the details of all adverse outcomes on a spreadsheet and cross-checks with the information entered on CMS. Feedback to prosecutors is provided at team meetings or on a one-to-one basis.
- The proportion of cases where the committal proceedings were discharged by the magistrates' court because the prosecution was not ready and the court refused an adjournment was 0.3% of the borough's total case load in 2008-2009 which is the same as CPS London performance. There were six cases in 2008-2009 where committal proceedings were discharged. This represents 1.5% of all borough cases set down for committal. CPS London performance remained the same for the 12 months to June 2009 but the borough's performance deteriorated to 0.4%. There were 10 cases in that period where committal proceedings were discharged, which represent 2.3% of all borough cases set down for committal. There were no discharged committals in our file sample, but our file examination showed that committal papers are regularly served at court on the appointed day, having been put together quickly at the last minute, and on occasions with important supporting evidence still outstanding and awaited from the police.
- Overall case outcomes in the magistrates' court are sound and improving. The proportion of magistrates' court cases that resulted in a conviction in 2008-2009 is good at 90.7%, and exceeds CPS London performance of 86.0% and the national performance of 87.3%. Performance remained the same for the 12 months to June 2009.

2B Cases are prepared and progressed effectively

Trial rates

	Performance 2008-09		
	National	CPS London	Borough
Effective	43.4%	47.3%	53.5%
Cracked	38.0%	34.8%	33.6%
Ineffective	18.6%	17.9%	12.9%
Vacated	21.5%	16.3%	12.5%

- The Optimum Business Model (OBM) has been implemented on the borough but it has not been operating effectively. It was introduced at a time when Havering was still combined with Redbridge as a single unit. The OBM unit continued to handle cases from both boroughs until July 2009. The administrative staff still work to both boroughs. The borough acknowledges that the benefits of OBM are not being realised, due in part to a previous lack of dedicated resources and clear systems. The OBM is staffed by a temporary B1 manager and an administrator (A2). A prosecutor is deployed to the OBM for a half day each day of the week. The BCP introduced the use of a new spreadsheet in August 2009 for recording not guilty cases adjourned for trial as a means of monitoring urgent and outstanding actions, which are diarised with a record of ownership, but it is too early to assess its effectiveness.
- Files are routinely reviewed for trial at a very late stage and case preparation has suffered as a result. There was timely completion of court directions in only five out of 11 relevant cases and applications for bad character, special measures or hearsay were made on time in one out of five relevant cases. Overall, all aspects of case preparation were timely in only three out of 11 cases. Whilst the late receipt of papers from the police can contribute to the borough's difficulty in timely case preparation, some aspects of delay were attributable to the ineffective operation of the OBM.

Aspect for improvement

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.

- Criminal Justice: Simple, Speedy, Summary has been implemented in the borough and all cases in our file sample progressed at the first hearing. Prosecutors are proactive in taking the necessary actions following court hearings, and send prompt requests to the police for additional papers and for witnesses to be warned to attend cases adjourned for summary trial.
- The borough's effective trial rate of 53.5% in 2008-2009 is much better than CPS London at 47.3% and national performance at 43.4%. The ineffective trial rate for the borough at 12.9% is better than London performance (17.9%) and national performance (18.6%) for the year 2008-2009. Action by the prosecutor could have avoided an adjournment in two of the four ineffective trials in our file sample.
- The cracked trial rate at 33.6% is better than CPS London (34.8%) and national performance (38.0%). The main reason for cracked trials is late guilty pleas. The proportion of cracked trials attributable to the prosecution is 19.3%. The most common single reason for a cracked trial is the defendant pleading guilty on the day, and this was the case in both cracked trials in our file sample.
- Use of CMS to provide an audit trail of actions completed is variable with 22 (71.0%) of the files in our file sample rated as fair and four (12.9%) of the files rated poor. Only six files (19.4%) provided a good audit trail of actions completed. It is of concern that five (16.1%) of the files in our file sample were finalised incorrectly on CMS.
- Most of the decision-making is of good quality, but the lack of timely reviews, preparation and compliance with court direction is reflected in the assessment for this aspect.

Aspect for improvement

The borough crown prosecutor should institute regular monitoring of CMS finalisation codes to ensure accuracy and completeness

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

Assessment
2 – Fair

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%	18.7%	11.8%	15.9%	17.5%
Judge directed acquittals	1.0%	1.1%	0.7%	1.0%	1.3%	0.9%
Acquittals after trial	5.5%	8.5%	11.6%	5.5%	8.6%	12.3%
Warrants	1.1%	1.6%	1.0%	1.1%	1.6%	0.9%
Overall conviction rate	80.8%	73.1%	68.0%	80.6%	72.7%	68.5%

