

CPS London Borough Performance Assessments

Bexley 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, Bexley 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, Bexley 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	0	Poor
Serious violent and sexual offences, and hate crimes	2	Fair
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	16	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.

Bexley is part of the district which is aligned to the Crown Court sitting at Woolwich. Based at Bexleyheath police station, it is a co-located unit operating the integrated prosecution team (IPT) model. Business is divided along functional lines with prosecutors and paralegal staff undertaking a mix of both magistrates' court and Crown Court work.

As of September 2009 the borough had 18.1 full time equivalent staff in post and a budget of £1,188,082.00¹.

Staff	Numbers at September 2009
Borough crown prosecutor	1.0
Business manager	1.0
Crown prosecutors	4.8
Associate prosecutors	0.7
Caseworkers	5.6
Administrative support staff	5.0
Total (full time equivalent)	18.1

Details of Bexley 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	706	838	+18.7%
Decisions not resulting in a charge ²	583	404	-30.7%
Total pre-charge decision cases	1289	1242	-3.6%
Magistrates' court proceedings³			
Magistrates' court prosecutions	1948	1767	-9.3%
Other proceedings	0	1	—
Total magistrates' court proceedings	1948	1768	-9.2%
Crown Court proceedings⁴			
Cases sent or committed to the Crown Court for determination	287	283	-1.4%
Committals for sentence ⁵	48	56	+16.7%
Appeals from the magistrates' court ⁵	43	34	-20.9%
Total Crown Court proceedings	378	373	-1.4%

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 Ms Joan Kostenko, who was nominated by the Citizens Advice Bureau, was the lay inspector. Her views and findings have been included in the report as a whole. Her time was given on a purely voluntary basis and the Chief Inspector is grateful for her effort and assistance.

Summary of judgements

Contextual factors and background

The borough has seen its caseload decrease by 9.2% in the magistrates' court and 1.4% in the Crown Court from 2007-08 to 2008-09, although there has been a 16.7% rise in the number of cases committed by the magistrates for sentence in the Crown Court.

Whilst the overall volume of work has reduced Bexley has had to implement a number of recent national and area initiatives which have impacted on its ability to deliver core business objectives such as the optimum business model (OBM), Director's Guidance: Streamlined Process (DGSP) and IPT. Adjusting to these new roles and working practices has proved a significant challenge and credit must be given to the staff for their continued commitment to the work. The borough also has no control over the allocation of its resources, since all such decisions are made at area level and distribution determined by the district.

Summary

The overall quality of pre-charge decision-making is fair. Since the introduction of CPS London Direct, however, the borough now provides charging advice only in the more serious or complex cases. Although the working relationship with the police is harmonious, the high ratio of charged to no further action cases suggests that borough prosecutors are not being sufficiently robust and are allowing a proportion of weaker cases to proceed which subsequently end in an unsuccessful outcome. This is particularly noticeable in the Crown Court where the performance in this respect was below the national average.

Bexley's conviction rate in the magistrates' court for 2008-09 was better than both national and CPS London performance, which reflects the concentration it has placed on summary work and recent improvements to the operation of its OBM processes. Similarly the effective trial rate for the same period was also above national and London performance.

By contrast the borough performed less well in the Crown Court during 2008-09, where the overall conviction rate was below both national and CPS London figures and has dipped further during the 12 months to June 2009. There is too heavy a reliance on the initial review and a lack of robust systems to ensure that serious cases are effectively prepared thereafter. The effective trial rate at Woolwich Crown Court, which has been better than national and London performance during 2008-09, has been achieved despite a lack of effective case progression systems in Bexley.

The quality of case presentation was variable. Although that which was observed complied with national standards of advocacy, some advocates were not always fully prepared for the hearing. In the magistrates' court the borough's associate prosecutor is generally well regarded. In the Crown Court the instructions to advocates are not sufficiently tailored to the individual case, lacking comprehensive expositions of the most important aspects and many are delivered too late to allow the advocate sufficient time to prepare for the hearing. There is little in-house Crown Court advocacy. Overall the borough should implement regular advocacy monitoring to assess and improve performance.

