

CPS London Borough Performance Assessments

Barking and Dagenham Borough

Executive Summary



This is the executive summary of the report by Her Majesty's Crown Prosecution Service Inspectorate (HMCPPI) on the performance assessment of the Crown Prosecution Service (CPS) London, Barking and Dagenham 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, Barking and Dagenham 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	0	Poor
The prosecution of cases at court	2	Fair
Serious violent and sexual offences, and hate crimes	3	Good
Disclosure	2	Fair
Custody time limits	2	Fair
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	19	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.

Barking and Dagenham has one office, at Stratford, and is part of the district which is aligned to the Crown Court sitting at Snaresbrook. At the time of our inspection, the borough was not due to co-locate with the police as an integrated prosecution team (IPT) for at least a year. However, it was planning to move soon to CPS premises in South London.

Borough business consists of both magistrates' court and Crown Court work. Staff of appropriate skills and experience may deal with both types.

As of 20 August 2009 the borough had an average of 24.4 full-time equivalent staff in post and a budget of £1,454,000¹.

Staff	Numbers at September 2009
Borough crown prosecutor	0
Business manager	1.4
Crown prosecutors	5.0
Associate prosecutors	1.6
Caseworkers	6.4
Administrative support staff	10.0
Total (full time equivalent)	24.4

Details of Barking and Dagenham 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	926	1,102	+19.0%
Decisions not resulting in a charge ²	501	716	+42.9%
Total pre-charge decision cases	1,427	1,818	+27.4%
Magistrates' court proceedings³			
Magistrates' court prosecutions	2,544	2,755	+8.3%
Other proceedings	3	0	—
Total magistrates' court proceedings	2,547	2,755	+8.2%
Crown Court proceedings⁴			
Cases sent or committed to the Crown Court for determination	478	470	-1.7%
Committals for sentence ⁵	67	62	-7.5%
Appeals from the magistrates' court ⁵	38	75	+97.4%
Total Crown Court proceedings	583	607	+4.1%

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

Barking and Dagenham is situated in East London. It has a very mixed population in terms of age and ethnicity. There is little organised or specialist crime by comparison with other London boroughs. However, domestic violence accounts for about 40% of locally reported recordable crime and all types of hate crime are very high on the local agenda. Other priorities currently include domestic burglary.

CPS Barking and Dagenham borough was created in late 2007. Since then it has remained relatively stable, except for a change in BCP in July 2009 and a reduction in resource, particularly at crown prosecutor level. A borough lawyer currently fills the BCP post on temporary promotion. This, combined with the temporary loss of another lawyer on long-term sick leave, meant that the borough was significantly below strength at the time of the inspection. The same was true of administrative staff in the first six months of 2009, but replacement temporary staff have been provided recently to ease the pressure.

Travel is a significant part of the daily routine for many staff and this can be aggravated by frequent public transport and traffic delays. Whilst the office is currently located in Stratford, which is in the adjacent London borough of Newham, the local magistrates' court is some distance away in Barking town centre. The proposed move to CPS premises at The Cooperage in Bermondsey will substantially increase this distance from the office to both the magistrates' court and the Crown Court at Snaresbrook. The charging centre and witness care unit based at Dagenham Police Station are located even further away. However the move should improve working conditions.

There are also issues in relation to the accommodation at Barking and Dagenham Magistrates' Court, where there is currently a lack of CPS IT. This impacts on the ability of the borough to manage its cases promptly and effectively. In particular it can affect compliance with direct communication with victims time limits, the ability to enter hearing and case outcomes on the case management system (CMS) and to access the details of linked cases without delay.

Summary

Despite a slight dip in the first quarter of 2009-10, and very variable pre-charge advice 'benefit realisation' outcomes, performance in terms of successful outcomes overall has compared very well to the CPS London and national averages. This is particularly significant in relation to violence against women and hate crime where Barking and Dagenham performs well, given the nature and composition of the local population and the relative level of domestic violence by comparison with other boroughs.

This relatively strong performance is largely due to the commitment and experience of the lawyers, caseworkers and administrative staff, who support each other under difficult circumstances to ensure that as many cases as possible reach a successful outcome. These circumstances include the fact that the borough is significantly under strength in terms of lawyers and, until recently, administrative staff. The situation is very likely to get worse before it gets better with maternity and long-term sick leave having an impact.

The quality of legal decision-making is generally sound. The application of the full Code for Crown Prosecutors test at the pre-charge stage is good but less so at the review stage. Timely reviews are invariably carried out post-charge but inherent evidential problems are not always identified, presumably because there is often insufficient time to consider all aspects of the case in detail. Although there is a degree of proactivity, which is reflected in the setting of sound action plans at the pre-charge stage and attempts to ensure that the domestic violence policy is applied where possible, decisions to charge and to proceed subsequently are often not followed through with case handling of comparable quality. This, combined with the relatively poor levels of witness attendance, also contributes to the high level of late discontinuance identified in the file sample.

Witness care has improved recently but problems remain, some of which could be improved by enhancing the quality of communication with the witness care unit based at Dagenham, and the Witness Service at court. Direct communication with victims has also improved, although compliance with the Prosecutors' Pledge is difficult given the operating environment.