- The application of the evidential and public interest stages of the full Code for Crown Prosecutors (the Code) test at either the committal stage or service of the prosecution case accorded with the Code in all relevant cases in our file sample. There was a full file review which met the required standard in 12 out of 15 relevant cases (80.0%).
- The requirement to conduct a subsequent ad hoc review following a significant change of circumstances or the receipt of relevant additional material arose in 11 of the cases examined in the file sample and there was an ad hoc review in seven.
- Prosecutors and caseworkers are aware of the procedures for referring cases to the London Complex Casework Centre, and that the borough crown prosecutor is responsible for authorising such referrals. Currently, the borough has no cases which have been referred to the unit.
- Prosecutors do not always identify at an early stage what is required to ensure a successful outcome. Nor do they take timely action to request further information or to chase outstanding material, even where the prosecutor at the pre-charge decision stage has set out what is required, with target dates for submission of the evidence or material by the police. Overall there was good proactive case management in only two cases (13.3%). In the remaining cases, case management was fair in seven cases (46.7%) and poor in six cases (40.0%).
- The charges selected at the committal stage were correct in 14 out of 15 cases (93.3%). One indictment required substantial redrafting before the defendants were arraigned to enable the prosecution to put its case fully and clearly. The case involved three linked cases of three defendants facing numerous counts of rape and sexual abuse of children.
- Pleas were offered in two of the cases in our file sample, and in each, the acceptance was correct but no basis of plea had been recorded on the prosecution file.
- Our file examination indicated that there was appropriate linkage of Crown Court cases.
- Restraint and confiscation issues only arose in one case in our sample. The borough Proceeds of Crime Act (POCA) champion is available to assist prosecutors where issues arise, and will be conducting in-house training for colleagues on POCA applications.

- The rate for judge ordered acquittals (JOAs) in 2008-2009 was 18.7% which was considerably worse than that for CPS London (15.7%) and nationally (11.6%). There was a slight improvement in the 12 months to June 2009 with the rate improving to 17.5%. The borough has performed better in respect of judge directed acquittals (JDA) in 2008-2009 with a rate of 0.7% compared with 1.1% for CPS London and 1.0% nationally, although there has been slight a decline to 0.9% in the 12 months to June 2009.
- There were three JOA cases in our file sample, and in each there was a material change in the evidential strength or public interest since the pre-charge decision. We examined one judge directed acquittal. Although the outcome was foreseeable in all of these cases on the day of trial, none could have been avoided by better case preparation. The decision to drop the case was timely in two of the three JOAs. There was an adverse case report in only one of the JOAs and the JDA and this referred to a detailed file review in the file.
- Acquittals after trial in the borough were much worse in 2008-2009 at 11.6% compared with CPS London (8.5%) and national performance (5.5%). The rate for the 12 months to June 2009 shows a marked deterioration to 12.3%, which is significantly worse than that for CPS London (8.6%) and nationally (5.5%).
- The overall conviction rate for 2008-09 in the Crown Court was 68.0% which was well below the CPS London (73.1%) and national performance (80.8%). Performance has shown a slight improvement for the 12 months to June 2009.

3B Cases are prepared and progressed effectively

Trial rates

	Performance 2008-09		
	National	CPS London	All Basildon Crown Court cases ⁶
Effective	47.1%	54.7%	53.6%
Cracked	40.8%	30.0%	41.9%
Ineffective	12.1%	15.2%	4.6%

- Cases which are adjourned for the preparation of committal papers are monitored by a dedicated committals clerk, who records on a central spreadsheet all actions taken on a case before the plea and case management hearing (PCMH). The system is designed to ensure that reminders are sent to the police if papers are outstanding, but it does not monitor timeliness of preparation within the borough once the necessary papers are received.
- The borough has a dedicated Crown Court case progression officer (CPO) who is responsible for managing the progress of cases after the PCMH. The CPO attends weekly meetings with the police and the court to address trial readiness and to consider any listing issues. Cases are supervised by the paralegal business manager (PBM) for onward transmission to the lawyer and caseworker. The PBM manages any actions to ensure that caseworkers are addressing outstanding work in a timely manner. The timeliness and quality of case preparation on the borough was a central area of concern raised by criminal justice partners, and this was confirmed by our file examination. Outstanding actions are not properly addressed or appropriately chased up and witnesses are identified or warned close to the trial date. Overall the effectiveness of case progression could be improved

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

- Applications for special measures, bad character or hearsay evidence are generally made and served within the statutory time limits. Applications were made in a timely manner in three out of four cases in our file sample.
- There is a lack of proactivity on cases which are allowed to drift. Timeliness is a real issue. There was compliance with directions made before PCMH in three out of six relevant cases in our file sample and compliance with directions made at PCMH in two out of nine relevant cases.
- The borough is not currently handling any cases which are of sufficient seriousness or complexity to require oversight by a case management panel. However, at the time of our inspection there was no district provision for case management panels.
- The quality of instructions to counsel in our file sample was variable. Two cases (12.5%) were rated as good, six (37.5%) were fair and eight (50.0%) were poor. Routinely instructions followed a template with little or no attempt to include a detailed analysis of the case identifying strengths and weaknesses, nor did they contain instructions on acceptability of pleas, or address disclosure.
- The borough has committed cases to the Crown Court at Basildon since June 2008. The cracked and effective trial data for the Crown Court is not disaggregated to borough level and therefore includes cases handled by CPS Essex. The effective trial rate in 2008-09 was 53.6%, which is better than the national average, although not as good as that for CPS London overall. The ineffective trial rate is 4.6% which is significantly better than the national average (12.1%) and CPS London (15.2%). The proportion of ineffective trials attributable to the prosecution is 30.4% compared with 69.6% attributable to the defence. There were no ineffective trials in our file sample.
- The cracked trial rate, at 41.9%, is worse than that for CPS London overall (30.0%) and the national average of 40.8%. However the most common reason for a cracked trial is the defendant pleading guilty on the day (69.3%). The proportion of cracked trials attributable to the prosecution is 20.7%. There were two cracked trials in our file sample, none of which could have been avoided by prosecution actions.
- Again, our assessment has to balance the quality of the decision-making and selection of charges against poor timeliness and quality of preparation which has featured and contributed to the less satisfactory case outcomes.

