

CPS London Borough Performance Assessments

Haringey 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, Haringey borough.

The borough performance assessment (BPA) process provides a benchmark for the performance of the CPS London borough units in ten key aspects of work. Each of the aspects is assessed as being Excellent, Good, Fair or Poor. The borough is then assessed on its overall performance in the light of these markings. The BPA also evaluates the management of resources at borough level.

The overall performance assessment of CPS London, Haringey 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	0	Poor
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	0	Poor
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	9	Poor

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 CPS 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 more senior 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.

Haringey borough has one office, at Wood Green. It is part of the CPS London district which is aligned to the Crown Court centres at Harrow and Wood Green.

The borough is an integrated prosecution team (IPT) site, although the structure is different from other similar sites. This means that borough staff are co-located with some police staff, deal directly with investigating officers, rather than through the police criminal justice unit, and undertake case building functions that were previously the responsibility of police staff. Borough business is divided on functional lines between magistrates' court and Crown Court work.

As of November 2009 the borough had an average of 26.2 full-time equivalent staff in post, and a budget of £1,349,782¹.

Staff	Numbers at November 2009
Borough crown prosecutor	1
Business managers	1
Crown prosecutors	6.4 ²
Associate prosecutors	0
Caseworkers	9.2
Administrative support staff	8.6
Total (full-time equivalent)	26.2

Details of Haringey borough 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	1,758	1,465	-16.7%
Decisions not resulting in a charge ³	1,032	1,129	+9.4%
Total pre-charge decision cases	2,790	2,594	-7.0%
Magistrates' court proceedings⁴			
Magistrates' court prosecutions	3,662	3,473	-5.2%
Other proceedings	0	4	—
Total magistrates' court proceedings	3,662	3,477	-5.1%
Crown Court proceedings⁵			
Cases sent or committed to the Crown Court for determination	707	632	-10.6%
Committals for sentence ⁶	70	111	+58.6%
Appeals from the magistrates' court ⁶	36	32	-11.1%
Total Crown Court proceedings	813	775	-4.7%

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 The total excludes two crown advocates on the borough who have recently been moved to the Wood Green advocacy unit on a full-time basis.

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

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

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

6 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 victims and witnesses; 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 Tony Summers 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

Since Haringey moved to the IPT model in mid-February 2009 it has been located at Wood Green. Although the borough shares office space with the witness care unit (WCU) and police criminal justice managers and administrators, it is not a co-located site as the building is not operational as a police station and officers are required to travel from other locations when they need to access a prosecution file. The relocation of the borough has strengthened relationships with the WCU and senior police managers have been supportive of the new arrangements. Staff working on the borough have embraced the changes and are committed to the unit. Notwithstanding the relatively poor performance in several aspects compared to the CPS nationally and for London overall, this should be seen in the light of Haringey needing to manage its business whilst implementing a number of national and area initiatives. This challenging change programme has required it to embrace not only the unfamiliar IPT structure and processes, but also to adopt the optimum business model (OBM) within the context of proportionate file building imposed by the Director's Guidance on the Streamlined Process. Outcomes should be viewed within this context.

Summary

The process for delivering pre-charge decisions has changed since CPS London Direct was introduced to advise on 'volume' crime, leaving the borough to concentrate upon the more serious or complex cases. However lawyers continue to advise on a proportion of volume cases which increases the number of charging sessions needed and constricts their availability to complete other duties. Pre-charge decision-making overall is in accordance with the Code for Crown Prosecutors (the Code), but little of value is added at the pre-charge stage. Actions plans are not used effectively to build strong cases at an early stage by identifying appropriate lines of further enquiry and dealing with ancillary case management issues.

The borough has established a good working relationship with the police through delivery of pre-charge advice but is not realising the expected benefits of charging. Outcomes for 2008-09 were poorer than national and London averages for all three measures in both the magistrates' court and the Crown Court. Although there have been signs of recent improvement compared to London overall performance remains below the national average and is not yet sustained.

