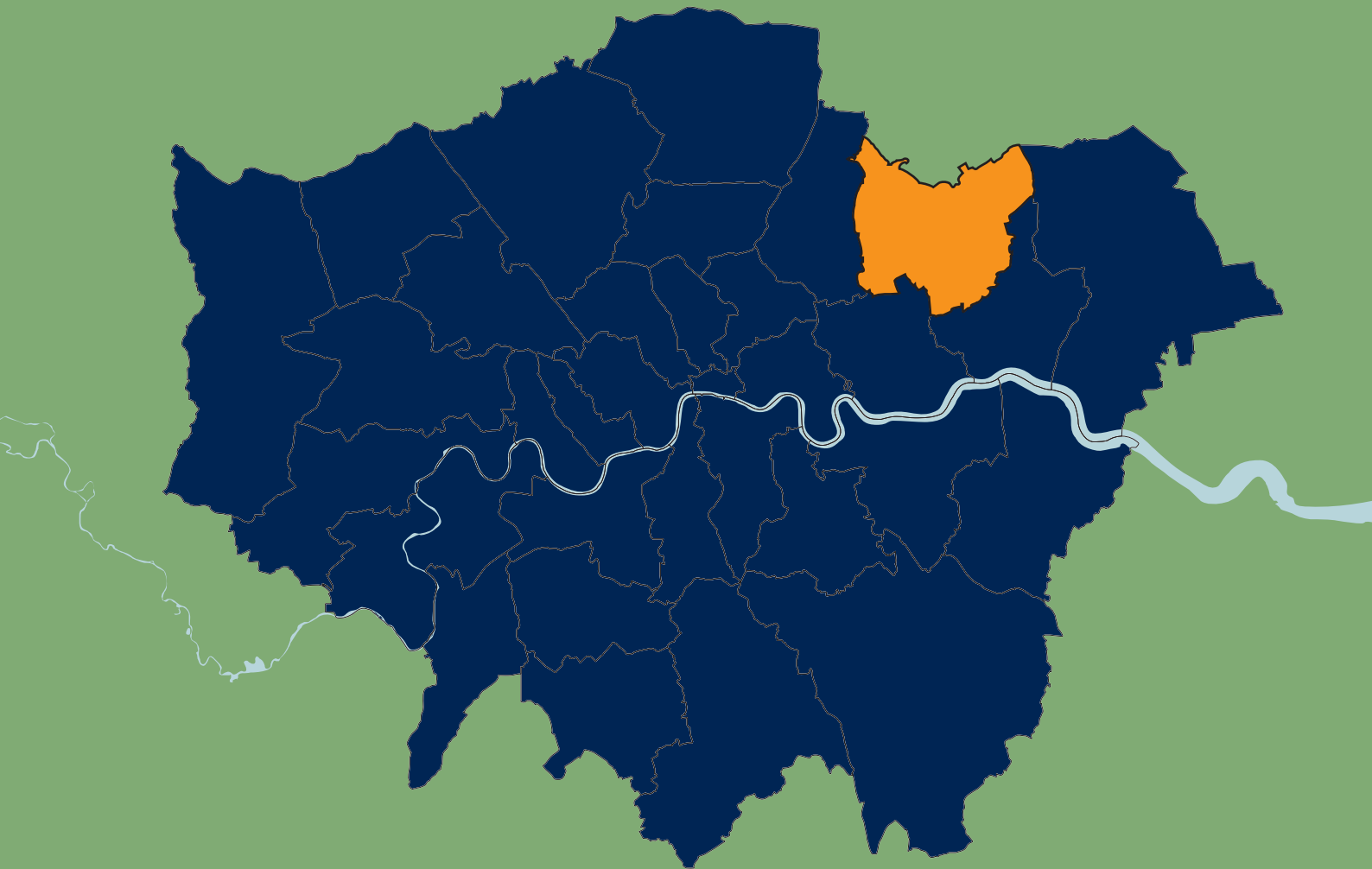


CPS London Borough Performance Assessments

Redbridge Borough

Undertaken September 2009





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ABBREVIATIONS

Common abbreviations used in this report are set out below. Local abbreviations are explained in the report.