Aspect for improvement

The borough crown prosecutor should put in place effective systems to improve Crown Court case progression and ensure timely compliance with court directions.

4 THE PROSECUTION OF CASES AT COURT

Assessment

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**

- All prosecutors in the magistrates' court are experienced advocates. Prosecution advocates are described as generally proactive rather than reactive. This was confirmed by our court observations. The view of criminal justice partners is that most prosecutors display a comprehensive knowledge of their cases and are able to deal with any issues raised by the court and progress cases effectively. Prosecutors can have limited time to prepare when cases are transferred between court rooms at short notice.
- Progress was made at the first hearing in all of the cases in our file sample. In seven cases there were subsequent unnecessary adjournments, two of which were attributable to the prosecution. The reason in both cases was late service of unused material.
- The quality of endorsements in the magistrates' court is variable. The borough has identified it as an area where further work is needed. A number of endorsements are very poor, lacking legibility, detail and clarity. Crown Court endorsements are on minute sheets, and are generally better. In our file sample the quality of endorsements was good in six out of 30 relevant cases (20%), fair in 18 cases (60%) and poor in six cases (20%). The borough has produced a guidance document which will be shared with counsel instructed by the borough.
- Our limited advocacy observations as part of this assessment indicate that all advocates observed met the CPS national advocacy standards. Criminal justice partners considered that the standard of advocacy varies from very good to poor, with a few prosecution advocates lacking in certain basic skills, particularly in relation to examination of witnesses.
- Prosecution advocates arrive at court in a timely manner and generally comply with the Prosecutors' Pledge, Victims' Code of Practice and Witness Charter. The prosecutors work well with the Witness Service and introduce themselves to victims and witnesses and ensure that they are kept informed of the progress of cases 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**

- There were 17 cases in our file sample involving allegations of serious violence, rape and other sexual offences, domestic violence and hate crime, all of which were correctly identified and flagged on the case management system.
- There are a limited number of specialists on the borough which means that cases are not always allocated to prosecutors with the appropriate experience or expertise. At the time of our visit, the borough had one domestic violence specialist who was also the Proceeds of Crime Act specialist and a monitored rape specialist. The borough has access to the rape specialist in Redbridge as the two boroughs currently share office space. The borough community prosecutor will focus on domestic violence and hate crime. In addition, prosecutors can seek assistance from the borough crown prosecutor or district specialists.
- In each of the 17 relevant cases in our file sample the evidential and public interest stages of the full Code test accorded with the Code at the pre-charge decision (PCD) stage and full file review stage. The charges proceeded with reflected the seriousness and nature of the offending and gave the court adequate sentencing powers in all cases.
- Borough specialists do not have a role in monitoring performance or in providing feedback on outcomes or lessons learnt. It is intended, however, that the borough community prosecutor will have such a role in relation to domestic violence and hate crime.
- The borough has no specific plan to implement the CPS Violence against Women (VAW) strategy, which includes domestic violence cases, but is making some contribution to it in so far as rape and other sexual assault cases are generally handled better than other types of casework. There were six domestic violence cases in our file sample and the quality of review was good with enhanced evidence considered at the PCD stage in all cases. The impact of possible withdrawal of support by the victim was considered appropriately. There were two cases where applications for special measures were made out of time despite being addressed at the pre-charge stage.
- The level of successful outcomes in VAW cases needs to be improved. Although the borough was in line with CPS London during 2008-2009, it was significantly below the national average. In 2008-09, 61.3% of VAW cases resulted in a successful outcome. There was a slight decline to 60.8% in the 12 months to June 2009.

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%	61.3%	71.8%	61.0%	60.8%

- The borough met and exceeded national and London performance in respect of outcomes in all hate crimes in 2008-09. The borough achieved successful outcomes in 86.2% of cases compared with 77.2% for CPS London and 82.0% nationally. However performance deteriorated significantly in the twelve months to June 2009 with the successful outcomes rate declining to 77.8%.

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%	86.2%	81.9%	75.5%	77.8%

- The borough has no working relationship with the local Safeguarding Children Board.

Aspect for improvement

The borough crown prosecutor and specialist prosecutors should 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.

