



HM Crown Prosecution  
Service Inspectorate

# CPS London

## *Follow-up report*

The Inspectorate's report on CPS London

**February 2012**





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## Chief Inspector's foreword

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The HMCPSI Review of the performance of CPS London published in March 2010 (the March 2010 Review) identified serious failings in the operation of the Area and made 14 recommendations which if fully implemented would address the critical aspects of concern.

It is to the credit of the CPS London Board that in the 18 months between the publication of the March 2010 Review and this follow-up inspection almost all those recommendations have been implemented and have started to deliver the required improvements. The scale of some of them, for example the review of flexible working arrangements was significant.

The structure of the Area has changed considerably: units have been co-joined to increase viability and economies of scale coupled with a reduction in some management posts and the size of the London Operations Centre has been substantially reduced and staff returned to the 'front line'. A performance management culture is being embedded and standards and competences set, although there is still a wide range of performance across the units.

However, improving outcomes for users remains stubbornly challenging. Successful outcomes are now increasing, but very slowly. However, almost all key aspects of performance are still substantially below those found nationally. This remains a concern, as the size of CPS London's caseload is such that its performance has an impact on the overall performance of the CPS.

The proposed centralisation of units in three locations gives the CPS London Board a pivotal opportunity to finally drive up overall performance across the Area by restructuring its operational units to give further economies of scale and unified systems and processes. This will take place at the same time as the move to digitalisation, including the electronic transmission of case papers, and creates the chance of significant improvement in service delivery.

The key challenge will be to drive up the competence of managers across the grades to ensure that those responsible for managing the new centralised structure are able to deliver improved performance and better outcomes.



Michael Fuller QPM  
HM Chief Inspector of the  
Crown Prosecution Service

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# 1 Follow-up inspection context

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## Contextual follow-up inspection factors

1.1 Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) published its Review of the performance of the Crown Prosecution Service (CPS) London Area in March 2010 (the March 2010 Review). This was accompanied by overall performance assessments of 21 borough units (including the London traffic unit). The original intention had been to assess all the then 33 borough units (including the City of London). However, the assessments showed a very narrow range of performance, with 12 of the units assessed as poor. They also identified themes of serious concern that needed immediate senior management attention. It was therefore decided to confine the exercise to those 21 borough units and publish as a matter of urgency our overarching findings, in part to assist the senior management team (SMT) which at the time of publication was completely different from that in place at the start of the inspection.

1.2 Because of the concerns identified in the March 2010 Review it was agreed with the CPS London senior management team that HMCPSI would maintain a close oversight of progress in the period between publication and the scheduled follow-up inspection. Reviews of progress were carried out in November 2010 and June 2011. The findings from those reviews have been drawn on when undertaking this follow-up inspection.

1.3 The review made 14 recommendations. We have rated the Area's response to each recommendation as follows, and the results appear in the table below:

- **Achieved** - the Area has accomplished what was required.
- **Substantial progress** - the Area has made real headway in taking forward its planned actions in relation to the recommendation.
- **Limited progress** - the Area has done something to address the recommendation.
- **Not progressed** - the Area cannot demonstrate any progress.
- **No longer applicable** - where there has been a change in circumstance such as Area restructuring or the implementation of a national initiative.

## Findings

1.4 The table below sets out the recommendations in brief and the progress the Area has made against each. A more detailed explanation of our findings can be found in section 3 of this report.

### Summary of progress against recommendations

Recommendation		Progress
1	Preparing and managing casework to a universally high standard	Limited progress
2	Review approach to allocating and managing people resources	Achieved
3	Review flexible working arrangements	Achieved
4	Review advocacy strategy	Achieved
5	Clear counsel fee payment backlogs	Substantial progress
6	Make provision for financial delegation	Substantial progress
7	Review the new management structure	Achieved
8	Develop the borough community prosecutor role	No longer applicable
9	Develop roles and responsibilities of change team	Achieved
10	Implement District business plans	No longer applicable
11	Enhance risk register process	Achieved
12	Review advocacy monitoring arrangements	Achieved
13	Review performance management arrangements	Substantial progress
14	Assess future performance reporting arrangements	Achieved

### The methodology of the follow-up inspection

**1.5** The methodology used in this follow-up inspection comprised: court observations; interviews with members of the judiciary and representatives of the CPS and other criminal justice agencies; an examination of finalised CPS London files; a detailed examination of case progression units and consideration of performance data and other material. The detailed aspects of the methodology are set out at Annex A.

**1.6** As part of the follow-up inspection process, inspectors visited six CPS London units between 7-25 November 2011 and carried out further interviews with CPS London senior managers and London Operations Centre staff. The inspection team would like to extend their thanks to CPS staff at these sites, and the representatives of other agencies (listed at Annex B), for the assistance we were given.

**1.7** Data from the file examination and process checks are set out in subsequent annexes.



## 2 Overview

**2.1** We set out here an overview of some of the key overarching issues that CPS London faces, based on the findings from the follow-up inspection and our scrutiny of the Area's progress over the 18 months since the March 2010 Review. Those issues that relate to specific recommendations are dealt with in more detail in the next section.

**2.2** The new CPS London senior management team, which was complete by the time of the publication of our March 2010 Review, faced many challenging tasks, the achievement of which cannot be underestimated. For too long aspects of the overall performance of the Area had not been well managed. The March 2010 Review highlighted that outcomes for users and the treatment of victims and witnesses were not good enough and urgent remedial action was needed.

**2.3** The findings from this follow-up inspection suggest that CPS London is beginning to turn the corner. The senior management team have instilled a performance management culture, improved and established resource availability and needs, and started to improve stakeholder relations. However, performance outcomes remain stubbornly below the national average, although since 2010-11 they have steadily improved across all key measures.

### Performance outcomes

**2.4** CPS London accounts for 17.7% of the CPS national magistrates' court caseload and 20.9% of its Crown Court caseload.<sup>1</sup> It therefore has a meaningful statistical influence on the overall performance of the CPS. The scope of that influence on outcomes is set out in the following table:

<sup>1</sup> Completed cases - rolling year to September 2011 - source CPS data.

#### Performance outcomes - rolling year to September 2011

	CPS London	CPS national	CPS national excluding London	Impact of CPS London
Magistrates' court discontinuance	9.2%	9.6%	9.7%	Improves national performance
Magistrates' court unsuccessful outcomes	14.6%	13.3%	13.1%	Reduces national performance
Judge ordered acquittals	16.2%	12.2%	11.2%	Reduces national performance
Crown Court unsuccessful outcomes	27.5%	19.9%	17.8%	Reduces national performance

**2.5** Overall CPS London performance when measured against these four key indicators shows a small but steady improvement, but as the previous table indicates it remains substantially behind national performance in three out of the four categories. However, this

small improvement is from a very low baseline when compared with national performance, and the findings from our file examination (which are set out in the annexes) indicate little improvement in overall casework quality.

#### CPS London performance outcomes

	2010-11	Rolling year to September 2011	Direction of travel compared with 2010-11
Magistrates' court discontinuance	9.3%	9.2%	Improving
Magistrates' court unsuccessful outcomes	15.0%	14.6%	Improving
Judge ordered acquittals	17.5%	16.2%	Improving
Crown Court unsuccessful outcomes	29.1%	27.5%	Improving

#### Structure

**2.6** In 2010-11 the number of operational units was reduced from 33 to 23 by co-joining a number of the borough units (for example Lewisham and Bromley), resulting in a selection exercise for the reduced number of unit manager posts. There was also a realignment of units within Districts to provide a better fit with Crown Court centres.

**2.7** In order to make budgetary savings, the CPS London Operations Centre, together with senior managers, relocated in November 2011 and now share accommodation with CPS Headquarters staff.

**2.8** At the time of our follow-up inspection the Area had submitted a business case to CPS Headquarters to centralise its existing Districts (and the units in them) in three locations, two of which already house some CPS London units. Centralisation will result in the end of co-location with police (an element of the earlier Integrated Prosecution Team initiative), including the Witness Care Units and the withdrawal of CPS staff from all police premises.