Successful outcomes for cases involving violence against women (which includes domestic violence and serious sexual offences) were significantly worse than national averages. Bexley has just two lawyers who act as champions for all such cases and needs to develop greater clarity around the roles and responsibilities of specialists to improve performance.

Compliance with the prosecution's duties of disclosure of unused material overall is fair, although there were weaknesses in the process at the initial disclosure stage including inadequately compiled and annotated schedules; failure to endorse and record disclosure decisions; and late completion of both initial and continuing disclosure. Archive storage of disclosure documents once a case has concluded needs to be improved.

Systems for managing custody time limits are satisfactory although the champion and staff in general would benefit from refresher training. There were no reported failures recorded in 2007-08, 2008-09 or so far this year.

The proxy target has been met in terms of the number of letters sent to victims to explain why a charge has been dropped or significantly altered, but not in respect of their timeliness. The borough enjoys a good working relationship with its partner witness care unit, which has strengthened since operating jointly from the same location. The borough needs to improve its processes for monitoring performance against the minimum requirements of the No Witness No Justice scheme.

There is limited responsibility for managing prosecution and non-ring fenced administration costs, as these are set by CPS London and then managed at district level. However the borough overspent against its allocated budget in 2008-09 substantially. Deployment of advocates in the magistrates' court is high achieving a rate of 99.2% of sessions covered in-house during 2008-09; the associate prosecutor complement of one appears insufficient. Whilst its caseload has fallen significantly the borough has not been able to maintain the quality of Crown Court work. Sickness absence has been substantial.

Overall the quality of performance management is satisfactory, but it requires a more focused analysis and understanding of those aspects which adversely affect the borough's performance across a range of key indicators, in order to reveal areas of weakness and performance trends.

Managers have understood and introduced national and CPS London initiatives such as Criminal Justice: Simple, Speedy, Summary; DGSP; the OBM for case preparation and IPT. However this has led to over concentration on day-to-day operational issues at the expense of developing fully effective borough partnerships. Relationships are generally positive and there is effective informal communication between managers and staff, but there is a need for regular team meetings to be held to ensure all staff are kept informed of key issues.

Inspectors identified 13 aspects for improvement:

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- 1 The borough crown prosecutor should monitor the quality of the charging decisions and any action plans produced as part of a charging consultation (aspect 1).

 - 2 The borough crown prosecutor should take steps to ensure that where defendants face more than one set of proceedings, they are linked from the outset (aspect 2).

 - 3 The borough crown prosecutor should ensure that Crown Court case preparation is undertaken to a satisfactory standard (aspect 3).
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- 4 There is a need for systematic monitoring of all advocates to take place and be recorded, and for feedback to be provided (aspect 4).
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- 5 The district crown prosecutor should take steps to agree and implement an effective crown advocate strategy (aspect 4).
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- 6 The borough needs to:
- a. identify the reasons for the low levels of successful outcomes rate in cases involving violence against women; and
 - b. ensure that the roles of specialists and champions are distributed more evenly and that the individuals are given specific expectations of their roles (aspect 5).
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- 7 The borough should ensure that the police do not remove CPS documentation and disclosure material from the files before they are sent for storage. The borough should remove all unnecessary material from files prior to sending the file back to the police (aspect 6).
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- 8 The borough needs to take urgent steps to complete local custody time limit training for all staff (aspect 7).
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- 9 The borough needs to develop a clear strategy for victim and witness service in line with the national strategy and ensure its performance framework includes performance against No Witness No Justice primary and secondary measures and the Victims' Code (aspect 8).
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- 10 The borough needs to keep formal records of advocacy monitoring undertaken, so this can be used to drive service improvement (aspect 9).
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- 11 The borough needs to make better use of the case management system to assist in performance monitoring (aspect 9).
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- 12 The borough needs to develop further their performance framework to ensure that it covers all aspects of the business, to enable trending to be undertaken, comparisons made and themes identified to drive performance improvement (aspect 9).
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- 13 The borough crown prosecutor needs to consider the balance of resources and its impact upon Crown Court casework in particular (aspect 10).
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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 HMCPS Inspectorate (telephone 020 7210 1197) and is also available on line at www.hmcpai.gov.uk.