6 DISCLOSURE

Assessment

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

- There was compliance with the duty to provide initial disclosure in eight out of 27 relevant cases (29.6%) in our file sample. Failures included inadequate descriptions in schedules provided by police and poor to inadequate endorsements on schedules. There was one case where there was a failure to disclose potentially undermining or assisting material, but this was ultimately disclosed to the defence at a later stage.
- Initial disclosure was timely in eight cases. Unused material schedules are sometimes provided late by the police and they are not chased up.
- There were 13 cases where there was a need to consider continuing disclosure. The duty was complied with in two cases (15.4%). Failures included very late disclosure and disclosure of items which did not undermine the prosecution case or assist the defence. In no instance was there a failure to disclose potentially undermining or assisting material.
- Prosecutors are still referring incorrectly to primary and secondary disclosure instead of initial and continuing disclosure.
- Endorsements of the MG6C schedules by prosecutors routinely contained no reasons for decisions reached. In 20 out of 21 relevant files (95.2%) no reasons were given for material marked CND (clearly not disclosable) and/or D (disclosable). The MG6D schedules were unsigned by the prosecutor in 14 out of 17 cases (82.4%). In the remaining four there was no MG6D schedule, nor was one requested by the prosecutor.
- There were no cases in our file sample involving public interest immunity (PII) applications. Prior to the departure of the district crown prosecutor (DCP) in August 2009 all applications for PII allowing the prosecution to withhold certain sensitive material from the defence were handled at district level. However two borough crown prosecutors (BCP) in the district have been delegated specific responsibility to deal with any PII hearings until a new DCP is appointed. Any relevant records are kept securely at district headquarters.
- The use of the disclosure record sheets (DRS) to record the chronology of disclosure decisions and the reasons for them needs to be improved. A DRS was present in 24 out of 30 files (80.0%) but the records were only partially completed in that they did not include all actions or reasons for decisions. Only one sheet was properly and fully completed. Disclosure documentation and correspondence was not always stored in separate disclosure folders, albeit housekeeping was better in Crown Court files than magistrates' court files.
- The CPS Business Development Directorate carried out a disclosure file review in the Snaresbrook District in May 2009, which identified the same failings as in this assessment. There is no borough disclosure champion. The borough crown prosecutor has issued guidance following the review, aimed at improving performance. It is too soon to monitor any performance.
- There has been no training on disclosure but a need has been identified by the unit for training, including joint training with the police when the unit becomes an IPT site.
- There is no local protocol with social services for the disclosure of third party material. Applications for third party disclosure were made in one case in our file sample against three social services departments, and this process was well handled.

Aspect for improvement

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.
-

7 CUSTODY TIME LIMITS

Assessment

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 HMCPSI'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, particularly as it is likely that staff roles and personnel may change when it moves into the integrated prosecution team (IPT) site with Havering police, making continuity and experience an issue in respect of CTLs.
- The borough also completed a peer review with Redbridge borough that identified a number of potential weaknesses to the existing processes. The recommendations in the peer review have been implemented on the borough to ensure effective identification, flagging and monitoring of CTL cases. The borough crown prosecutor (BCP) has delivered unit training and circulated CTL bullet points which clarify the roles and responsibilities of all staff in respect to CTLs. CTL issues are also a standing agenda item at borough meetings.
- Although the peer review identified several potential weaknesses to the systems adopted, there have been no reported CTL failures for at least three years. A sample of Crown Court and magistrates' court CTL case files were examined, which indicated that CTL compliance is working well. Expiry dates on all files were correctly calculated; in general the endorsements on the files were very good; on Crown Court files the CTL status was clearly shown on the front cover; on magistrates' court files the CTL status was explicitly shown on the front cover and throughout the file with each endorsement followed by a 'custody' stamp which indicated the continuing custody status as well as indicating that the file was being continually monitored; and on all files there were clear indications that the files had been monitored with clear file notes made to lawyers of any actions that needed to be taken in respect of the CTL status.
- Only one file indicated that custody time limits had been agreed with the court or defence. Two magistrates' court files indicated that oral applications to extend the custody time limit should be made by the lawyer at court, even though there was adequate time to make a written application. This appeared to be a common practice and not in accordance with guidelines.
- The borough has not succeeded in agreeing a system of CTL management with either the magistrates' court or Crown Court. Instructions have been provided to prosecutors to involve the clerks at magistrates' court in the agreement of CTL expiry dates. In the Crown Court enquiries concerning CTLs tend to be made in open court by the judge. Our court observations indicated a mixed picture of the way CTLs were handled at court. In one case the CPS representative was very proactive in agreeing dates with the clerk of the court but in another case, enquiries concerning CTL dates were initiated by the clerk of the court and the CPS representative did not seem confident in calculating the CTL expiry date.
- The magistrates' court CTLs are managed and monitored by a manager who also undertakes the management of the Redbridge Magistrates' Court files. This mutual arrangement will cease when both boroughs move to IPT. Crown Court CTLs are managed and monitored by the borough's paralegal manager. In accordance with London protocols, CTLs are managed and recorded on the case management system and in a written diary. Both these systems complied with guidelines. In addition a white board system is operated for magistrates' court cases to give an overt, visible reference to the current status of CTL cases.

- The borough does not have a CTL champion but the manager for both the magistrates' and Crown Court CTLs are experienced and are fully conversant with the procedures, law and national guidance. Other relevant staff have received CTL training and CTL issues feature prominently with meeting between the BCP and borough staff.

Strength

The CTL system of receiving, checking and monitoring CTLs in magistrates' court cases is robust.

Aspect for improvement

All requests to extend custody time limits should be made in writing unless exceptional circumstances exist.

