

CPS London Borough Performance Assessments

Harrow 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, Harrow 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, Harrow 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	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	0	Poor
Disclosure	0	Poor
Custody time limits	3	Good
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	15	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.

Harrow borough has one office, at Harrow-on-the-Hill. It is part of the CPS London district which is aligned to the Crown Court centres at Harrow and Wood Green. In the future there are plans for staff to move to the local police station at South Harrow to form an integrated prosecution team (IPT).

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

As of November 2009 the borough had an average of 18.5 full-time equivalent staff in post, and a budget of £1,329,347¹.

Staff	Numbers at November 2009
Borough crown prosecutor	1
Business managers	1
Crown prosecutors	3.3
Associate prosecutors	1.8
Caseworkers	5.8
Administrative support staff	5.6
Total (full-time equivalent)	18.5

Details of Harrow 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	935	858	-8.2%
Decisions not resulting in a charge ²	563	625	11.0%
Total pre-charge decision cases	1498	1483	-1.0%
Magistrates' court proceedings³			
Magistrates' court prosecutions	2009	2271 ⁴	13.0%
Other proceedings	4	0	-100.0%
Total magistrates' court proceedings	2013	2271	12.8%
Crown Court proceedings⁵			
Cases sent or committed to the Crown Court for determination	330	355	7.6%
Committals for sentence ⁶	62	62	0.0%
Appeals from the magistrates' court ⁶	29	43	48.3%
Total Crown Court proceedings	421	460	9.3%

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 This figure is an approximation after deducting 2,100 traffic cases which were incorrectly allocated to Harrow instead of the traffic unit.

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 Davina James-Hanman, of the London Domestic Violence Project, 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 been trying to deliver its business and manage a number of London and national initiatives during a period of significant instability within the borough and district. The district has undergone significant structural and management changes. It had at the time of our inspection been without a DCP for four months with a new DCP due to take up the post in December 2009. The current BCP was due to take maternity leave at the end of December 2009, and temporary cover had been arranged. The borough had a new paralegal business manager who had been in post since October 2009. The borough has faced a number of staffing challenges owing to a loss of two prosecutors this year and staff absences owing to long-term illness and compassionate leave. This change has been undertaken while the borough has been preparing to relocate to police premises as part of CPS London's move to IPTs.

Summary

The quality of casework decision-making is sound. The evidential and public interest stages of the Code for Crown Prosecutors' test were applied correctly in all of the cases in the file sample. Cases proceeded on the most appropriate charge in all instances.

The process for delivering pre-charge decisions (PCD) has changed with the introduction of CPS London Direct (which provides charging decisions to the police from a central unit in volume crime cases in ordinary working hours). The borough now provides face-to-face pre-charge advice on one day a week and telephone advice on a second day. The borough is under performing in both the magistrates' court and the Crown Court and had not met its targets as regards realisation of expected benefits for cases subject to PCD in 2008-09 and for the 12 months to September 2009.

The proportion of magistrates' court cases that resulted in a successful outcome in the 12 months to September 2009 at 86.7% was marginally better than CPS London overall (86.1%) but was slightly below the national average (87.1%) although performance showed a slightly improving trend. By contrast, the proportion of Crown Court cases that resulted in a successful outcome in the 12 months to September 2009 (68.3%) was lower than CPS London overall (72.7%) and nationally (80.7%). This is almost certainly attributable to inefficient and ineffective case preparation and progression systems. Performance has shown a slight improvement in 2009.

Ancillary issues, including whether applications for special measures to assist vulnerable and/or intimidated witnesses should be made or bad character evidence or hearsay applications should be made, are generally considered at the PCD stage but prosecutors do not routinely pick up on the need for further action in full file reviews, which results in late applications being made. This adds to the difficulties the borough is having in progressing cases in the magistrates' court and more so in the Crown Court, where cases listed for trial are not being properly considered until shortly before the date of hearing.

The effective (the proportion of cases fixed for a contested hearing which actually proceed on the appointed day) and ineffective trial rates in the magistrates' court are much better than CPS London and the national average. The effective trial rate in the Crown Court is better than the national average, although not as good as that for CPS London overall. The ineffective trial rate in the Crown Court in 2008-09 was better than the national average and CPS London.

Instructions to advocates need to be improved. They tend to follow a template with little or no attempt to include a detailed analysis of the case, identifying strengths and weaknesses, and do not contain instructions on acceptability of pleas, or address disclosure. Presentation of cases in both the magistrates' court and Crown Court is variable but inspectors found that it complied with the national standards of advocacy. The associate prosecutor (CPS staff who are not lawyers but who are authorised to conduct certain cases in the magistrates' court after special training) is highly regarded. Progress is generally made at each hearing. The borough has no crown advocates and uses a number of agents in the magistrates' court. There is a lack of monitoring both of in-house and external prosecutors.