Successful outcomes in magistrates' court cases in the 12 months to September 2009, at 82.1%, are worse than the national (87.1%) and London (86.1%) averages, as are the effective (the proportion of cases fixed for a contested hearing which actually proceed on the appointed day), ineffective and cracked trial rates. The introduction of OBM has not brought anticipated improvements in trial preparation and outcomes deteriorated dramatically in 2008-09. Effective operation of the OBM continues to present the borough with significant challenges, not least in terms of resourcing.

Successful outcomes in Crown Court cases in the 12 months to September 2009 at 62.7% are significantly worse than the national (80.7%) and London (72.7%) averages. Although the effective, ineffective and cracked trial rates are much better, this is principally due to the Crown Court's strict control of cases and effective case progression mechanisms. Case preparation in the Crown Court is

firmly the province of the borough's caseworkers, who liaise closely with the trial advocate, police and witness care officers. The quality of instructions to counsel, however, is poor in that they contain little reference to the individual aspects of the case.

Although the standard of case presentation complied with the national standards of advocacy, no specific time is set aside for prosecutors to prepare magistrates' court lists. Consequently, it was noticeable that advocates lacked a comprehensive understanding of the facts and issues involved in some cases. Due to the lack of associate prosecutors (CPS staff who are not lawyers but who are authorised to conduct certain cases in the magistrates' court after special training) at the time of our assessment, the borough was required to prosecute more magistrates sessions than its in-house crown prosecutors could undertake and had to instruct agents to make up the shortfall.

Borough performance in cases of serious violence, sexual offences, domestic violence and hate crimes is poor. With the exception of domestic violence, outcomes in these cases were significantly below the London average, with convictions in sexual offences being exceptionally poor by comparison. All rape cases are allocated to borough specialists, but cases in other categories are distributed between all the lawyers.

Compliance with the prosecution's duties of disclosure of unused material is also poor and weaknesses were evident across a range of aspects from inadequately compiled and annotated schedules to a failure to disclose material which had the potential to undermine the prosecution case or assist the defence. This aspect of borough performance needs to be urgently addressed.

The borough has had no recent custody time limit (CTL) failures and systems put in place to manage CTLs by the borough appear to be effective in identifying and managing CTL cases. CTLs are not yet being consistently agreed in court but, overall, monitoring procedures appeared robust and staff were knowledgeable about the borough's CTL system.

The borough has not met its target in terms of the number of letters sent to victims to explain why a charge has been dropped or significantly altered and the timeliness of letters sent was significantly worse than the London average for vulnerable and intimidated victims, but only marginally so for all other victims. The quality of letters, however, is generally good. Since the move to IPT working, the borough has fostered a closer, more effective working relationship with the WCU. Further work needs to be done, however, to improve communication paths as witnesses are not always provided with up-to-date information about the progress of their cases and witness issues account for a high proportion of cases dropped at court.

Performance on the borough needs greater management focus as the borough's outcomes are nearly all below target and managers were not able to demonstrate clearly that they knew the causes of the weak performance. Both casework and the quality of advocacy are reviewed but neither result in formal feedback to the prosecutors involved. There has been some work to improve case progression systems in the Crown Court but this is yet to yield improvements. The borough participates in a number of forums to improve joint working and managers are seen by partner agencies as being responsive to issues raised.

The borough has limited responsibility for managing prosecution costs and non-ring fenced administration costs which are managed at district level. However, the borough underspent against its budget in 2008-09 in regard to staffing costs, while prosecution costs were overspent. A shortage of prosecutors meant that the borough was unable to meet its target for the deployment of in-house prosecutors in the magistrates' court in 2008-09 and a continued commitment to providing five days a week of face-to-face charging advice appears to have compromised case preparation time for Crown Court cases.