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**2.9** Subject to approval of the business case, this move provides the CPS London Board (the Board) with an opportunity to review the current management structure of the Area and to address the issues around under performing units by restructuring the case progression units with better economies of scale and uniform processes. The move will enable the Board to put in place managers across the grades with the necessary competences to manage processes, quality assure casework performance and deal effectively with the performance management of individuals. The Area needs to ensure that its District management teams proactively seek solutions to deal with the practical difficulties of managing a resource driven operation. If these issues are addressed successfully then the Area should be able to produce a sustainable improvement in casework outcomes.

**2.10** Critical decisions will need to be made in respect of those current managers who, even with the appropriate support and guidance, are unable to demonstrate the necessary competences. It is essential that those in management posts under the new centralised structure are able to demonstrate the necessary management capability.

**2.11** There are clearly other risks associated with the move to centralisation, to mitigate some of which will require very close working at a strategic level with the Metropolitan Police Service (MPS). Key risks include:

- inconsistent police processes, particularly concerning escalation procedures, which will need to be rationalised;
- a lack of clarity about how the process for electronic transmission of case papers operates; and
- a dip in performance caused by uncertainty and further structural change.

**2.12** The management of stakeholder relationships will also need to be addressed. The removal of CPS staff from local police stations will make it more difficult to engage on operational matters, particularly as case progression units may, under the new structure, deal with work from a number of boroughs. However, this does provide the Area with the opportunity to focus a new stakeholder management role in a limited number of managers which should assist in achieving a consistent approach across all key issues.

**2.13** The consequences of dismantling Integrated Prosecution Team (IPT) and Enhanced IPT (EIPT) structures will also need to be carefully managed, particularly at a local level where there was a perception amongst some police personnel that all change was CPS driven. It will be essential that the Area works with the MPS at a strategic level to ensure a consistent joint message is delivered about the purpose of the changes and that case building tasks currently carried out by police staff under EIPT continue to be undertaken under any revised police structures.

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## **Managing performance**

**2.14** The Area's approach to driving up improvement has been based on a number of key principles, including the development of a clear sense of purpose, key standards and expectations and a performance management regime that is starting to hold individuals to account. This approach has begun to embed a culture of accountability, although in some instances management competences have not yet reached the levels needed to be able to drive up performance and manage systems and processes effectively.

**2.15** Over the past 18 months the Area has invested heavily in equipping managers to be able to deal with personal performance management. This investment in management development and training has improved capability and we found that managers felt empowered and supported, when having to deal with performance matters.

**2.16** Undoubtedly the biggest challenge facing the Area remains the ability of managers to drive up performance at the individual level. It is surprising that productivity levels within CPS London are on the whole significantly less than found during inspection activity in other Areas. CPS London managers have set productivity levels and outlined standards and expectations, but for these to have the desired effect and improve overall performance, local managers need to be able to motivate and manage staff to deliver against them.

**2.17** We found that there were still a number of managers who did not display the necessary competence to manage well. The Area's future performance and further improvement has to be delivered through its people. Not having enough competent and effective managers is the key risk that faces London as it tries to establish better performance and outcomes for users.

## **Casework performance**

**2.18** Compliance with the Code for Crown Prosecutors has declined since the March 2010 Review but was comparable with that found in recent inspections in other Areas (reflecting a national drop in performance) and there is a need to drive up quality across a number of casework aspects. The standard of charging advice needs to improve, which is aligned to the need to improve feedback structures to charging units. The level of compliance with the prosecution's duties of disclosure regime must improve and the drafting of applications, for example to adduce bad character requires more care and attention. Managers at unit level are aware of these shortcomings, which need to be addressed not only at team meetings but through individual performance management.

## Case progression units

**2.19** The co-joining of boroughs has given the Area better economies of scale, particularly as some of the single units were too small to be viable. However co-joining brought challenges, including the amalgamation of case progression units (CPUs). Overall, at District management level there is a need for a more flexible approach to the short term deployment of resources across units to deal with sudden influxes of work. An absence of flexibility coupled with staff abstractions meant that not all the CPUs are working effectively. A further factor was that the police in the co-joined CPS borough units were not always working to the same processes.

**2.20** However, we also saw CPUs in both co-joined and single borough units that were working well. These had established effective systems and processes, were flexible in their use of resources to deal with peaks and troughs, monitored 'output' closely, were taking remedial action where necessary and had managers who displayed the necessary competences, including actively managing work flows. Crucially this was also starting to be reflected in improved performance outcomes, for example in one unit where case progression was operating effectively Crown Court unsuccessful outcomes had, in a short timeframe, reduced by 5.1%.<sup>2</sup>

**2.21** Our analysis of live files showed clearly that in the better performing units the timeliness of key stages, for example the time between receipt of the upgraded file from the police and the CPU review of the case was much better.

**2.22** In the under performing CPUs a key issue was the allocation and actioning of correspondence. Some had hundreds of unallocated items of correspondence going back many weeks; the effective units allocated all their incoming post on a daily basis. Where this part of the process was ineffective there were often multiple requests to the police for material which in fact had already been sent and defence practitioners, out of caution, sent multiple copies of correspondence, adding further to the burden.

**2.23** Additionally, pieces of information which were key to the future of the case for example statements from victims withdrawing support, were not being actioned until the last minute. This was leading to late discontinuances, little opportunity to save cases before the trial date and unnecessary work by both CPS and police staff. We saw examples where the endorsement from the first court hearing (supported by a subsequent letter from the defence) should have alerted the CPU at the outset to the need for an urgent evidential review, but the case was merely put into the system and the police asked to build the upgraded file.

<sup>2</sup> Based on a comparison of 2010-11 with the rolling year to September 2011 - source CPS data.

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**2.24** Analysis of the throughput of casework on borough CPUs highlights that there is a significant ‘churn’ of cases which have not been gripped effectively. Our examination of live cases confirms that this lack of grip can exist at any stage within the life of a case. CPS London’s caseload per lawyer, paralegal and administrator is no greater than that in other Areas. But, it is apparent in some boroughs that productivity is not as effective as that seen nationally. Overall, CPS London is no worse off in terms of resource allocation than other Areas. There may be resource disparities across boroughs, but this should be managed at a District level and, if required, at the pan-London level.

**2.25** In some of the borough units there was a high level of cases allocated to individual prosecutors to deal with outside the structures of the CPUs. This was either because the borough had a high number of cases which met the criteria for personal allocation, or because resources were considered to be insufficient on the CPUs and allocation to individuals was seen as a way of reducing the burden. However we found that there was insufficient management control of personal caseloads, with the process reliant on the lawyer or paralegal officer being available to deal with issues. There was no evidence of this work being routinely checked and subject to short term reallocation to deal with urgent matters in the absence of the assigned staff. As a consequence correspondence was either not being matched to files or left unanswered for substantial periods of time.

**2.26** Where lawyers had high personal caseloads we found they spent time dealing with their personal cases while they were allocated to the CPUs. Whilst this is understandable, as they are likely to be the more serious cases, it is another factor which impacts on the effectiveness of the CPUs.

### **The August 2011 disorder**

**2.27** This follow-up review has not assessed the effectiveness of the CPS London handling of cases arising out of the August 2011 disorder, except in so far as it has impacted on the operation of the borough units.<sup>3</sup>

**2.28** The impact on borough units has primarily been the requirement to second prosecutors to assist in the preparation of cases. Where this has occurred the units have been given additional resources to employ agents to backfill by presenting cases in the magistrates’ courts.

**2.29** There are some issues around having to re-direct correspondence from defence representatives (the impact of which varies substantially across the boroughs), which reduces the time boroughs have to deal with their own correspondence and delays the correct unit getting the information promptly. However, on those boroughs aligned to the two designated ‘disorder’ Crown Courts, namely Inner London and Wood Green the additional caseload has impacted on some aspects of resourcing, particularly around the updating of cases. At one of the sites we visited managers considered this was having an impact on the

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<sup>3</sup> Cases arising out of the disorder are prepared by a central Special Operations Unit.

