

CPS London Borough Performance Assessments

Redbridge 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, Redbridge 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, Redbridge 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	2	Fair
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	15	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.

Redbridge 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 the inspection there were plans for staff to move soon to the local police station 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 September 2009 the borough had an average of 19.8 full-time equivalent staff in post and a budget of £787,100¹.

Staff	Numbers at September 2009
Borough crown prosecutor	1.0
Business manager	1.0
Crown prosecutors	5.8
Associate prosecutors	2.0
Caseworkers	4.5
Administrative support staff	5.5
Total (full-time equivalent)	19.8

Details of Redbridge 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	998	1,247	+24.9%
Decisions not resulting in a charge ²	530	622	+17.4%
Total pre-charge decision cases	1,528	1,869	+22.3%
Magistrates' court proceedings³			
Magistrates' court prosecutions	2,699	2,941	+9.0%
Other proceedings	0	0	—
Total magistrates' court proceedings	2,699	2,941	+9.0%
Crown Court proceedings⁴			
Cases sent or committed to the Crown Court for determination	452	535	+18.4%
Committals for sentence ⁵	57	75	+31.6%
Appeals from the magistrates' court ⁵	22	51	+131.8%
Total Crown Court proceedings	531	661	+24.5%

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 the lay inspector was unable to join the team because of an injury.

Summary of judgements

Contextual factors and background

Redbridge 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 while, until April 2009, Redbridge was part of a conjoined unit with Havering. The current BCP was appointed in April 2009, following which there has been a need to separate the functions of the two boroughs. This has been undertaken while both have also been preparing to relocate to police premises as part of CPS London's move to IPTs.

Summary

The quality of decision-making is sound. The evidential and public interest stages of the Code for Crown Prosecutors (the Code) test were applied correctly in almost all cases in the file sample. There were only two instances of review decisions not being in accordance with the Code: in both a decision was made to drop the case after charge. The most appropriate charge is generally selected. There were two exceptions: one was at the pre-charge stage and in the second case the wrong charge was selected at the committal stage.

The process for delivering pre-charge decisions (PCDs) has changed with the introduction of CPS London Direct (which provides charging decisions to the police from a central unit in 'volume' crime cases). Despite the reduction in the number of cases referred to the borough for a charging decision, cover is still provided on three days a week. Outcomes for cases subject to a PCD in 2008-09 and for the 12 months to June 2009 were not as good as national performance.

The proportion of magistrates' court cases that resulted in a successful outcome in 2008-09 was better than both the national average and the overall CPS London rate and for the 12 months to June 2009 remained higher than the overall London rate. Although the proportion of Crown Court cases that resulted in a successful outcome in 2008-09 was slightly higher than London overall, it declined significantly towards the end of the year and remained lower than the national rate in the 12 months to June 2009.

Prosecutors making charging decisions do not routinely consider ancillary issues, such as the appropriateness of applications to admit evidence of bad character, hearsay evidence or for special measures to assist vulnerable or intimidated witnesses. Nor do they pursue such issues after charge, even where they have been identified at an early stage. This adds to the difficulties the borough is having in progressing cases in the magistrates' court and Crown Court, where cases listed for trial are not being considered until shortly before the date of hearing.

The effective trial rate (the proportion of cases fixed for a contested hearing which actually proceed on the appointed day) in the magistrates' court in 2008-09 was similar to the national average and the ineffective trial rate was better, but both showed signs of declining in the first quarter of 2009-10. The ineffective trial rate in the Crown Court in 2008-09 was better than the national average and the effective trial rate (which includes trials from other boroughs who commit cases to the same Crown Court centre) is much better than the national average.

Instructions to advocates are not tailored to the individual case and there is little or no attempt to include any reference to the facts of the case or to add any value. Presentation of cases in both the magistrates and Crown Court is variable but 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 and there were only two cases in the file sample where an unnecessary adjournment was attributable to the prosecution.