Management focus is largely on day-to-day operational issues, but improving performance in weak areas, such as case progression, is also seen by managers as a priority. Recently, the borough has managed the move to IPT, which has been welcomed as a positive move by both the borough and the police. While communication on the unit is generally effective, some staff are missing key messages due to working patterns or the need to be out of the office. The borough management team has developed positive working relationships with their criminal justice partners and are seen as taking a collaborative approach.

We identified 12 aspects for improvement:

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- 1 The quality of MG3s should be improved and managers should undertake regular monitoring to ensure that:
 - there is appropriate consideration of ancillary issues;
 - instructions to associate prosecutors are endorsed on MG3s;
 - action plans are clearly set out in the appropriate place with realistic target dates; and
 - compliance with action plans is monitored (aspect 1).

 - 2 The borough should implement a system for the timely review of cases which are discharged at the committal stage and to ensure that proceedings are re-instituted, where appropriate, without unnecessary delay (aspect 2).

 - 3 The borough crown prosecutor should set clear objectives and performance targets for the optimum business model, linked to improvements in outcomes, with particular focus on:
 - adequate and timely review of cases for summary trial; and
 - effective case preparation and timely case progression (aspect 2).

 - 4 Borough lawyers should improve the quality of post-charge evaluations of their Crown Court cases and ensure that they add value by completing a meaningful review of the issues in the case (aspect 3).

 - 5 Borough managers should:
 - put effective systems in place to ensure that Crown Court cases are progressed effectively with timely compliance with court directions;
 - set clear objectives and performance targets for the Crown Court case progression officer; and
 - ensure that improvements are continuously monitored and assessed (aspect 3).

 - 6 Borough managers should put in place measures designed to improve and monitor the quality of instructions to prosecuting advocates and the quality of indictments, providing for necessary training or refresher training where appropriate (aspect 3).

 - 7 The borough, in conjunction with the district, should take steps to establish an effective operational protocol with the Wood Green Crown Court advocacy unit to ensure that:
 - advocates instructed to prosecute have sufficient ability commensurate with the seriousness of the case;
 - advocates have sufficient time to prepare their cases for hearing; and
 - there is systematic monitoring of all prosecution advocates, with feedback provided on performance (aspect 4).

- 8 The borough crown prosecutor should ensure that the roles and responsibilities of specialists and champions:
- are fairly and evenly distributed between the unit's senior lawyers;
 - are defined and understood, with clear expectations and performance objectives linked to outcomes;
 - act to ensure that ownership of violence against women and hate crime cases is embedded within the unit; and
 - include regular analysis and feedback of outcomes in serious violent and sexual offences and hate crime cases, identifying reasons for unsuccessful outcomes in these cases and implementing measures to improve performance (aspect 5).
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- 9 Urgent steps should be taken to:
- ensure compliance with the prosecution's disclosure obligations;
 - quality assure disclosure decisions effectively;
 - provide feedback to individual prosecutors; and
 - implement refresher training and agree a joint training programme with police disclosure officers (aspect 6).
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- 10 The borough should:
- ensure that witnesses likely to benefit from special measures are identified at the earliest opportunity;
 - improve the timeliness and quality of applications for special measures in appropriate cases and communicate the results of applications to the witness care unit; and
 - 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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- 11 The borough should adopt a more thorough approach to casework quality review and provide a formal mechanism for feeding back issues to staff (aspect 9).
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- 12 The borough should consider ways to improve communication and consultation with lawyers who are unable to attend all staff meetings (aspect 11).
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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. The first nine borough reports were published on 19 January 2010.

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 view 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 performance assessment has been arrived at by rating the unit's performance within each category as either Excellent, Good, Fair or Poor in accordance with the criteria outlined in the framework.

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 borough performance assessments undertaken are drawn together in a pan-CPS London report which provides an overall picture of the performance of the area. The pan-London report addresses 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 in the area. It is being published simultaneously with this report.

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.