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effectiveness of casework throughput. District managers need to work together to ensure resources are distributed evenly to cover the impact of disorder cases on resources at borough level.

**2.30** However, there was a consistently held view that during the height of the disorder CPS staff had showed exceptional levels of commitment and worked very long hours, in difficult circumstances, to ensure cases were progressed through the courts.

### **Direction of travel**

**2.31** Overall, there are a number of positive indicators. Management competencies and management of performance overall is improving, although not yet to a consistently good standard across the Area. Some units have shown that case progression can be managed effectively and to a good standard through the effective deployment of resources, and there is better relationship management with criminal justice partners. However there are challenges ahead not least of which are those thrown up by the move to centralisation. It is possible that the changes envisaged over the next 18 months may lead to a dip in performance, but if the proposed changes to the structure of the Area are implemented effectively then in the medium to long term there should be sustainable increase in positive outcomes.

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### 3 Action taken to address the recommendations

#### Recommendation 1

##### *Limited progress*

*The SMT should ensure that cases are prepared and managed to a universally high standard with strong and well founded cases presented to the court, with particular reference to:*

- *the early identification of key issues in the case;*

**3.1** The Code for Crown Prosecutors (the Code) was applied correctly at the pre-charge stage, or the initial review stage in 89.7% of cases in our file sample (not including cases involving allegations of rape), rising to 94.2% at the summary trial review or committal preparation stage. This is similar to that found in recent inspections in other CPS Areas, and reflects a general decline in performance in this aspect. All decisions to discontinue were correct, but only timely in 63.6%. In our sample of 15 cases involving allegations of rape the Code was applied correctly at every relevant stage, although in one case the key issues were not addressed until late in the day leading to the case being dropped on the day of trial.

**3.2** The quality of charging advice has not improved since the March 2010 Review. In this follow-up inspection we assessed just over three quarters of the charging advices in the general file sample as fair or good (37.9% assessed in each category) with the remainder poor.<sup>4</sup> This is a slight decline in performance from the earlier findings, but the quality of charging advice in

the sample of rape cases is more encouraging with over two thirds assessed as good. Advices provided by lawyers on the Rape and Serious Sexual Offences Unit were of a better quality than those provided by borough based lawyers.

**3.3** Approximately one in three charging advices in the general file sample failed to address adequately issues around the use of special measures for the victim and witnesses and whether other applications relating to introducing bad character and hearsay should be made. In the light of current proposals to speed up the criminal justice process, it is essential that all these issues are identified at the earliest possible opportunity.

**3.4** Prosecutors need to assume greater accountability at the initial review stage to weed out weak cases at that point instead of letting them proceed on a contested basis and enter the CPUs. In particular there needs to be more scrutiny of police charged cases at the initial review stage to ensure they have a realistic prospect of conviction and that they comply with the Director's Guidance on the Streamlined Process. In our examination of the CPU processes we noted examples in both categories, including a serious and sensitive case that had been charged by the police without CPS advice. It was apparent that the quality of police Evidential Review Officers had a substantial impact on filtering out cases at an early stage and ensuring they complied with the Director's Guidance.

<sup>4</sup> 34 of the charging advices were given by CPS London Direct, five by a borough unit prosecutor and 27 by CPS Direct.

- *proactive management of case building;*

**3.5** Overall this aspect has improved considerably since the March 2010 Review and is indicative of our assessment that some of the CPUs are now functioning effectively. Overall, in our general file sample there was good, timely and proactive case management in 33.7% of cases, fair in 39.5% and poor in 26.7%. However, performance was poorer in the rape case file sample. This reinforces our concerns that there is less management oversight of personally allocated casework.<sup>5</sup>

**3.6** Whilst there was a full file review in just over three quarters of the cases, only 44.6% were of an acceptable standard. Some were good, but many were merely a 'cut and paste' of the charging advice and did not reflect additional information or changes in the evidential strength of the case.

**3.7** CPU processes need to be strengthened to ensure material that affects the strength or progress of a case is brought to the attention of a CPU lawyer upon receipt and not merely filed away to be considered when the case is reached in the trial preparation queue (which may only be a matter of days before the contested hearing). We found a number of cases where the CPS had been informed of significant witness issues at an early stage, but which were not addressed until shortly before the trial.

**3.8** Our analysis of the CPU processes indicated that the procedures for notifying the police of the need for an upgraded file were

generally effective, although at some sites a number of days were missed before the requisite memorandum was sent. The application of the 48 hour review procedure for Crown Court cases, one of the aims of which is to weed out weak cases at an early stage, was variable. When it did take place it was not always effective, for example we noted a case where it was evident at that stage that the complainant's account lacked credibility, but the proceedings were only discontinued on the day of the Crown Court trial.

**3.9** Compliance with judge's orders made at plea and case management hearings (PCMHs) has been the subject of rigorous management attention and until recently the accuracy of the monitoring processes was not entirely sound. There was timely compliance in 45% of the relevant cases in our general file sample (which was an improvement from the findings in our March 2010 Review), dropping to 35.7% in cases involving allegations of rape.

- *timely applications for special measures, the adducing of hearsay and bad character evidence;*

**3.10** As we have noted earlier in this section more needs to be done at the charging stage to prepare the ground for these types of applications. Where we could make a determination, the correct type of special measures application was made in 65.4% of relevant cases, but these were timely only in 40% of the total applications made. Often this was a consequence of the late provision of the necessary information by the police, aggravated by late trial preparation.

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<sup>5</sup> All cases involving allegations of rape or serious sexual assault will be personally allocated.

**3.11** It is important that these applications are timely, not only to accord with the Criminal Procedure Rules (CPR) but also, if the application is successful, to reassure the victim or witness. The position is different with bad character and hearsay applications, as these are issues that are normally left to the trial judge but must still be served in accordance with the CPR.

**3.12** Some bad character applications we noted were poorly drafted and merely attached a police generated document of the details of the previous offences or incidents, and the relevance of hearsay evidence was not always spotted. We observed a Crown Court case where hearsay evidence from a witness was crucial in proving an issue against the defendant but no application was served before the start of the trial.

- *full compliance with the duty of disclosure;*

**3.13** The Area has invested substantial resources in training its lawyers about compliance with the prosecution's duty of disclosure. As recent high profile cases have shown in other Areas, a failure to comply can have serious consequences.

**3.14** Despite this investment some compliance aspects remain difficult to resolve, for example disclosure record sheets were rarely completed accurately if at all and lawyers frequently failed to sign 'nil return' sensitive disclosure schedules to confirm that they agreed with the police assessment. We noted cases where it was obvious from the nature of the allegation that there was likely to be sensitive material but no enquiry had been made of the police. These issues arise frequently in Area managers'

analysis of Core Quality Standards Monitoring returns and are raised often in team meetings. It is apparent that this needs to be addressed as part of individual performance management, which we discuss further under recommendation 13.

**3.15** There has been no improvement in compliance with the duties of initial and continuing disclosure since the assessment made in the March 2010 Review. Only 56.4% of initial magistrates' court disclosure decisions complied with the requirements, although this rose to 63.6% in Crown Court cases. Continuing disclosure compliance throughout the life of the case was higher in magistrates' court cases (57.1%)<sup>6</sup> but much lower in Crown Court cases (37.5%).

**3.16** We noted that defence statements were routinely sent to the police in both our general and rape case file samples without any consideration by a lawyer as to whether they raised issues on which the police needed further guidance on what material should be examined or obtained. Often the police response was not timely and no formal communication was sent to the defence representatives indicating whether there was any further material to be disclosed.

