

CPS London Borough Performance Assessments

Waltham Forest Borough

Executive Summary



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

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

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

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

Aspect	Score	Assessment
Pre-charge advice and decisions	2	Fair
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	3	Good
Serious violent and sexual offences, and hate crimes	2	Fair
Disclosure	2	Fair
Custody time limits	3	Good
The service to victims and witnesses	2	Fair
Managing performance to improve	2	Fair
Managing resources	Not scored	
Management and partnership working	2	Fair
OVERALL ASSESSMENT	22	FAIR

Description and caseload

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

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

Waltham Forest has two offices, at Chingford Police Station and Waltham Forest Magistrates' Court, and is part of the district which is aligned to the Crown Court sitting at Snaresbrook.

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

As of October 2009 the borough had an average of 23.4 full time equivalent staff in post, and a budget of £1,480,000¹.

Staff	Numbers at October 2009
Borough crown prosecutor	1.0
Business manager	1.2
Crown prosecutors	6.4
Associate prosecutors	1.7
Caseworkers	7.1
Administrative support staff	6.0
Total (full time equivalent)	23.4

Details of Waltham Forest 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	885	946	+6.9%
Decisions not resulting in a charge ²	694	591	-14.8%
Total pre-charge decision cases	1579	1537	-2.7%
Magistrates' court proceedings³			
Magistrates' court prosecutions	2387	2848	+19.3%
Other proceedings	0	0	n/a
Total magistrates' court proceedings	2387	2848	+19.3%
Crown Court proceedings⁴			
Cases sent or committed to the Crown Court for determination	509	624	+22.6%
Committals for sentence ⁵	77	102	+32.5%
Appeals from the magistrates' court ⁵	31	33	+6.5%
Total Crown Court proceedings	617	759	+23%

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

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

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

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

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

The inspection team

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

Summary of judgements

Contextual factors and background

Borough performance in the past has been comparatively poor in some aspects compared with the overall London and national averages. This needs to be viewed, however, in the light of Waltham Forest managing its business whilst implementing a number of national initiatives and relocating to police premises as part of CPS London's programme of restructuring to integrated prosecution teams (IPTs). Although co-location with the police has brought benefits in terms of opportunity for improved liaison, these have not always been maximised and shortage of space has led to some desk-sharing for staff. This has been alleviated to an extent by the move of the optimum business model (OBM) unit to the magistrates' court and will be further improved when the police and CPS relocate to a new police building in Leyton in 2010.

The current BCP moved to Waltham Forest in July 2009 following the departure of the previous post holder on a long-term secondment abroad. A number of recently introduced systems and processes are showing some early benefits. However, the borough is also managing an increased caseload with fewer staff and it may be some time before those benefits are fully realised.

Summary

There are some concerns over the quality of decision-making and the early identification of ancillary case management issues. There were four cases (12.5%) in the file sample where the review decision did not accord with the Code for Crown Prosecutors. Although ancillary issues were identified in 73.1% of relevant cases, they were not considered in any detail.

Prosecutors still provide charging advice to the police, although the number of sessions has reduced to three per week since the introduction of CPS London Direct which handles, through a telephone service, 'volume' crime cases requiring a decision whether or not to charge. Although this has freed staff to do other duties the borough is still three lawyers under its complement. The benefits of charging are not being realised, although the magistrates' courts' discontinuance rate is slightly lower than the national and CPS London averages.

Successful outcomes in magistrates' courts' cases are not as good as the national and London averages, though the effective and ineffective trial rates (the proportion of cases fixed for a contested hearing which actually proceed on the appointed day) are better. The introduction of OBM brought initial improvements in performance although some under-resourcing and lack of clear definition in responsibilities led to some backlogs in work. These have now been addressed. The recent appointment of a case progression officer to the magistrates' courts' staff should bring further improvements in case management.

The Crown Court ineffective trial rate is worse than the national and London averages and there are some concerns from criminal justice partners about the timeliness of some aspects of case management. The borough holds its own internal case management meetings which include the witness care unit (WCU) manager and has recently appointed a caseworker as case progression officer with responsibilities which include checking trial readiness, monitoring timely completion of court directions and liaising with Crown Court staff.

The quality of instructions to advocates in Crown Court cases is poor and do not deal with the circumstances of individual cases. The standard of case presentation in the magistrates and Crown Court complies with the national standards of advocacy. In the magistrates' courts, the quality of presentation has improved and partner agencies commented positively on the work of lawyers and associate prosecutors.

Cases of serious violence, sexual offences, domestic violence and hate crimes are usually dealt with by specialist prosecutors and there are systems to ensure that those involving serious sexual offences receive early advice from a specialist. Performance in these cases is poor, although domestic violence ones are proactively pursued even when the victim no longer wishes to proceed.