8 THE SERVICE TO VICTIMS AND WITNESSES

Assessment

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

- The borough adopted the pan-CPS London instructions for complying with the direct communication with victims (DCV) initiative in May 2009. A joint DCV coordinator has been appointed to manage and monitor letters sent by both Havering and Redbridge prosecutors.
- The borough did not meet the proxy target set for the number of letters to be sent to victims under the DCV scheme and Victims' Code. In 2008-09 the borough sent 96 letters (89.7%) against a proxy target of 117. This may mask a more significant shortfall since other inspection activity has demonstrated that the CPS system of proxy targets usually understates what is required for full compliance. As a result of our other inspection work the CPS has suspended the proxy target in October 2009 pending a re-evaluation of how it should be assessed. There were seven cases in our file sample where the DCV scheme was engaged. In none of those cases had a DCV letter been sent to the victim. Information reports were recorded on the case management system which makes it clear that there was verbal communication with the victims and witnesses but this does not comply with the scheme.
- Timeliness of communications sent in respect of vulnerable and intimidated victims is unsatisfactory. Only 55.6% of letters were sent to vulnerable and intimidated witnesses within the one day time limit against the CPS London average of 65.9% and 78.9% nationally. In respect of other victims the number of letters sent within the time limit is better at 97.9% for the same period which exceeds CPS London average of 83.1% and 88.6% nationally.
- The needs of victims and witnesses are generally considered at the pre-charge decision stage. In our file sample, at the pre-charge stage, the needs of victims and witnesses and related issues were considered in 16 out of 19 relevant cases (84.2%). However, it was less apparent that these needs were considered as the case progressed to summary trial, particularly now, save in exceptional circumstances, there is no case management hearing in the magistrates' court.
- Victim personal statements (VPS) which record the impact of crime on the victim, should have been considered in 16 of the cases in our file sample, and yet in only one case (6.3%) had any consideration been given to the victim being asked to make a VPS. The witness care unit (WCU) send out leaflets to victims of crime but take the view that the drive needs to come from the police and CPS at the pre-charge stage. A more cohesive approach is required on the part of the police, CPS and the WCU which is intended to be a joint responsibility.
- Special measures applications were not always timely even in those cases where the witness would automatically be eligible for enhanced levels of support. In other cases it was not apparent that individual needs had been considered with the police, and in cases where the police were tasked to undertake a needs assessment, prosecutors had not picked up on the need for further action in the full file reviews.
- The WCU is based at Romford Police Station and is managed by the police and has one CPS member of staff. The relationship between the WCU and CPS is generally good but works better in the magistrates' court. Witnesses are generally warned in a timely manner following a not guilty plea, and the witness care officers keep the prosecutors informed of witness issues. Timeliness is sometimes a cause for concern in the Crown Court as the notification of witness required to attend can be sent two to three weeks late. Occasionally witness details and requirements are not up to date which results in witnesses not being warned when their attendance is required or vice versa. However the witness attendance rate was 89% against a target of 90% in 2008-2009.

- Although performance data on primary and secondary measures is provided on a London-wide basis there has been no attempt to undertake any analysis at a local level, even where data such as witness attendance rates is produced. The borough has identified witness difficulties as one of the main causes of cases not being able to proceed at trial. Whilst the long delay before trial in Snaresbrook Crown Court may well be a factor, this is not applicable to the majority of the borough Crown Court cases which are now heard at Basildon. It is more likely that the lack of support offered to victims after charge, particularly in domestic violence cases, is a major reason. The borough needs to undertake more analysis of the reasons for victim or witness nonattendance at trial and take steps to improve the service it provides.
- The borough does not have a nominated champion for victims and witnesses nor is there any strategy or plan in place to deliver the CPS business plan objective to champion the rights of victims and witnesses. The borough criminal justice group (BCJG) does not have a separate victims and witnesses subgroup and issues tend to be discussed on an ad hoc basis, or through the forum of prosecution team performance management meetings or the effective trials sub groups. This is not ideal given that all the criminal justice agencies within the borough identify victim and witness issues as a significant cause of attrition.

Aspect for improvement

There is a need for systematic monitoring of the quality and timeliness of DCV letters to take place and for feedback to be provided.

Aspect for improvement

Formal arrangements should be established to discuss borough victim and witness performance issues with the police and court service.

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**

- The assessment of qualitative issues concerning casework is primarily undertaken through the national casework quality assurance (CQA) scheme. The borough crown prosecutor (BCP) assesses a number of files monthly which enables them to make an assessment of most aspects of the prosecution process. The BCP uses the information to elicit trends or particular issues of concern and raises these at meetings (internally and externally) as well as giving any necessary feedback to the lawyer or individual, although the introduction of the optimum business model (OBM) has reduced levels of case ownership for magistrates' court work which has resulted in less one-to-one feedback to individual lawyers. In 2008-09 Havering and Redbridge, as a conjoined borough, achieved an 88.9% compliance rate for CQA volume compared to a London average of 84.8%. The CQA forms completed by the BCP indicated a number of areas where performance could be improved and actions were raised demonstrating that qualitative checking is taking place.
- Adverse cases are flagged and prepared by the paralegal business manager and are then analysed by the BCP. Trends or issues are circulated internally to lawyers, with CPS Direct and externally to police where they are discussed as part of prosecution team performance management (PTPM) meetings.
- There is no consistent monitoring of in-house advocates. Advocacy assessments were undertaken by the London area advocacy trainers in late 2008 and feedback was given to advocates at court on a one-to-one basis, although no feedback was given to the BCP regarding overall borough performance. The BCP does not undertake any formalised system of monitoring in-house advocates or agents, although this is intended to be done in the near future. Feedback is given from other court users. External evidence from criminal justice partners suggests that the standard of advocacy in the magistrates' court is variable but some concerns were raised about case preparation.
- The recent separation of functions from Redbridge borough has meant that the BCP is now able to focus solely on performance issues of Havering borough. Changes have been made to OBM processes, custody time limit procedure, direct communication with victims (DCV) performance, disclosure handling, case progression at the Crown Court and better monitoring of finalisations to address the borough's weak performance. The borough has yet to develop a more proactive approach to performance management. The borough has undergone some significant managerial and structural changes within the past 12 months and its imminent move to an integrated prosecution team (IPT) will mean further structural and cultural changes to working practices. It is understandable therefore that a consistent performance framework is yet to emerge and become embedded.
- At times the borough has found it difficult to deliver all its business effectively and there have been slippages in performance. Some resilience has been maintained through the sharing of Redbridge and Havering resources, and some joint resource sharing continues, including court coverage by lawyers. The move to the new IPT site may effectively put an end to this mutual assistance. However it is not known which borough has been the greater beneficiary of shared resources as no accurate records have been kept. Consequently, it has not been possible to assess the impact of the impending separation of functions. The district business manager and district crown prosecutor also monitor performance at the district level and have the ability to adjust resources within the district where there is a clear business need, although instances are rare because of the mutual assistance offered by the two boroughs.