**3.17** Our examination of trial ready files in the Crown Court CPUs showed improvement in some units; a check on a small sample in one indicated that on each file continuing disclosure had been dealt with correctly. It is not surprising that this was a well managed unit, consistently staffed and with effective processes.

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<sup>6</sup> Only seven relevant cases.

- *proper continuity of case handling including the instructions to the trial advocate.*

**3.18** We have set out in the Overview our concerns about the management of personal caseloads. In cases dealt with by the CPUs the instructions to the trial advocate will be drafted when the committal papers are prepared or the prosecution case served. There has been some improvement since our March 2010 Review but over 50% of these instructions in our general file sample were assessed as poor and 73.7% in our sample of cases involving allegations of rape, and few in either sample were assessed as good. Often alternative paragraphs on the template had not been deleted giving confusing information about the state of the case. This is symptomatic of committals and prosecution cases being prepared the day before the relevant hearing or target date.

## Recommendation 2

*Achieved*

*The SMT should review its overall approach to allocating and managing its people resources, to ensure optimal use is made of these. This needs to include:*

- *reviewing CPS London's advocacy strategy in the light of resourcing tensions, the performance issues that need to be addressed and potential future budget cuts, to ensure a more pragmatic approach;*

**3.19** At the time of the publication of the March 2010 Review the Area was reviewing the structure of its advocacy units to determine the best model to achieve challenging advocacy savings aspirations. As a consequence of that review the Central Advocacy Unit was disbanded and its crown advocates relocated in Crown Court based local advocacy units (LAUs) and the Complex Casework Centre.

**3.20** The Area did not meet its revised 2010 higher court advocates (HCAs) savings aspiration. Against an aspiration of £6.12 million it saved £5.08 million, and on year to date performance the Area will also miss its 2011 aspiration. There is a significant variation in performance across the Districts but overall CPS London compares favourably with other Areas when measured against its savings per crown advocate and savings per session. The release of staff to the unit handling cases arising from the August 2011 disturbances has recently given unit based HCAs more opportunity to conduct advocacy in the Crown Court.

**3.21** There remain issues around the operation of the LAUs, including how performance is measured over and above financial savings, their relationships with the local borough units and compliance with requirements on the use of the case management system (CMS). However, they provide a significant benefit to case progression by having a permanent presence at Crown Court centres which enables LAU managers to make decisions quickly on whether for example the plea or the basis of plea is acceptable or whether a case should be discontinued. This presence of the LAU and the positive impact they had on the timeliness of decision-making was welcomed by the judiciary at each court centre we visited.

**3.22** The CPS London Board will have to determine how the LAUs will fit with the new centralised structure.

**3.23** The use of agents in the magistrates' court is increasing; this is attributable to staff being seconded to the unit dealing with the August 2011 disturbance cases. Court coverage by associate prosecutors is running at approximately 30% of all court sessions compared with just over 33.0% nationally.

- *reviewing the resource deployment and productivity of the central operations departments with a view to redeploying any excess capacity to the front line;*

**3.24** The London Operations Centre (LOC) has been restructured and reduced in size from 91 to 33 staff, allowing staff to be redeployed to the front line. This has been welcomed by the borough units. At the time of our follow-up inspection the LOC was being further reviewed with a view to rationalising some of the portfolios held by staff.

- *continued work with HM Courts Service<sup>7</sup> on listing to ensure the most cost effective deployment of crown prosecutors and associate prosecutors;*

**3.25** The Area has worked closely with HM Courts and Tribunals Service (HMCTS) to reduce the overall number of court sessions. Since the publication of our March 2010 Review HMCTS has proposed a number of court closures in line with budgetary savings required by the Comprehensive Spending Review. The future landscape of court sittings remains uncertain but there is now substantially more flexibility as to where cases are heard to maximise the efficient use of resources.

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<sup>7</sup> Now HM Courts and Tribunals Service.

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- *reviewing the additional resource requirements of the change projects in place and take action to address these;*

**3.26** The March 2010 Review raised substantial concerns about the CPS resourcing requirements for the new IPTs, and questioned whether the additional staff provided by funding from the MPS was sufficient. However, it was announced by the MPS in August 2011 that it proposed to revise its structures as part of an ongoing review of its Criminal Justice and Witness Care Units and move to fewer units. Overall, implementation of the digitalisation project should reduce some of the resource burdens.

- *refining the borough resources model as the organisation redefines its priorities and reviews its Delivery Action Plan in the light of this.*

**3.27** Substantial work was done by the Area to ensure it has an accurate picture of the resources in each borough unit. The initial work resulted in the co-joining of a number of boroughs to improve economies of scale and staff were also redeployed to remove imbalances. Unit managers now have accurate and up to date information on the resources available to them.

**3.28** There is now a better focus on resource deployment both in and across Districts. Local managers confirmed that this flexibility made some aspects of resource management much easier, for example covering courts.

**3.29** The Area has shown creativity in how it balances its resources to meet demand, for example by utilising lawyers based in other parts of the country to work for CPS London Direct.

**3.30** The Area proposes to extend the role of its Rape and Serious Sexual Offences Unit from providing charging advice only to full 'cradle to grave' management of cases involving allegations of rape and serious sexual assault. We welcome this approach although the move has been temporarily postponed because of the August 2011 disturbances. The Area will need to monitor closely whether the proposed additional resource for the unit, which will increase the number of lawyers to the full time equivalent of ten staff, is sufficient for its expanded role, having regard to the throughput of cases.<sup>8</sup> The Area will need to continue to work with the police to ensure that only appropriate cases are submitted to the unit for charging advice.

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<sup>8</sup> In 2010-11 the Area dealt with 1,386 cases involving allegations of rape (excluding those recorded as administratively finalised) in 810 of which the advice was that there should be no further action.

### Recommendation 3

*Achieved*

*The SMT will need to ensure that review dates are incorporated into all flexible working agreements which continue after the forthcoming review and any new requests are considered carefully against business needs.*

**3.31** At the time of our March 2010 Review there were 363 formally agreed flexible working agreements in place in addition to approximately 140 informal agreements. These were having a serious impact on the business needs of the Area. All have been reviewed and where arrangements did not fit with business needs they were renegotiated with an implementation date for revised arrangements to be in place from April 2011. At the time of our follow-up inspection there were a small number of agreements which still needed resolution. We understand that this is now being taken forward. The move to centralisation may raise other challenges in respect of existing agreements.

**3.32** The scale of this task and the need to train managers to deal with flexible working arrangement issues was significant, and the achievement of this recommendation required substantial time and resources. It is to the credit of the Area that in the operational units the flexible working arrangements now meet the business need.

**3.33** New requests for flexible working are subject to greater scrutiny by managers and review dates are incorporated into any new agreements.

### Recommendation 4

*Achieved*

*The SMT should:*

- *review the Area's advocacy strategy to assess if the Area is achieving value for money in having a dedicated Central Advocacy Unit at a time of increasing budget constraints. (This is also in the context of its aim to achieve 100% in-house magistrates' courts cover, and the recent moves to try and divert resources back to the front line as part of the resources model);*

**3.34** As noted under recommendation 2 above, the Area's advocacy strategy was reviewed following which it decided to disband the CAU in June 2010 with a view to the Area identifying and allocating cases to crown advocates more effectively and to maximise value for money.

**3.35** CPS London was an early adopter of a crown advocate centralised diary, which is a national project. This will allow for better matching of individual advocate's skills and availability on a London-wide basis. Crown advocates have been reminded that they are expected to work across London. Relevant District and borough staff have been trained to operate the new system which will enhance the identification and allocation of crown advocates.

- *review how advocacy work should be divided between the Central Advocacy Unit and local advocacy units, and the referral process of cases to the Central Advocacy Unit;*

**3.36** This is no longer applicable, following the decision to disband the CAU.

- *in conjunction with CPS Headquarters consider the use of separate cost codes for local advocacy units to allow for greater accuracy and transparency of actual salary costs against savings achieved.*

**3.37** Following Area discussions with CPS Headquarters it was determined that this approach could not be followed as LAUs are deemed to be part of a specific District and not a separate operating unit. Further work undertaken as part of the national follow-up inspection of the thematic review of the quality of prosecution advocacy and case presentation, to be published in the near future, suggests that a more accurate approach may be to assess savings at the individual level.