AP	Associate prosecutor
BCP	Borough crown prosecutor
BCU	Borough Command Unit (police)
CA	Crown advocate
CJSSS	Criminal Justice: Simple, Speedy, Summary
CJU	Criminal Justice Unit (police)
CMS	CPS computerised case management system
CPS	Crown Prosecution Service
CPSD	CPS Direct
CPSLD	CPS London Direct
CQA	Casework quality assurance
CTL	Custody time limit
DBM	District business manager
DCP	District crown prosecutor
DCV	Direct communication with victims
DGSP	Director's guidance on the streamlined process
HMCPSI	Her Majesty's Crown Prosecution Service Inspectorate
IPT	Integrated prosecution team
JDA	Judge directed acquittal
JOA	Judge ordered acquittal
MG3/3A	Forms sent by police on which the prosecutor records the charging decision and action points
NRFAC	Non-ring fenced administration costs
NWNJ	No Witness No Justice
OBM	Optimum business model
PCD	Pre-charge decision
PCMH	Plea and case management hearing
PTPM	Prosecution team performance management
WCU	Witness care unit
WMS	Witness management system

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A INTRODUCTION TO THE PERFORMANCE ASSESSMENT PROCESS

This report is the outcome of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPPI) assessment of the performance of the Crown Prosecution Service (CPS) London area's Redbridge borough unit. It represents a more in-depth local assessment than the overall performance assessment of the North and East Sector of CPS London published in 2008.

Assessments

Assessments and judgements have been made by HMCPPI based on absolute and comparative assessments of performance. These came from national data; CPS self assessment; HMCPPI assessments; and by assessment under the criteria and indicators of good performance set out in the Performance Assessment (PA) 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.

Inspection teams comprise legal and business management inspectors working closely together. HMCPPI also invites suitably informed members of the public, nominated by national organisations, 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 witness 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.

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 (see annex C).

Whilst we comment on the borough's performance in managing its resources, this aspect has not been scored.

The table at page 9 shows the unit performance in each category.

Whilst borough performance assessment are not full inspections, significantly more evidence is collected and analysed than in area overall performance assessments. This enables HMCPPI to give a more discerning picture of CPS London overall which recognises the substantial variations within the area. This assessment is designed to set out comprehensively the positive aspects of performance and those requiring improvement.

Our original intention had been to assess all 33 boroughs (including the City of London) in order to reflect the variations in performance which we expected across an area as diverse as London. This approach was endorsed by senior managers in CPS London. In the event, the 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 management level. CPS London senior management team confirmed that the boroughs that had been assessed were fairly representative of London as a whole and that to undertake further assessments

would be unlikely to add significantly to our findings. We therefore decided to confine the exercise to 20 borough performance assessments (including the pilot assessment of CPS Croydon Borough), drawn from five of the six CPS London districts, together with an assessment of the London Traffic Unit.

The findings from the borough performance assessments undertaken will be drawn together in a pan-CPS London report which will contribute to providing an overall picture of the performance of the area. The pan London 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 in the area.

It is important to bear in mind that, despite the title of the report, this is a report about the performance of the CPS in Redbridge borough. That performance is influenced by a range of factors including matters which are responsibility of managers at district and area level. It should not be regarded purely as a critique of the borough unit and the staff who work in it. Both the credit and the responsibility for what we find in the boroughs – good and bad alike – must be shared with those middle and senior managers whose decisions and behaviours influence what happens on the front line of prosecutions.

Direction of travel

Where feasible we will indicate any changes in the unit performance from the year 2007-08 to date if this is ascertainable.

We have identified any strengths or aspects for improvement in performance within the text.

B DESCRIPTION AND CASELOAD OF CPS REDBRIDGE BOROUGH

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 including 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 borough has one office, at Stratford. It is part of the CPS London district which is aligned to the Crown Court sitting at Snaresbrook. At the time of our 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

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.

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%

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.

C 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 latter has undergone significant structural and management changes while, until April 2009, Redbridge was part of a conjoined unit with Havering borough. The current borough crown prosecutor (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 integrated prosecution teams (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: both were cases where 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 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 London rate and for the 12 months to June 2009 remained higher than the London rate. Although the proportion of Crown Court cases that resulted in a successful outcome in 2008-09 was slightly higher than CPS London overall, it declined significantly towards the end of the year and remained lower than the national figure in the 12 months to June 2009.