- Performance data which links into the CPS key performance indicators is provided to borough managers from the CPS London performance unit, and reviewed as part of the district management team meetings. Performance data is provided for all boroughs, districts, and other operational units within CPS London, and allows for data to be compared. Boroughs contribute to the quarterly report submitted by the district to CPS London. Performance is rated against the key performance indicators using a traffic light system. The BCP has regular performance meetings at district level and actions for improvement are agreed upon. Performance is discussed at borough level meetings although these can often be ad hoc. However, not all staff are familiar with the current performance of the borough, although performance measures are displayed throughout the office environment.
- Most individuals believed that their performance appraisals contained pertinent objectives to their role and position although most were unaware of how they contributed to the district or area plan. Due to changes in management not all appraisals have been completed or completed in time and mid-year reviews were rare.

Aspect for improvement

The borough should introduce a regularised and consistent system of monitoring in-house advocates and provide feedback.

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

- The BCP is committed to the effective joint management of performance and attends a range of CJS and multi-agency meetings. These include the borough criminal justice group, Crown Court user group, local domestic violence multi-agency group and the PTPM meetings with police. In addition the BCP holds ad hoc meetings with all major agencies and is in regular communication to address issues and concerns. The meetings and groups address and improve various aspects of performance. There has been some success with improvements in domestic violence outcomes and with cracked and ineffective trials where reasons due to prosecution fault are low.
- The PTPM meetings have not been held regularly and while the relationship with the police is good, some frustrations exist concerning consistency, regularity and focus of PTPM meetings. Critical analysis and clear understanding of performance issues has yet to evolve and therefore neither agency is able to evidence improvements in performance driven by the PTPM process.
- There is generally good sharing of performance information between agencies, in particular with the police and courts. Relevant prosecution team performance reports, domestic violence and adverse outcome reports are provided to police for the PTPM meetings albeit with the limited benefit described above.
- Prosecutors are encouraged to complete cracked and ineffective trial forms at court to ensure the correct reasons are accurately recorded. This data is made available in a timely manner and is then analysed to pinpoint where improvements can be made. CPS managers are also working with the courts to deliver a balance of court sessions which is commensurate with the level of cases, aimed at improving joint performance.

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.
- In 2008-09, the borough's budget for NRFAC was £976,000 of which 96.3% was spent. However, the under-spend against budget was used to subsidise over-spend elsewhere in the district. In 2009-10, Havering's budget for NRFAC has decreased to £705,300. Whilst this represents a substantial decrease in funding, some responsibilities have been taken away from the borough. Casework fluctuations and the integrated prosecution team (IPT) roll-out also add to the complexity of the borough's budget allocation.
- Borough staffing resource issues are the responsibility of the district crown prosecutor and district business manager (DBM) and regular reviews take place with the borough crown prosecutor (BCP) to ensure the staffing resources are deployed on an efficient basis and in accordance with the budget share.
- The CPS Havering, along with the London units, is currently undergoing substantial changes to its structure and will move to new accommodation as borough prosecution units co-locate with police as part of the IPT change programme. At the time of our visit, Havering expected the physical move to be completed in October 2009 and expect to be operational by January 2010. Both Havering and Redbridge boroughs used to be a conjoined unit, which shared resources and had one BCP. Since the beginning of the 2009-10 financial year, and in preparation for IPT, Havering has had its own BCP and gradually shared functions of Havering and Redbridge have been separated although some still remain, particularly with administrative staff. A planned reorganisation including additional training, where necessary, is continuing to ensure that when the move takes place the remaining staff on the borough have sufficient skills to continue the remit of tasks that are currently shared.
- As a result of the London-wide IPT rollout, the area has implemented a preference process exercise whereby borough staff indicate on which particular borough they would wish to work. This process has not been without certain difficulties (see aspect 11) and therefore the borough is not entirely sure who from the current staff will be moving to the new site. The management of this change is the responsibility of CPS London headquarters.
- In August 2009 the borough had 17.4 full time equivalent staff. In the last few years the resources allocated to the borough have fluctuated and the sharing of resources with Redbridge has meant that both boroughs have not operated within defined staffing parameters. There is limited contingency for staff absence which presents a risk to the effective delivery of business. It is anticipated that the move to IPT will strengthen service delivery as well as provide better communication between the CPS and police. One of the stated benefits will therefore include maximising the efficient deployment of staff thereby enhancing resilience. However the new staffing parameters and the lack of available mutual resilience from Redbridge will need to be managed carefully at borough and district level.