Assessment of performance in respect of the disclosure of unused material was difficult because of documents apparently being removed from files during storage after conclusion. There have been some issues which were highlighted in a recent CPS internal review which reflected some of the inspectors' findings. There are, however, some signs of recent improvement although there needs to be a more rigid adherence to procedures.

The custody time limit (CTL) monitoring procedures are robust and inspectors found good evidence of knowledge and awareness of systems and the CTL regulations in some less straightforward cases. There have been no recent reported CTL failures.

Some attention is given to the needs of victims and witnesses at the pre-charge decision stage, although issues are usually flagged for consideration at a later stage. Consequently, a number of applications for special measures to aid witnesses in giving evidence are made late. Witnesses are not always provided with up-to-date information about case progress and witness issues account for a high proportion of cases dropped at court. Performance for the number of letters sent to victims to explain why a charge is altered or dropped is improving. The quality of letters is good.

Performance management has been lacking in cohesion in the past and performance has been poor in a number of key aspects. There is now, however, a greater focus on performance management as a means of improvement through reporting, analysis and discussion at borough level, both internally and with partners. A more formal system of advocacy monitoring, however, would provide greater assurance about the quality of advocacy. Performance analysis with partners has purpose and direction. In particular, prosecution team performance management meetings are becoming more effective and leading to improved outcomes. Greater attention must be paid to the recording of case finalisations to ensure the accuracy of casework data.

The borough has only limited responsibility for prosecution and non-ring fenced administration costs which are managed at district level. The deployment of borough prosecutors has worsened in the first quarter of 2009-10, largely due to the loss of four lawyers, although the co-operation of the magistrates' court has helped to increase the usage of associate prosecutors (CPS staff who are not lawyers but who are authorised to conduct certain cases in the magistrates' courts after special training). The rate of absence through sickness is monitored and performance in this respect continues to improve.

Since the arrival of the current BCP management processes have become more focussed. Team meetings are now minuted and circulated and internal communications are improving although there is still no formal communications strategy. The co-location of borough staff with the police in the IPT and the relocation of the OBM to the magistrates' court have improved communication with partners but have also brought tensions in some aspects of relationships. Office morale is high and staff are supportive of each other. Engagement with the community has been more ad hoc than structured, although it has encompassed a number and range of activities. The recent appointment of a lawyer as community prosecutor has proved to be problematic because of difficulties in accommodating the role with her casework responsibilities. The BCP now has responsibility for community engagement.

We identified one strength and 13 aspects for improvement:

Strength

- 1 The borough system of calculating, checking and monitoring CTLs is robust, accurate and shows an understanding of CTL law and procedures by staff involved in monitoring (aspect 7).
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Aspects for improvement

- 1 The quality of MG3s should be improved and managers should monitor a sample on a regular basis to ensure that:
 - reasons for decisions are fully and clearly set out; and
 - ancillary issues are properly considered (aspect 1).

- 2 The borough crown prosecutor should introduce measures to ensure that prosecutors are more proactive in carrying out full reviews of case files and actively pursue further lines of enquiry (aspect 2).

- 3 The borough crown prosecutor should put in place effective systems to ensure timely preparation and progression of magistrates' courts' cases, including cases which are to be committed for trial in the Crown Court (aspect 2).

- 4 The borough crown prosecutor should introduce effective systems to ensure that there is timely preparation and progression of Crown Court cases (aspect 3).

- 5 The borough crown prosecutor should ensure a proper standard of brief which has some bearing on the case (aspect 3).

- 6 The borough crown prosecutor:
 - should ensure that systems are in place to enable casework actions and case hearings and finalisations to be recorded accurately on the case management system (CMS); and
 - undertake regular monitoring of CMS usage including case finalisations to ensure accuracy and completeness of recording (aspect 3).

- 7 The borough crown prosecutor should provide guidance to lawyers to ensure that instructions on disclosure schedules are clear and comply with the disclosure manual and that lawyers use the correct terms for the stages of disclosure (aspect 6).

- 8 The effectiveness of the relationship between the CPS and WCU should be improved by joint training and other initiatives to provide a better service to witnesses and to enhance the mutual appreciation of the roles and responsibilities of each team (aspect 8).

- 9 The borough crown prosecutor should analyse the reasons behind ineffective and cracked trials due to the absence of civilian witnesses. The data should also be made more widely available to the WCU (aspect 8).

10 Lawyers and caseworkers should adopt the use of email when sending lists of witnesses to attend court to the WCU and Witness Service (aspect 8).

11 The borough crown prosecutor should introduce a more formal system of advocacy monitoring in the magistrates' courts and in the Crown Court (aspect 9).

12 The borough crown prosecutor should ensure that a formal record of staff training is maintained (aspect 11).

13 Administrative staff should receive appropriate training to enable them to do all administrative tasks (aspect 11).

Background to London borough assessments

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

Assessments

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

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

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

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