Prosecutors making charging decisions do not routinely consider ancillary issues such as the appropriateness of applications for bad character, hearsay or special measures. 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 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 is much better than nationally (these rates include trials from other boroughs that commit cases to the same Crown Court centre).

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' court and Crown Court is variable but complied with the national standards of advocacy. The associate prosecutor 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.

Redbridge has 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 prosecutors 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. The borough 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.

The systems to identify, monitor and review cases that are subject to custody time limits (CTLs) are robust and there has not been a reported 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 borough did not meet its proxy target 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 the Redbridge 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 (PTPM) 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. Performance improvement priorities are the systems around the optimum business model for preparing magistrates' court cases, the disclosure of unused material and cases involving allegations of domestic violence.

The borough has limited responsibility for managing prosecution and non-ring fenced administrative costs which are controlled at district level. It did not meet the target for deployment of in-house prosecutors in the magistrates' court and was significantly below the London average. Similarly the target for the 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 averages. 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 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 the move to the new IPT sites takes place. The consequences of these changes have meant that the focus of borough management has been very much on day-to-day operational issues. There is a need to build an effective communication strategy both internally and externally as an important vehicle for change and performance improvements.

In the light of our findings the borough's performance assessment is **POOR**.

We 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).
-

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).
-

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- 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).
-

Summary of judgements

BOROUGH PERFORMANCE ASSESSMENT 2009	
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 – POOR

D DEFINING ASPECTS

1 PRE-CHARGE ADVICE AND DECISIONS

Assessment
2 - Fair

1A The quality of decision-making contributes to improving casework outcomes

- The quality of decision-making at the pre-charge stage is good. We examined 30 cases which had been the subject of a pre-charge decision (PCD) where the decision was to authorise charge. All related to the borough or CPS Direct (CPSD) with none handled by CPS London Direct (CPSLD). The evidential and public interest stages of the Code for Crown Prosecutors (the Code) test were applied correctly in all 30 and the most appropriate charge was selected in 29 (96.7%).
- Ancillary issues, including whether bad character, hearsay or special measures applications should be made, were considered appropriately in 17 out of 30 cases (56.7%) and borough performance was comparable with that in cases handled by CPSD. It is important that these issues are identified early and, where the information provided by the police is insufficient, duty prosecutors need to be more proactive in making further enquiries.
- None of the cases in our sample involved the consideration of restraint proceedings or confiscation issues. The borough acknowledges that restraint and confiscation issues are not considered routinely but a Proceeds of Crime Act (POCA) champion has been appointed. She is available to assist borough prosecutors with queries and has drafted guidelines to assist the police, although these have yet to be circulated. In addition to the circulation of an MG3 (record of charging decision) completion instruction referred to below, which includes the need to address POCA issues, the borough crown prosecutor (BCP) plans to arrange training sessions to raise awareness of restraint and confiscation issues.
- The quality of the MG3s is variable. Of the 18 cases where borough prosecutors made the charging decision, one MG3 was excellent (5.6%), six were good (33.3%), eight fair (44.4%) and three poor (16.7%). This is not dissimilar to the quality of the 12 MG3s provided by CPSD: one was excellent (8.3%), five good (41.7%) and six fair (50.0%). Of the 13 borough charged cases where an action plan was necessary, five (38.5%) were completed and met the required standard compared with CPSD's provision in seven out of nine cases (77.8%). The BCP has issued instructions on the completion of MG3s in order to improve performance.

Aspect for improvement

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.
-

- The 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, although the magistrates' court outcomes were better than those for CPS London overall. There have been fluctuations in performance over this period and a marked deterioration over the two quarters to June 2009 which coincides with the introduction of CPSLD, and the Director's guidance on the streamlined process (DGSP) (which we deal with in more detail in aspect 6).