- The BCP sets clear expectations for the deployment of lawyers and the associate prosecutor. For lawyers, this includes delivering pre-charge decisions, magistrates' court and Crown Court advocacy and also deployment in the optimum business model unit. The borough advocacy strategy is part of the wider strategy for the effective deployment of borough staffing resources and complements the district and CPS London advocacy strategy.
- The borough has one associate prosecutor (AP) who is deployed exclusively to presenting cases. In 2008-09, 23.9% of court sessions were covered by the AP, slightly exceeding the borough target of 23.0% and was higher than the London average of 20.5%. For the first quarter of 2009-10 AP session coverage has improved, in part because of agreements between the borough and the court to increase the number of sessions that can be covered by the AP. The deployment of the AP in Havering has been singled out by criminal justice partners as being particularly effective.
- In 2008-09 the in-house sessions for lawyers fluctuated significantly because of long term illness. Nevertheless the borough almost met its target of 90.0% for the deployment of in-house prosecutors at the magistrates' court, achieving 89.9% sessions compared to the London average of 87.9%. In-house coverage has declined in the first quarter of 2009-10 to 79.8%.
- The deployment of crown advocates is controlled and managed at district level and a dedicated crown advocacy team has been established at Snaresbrook Crown Court. There is no specific savings target for Havering borough although the borough contributes to the resources of this team.
- There have been high sickness absence levels within the borough. In 2008-09, the borough had the third highest sickness levels in London with average sick leave at 17.4 days compared to the London average of 9.3 days. With the gradual separation of staff into borough-based units and the employment of a dedicated BCP for the borough, sickness is now tackled more proactively, which has resulted in some reduction in the overall sickness levels for the borough. Back to work interviews are conducted and appropriate occupational health and wellbeing referrals are made. The DBM also has a pro-active involvement in analysing the level and types of sickness on borough and district level and will advise the BCP where appropriate to do so.
- Managers are sympathetic to requests for flexible working to enable staff to achieve their individual work/life balance and various working patterns exist. However, these flexible conditions can be difficult to manage during periods of unexpected absence. The challenge for the district and London, as a whole, is to ensure a balance of necessary skills and working practices as the borough moves towards IPT. These challenges have been recognised by CPS London and work is ongoing to address some of the major issues flexible working poses.

11 MANAGEMENT AND PARTNERSHIP WORKINGAssessment
2 – Fair**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**

- The borough does not have its own borough business plan but contributes to the Snaresbrook District business plan. District planning focuses on the London area delivery plan and identifies key priorities for the area together with aspects which need to be improved at a district level. Whilst the borough activities contribute to the district plan the borough does not have an action plan to deliver these; borough managers rely on an understanding of what needs to be delivered and are focused on delivery of the day-to-day service, the best use of resources, and actual operational delivery. Borough performance of common targets is discussed at borough and district level and adjustments and actions are raised accordingly. Formal business planning is therefore limited, and the borough business is delivered through internal meetings, external meetings with its criminal justice partners and by performance management.
- The key priorities for the borough crown prosecutor (BCP) centre around addressing current performance issues: improving performance in disclosure; improving performance in the Crown Court; and ensuring an effective optimum business model (OBM) unit and the wide range of issues of moving to an Integrated Prosecution Team (IPT).
- The IPT move has not been within the control of the BCP and is being handled centrally. Both the IPT move itself and the change programme generally has caused anxiety among staff which has affected morale. Coupled with significant management and structural changes, it is understandable that staff perception is one of a lack of direction. Although anxiety still exists with issues of IPT, in general, most staff and managers consider that the move will eventually improve staff morale and performance issues.
- The BCP and other managers understand their responsibility for implementing policy and delivering targets set in the district plan. Meeting business expectations has required a flexible approach by all staff including managers who have adopted a 'hands on approach' to ensuring work of all levels is delivered. This has included doing their best to support their own team as well as cooperating with other teams from Redbridge borough to ensure work is done and also help achieve desired performance outcomes.
- Because of the changes to management, borough structure and the various change initiatives, team meetings have been infrequent and have lacked consistency. Many have been ad hoc or called at short notice and are now held on a quarterly basis due to staffing commitments. There has also been a lack of consistent approach. The BCP and other managers are open with, and accessible to, staff, and generally, despite the lack of an embedded framework of meetings, there is collaboration and dissemination of key messages. The borough should ensure that meetings are more regular and formalised, and should also develop a formal communication strategy for internal or external communication.
- Borough managers have not developed a formal planned approach to risk management as part of the daily management of services, but risks to business delivery are recognised and discussed as part of meetings. Specific risk assessments are conducted for change initiatives such as IPT although London-wide or national change initiatives are captured centrally and monitored at the local implementation level. Overall, a more formal approach to risk management should be adopted particularly as part of the planning around core business delivery.

- The borough recognises that there is a need for a more formalised training plan to reflect the needs of the individual and organisation. Whilst the BCP has ensured staff have received training in key performance areas such as domestic violence, child abuse, sexual offences, the streamlined process and OBM: there remains room to improve the way training needs are captured and delivered. A good deal of self-training and desk side training occurs which is not necessarily captured, recorded or quality assured. Focussed training has been identified as a priority, as the borough moves to the IPT, to ensure appropriate staff development and support delivery of key priorities.

Aspect for improvement

The borough should develop a communications strategy to formalise communication, internally and externally.