## Recommendation 5

*Substantial progress*

*The SMT should, as a matter of urgency, allocate resources to clear the backlog in the payment of counsel's fees. The payment process should then be reviewed with the aim of implementing a more effective control structure to ensure that backlogs do not occur.*

**3.38** The Area has invested significant resources in clearing the backlog of fees that the senior management team inherited in 2010. The backlog was far higher than originally estimated. A central team was set up to clear the backlog, supported by additional funding from CPS Headquarters. The backlog clearance project was managed well with daily reports on progress made to the Area Business Manager in the early stages. Challenging targets have now been set for the payment of counsel fees under the Graduated Fees Scheme.

**3.39** There are now clear processes in place in each District to account for counsel's fees and a substantial focus on accruals which should avoid the situation that arose at the end of the 2010-11 financial year when some Districts under estimated their accruals as a result of which money which had been returned to the national budget had to be reclaimed. A member of the LOC is responsible for the overall auditing of fees, although the initial focus is on very high cost cases. Where that role sits in the overall structure of the LOC is being assessed as part of the review taking place at the time of our follow-up inspection.



**3.40** Despite the substantial progress this recommendation has not been achieved fully. Our checks on Crown Court files show that there is a low compliance rate with the requirement to complete fee logs, both in standard and accuracy. This is a risk to the accurate processing of fee claims. The Area senior managers are aware of this shortfall in performance and have started to carry out audits of fee logs.

## Recommendation 6

*Substantial progress*

*The SMT will need to ensure that prior to any revised financial delegation, District staff have sufficient training in their new roles and responsibilities, have sufficient support staff to handle the increased volume of work, and are adequately supported by the centre.*

**3.41** Budgets were delegated to District level in April 2010 and staff at the relevant management grades received a good level of training to support them with their new responsibilities. District staff that hold financial responsibility have differing levels of financial expertise and some are more comfortable and competent in their new roles than others. They feel generally supported by the centre which continues to provide a good level of guidance and one to one training support as necessary.

**3.42** A resource accounting and budget package was introduced in April 2010, and as referred to in the previous recommendation there is a focus on accurately calculating accruals.

**3.43** The senior management team have invested considerable effort in improving the systems, but the 2010-11 end of year accruals process provided inaccurate returns which resulted in a £1.9m overspend on the prosecution costs budget. During the accruals process (February 2011) the Districts predicted an outturn position of a £2.7m underspend against prosecution costs; at this point the Area returned £1.9m to the centre for it to be reallocated across the Service, which then had to be reclaimed. Whilst the Area has worked

hard to improve its processes and controls this event demonstrates that the process was misunderstood in two of the Districts at the end of the financial year.

**3.44** Paralegal Business Managers (PBMs) and District Business Managers (DBMs) have a key role in ensuring that accurate financial systems and processes are established and understood. The current management arrangements for PBMs may blur actual lines of accountability, as they are managed by the unit heads. It is essential that there is a clear understanding of responsibilities. The Area competence framework makes DBMs accountable, but without the ability for this post holder to hold PBMs to account through the performance appraisal process or to identify training needs.

## Recommendation 7

*Achieved*

*The SMT should evaluate the new management structures to assess whether the weaknesses identified in the 2008 senior management review have been overcome and where not, take any further steps and revisions that are necessary to refine the new governance arrangements.*

**3.45** The Area structure at senior management level has been subject to a number of changes since the March 2010 Review. In particular the Area has moved to one Area Business Manager and does not intend to fill the vacancy created by the departure of a Deputy Chief Crown Prosecutor. At this level the governance arrangements work well and are enhanced by the role of the non-executive Director on the CPS London Board.

**3.46** The committee structure below the Board level is lean and works effectively, with a strong commitment from senior Board members who chair the committees.

**3.47** There is good evidence of a strong sense of corporacy which is backed up by regular visits by senior Board members to operational units. Within the operational units the approach has been to pair up managers according to their particular strengths. This has worked well in some units, but there are others where more work needs to be done to ensure managers have all the necessary competences.

**3.48** The governance arrangements are now clear, and Districts are fully aware of what is required of them with regard to delivering performance improvements and compliance with systems and processes.

**3.49** It is inevitable that the structure of the Area will be revisited when, assuming the business case is agreed, centralisation is complete. The Area considers this an opportunity to strengthen further the management structure. We support an approach which will ensure that staff who have the appropriate competences are tasked with front line delivery.

#### Recommendation 8

*No longer applicable*

*The SMT should refine and communicate to the front line its revised approach to the borough community prosecutor co-ordinator role and its rationale for this to ensure clarity and avoid misunderstanding.*

**3.50** There was an early decision by the senior management team that due to a combination of resource constraints and a re-focussing of national priorities this role would not be retained. There was prompt communication of this decision.

## Recommendation 9

*Achieved*

*In developing the roles and responsibilities of the new and reduced change team, the SMT needs to ensure that there is:*

- *a clear focus on overall programme management with strong links between CPS managed and Local Criminal Justice Board (LCJB) managed projects;*
- *a shift of focus to the evaluation and benefits realisation project phase and the revision and refinement of projects in the light of these; and*
- *awareness of timescales so that ongoing projects are not adversely affected by too swift a withdrawal of support through a reduction in the change team.*

**3.51** Since the March 2010 Review the Area has strengthened the systems and processes used to manage change. The responsibility for change management across the Area has been brought under the control of one senior manager who reports to the Area Business Manager. Using the experience of the CPS London Board non-executive Director (NED) the structures and controls for the management of change have improved. All change is managed strategically through a Change, Risk and Audit Committee which is chaired by the NED, with the Business Change and Delivery Manager responsible for delivery of change projects on a day-to-day basis. For most of the past 18 months (since the March 2010 Review) the Change Committee has met monthly to embed

an assurance regime and provide the level of programme management required to manage a series of significant change projects. There are effective project and programme controls in place, with monthly programme snap-shots being provided to the Board.

**3.52** There are still some concerns expressed that the number of significant change projects underway means that it is difficult to roll out all projects, undertake effective pilots and hold post implementation reviews to identify issues and highlight improvements prior to rolling out the next initiative. The Board and the Change, Risk and Audit Committee have tried to mitigate this risk by providing additional supervision and assurance by the creation of a Finance, Business and Operations Committee. This committee provides a level of assurance to ensure that projects are embedded at the operational level, and can enable mitigating action to be taken when results indicate that project controls have not resulted in effective implementation. The Area has also introduced a consistent self-assessment regime for change projects, which are quality assured and rigorously challenged at the centre. Operational managers are held to account against a firm set of expectations which accompany change initiatives.

**3.53** The number of London Criminal Justice Partnership (LCJP) change initiatives has reduced since the March 2010 Review; however, the Area change team is now located within the same office as the LCJP secretariat. This move has brought about closer links and ensures that changes can be discussed and managed more effectively.