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough*
Pre-charge decision cases						
Conviction rate	80.8%	76.2%	78.0%	80.5%	75.5%	75.7%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	13.5%	13.3%	14.1%	15.5%
Guilty plea rate	74.4%	69.8%	74.1%	74.2%	68.8%	71.1%
Attrition rate	19.2%	22.1%	20.1%	19.5%	23.0%	22.5%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	15.4%	11.8%	15.7%	15.8%
Guilty plea rate	72.9%	60.8%	60.6%	73.0%	61.1%	60.5%
Attrition rate	19.4%	27.3%	27.3%	19.5%	27.6%	28.5%

* Charging decisions made by CPS London Direct are included in the borough's performance data and reflected in the performance figures.

- The overall PCD conviction rate for 2008-09 and the 12 months to June 2009 was lower than national performance although it was higher than that for London overall.

1B Pre-charge decision-making processes are effective and efficient

- Until March 2009 when CPSLD took over the provision of pre-charge decision-making in volume crime cases, the borough deployed a prosecutor at the charging centre at Ilford Police Station every weekday between 9am and 5pm. This has now been reduced to three days a week although it is not always clear to the police when a prosecutor should be at the charging centre. Consideration is being given to having established surgery days for specific offences and specialists. The charging centre manager organises the appointments diary although individual prosecutors can access the diary to add appointments if the manager is not available.
- In seven of the 30 cases examined the threshold test was applied initially but in one instance this was inappropriate as there was sufficient available evidence for the full Code test to be applied. Borough systems do not ensure that cases charged under the threshold test are subject to a full Code test review within a reasonable period of time. Although the BCP has introduced a requirement for the full Code test to be applied to cases which have been adjourned for summary trial or committal to the Crown Court, the systems do not ensure this happens at an early stage.
- All duty prosecutors are experienced but there is a limited number of specialists which means that sensitive cases are not always dealt with by the appropriate member of staff; for example, not all rape cases are handled by the borough specialist. Hate crime cases are however dealt with as far as possible by the borough community prosecutor, who is deployed in the charging centre on specific days.
- There are effective systems to ensure that cases are referred to the correct charging location and cases are being referred appropriately by police to CPSLD. However some that should be referred to a prosecutor for a charging decision are being charged by the police without seeking CPS authorisation. Prosecutors should notify the BCP of any such cases so that this can be taken up with the police at prosecution team performance management (PTPM) meetings.
- The borough is managing the interface with CPSLD using a system by which any concerns on the part of the police, prosecutors or CPSLD are referred to the BCP.

- The police deploy four evidence review officers to supervise the quality of files submitted for charging decisions to ensure that they meet the required standard. The borough considers that too many cases are still being referred where the police could have made the decision to take no further action. This has been raised by the BCP at PTPM meetings and prosecutors have been asked to notify the BCP of any inappropriate referrals. It is hoped that the introduction by the police of more rigorous monitoring, and the proposal that they take over responsibility for the appointments diary when borough staff are deployed in the same building as the charging centre (due to take place in November 2009), will reduce the number of inappropriate referrals.
- In the main MG3s address relevant considerations and contain clear instructions for the advocate at court. All necessary instructions to the advocate were set out in the MG3 in 24 out of 28 relevant cases (85.7%) in our file sample.
- The police provided sufficient material for the prosecutor to make a charging decision (either initially or after compliance with an action plan) in all cases in the sample. The prosecutor requested additional material before making the charging decision in seven cases. The requested material was not essential in four (57.1%) and the charging decision should have been made at an earlier stage.
- Use of the case management system (CMS) to record PCDs is good and the MG3 was completed on CMS in every PCD case. Management of inactive cases requires improvement: a check of outstanding cases requiring updating showed 73 which had been escalated to 'red'.

