

Press Release

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Her Majesty's Crown Prosecution Service Inspectorate

CPS London Borough Performance Assessments

Westminster Borough

Her Majesty's Crown Prosecution Service Inspectorate (HM CPSI) has today published their performance assessment of the Crown Prosecution Service (CPS) London, Westminster borough. It should be read in conjunction with the London-wide report also published today.

This is one of a planned series of borough performance assessments of the units in CPS London.

The overall performance assessment of CPS London, Westminster borough was **POOR**.

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	0	Poor
Decision-making, preparation and progression in Crown Court cases	0	Poor
The prosecution of cases at court	2	Fair
Serious violent and sexual offences, and hate crimes	2	Fair
Disclosure	0	Poor
Custody time limits	3	Good
The service to victims and witnesses	0	Poor
Managing performance to improve	2	Fair
Managing resources	Not scored	
Management and partnership working	2	Fair
Overall assessment	13	Poor

The quality of casework decision-making was for the most part satisfactory. However, the standard of subsequent case preparation was neither thorough nor timely. In this respect the Westminster unit reflected the pattern found in other borough units across London.

The proportion of magistrates' court cases that resulted in a successful outcome (conviction) was 84.1%, which is lower than the CPS London overall rate of 85.8% and the national rate of 87.0%. The successful outcome rate in the Crown Court was 76.1%, which was better than the CPS London average of 72.5%, but lower than the national average of 80.6%.

Westminster faces a number of specific difficulties not found elsewhere, or at least not to the same extent. These include:

- the requirement to handle a substantially increased caseload with a diminishing number of experienced lawyers;
- the trends in, and nature of, much of its population, especially through tourism, which makes it more difficult to manage the attendance of victims and witnesses; and
- a substantial backlog of cases in the City of Westminster Magistrates' Court resulting in contested cases being spread across several adjoining courts; this makes case management more difficult.

These factors contributed to, but even accumulatively, do not account for, the extensive weaknesses found in Westminster. These included:

- Prosecutors do not routinely consider at the charging stage ancillary matters such as the need for special measures to enable witnesses to give their evidence effectively; or applying to the court to admit bad character or hearsay evidence. This contributes to the late applications to the court for the necessary permissions as cases are not prepared for trial in a timely way.
- The limited attention which most cases receive after the charging stage. Full reviews were carried out and met the required standard in only 56.5% of relevant cases.
- Taken overall, all aspects of case preparation were timely in only 17.2% of cases in the sample. Whilst the late receipt of papers from the police contributes to the unit's difficulty in timely case preparation, some aspects of delay were attributable to the ineffective operation of its own systems.
- One consequence of these difficulties was the rate of discharged committals for 2008-09, when there were 43 discharged committals in Westminster (cases which should proceed to the Crown Court but do not because the prosecution is not ready). Although performance had been the same as the London average, it declined in the period ending December 2009.

Other significant findings were:

- The effective trial rate (contested cases which proceeded to trial on the day fixed) in the magistrates' court in 2008-09 was better than the national and London rates and improved marginally in the 12 months to December 2009.
- The effective and ineffective trial rates in the Crown Court in 2008-09 were significantly better than the national and London rates. These may not in themselves indicate strong case preparation as the robust approach to trial management that the resident judges had adopted discourages ineffective hearings.
- Instructions to advocates in the Crown Court are not of good quality.
- The standard of advocacy is variable. Most advocates meet the national standards of advocacy but some advocates in the magistrates' court were lacklustre, lacked presence or were less than competent in certain respects.
- Compliance with the prosecution's duty of disclosure of unused material to the defence is poor.
- By contrast, the unit's management of cases involving custody time limits is good.
- The service to victims and witnesses needs to improve in relation to explaining why charges have been dropped or altered.
- There have been some improvements in joint performance management with partners in the criminal justice system, but management of performance in the unit needs to be strengthened considerably.

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

“The City of Westminster Unit is the largest in London and operates in a challenging environment. It is a credit to the commitment and effort of the borough's staff and managers that the change in performance is not as marked as it could have been. Nonetheless, Westminster must raise its game and improve the quality of case preparation and the handling of cases at court. I hope that the new approach being adopted by the senior management team for London will in due course enable the unit to achieve a consistently good standard of casework delivery that criminal justice partners and the public have the right to expect.”

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

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

Notes to editors

1. HMCPSP 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 the boroughs 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.
5. The scoring mechanism is described in annex C of the report. 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 assessment 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' court and the Crown Court.
7. The findings from the borough performance assessments undertaken have been drawn together in a 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 has also been published today along with nine other boroughs and the report relating to the traffic unit.