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

- The BCP and other borough staff are developing an open and constructive approach with their criminal justice partners despite the difficulties the borough has experienced with management and structural change which has been a source of frustration to other agencies. Liaison is generally supportive with relationships being improved and strengthened, and goodwill demonstrated between the criminal justice agencies and other stakeholders.
- At the strategic level, the borough actively participates in the borough criminal justice group, where CJS business and overarching Public Service Agreement targets are discussed. The BCP attends the Crime and Disorder Reduction Partnership meeting which has a broader perspective on tackling crime within the borough. Prosecution team performance management meetings need to become more effective in addressing joint performance issues. At an operational level borough staff work in cooperation with their criminal justice colleagues. There is shared ownership for delivery of day-to-day criminal justice business.
- Many of the initiatives that the borough has implemented have been joint initiatives such as Criminal Justice: Simple Speedy Summary Justice and the Director's guidance on the streamlined process, statutory charging and No Witness No Justice. Other CPS-driven initiatives such as OBM and conditional cautioning have been prescribed from the centre and adopted by the borough. As a consequence, borough-based initiatives have been limited. However, the borough has recently been able to dedicate a borough community prosecutor who will proactively engage with the community to raise awareness of how the CPS works and to provide an understanding to borough staff of the needs and key priorities from a community perspective. The development of the community prosecutor approach is a major new initiative for the CPS and brings with it new ideas of how modern prosecutors should engage with communities, although their full remit has not yet fully evolved. The borough's community prosecutor has attended several events including a presentation to the Havering Community and Police Consultative Group, which was well received. It is too early to evaluate how effective this initiative will be at borough-level. Nevertheless the borough should develop a clear community engagement strategy at borough level to ensure appropriate community and partnership engagement which is measurable and maximises the benefits to service delivery.

Aspect for improvement

The borough should develop a clear strategy on engagement to ensure appropriate community and partnership engagement which maximise the benefits to service delivery.

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

- Good performance is recognised and praised in meetings, through the email system, in Personal Development Reviews and via one-to-one meetings with staff. The BCP is keen to ensure that staff identify good work and forward it onto the London communication publications, via the area communications team. Discussions with staff indicated that, in general, there was ample recognition of good performance.
- When Havering separated from Redbridge in July 2009, the BCP set out a clear team ethos for the new unit at the first team meeting and included expectations regarding values and standards. It is clear that most staff display a good team spirit and treat each other with respect. No substantiated complaints have been made by staff about their treatment by managers.
- The make-up of staff in the borough office generally reflects the local community served; however there is no ability to control this aspect at borough level. Diversity and recruitment is managed at a London-wide level. Locally, equality issues have been considered as part the advocacy strategy, staff moves and the office move when separating the boroughs, to ensure staff are more integrated.

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%	76.8%	80.5%	75.5%	75.3%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	11.9%	13.3%	14.1%	11.1%
Guilty plea rate	74.4%	69.8%	76.1%	74.2%	68.8%	74.9%
Attrition rate	19.2%	22.1%	18.3%	19.5%	23.0%	19.9%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	20.4%	11.8%	15.7%	19.0%
Guilty plea rate	72.9%	60.8%	58.0%	73.0%	61.1%	55.8%
Attrition rate	19.4%	27.3%	32.3%	19.5%	27.6%	33.0%

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%	90.7%	87.3%	85.9%	90.7%

Trial rates

	Performance 2008-09		
	National	CPS London	Borough
Effective	43.4%	47.3%	53.5%
Cracked	38.0%	34.8%	33.6%
Ineffective	18.6%	17.9%	12.9%
Vacated	21.5%	16.3%	12.5%

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%	68.0%	80.6%	72.7%	68.5%

Trial rates

	Performance 2008-09		
	National	CPS London	All Basildon Crown Court cases
Effective	47.1%	54.7%	53.6%
Cracked	40.8%	30.0%	41.9%
Ineffective	12.1%	15.2%	4.6%

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%	61.3%	71.8%	61.0%	60.8%

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%	86.2%	81.9%	75.5%	77.8%

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%	96.3%

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%	-
Associate prosecutor deployment (as % of magistrates' court sessions)	24.8%	23.0%	20.5%	23.9%
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	17.4 days

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

Police

Borough Commander M Smith
Chief Inspector P Mills
Mr P Richardson Witness Care Officer

HM Courts Service

Snaresbrook Crown Court

His Honour Judge Radford, Honorary Recorder, Snaresbrook Crown Court
Mr S Hill, Snaresbrook Crown Court Manager
Ms S Gaffney, List Officer

Basildon Crown Court

His Honour Judge Mitchell
Ms J North, Crown Court Manager
Ms M Dentith, List Officer
Ms J Boswell, Case Progression Officer

Magistrates' court

District Judge Woollard
Mr T Henderson JP, Chair of the Bench
Ms C Clifford JP, Chair of Youth Panel
Mr T Ring, Justices' Clerk for London North

Victim Support

Ms J Rich, Witness Care Unit Manager
Mr P Richardson, Witness Care Officer
Ms F Kramer, Witness Service

C LONDON BOROUGH SCORING MODEL

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

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

They will then be added and assessed against the following ranges:

Excellent	32 points and above
Good	24 to 31 points
Fair	16 to 23 points
Poor	15 points and below

Additional limiters

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

- Any borough with three or more Poor aspect ratings will automatically be reduced to the next range e.g. a borough scoring 22 points, but with three Poor aspect scores, will automatically be reduced to Poor.
- A borough will need to achieve at least two Good ratings in the first four aspects⁷ of the framework to be scored as Good overall e.g. one scoring 25 points, but with only one Good aspect in the first four, will be reduced to Fair.

⁷ Pre-charge advice and decisions; Decision-making, preparation and progression in magistrates' court cases; Decision-making, preparation and progression in Crown Court cases; and The prosecution of cases at court.

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For information or for more copies of this booklet, please contact our publications team on 020 7210 1197, or go to our website: www.hmcpai.gov.uk



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