

# Press Release

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## Her Majesty's Crown Prosecution Service Inspectorate

### Report of the review of the performance of CPS London

#### “CPS must improve its case preparation”

Her Majesty's Crown Prosecution Service Inspectorate (HM CPSI) has today published the report of its review of the performance of the Crown Prosecution Service (CPS) London area. The overarching review drew on assessments of 20 borough units, an assessment of the traffic unit and a scrutiny of CPS London Direct. It found that although conviction rates in London increased, they remain significantly below that of the rest of England and Wales.

HM CPSI found that, of the 20 boroughs assessed, one was **good**, seven were **fair** and 12 were **poor**. The London traffic unit was assessed as **fair**. The following table sets out HM CPSI's assessments by borough:

District	Borough	Scores	Assessment
Woolwich	Bexley	16	Fair
	Greenwich	11	Poor
	Lewisham	8	Poor
	Traffic unit	17	Fair
Snaresbrook	Barking & Dagenham	19	Fair
	Hackney	16	Poor
	Havering	18	Fair
	Redbridge	15	Poor
	Tower Hamlets	13	Poor
	Waltham Forest	22	Fair
Harrow & Wood Green	Barnet	18	Fair
	Brent	8	Poor
	Enfield	8	Poor
	Haringey	9	Poor
	Harrow	15	Poor
Isleworth & Kingston	Ealing	19	Fair
	Hammersmith & Fulham	8	Poor
	Hillingdon & Heathrow	23	Fair

	Hounslow	11	Poor
	Kensington and Chelsea	-	Not assessed
	Kingston	-	Not assessed
	Merton	-	Not assessed
	Richmond	-	Not assessed
	Wandsworth	-	Not assessed
Southwark & Croydon	Bromley	-	Not assessed
	City of London	-	Not assessed
	Croydon	Not scored	Good
	Sutton	-	Not assessed
	Westminster	13	Poor
	British Transport Police	-	Not assessed
Blackfriars & Inner London	Camden	-	Not assessed
	Islington	-	Not assessed
	Southwark	-	Not assessed
	Newham	-	Not assessed
	Lambeth	-	Not assessed

The analysis of aspects of performance across the boroughs assessments and the London traffic unit identified the main weaknesses as:

<b>Crown Court casework</b>	15 poor
<b>Disclosure</b>	12 poor
<b>Magistrates' court casework</b>	11 poor
<b>Service to victims and witnesses</b>	11 poor
<b>Serious violent and sexual offences</b>	8 poor

All these go to the heart of CPS casework quality.

The major concern for inspectors was that the lower tier of Crown Court casework is too often poorly prepared, with adverse effects on readiness and presentation at court and that these feed through into the substantially worse outcomes in London when compared to national performance.

The preparation of magistrates' courts casework also had weaknesses, including delays in compliance with the prosecution's obligations to disclose unused material to the defence. Related aspects of casework including the vital care and support of victims and witnesses are variable and poor in many boroughs.

Nevertheless, inspectors emphasise that past assessments, and current feedback, show that the top tranche of casework including murders and other serious casework at the Central Criminal Court (Old Bailey) and the most sensitive elsewhere are being handled well in the Complex Casework Unit which previously received a good rating.

In seeking to identify the causes of these problems, inspectors concluded that a range of initiatives intended to improve performance and secure efficiencies have not been implemented well and this had left front line prosecutors and caseworkers struggling to manage caseloads and “fire fighting”, rather than being in charge of and confidently controlling and presenting their cases.

HM Chief Inspector of the Crown Prosecution Service Inspectorate, Stephen Wooler, commented on the findings:

**“These findings are both disappointing and worrying. Our overall performance assessments in 2005 and 2007 identified real weaknesses and those reports should have been acted on sooner. During the course of the assessment process there were substantial changes in the CPS London senior management team. There has been much activity to identify the key issues facing CPS London and a new approach is now being adopted. I very much hope that this will result in tangible improvement.”**

Other important findings included:

- Pressures on CPS London continue to rise. Caseloads in 2008–09 reflected a 4.7% increase in the magistrates’ courts on the previous year; and a 6.6% increase in the Crown Court over the previous year. In the same year, prosecutors were required to cover over 600 more court sessions in the magistrates’ courts than in the previous year although there was a sharp drop in the number of sessions at the Crown Court.
- CPS London dropped 15.4% of its Crown Court Cases in the 12 months to December 2009 (compared with 11.6% nationally) before trial, and this was considerably more than the rate of acquittals during trials themselves.
- The proportion of successful outcomes in violence against women cases rose from 55.4% (2006-07) to 62.0% (2008-09) but this improvement is less than found nationally (65.1% to 71.9%).
- In cases involving allegations of rape (a sub-set of the violence against women data), CPS London had a successful outcome rate in 2007-08 of 45.2% compared with 57.7% nationally. This rose in 2008-09 to 47.0% compared with 57.7% nationally, but declined to 43.8% in the 12 months to December 2009, compared with an improvement nationally to 58.2%.
- The proportion of successful hate crime outcomes increased from 72.6% in 2006-07 to 77.2% in 2008-09 but again lagged behind national performance (76.7% to 82.0% respectively).
- As regards casework handling, the large majority of decision-making at either the charging or initial review stage is sound and accords with the Code for Crown Prosecutors. However, prosecutors do not always identify at an early stage what is required to ensure a successful outcome and

need to be more proactive in indicating further lines of enquiry required to support the prosecution case.

- Weaknesses in case preparation manifest themselves in late applications for special measures to help witnesses give their best evidence and other aspects designed to strengthen the prosecution case. There is a lack of intellectual rigour when preparing cases and advocates in the Crown Court receive poor quality instructions.
- Where there has been specific attention on driving up aspects of performance, this has shown some success. For example, the management of custody time limits was assessed more favourably than any other aspect in our borough performance assessments.
- There has also been progress in ensuring that letters to victims are sent when required under the provisions of the direct communication with victims scheme when charges are dropped or substantially altered. However, there is scope for further improvement and more work needs to be done on their quality.
- There appeared to be either a lack of awareness at the most senior level of how change projects were actually working and a strong tendency to move from pilot stage to full implementation too quickly and to sign off major initiatives too readily as 'business as usual' without a full and robust assessment. A consistent theme was that projects or initiatives could not be seen to fail regardless of what the reality was for practitioners on the front line who were required to deliver these, often with insufficient resources.

Stephen Wooler, HM Chief Inspector of the Crown Prosecution Service Inspectorate, added:

**“Our findings are inevitably a matter for concern for the CPS and its stakeholders including the wider public. They will also bring disappointment to staff. The fundamental problem has been one of “initiative overload”. Inspectors were impressed by the commitment and effort of most staff. The concepts behind the many and varied initiatives were sound when taken individually but the key problem affecting the quality of work lies in the operational delivery and co-ordination between projects.”**

This press release should be read in conjunction with the executive summary which is attached.

For further information please contact Anisha Visram, HMCPSI's media contact, on 020 7210 1187/07901 856 348.

## Notes to editors

1. HMCPSI was established as an independent statutory body on 1 October 2000 by the Crown Prosecution Service Inspectorate Act 2000. The Chief Inspector is appointed by, and reports to, the Attorney General.
2. The pilot performance assessment of Croydon borough, published in May 2009, was the first of a planned series of performance assessments of the individual borough units in CPS London.
3. There are 33 geographical units based on London boroughs and the cities of London and Westminster. CPS London also has a dedicated traffic unit and a Complex Casework Centre which handles serious and complex cases and those at the Central Criminal Court (Old Bailey). CPS London provides advice to police and charging decisions through a telephone service, CPS London Direct, or where a face-to-face meeting is needed through the local borough units. The units are gathered into six districts based on Crown Court centres.
4. The borough performance assessment (BPA) process provides a benchmark for the performance of CPS London boroughs in 11 key aspects of work. Ten of these aspects have been assessed as being Excellent, Good, Fair or Poor. The remaining aspect (managing resources) has been evaluated but not scored. The borough is then assessed on its overall performance in the light of these markings.
5. The scoring mechanism is described in annex C of the borough reports. This provides some limiters that apply in addition to the total of points scored. This is because of the significant impact that some aspects will have on the delivery of the borough's core business, or because of the impact of a number of Poor aspects.
6. The performance assessments included examination of finalised case files; interviews with representatives of partner criminal justice agencies and the judiciary; discussions with borough staff; observations at the office; and observations at the magistrates' courts and the Crown Court. Some additional interviews were conducted with resident judges of other Crown Court centres in London and with individuals having a London-wide role or experience. These included senior managers for CPS London.
7. The findings from the BPAs undertaken have been drawn together in the pan-CPS London report which addresses the significant issues that have emerged as the assessments have progressed in order to provide an overall picture of the performance of the area. The report is published today along with ten borough reports and the report relating to the London traffic unit. Nine other borough reports were published on 19 January 2010 and can be found on our website ([www.hmcpsi.gsi.gov.uk](http://www.hmcpsi.gsi.gov.uk)).