Recommendation 10	Recommendation 11
<i>No longer applicable</i>	<i>Achieved</i>
<p><i>District business plans should be implemented across all Districts, aligned to the overall Area Delivery Action Plan as well as incorporating local priorities. A highlight report should be devised for the Board to provide a more effective update for Board meetings.</i></p> <p><b>3.54</b> There is no longer a requirement to produce District plans. The introduction of strict compliance regimes across the key aspects of performance, clear London priorities and the associated risk register obviates the need for individual District business plans. The Area's approach to this aspect has moved on considerably since our March 2010 Review. The Area has developed a balanced scorecard approach to provide top level information to the CPS London Board.</p>	<p><i>The SMT should introduce risk registers at District level, linked to District business plans, which would increase awareness of risk within the organisation and encourage engagement of local managers in risk management. Also, there should be a more effective linkage adopted between the Area Delivery Action Plan actions and the countermeasures to mitigate risks listed within the risk register.</i></p> <p><b>3.55</b> The implementation of a consistent and effective compliance and assurance regime across the Area has negated the need for the Area to produce District business plans or risk registers. However, the Area did recognise that the management of risk at the strategic level could be strengthened and improved. Using the experience of the NED the CPS London Board has restructured its approach to risk management. Regular work shops with the Board (run by the NED) are used to identify risks at the strategic level. These risks are then linked to the six priorities set out in the London Business Plan. Risks are also identified through an assessment of current performance and also by looking at change initiatives and programme and project interdependencies.</p> <p><b>3.56</b> All risks have been allocated risk owners at Board level and progress and mitigating action is challenged by the Change, Risk and Audit Committee. Progress against risk is managed and monthly discussion at the London Board has resulted in some significant risks being effectively mitigated.</p> <p><b>3.57</b> The risk management regime in London is based on sound and effective good practice and is fit for purpose.</p>

Recommendation 12	Recommendation 13
<i>Achieved</i>	<i>Substantial progress</i>
<p><i>The SMT should review its arrangements for advocacy monitoring to ensure that all advocates, including external advocates, are covered.</i></p> <p><b>3.58</b> The Area has developed its programme of advocacy assessments and these are now being undertaken. The focus has been on associate prosecutors and those advocates where feedback from other agencies suggests there may be aspects of concern. We did not undertake any formal advocacy observations,<sup>9</sup> but noted that there remains a wide variation in the performance of in-house advocates and counsel.</p> <p><b>3.59</b> The Area has also been involved in the national initiative of assessment and grading of counsel.</p>	<p><i>The SMT should review performance management arrangements at borough level with the aim of developing a clear focus on analysis and improvement activity and as part of this reconsider the allocation of user licences for performance management tools. The new approach should be underpinned by appropriate performance management training and ensuring that boroughs are adequately resourced.</i></p> <p><b>3.60</b> There was recognition in CPS London, with the arrival of the new management team just prior to the March 2010 Review, that there was no effective performance management regime in place. In too many cases there were boroughs and Districts that were not aware of their performance and the systems of performance management did not allow for any control or direction of improvement activity. Since the March 2010 Review a priority for the senior management team has been the development of a performance management regime that is able to change the culture and hold those responsible for delivery to account. The current performance management regime and compliance frameworks have established a system that sets out expectations and standards and also sets clear lines of accountability at the borough level.</p>

<sup>9</sup> Detailed observations were carried out as part of the HMCPSI follow-up inspection of the thematic review of the quality of prosecution advocacy and case presentation.

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**3.61** The focus on performance at both the District and borough level is complemented with a series of regular check and challenge meetings and also a more proactive 'show and tell' approach. The performance management regime is still developing and whilst it has been right to focus on establishing one that allows managers to understand and assess their own performance, the Area needs to ensure that as well as focusing its efforts on improving systems and processes it also considers how it can measure quality in a more specific way than that provided solely by Core Quality Standards Monitoring.

**3.62** The self-assessment processes required for the implementation of change initiatives (described in recommendation 9) can identify some of the weaknesses in the process, but too often we found that whilst superficially systems and processes seemed to be in place, in depth examination revealed qualitative issues. This form of performance check needs to be reflected in a more tangible manner in the Area's performance framework.

**3.63** Area managers were positive about the change in the performance regime. They felt that there was clarity of expectation; this was also confirmed by the recent staff survey results. In some instances borough performance has substantially improved, but this was not consistent across the units we visited. It was felt that having regular and accurate performance information helped direct improvement action and assisted in ensuring that resource balances were managed. The review of the LOC includes an assessment of the role of the performance team and the scope of performance analysis it can provide.

**3.64** Whilst the performance management regime has become firmly embedded over the past 18 months, there is more that the Area can do to make sure it learns from feedback. CPS London Direct (CPSLD) and the Rape and Serious Sexual Offences Unit provide a London-wide service. The examination of our general file sample highlighted that in some cases poor decisions at the charging stage had an impact at borough level. Borough managers indicated that our findings confirmed some of their concerns.

**3.65** When challenged about how this feedback was given to CPSLD or the Rape and Serious Sexual Offences Unit, it was apparent that there was limited use of feedback mechanisms to CPSLD to improve quality, although the relationship was better with the Rape and Serious Sexual Offences Unit; involving a more collaborative approach between the unit and boroughs. The Area has recently recognised this and has set up a District level accountable manager to collate feedback from boroughs for CPSLD. Learning from feedback is key to improving quality and will assist the Area's move to enhance its performance regime by increasing the focus on the quality of decision-making as well as high level outcomes.

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#### Recommendation 14

*Achieved*

*The SMT will need to assess the future requirements of the performance reporting arrangements at the various levels in light of the changing governance arrangements and imminent reduction in the size of the Central Performance Team.*

**3.66** As outlined above the performance management regime that has been developed, implemented and embedded across the Area since March 2010 enables the Area to assess performance issues across Districts and boroughs. The performance model adopted can be serviced by the Central Performance Team. The Area recognises that the next step is to build the capability within the Performance Team and also at District and borough management level to be able to analyse performance information in such a way that improvement action, both at the team and individual level, can be targeted and sustained.



## 4 Conclusion

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**4.1** The Area has achieved eight of the 14 recommendations, made substantial progress in three and limited progress in one. Two recommendations are no longer applicable. In the 18 months between the March 2010 Review and the follow-up inspection the Area has faced many challenges, including compiling an accurate picture of its resources, reviewing all its flexible working agreements and clearing a very large backlog of outstanding counsel fees.

**4.2** The Area also undertook a substantial restructure including the co-joining of some units and the consequential merging of case progression units. There are also a number of challenges in the next 18 months, the foremost of which is the proposal to centralise the current Districts at three locations. The implementation of that will start in early 2012, and prior to this it is essential that the CPS London Board set out clearly the 'givens' of any revised structure of the CPUs. This will be a pivotal moment in the Area's drive to improve outcomes for users as it will give it the opportunity to review current management structures and the span of the CPUs.

**4.3** Overall the direction of travel since the March 2010 Review is positive, and there has been a slight improvement in outcomes. However, there is a risk in the short term that these small gains may be lost if there is any downturn in performance during the centralisation and digitalisation change programmes. The opportunity is that in the medium to long term the Area should be much better placed to deliver sustainable improvements both in outcomes and the treatment of victims and witnesses.

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# Annexes

## A Methodology

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The methodology used in the full follow-up inspection of CPS London is set out below.

### Documentary analysis

Analysis of performance information, including CPS London self-assessments of the effectiveness of local case progression units, was undertaken prior to the fieldwork.

### Fieldwork

The fieldwork was undertaken between 7 November and 2 December. Six CPS London units were visited, namely Ealing; Enfield and Haringey; Hackney; Hammersmith/Fulham and Kensington/Chelsea; Lewisham and Bromley; and Westminster.

### File examination

A total of 105 finalised files were examined, including 15 cases involving allegations of rape. The sample comprised a mix of magistrates' court and Crown Court cases where the defendant had initially pleaded not guilty, and a variety of outcomes including convictions after trial, acquittals after trial and discontinuances.

A total of 48 live files were examined, all of which had been assessed as trial ready by the unit from which they were drawn.

The detailed findings from the analysis of all the cases examined are set out in subsequent annexes.

### Process checks

Detailed process checks were carried out in all of the magistrates' court and Crown Court case progression units at each site visited. These checks included assessments of the effectiveness of each key stage in the trial preparation process.

### Interviews

Interviews were held with Resident Crown Court Judges (and colleagues), Crown Court managers, and local police representatives.

Interviews, formal and informal, were carried out with local CPS managers at all grades at the sites visited, together with London Operations Centre staff and members of the CPS London Board, including the non-executive Director. Focus groups were held with District Crown Prosecutors, District Business Managers, and Borough Crown Prosecutors.