Cases involving allegations of serious violence, sexual offences, domestic violence and hate crimes are usually handled by prosecutors with the appropriate experience or expertise. The borough has two rape specialists, and all duty prosecutors are trained to handle allegations of domestic violence. The borough provides an ad hoc advice surgery for rape and child abuse cases but, owing to the volume of demand, appointments were booked up to three weeks ahead at the time of the inspection.

Compliance with the prosecution's duties of disclosure of unused material to the defence is poor. Weaknesses include a failure to disclose to the defence material that is potentially undermining or assisting in a timely manner, decisions being made on inadequate descriptions in the police schedules and poor or incorrect endorsements on schedules. Where continuing disclosure is made it is served on the defence very late.

The borough had a custody time limit (CTL) failure in June 2008. As a result a full CTL audit was completed and internal actions raised. A further three CTL audits were carried out in 2009 and two peer reviews were completed. These have highlighted short comings which are being addressed. A sample of Crown Court and magistrates' court CTL case files were examined, which indicated that CTL compliance is now working well. CTL issues feature prominently in meetings and other communications between the BCP and borough staff.

The borough met its proxy target in 2008-09 for the number of letters to be sent to victims to explain why a charge has been dropped or significantly altered. Timeliness of communications sent in respect of vulnerable and intimidated victims is an issue. Witness warning systems are satisfactory but the witness attendance rates targets have not been met. The relationship with the witness care unit is good but there is no awareness or monitoring of performance against the minimum requirements of the No Witness No Justice scheme.

The borough has limited responsibility for managing prosecution costs and non-ring fenced administration costs which are controlled at district level. In 2008-09 the borough performed well in respect of its deployment of in-house prosecutors in the magistrates' court and had one of London's highest associate prosecutor deployment rates. The first two quarters of 2009-10 have seen a dramatic drop in performance due to some unexpected staff shortages. The deployment of crown advocates is managed at district level where a dedicated advocacy unit has been established at the Crown Court. Systems to monitor sickness are in place; however the borough had very high levels of sickness in 2008-09 and levels are still substantially above the London and national average. Flexible working arrangements have not always aligned with the business need, particularly when unexpected absences occur and these arrangements are now affecting performance.

Performance management on the borough needs to be strengthened and become more consistently embedded alongside a regularised meeting structure. Performance analysis with partners, particularly at prosecution team performance management meetings, needs to evolve a clearer understanding of where performance can be improved. The borough also needs to introduce a more structured system of advocacy monitoring. Improvements need to be made in case outcomes, the efficiency of the optimum business model and to increase in-house advocacy levels.

There have been unexpected staff shortages and high sickness levels which has meant that the focus of borough management has been very much on day-to-day operational issues. Whilst it is clear that the borough is committed to engaging with partners, it has struggled to evidence improvements in performance as a result of joint working. The borough also needs to build an effective communication strategy, both internally and externally, as an important vehicle for recognition, change and performance improvements.

Inspectors identified one strength and ten aspects for improvement:

Strengths

- 1 The management of inactive cases (aspect 1).
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Aspects for improvement

- 1 The borough crown prosecutor should establish arrangements to ensure that cases are reviewed and necessary preparation work (especially relating to committals to the Crown Court) is undertaken in a timely way (aspect 2).

- 2 The borough crown prosecutor should institute regular monitoring of the case management system finalisation codes to ensure accuracy and completeness (aspect 2).

- 3 The borough crown prosecutor should put in place effective systems to improve Crown Court case progression and ensure timely compliance with court directions (aspect 3).

- 4 The borough crown prosecutor and specialist prosecutors should analyse the outcomes in sensitive cases and hate crime, with particular focus on cases involving violence against women, and take action to build and present stronger cases (aspect 5).

- 5 The borough crown prosecutor should take steps to:
 - ensure compliance with the prosecution's disclosure obligations; and
 - quality assure disclosure decisions effectively and provide feedback to individual prosecutors (aspect 6).

- 6 There is a need for systematic monitoring of the quality and timeliness of direct communication with victims letters and for feedback to be provided (aspect 8).

- 7 Formal arrangements should be established to discuss borough victim and witness performance issues with the police and court service (aspect 8).

- 8 The borough should introduce a regularised and consistent system of monitoring in-house advocates and provide feedback (aspect 9).

- 9 The borough should develop a communications strategy to formalise communication, internally and externally (aspect 11).

- 10 The borough should develop a clear strategy on engagement to ensure appropriate community and partnership engagement which maximises the benefits to service delivery (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. 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 HMCPSP Inspectorate (telephone 020 7210 1197) and is also available on line at www.hmcpSP.gov.uk.