The quality of advocacy is sound with some exceptions which could be dealt with by enhanced mentoring and further training. However the borough is now relying more heavily on agents to conduct trials in the magistrates' court due to lack of lawyer resource. This may impact further on outcomes in due course and may also place more pressure on the stretched case progression systems.

Case progression systems appear to have improved recently and the optimum business model (OBM) process is now fully resourced and operational. However there is a lack of genuinely proactive case progression in both magistrates and Crown Court cases. All partner agencies are under resource pressure and the OBM team does not have the capacity to chase files which are awaited from the police more than once before the eve of the summary trial date. This places a premium on the accuracy of the initial short-form documentation submitted by the police under the streamlined process scheme and the fullness of advice given by the CPS advocate at the first hearing as to the main documents required in the trial file. This must specify exactly what material is required for the trial to be effective.

The borough has a relatively high proportion of effective trials in both the Crown Court and magistrates' courts (the proportion of cases fixed for a contested hearing which actually proceed on the appointed day). However this is due more to the ability of staff to resolve outstanding issues on the eve of trial than the effectiveness of joint and internal case progression systems. As a result headline performance tends to mask problems which need to be addressed in concert with partners. For example compliance with court directions is often late and statutory time limits for the filing of evidentiary applications are rarely met.

Whilst there is compliance in the main with the duties of initial and continuing disclosure of unused material, case progression problems also have an impact and the time available to spend on disclosure issues is reduced further by the frequently late receipt of schedules of unused material from the police. As a result lawyers sometimes only have time to do the minimum necessary with the result that disclosable items are not always served and some items are served unnecessarily. The police are not always chased for responses to defence statements.

The borough has not had a reported custody time limit failure since it was created and has adopted the London area system, which it supplements with a local protocol with HM Courts Service and case 'ownership' in custody cases. However some staff are not fully conversant with the relevant law and procedure which is not helped by the outdated material posted on the office wall. Importantly the borough cannot always demonstrate that applications to extend are quality assured by a lawyer.

Joint performance is consistently addressed with partners and there has been robust communication on difficult issues, particularly in relation to file building and delays at the pre-charge stage. Generally partners complimented the CPS on its approach and contribution. However it is significant that at present there are no case progression meetings with either Snaresbrook Crown Court or Barking and Dagenham Magistrates' Court, although the borough meets with police partners weekly to consider cases coming into the list.

Internal performance is also managed with a degree of success. The operation of the casework quality assurance scheme is generally sound and staff are properly appraised with individual performance issues (both positive and negative) addressed robustly. However some performance related systems are not working well. In particular CMS is not always used to the best advantage and accuracy of some data on the system is an issue, to the extent that performance in relation to discontinuance might not be as good as appears from the headline data.

In light of all these issues strong leadership is therefore essential and in recent years this has been of great benefit. Effective engagement with partners and a growing profile in the community has been the subject of positive comment by stakeholders, although resource issues and competing priorities have served to push this down the agenda recently.

Inspectors identified 13 aspects for improvement:

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- 1 Prosecutors need to improve the consistency with which they address ancillary issues including special measures, evidential applications and asset recovery at the pre-charge stage (aspect 1).

 - 2 The content of the written charging advice needs to improve. Better and more accurate instructions to advocates are required, particularly in relation to mode of trial (aspect 1).

 - 3 The borough needs to improve case progression by ensuring that all necessary actions are identified at the earliest opportunity and by working with partners to improve the timeliness of trial file delivery (aspect 2).

 - 4 Prosecutors need to improve the quality of post-charge review in Crown Court cases (aspect 3).

 - 5 The borough should improve case management proactivity and the management of case progression with its criminal justice partners (aspect 3).

 - 6 The borough needs to improve the identification and flagging of sensitive cases (aspect 5).

 - 7 The borough should review its application of CPS policy on domestic violence cases to achieve greater consistency of approach and reduce last minute discontinuances (aspect 5).

 - 8 The borough needs to ensure that schedules of unused material are provided in good time following a plea of not guilty in the magistrates' court and it needs to do more to ensure timely and effective compliance with the prosecution's obligations of continuing disclosure (aspect 6).

 - 9 The borough needs to improve the operation of its custody time limit system by ensuring that all relevant documentation is current and accurate, that advocates are properly prepared and understand the relevant law and procedure, and that all applications to extend time limits are checked and signed off by a lawyer (aspect 7).

10 The borough needs to work closely with the police and witness care unit to increase the number of victim personal statements currently obtained. Consideration should also be given to having weekly face-to-face meetings between the CPS and witness care unit staff as well as organising joint training activities (aspect 8).

11 The frequency of full borough team meetings should be increased (aspect 11).

12 The borough should introduce and maintain a staff training plan and training records (aspect 11).

13 The borough should consider how best to involve itself further in community projects and engagements, particularly those focussing on domestic violence (aspect 11).

Background to London borough assessments

HMCPSP'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 HMCPSP based on absolute and comparative assessments of performance. These came from national data; CPS self assessment; HMCPSP 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 HMCPSP Inspectorate (telephone 020 7210 1197) and is also available on line at www.hmcpsti.gov.uk.