### Charging observations

Observations of the charging process at CPS London Direct and an assessment of the Rape and Serious Sexual Offences Unit processes for providing written advice were carried out, together with interviews with the managers of those units.

### Court observations

Observations on the effectiveness of case progression at court were undertaken in the magistrates' courts which dealt with cases prepared by the sites visited and at Crown Court centres.

### Supplemental information

The inspection also drew on the findings from the progress evaluation checks undertaken in November 2010 and June 2011.

## **B Local representatives of criminal justice agencies and organisations who assisted the inspection**

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### **The judiciary**

His Honour Judge Gledhill QC,  
Southwark Crown Court

His Honour Judge Leonard QC,  
Deputy Resident Judge Southwark Crown Court

His Honour Judge Lorraine-Smith,  
Southwark Crown Court

His Honour Judge Lyons CBE, Resident Judge  
Wood Green Crown Court

His Honour Judge McCreath, Resident Judge  
Southwark Crown Court

His Honour Judge McGregor-Johnson,  
Resident Judge Isleworth Crown Court

His Honour Judge Price QC, Resident Judge  
Kingston Crown Court

### **HM Courts and Tribunals Service**

Ms N Hamilton, Deputy Court Manager  
Kingston Crown Court

Mr P Joseph, Court Manager  
Wood Green Crown Court

Ms K Kanwal, List Officer  
Isleworth Crown Court

Ms S Kenny, Acting Court Manager  
Southwark Crown Court

Mr M Taylor, Court Manager  
Isleworth Crown Court

### **Metropolitan Police Service**

Chief Inspector A Adelekan

Chief Inspector B Bowen-Long

Ms D Children

Ms D Giles

Chief Inspector M Hussain

Chief Inspector G Price

Ms C Scott

Inspector G Simpson

Chief Inspector M Tate

Acting Detective Chief Inspector R Williams  
and colleagues

### **British Transport Police**

Ms K Billington

Ms A Birkhead

Mr R Harvey

## C Analysis of general file sample

Questions		2010 Review	Follow-up inspection
<b>High level decision-making</b>			
Full Code test applied correctly at the pre-charge decision (PCD) stage, including at initial review stage in non-PCD cases (magistrates' court cases)		95.2% <sup>10</sup>	87.0%
Full Code test applied correctly at the PCD stage, including at initial review stage in non-PCD cases (Crown Court cases)		96.3%	92.9%
Full Code test applied correctly at any subsequent summary trial or committal review		No data	94.2%
Decision to discontinue in accordance with the full Code test (magistrates' court cases)		90.2%	100%
Decision to discontinue in accordance with the full Code test (Crown Court cases)		No data	100%
<b>Pre-charge decisions</b>			
Most appropriate charges advised at the PCD stage		89.9%	87.3%
Charging advice covered adequately all ancillary issues		No data	59.3%
Action plan requirements met the standard		No data	70.3%
MG3 set out clearly the necessary instructions to the prosecutor at court		No data	69.8%
Overall quality of the MG3/3A (magistrates' court cases)	Excellent	3.1%	0.0%
	Good	36.8%	44.0%
	Fair	42.5%	24.0%
	Poor	17.6%	32.0%
Overall quality of the MG3/3A (Crown Court cases)	Excellent	5.0%	0.0%
	Good	41.6%	34.1%
	Fair	37.6%	46.3%
	Poor	15.8%	19.5%
<b>Case preparation (magistrates' court)</b>			
Timely completion of all directions between first hearing and trial		41.6%	29.0%
Case progression timely and proactive	Excellent	No data	0.0%
	Good	No data	30.2%
	Fair	No data	41.9%
	Poor	No data	27.9%
<b>Case preparation (Crown Court)</b>			
Indictment drafted correctly		No data	90.9%
Amended correctly		No data	100%
Timely completion of all directions between PCMH and trial		35.5%	45.0%
Case progression timely and proactive	Excellent	0.0%	0.0%
	Good	19.9%	37.2%
	Fair	54.2%	37.2%
	Poor	25.9%	25.6%

<sup>10</sup> In the 2010 Review separate data was collected for the application of the evidential and public interest stages of the Code test. HMCPIS now measures both stages combined. The 2010 data in this section refers to the evidential stage only.

Questions		2010 Review	Follow-up inspection
<b>Disclosure</b>			
Duty to make initial disclosure complied with fully (magistrates' court cases)		58.1%	56.4%
Compliance timely		No data	52.9%
Duty to make initial disclosure complied with fully (Crown Court cases)		65.1%	63.6%
Compliance timely		No data	81.0%
Duty of continuing disclosure complied with fully (magistrates' court cases)		54.5%	57.1%
Compliance timely		No data	75.0%
Duty of continuing disclosure complied with fully (Crown Court cases)		52.7%	37.5%
Compliance timely		No data	25.0%
<b>Unsuccessful outcomes</b>			
All appropriate actions taken to 'save' the case (discontinuances and judge ordered acquittals)		No data	33.3%
Discontinuance timely		No data	63.6%
Material change in evidential strength/public interest since PCD or initial review in non-PCD cases		No data	75.0%
<b>Victim and witness issues</b>			
The standard of Direct Communication with Victims communications	Excellent	1.0%	0.0%
	Good	22.4%	30.0%
	Fair	31.0%	40.0%
	Poor	45.6%	30.0%
A Victim Personal Statement was provided		24.5%	20.0%
<b>General</b>			
All file endorsements meet the required standard	Excellent	0.3%	0.0%
	Good	33.6%	43.2%
	Fair	51.1%	44.3%
	Poor	15.0%	12.5%
A full file review (whether or not the full Code test was applied at the PCD stage) was carried out		No data	75.6%
Did the use of CMS meet the required standard (including accuracy of finalisation)	Excellent	0.0%	0.0%
	Good	31.4%	31.5%
	Fair	52.0%	52.8%
	Poor	16.6%	15.7%

## D Analysis of rape file sample<sup>11</sup>

Questions		Findings
High level decision-making		
Full Code test applied correctly at the PCD stage		100%
Full Code test applied correctly at service of prosecution case stage		100%
Decision to discontinue in accordance with the full Code test		100%
Pre-charge decisions		
Most appropriate charges advised at the PCD stage		100%
Charging advice covered adequately all ancillary issues		66.7%
Action plan requirements met the standard		73.3%
MG3 set out clearly the necessary instructions to the prosecutor at court		100%
Overall quality of the MG3/3A	Excellent	0.0%
	Good	66.7%
	Fair	13.3%
	Poor	20.0%
Case preparation (Crown Court)		
Indictment drafted correctly		60.0%
Amended correctly		83.3%
Timely completion of all directions between PCMH and trial		35.7%
Case progression timely and proactive	Excellent	0.0%
	Good	13.3%
	Fair	40.0%
	Poor	46.7%
Disclosure		
Duty to make initial disclosure complied with fully		66.7%
Compliance timely		80.0%
Duty of continuing disclosure complied with fully		16.7%
Compliance timely		16.7%
Victim and witness issues		
A Victim Personal Statement was provided		57.1%
General		
All file endorsements meet the required standard	Excellent	0.0%
	Good	26.7%
	Fair	66.7%
	Poor	6.7%
A full file review (whether or not the full Code test was applied at the PCD stage) was carried out		93.3%
Did the use of CMS meet the required standard (including accuracy of finalisation)	Excellent	0.0%
	Good	33.3%
	Fair	46.7%
	Poor	20.0%
Questions specific to cases involving allegations of rape		
Was the case dealt with by a rape specialist		100%
Was there continuity of prosecutor		80.0%
Was there a conference with counsel		66.7%
Did counsel provide a report in not guilty cases		16.7%

<sup>11</sup> Based on an analysis of 15 completed cases involving allegations of rape.