There are a limited number of specialist prosecutors and cases involving allegations of serious violence, sexual offences, domestic violence and hate crime are not always allocated to staff with the appropriate experience or expertise. The borough has plans to address this in part by identifying days for charging 'surgeries' for specific offences or specialists, with the borough community prosecutor handling community-related offences. The handling of cases after charge also needs to be addressed in order to improve case outcomes which are lower than the national average. Redbridge needs, in particular, to improve its handling of cases involving allegations of domestic violence.

Compliance with the prosecution's duties of disclosure is poor. Weaknesses include a failure to disclose to the defence at an early stage material that is potentially undermining or assisting, decisions being made on inadequate descriptions in the police schedules and poor or incorrect endorsements on schedules. Where the duty of continuing disclosure arises, the service of any material on the defence is very late.

Systems to identify, monitor and review cases that are subject to custody time limits (CTLs) are robust and the borough has not had a reported CTL failure for four years. The system applied to magistrates' court cases is a strength. Dip sampling, to assure compliance, needs to be developed further and applications to the court to extend time limits should be made in writing, not orally, except in exceptional circumstances.

The proxy target was not met in 2008-09 for the number of letters sent to victims to explain why a charge has been dropped or significantly altered, although performance improved in the first quarter of 2009-10 (when the target was exceeded). Further improvement is needed since other inspection work has found that direct communication with victims proxy targets understate the requirement for letters in order to comply fully with the scheme, and file examination showed a failure to comply with the scheme in 55.6% of relevant cases. There are good communication links between the witness care unit (to which one CPS member of staff is attached) and the borough, although there is limited analysis or monitoring of performance against the minimum requirements of the No Witness No Justice scheme.

Performance management 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. Redbridge also needs to introduce a more structured system of advocacy monitoring. Performance improvement priorities are the systems around the optimum business model (OBM) for preparing magistrates' court cases, disclosure of unused material and cases involving allegations of domestic violence.

The borough has limited responsibility for managing prosecution and non-ring fenced administration costs which are controlled at district level. The borough did not meet its target for deployment of in-house prosecutors in the magistrates' court and was significantly below the CPS London average. Similarly the target for use of associate prosecutors was not met, mainly due to long term sickness. 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, although sickness levels were slightly above the London and national average. Flexible working arrangements have not always aligned with the business need, particularly when unexpected absences occur.

Since April 2009 the BCP and other managers have needed to separate the functions of Redbridge and Havering, in preparation for the imminent relocation to police premises. Unfortunately not all functions have been separated, including administration, magistrates' court CTL management and the sharing of lawyers. Whilst this situation gives both boroughs some resilience of resources, problems of role definition and resilience may arise when they become geographically separated once Redbridge moves to its new IPT site. The consequences of these changes have meant that the focus of borough management has been very much on day-to-day operational issues. The borough needs to build an effective communication strategy both internally and externally as an important vehicle for change and performance improvements.

Inspectors identified one strength and 12 aspects for improvement:

Strengths

- 1 The system of receiving, checking and monitoring custody time limits in magistrates' court cases is robust (aspect 7).
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Aspects for improvement

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

- 2 The borough crown prosecutor should put in place effective systems to ensure timely case progression and preparation of magistrates' court cases (aspect 2).

- 3 The borough crown prosecutor should:
 - ensure that office systems enable hearing and case outcomes to be finalised promptly; and
 - institute regular monitoring of case management system finalisation codes to ensure accuracy and completeness (aspect 2).

- 4 The borough crown prosecutor should put in place effective systems to ensure timely case progression and preparation of Crown Court cases (aspect 3).

- 5 The borough crown prosecutor should take steps to ensure that specialist prosecutors are designated to take charging decisions and handle cases of serious violence, sexual offences and hate crimes (aspect 5).

- 6 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).

- 7 Steps need to be taken:
 - to ensure compliance with the prosecution's disclosure obligations; and
 - to quality assure disclosure decisions effectively and provide feedback to individual prosecutors (aspect 6).

- 8 All requests to extend custody time limits should be made in writing unless exceptional circumstances exist (aspect 7).

- 9 Formal arrangements should be established to discuss borough victim and witness performance issues with the police and HM Courts Service (aspect 8).

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

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

- 12 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

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 HMCPsi Inspectorate (telephone 020 7210 1197) and is also available on line at www.hmcp.si.gov.uk.