## E Composite analysis of general and rape file sample

Questions		Findings
<b>High level decision-making</b>		
Full Code test applied correctly at the PCD stage, including at initial review stage in non-PCD cases (magistrates' court cases)		87.0%
Full Code test applied correctly at the PCD stage, including at initial review stage in non-PCD cases (Crown Court cases)		94.7%
Full Code test applied correctly at any subsequent summary trial or committal review		95.0%
Decision to discontinue in accordance with the full Code test (magistrates' court cases)		100%
Decision to discontinue in accordance with the full Code test (Crown Court cases)		100%
<b>Pre-charge decisions</b>		
Most appropriate charges advised at the PCD stage		89.7%
Charging advice covered adequately all ancillary issues		60.9%
Action plan requirements met the standard		71.2%
MG3 set out clearly the necessary instructions to the prosecutor at court		75.6%
Overall quality of the MG3/3A (magistrates' court cases)	Excellent	0.0%
	Good	44.0%
	Fair	24.0%
	Poor	32.0%
Overall quality of the MG3/3A (Crown Court cases)	Excellent	0.0%
	Good	42.9%
	Fair	37.5%
	Poor	19.6%
<b>Case preparation (magistrates' court)</b>		
Timely completion of all directions between first hearing and trial		29.0%
Case progression timely and proactive	Excellent	0.0%
	Good	30.2%
	Fair	41.9%
	Poor	27.9%
<b>Case preparation (Crown Court)</b>		
Indictment drafted correctly		83.1%
Amended correctly		92.9%
Timely completion of all directions between PCMH and trial		42.6%
Case progression timely and proactive	Excellent	0.0%
	Good	31.0%
	Fair	37.9%
	Poor	31.0%
<b>Disclosure</b>		
Duty to make initial disclosure complied with fully (magistrates' court cases)		56.4%
Compliance timely		52.9%
Duty to make initial disclosure complied with fully (Crown Court cases)		64.4%
Compliance timely		80.7%
Duty of continuing disclosure complied with fully (magistrates' court cases)		57.1%
Compliance timely		75.0%
Duty of continuing disclosure complied with fully (Crown Court cases)		31.8%
Compliance timely		22.2%



Questions		Findings
<b>Unsuccessful outcomes</b>		
All appropriate actions taken to 'save' the case (discontinuances and judge ordered acquittals)		31.3%
Discontinuance timely		62.5%
Material change in evidential strength/public interest since PCD or initial review in non-PCD cases		73.1%
<b>Victim and witness issues</b>		
The standard of Direct Communication with Victims communications	Excellent	0.0%
	Good	25.0%
	Fair	33.3%
	Poor	41.7%
A Victim Personal Statement was provided		26.2%
<b>General</b>		
All file endorsements meet the required standard	Excellent	0.0%
	Good	40.8%
	Fair	47.6%
	Poor	11.7%
A full file review (whether or not the full Code test was applied at the PCD stage) was carried out		78.2%
Did the use of CMS meet the required standard (including accuracy of finalisation)	Excellent	0.0%
	Good	31.7%
	Fair	51.9%
	Poor	16.3%

## F Glossary

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### **Agent**

Solicitor or barrister not directly employed by the CPS who is instructed by them, usually on a sessional basis, to represent the prosecution in the magistrates' court.

### **Associate prosecutor**

A CPS employee who is trained to present straightforward cases on pleas of guilty or to prove them where the defendant does not attend the magistrates' court. This role has been extended and includes trials of non-imprisonable offences.

### **Case management system (CMS)**

IT system for case tracking and case management used by the CPS.

### **Code for Crown Prosecutors (the Code)**

The public document that sets out the framework for prosecution decision-making. Crown prosecutors have the Director of Public Prosecution's (DPP) power to determine cases delegated, but must exercise them in accordance with the Code and its two stage test - the evidential stage and the public interest stage. Cases should only proceed if, firstly, there is sufficient evidence to provide a realistic prospect of conviction and, secondly, if the prosecution is required in the public interest (see also *Threshold test*).

### **Committal**

Procedure whereby a defendant in an *either way* case is moved from the magistrates' court to the Crown Court for trial, usually upon service of the prosecution evidence on the defence, but occasionally after consideration of the evidence by the magistrates.

### **Complex Casework Unit**

A unit set up in each CPS Area which handles the most serious cases, such as organised crime, people or drug trafficking, and complex frauds.

### **CPS Core Quality Standards**

Standards which set out the quality of service that the public are entitled to expect. The standards reflect legal and professional obligations.

### **CPS Core Quality Standards Monitoring**

A system of internal monitoring against the standards, whereby each Area undertakes an examination of a sample of completed cases to assess compliance against standards.

### **CPS Direct (CPSD)**

This is a scheme to supplement the advice given in Areas to the police and the decision-making as to charge under the charging scheme. Lawyers are available on a single national telephone number out of normal office hours so that advice can be obtained at any time. It is available to all Areas.

### **CPS London Direct (CPSLD)**

CPS London Direct's duty prosecutors deal with volume crime across London allowing boroughs to focus on providing face-to-face charging consultations for cases that require them.

### **Crown advocate**

A lawyer employed by the CPS who has a right of audience in the Crown Court.

**Director's Guidance on the Streamlined Process**

Provisions agreed between the CPS and Association of Chief Police Officers (ACPO) concerning the streamlining of certain prosecution case files, whereby a restricted amount of information and evidence is initially included where there is an expectation that the defendant will plead guilty.

**Discontinuance**

The dropping of a case by the CPS in the magistrates' court, whether by written notice (under s23 Prosecution of Offences Act 1985), withdrawal, or offer of no evidence at court.

**Either way offence**

An offence which can be dealt with in the magistrates' court or the Crown Court.

**Evidential stage**

The initial stage under *the Code* test - is there sufficient evidence to provide a realistic prospect of conviction on the evidence?

**Indictable only, indictment**

Cases which can be heard only at the Crown Court (e.g. rape, murder, serious assaults). The details of the charge(s) are set out in a formal document called the indictment.

**Instructions to counsel**

The papers which go to counsel setting out the history of a case and how it should be dealt with at court, together with case reports. These are sometimes referred to as the "brief to counsel".

**Judge ordered acquittal (JOA)**

Where the judge dismisses a case as a result of the prosecution offering no evidence before a jury is empanelled.

**Local Criminal Justice Board (LCJB)**

The Chief Officers of police, probation, the courts, and the CPS, a local prison governor and the Youth Offending Team manager in each criminal justice area who are accountable to the National Criminal Justice Board.

**London Operations Centre (LOC)**

A unit which is responsible for dealing with specific aspects of business on behalf of the Area, for example, performance management and monitoring, equality and diversity.

**Paralegal officer**

A member of CPS staff who deals with, or manages, day-to-day conduct of a prosecution case under the supervision of a crown prosecutor and, in the Crown Court, attends court to assist the advocate.

**Public interest stage**

The second stage under *the Code* test - is it in the public interest to prosecute this defendant on this charge?

**Review, initial, continuing, summary trial etc**

The process whereby a crown prosecutor determines that a case received from the police satisfies and continues to satisfy the legal test for prosecution in *the Code*. One of the most important functions of the CPS.

**Sensitive material**

Any relevant material in a police investigative file not forming part of the case against the defendant, the disclosure of which may not be in the public interest.

**Summary offences**

Those triable only in the magistrates' courts, e.g. most motoring offences, minor public order offences, common assault etc.

**Threshold test**

*The Code for Crown Prosecutors* provides that where it is not appropriate to release a defendant on bail after charge, but the evidence to apply the full Code test is not yet available, the threshold test should be applied.

**Witness Care Unit (WCU)**

Unit responsible for managing the care of victims and prosecution witnesses from the point of charge to the conclusion of a case. Staffed by witness care officers and other support workers whose role it is to keep witnesses informed of progress during the course of their case. Units have often a combination of police and CPS staff (joint units).



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HMCPsi Publication No. CP001:688



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