2 DECISION-MAKING, PREPARATION AND PROGRESSION IN MAGISTRATES' COURT CASES

Assessment
2 - Fair

2A Decision-making is of a high quality, and case handling is proactive to ensure that the prosecution maintains the initiative throughout the case

Case outcomes in the magistrates' court

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough
Discontinuance and bindovers	8.7%	8.0%	6.8%	8.7%	8.0%	7.4%
No case to answer	0.2%	0.3%	0.2%	0.2%	0.3%	0.1%
Dismissed after trial	2.0%	2.4%	1.7%	2.1%	2.5%	2.1%
Discharged committals	0.2%	0.3%	0.2%	0.2%	0.3%	0.2%
Warrants	1.6%	3.0%	3.6%	1.6%	2.9%	3.3%
Overall conviction rate	87.3%	86.0%	87.5%	87.3%	85.9%	86.9%

- The application of the evidential and public interest stages of the full Code for Crown Prosecutors (the Code) test at the pre-charge decision (PCD) stage or initial review was in accordance with the Code in all 18 magistrates' court cases in our file sample. In two the subsequent decision to drop the case was not in accordance with the Code.
- Full file reviews are not being carried out routinely: they were carried out and met the required standard in five out of 15 relevant cases (33.3%). There was a subsequent or ad hoc review where necessary in two out of six cases (33.3%).
- Prosecutors do not always identify at an early stage what is required to ensure a successful outcome. Nor do they take timely action to request further information or to chase outstanding material, even where the prosecutor at the PCD stage has set out what is required in a post-charge action plan with target dates for submission of the evidence or material by the police. Overall there was good case management in only four out of 16 cases (25.0%), while it was fair in seven (43.8%) and poor in five (31.3%). The remaining two cases were finalised at the first hearing.
- Cases proceeded on the most appropriate charge in all instances. There were none in the file sample where pleas had been accepted to different or fewer charges.
- There were no cases in the sample where a defendant had a linked case but the borough has appropriate systems in place to ensure that any are identified at an early stage.
- The proportion of cases discontinued in 2008-09 was better than found nationally and across CPS London and remained so for the 12 months to June 2009. The borough crown prosecutor (BCP) is consulted whenever practicable about proposed discontinuances.
- We examined four cases where the proceedings had been discontinued in the magistrates' court and one where the magistrates had found no case to answer. In three of the five cases (60.0%) the outcome could have been avoided by better case preparation. The discontinuance was timely in three of the four (75.0%). Figures for 2008-09 show that a high number of discontinuances occur at the third or subsequent hearing (48.8%) and performance had declined to 54.4% in the first quarter of 2009-10.

- The proportion of cases where the committal proceedings were discharged because the prosecution was not ready and the court refused an adjournment was in line with the national performance of 0.2% during 2008-09 (which represents 0.9% of all committals heard) and the 12 months to June 2009 was better than the overall London rate of 0.3%. No committals were discharged in the first quarter of 2009-10.
- Overall the proportion of magistrates' court cases that resulted in a successful outcome in 2008-09, at 87.5%, was better than both the national average (87.3%) and London rate (86.0%). Performance declined in the 12 months to June 2009 to 86.9%, which was lower than the national rate of 87.3% but remained better than London at 85.9%. The decline in performance coincides with a period of structural change in the borough.

2B Cases are prepared and progressed effectively

Trial rates

	Performance 2008-09		
	National	CPS London	Borough
Effective	43.4%	47.3%	43.0%
Cracked	38.0%	34.8%	39.9%
Ineffective	18.6%	17.9%	17.0%
Vacated	21.5%	16.3%	20.8%

- The optimum business model (OBM) has been implemented but it is not operating effectively. It was introduced at a time when Redbridge was still combined with Havering as a single unit and the OBM unit continued to handle cases from both boroughs until July 2009. Redbridge acknowledges that the benefits of OBM are not being realised due in part to a lack of dedicated resources and clear systems. The BCP has introduced new systems but the absence of key staff and the lack of dedicated prosecutors in the unit (they have to continue to handle their other casework while in the unit) mean that trial preparation is routinely being undertaken at a late stage.
- Files are routinely reviewed for trial at a very late stage and case preparation has suffered as a result. There was timely completion of court directions in only two out of 11 cases (18.2%) and applications for bad character, special measures or hearsay were made on time in three out of seven relevant cases (42.9%). Overall all aspects of case preparation were timely in only five out of 16 cases (31.3%).

Aspect for improvement

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

- Criminal Justice: Simple Speedy Summary has been implemented and cases generally proceed at the first court hearing. Progress was made at the first hearing in 17 out of 18 cases (94.4%). Prosecutors are proactive following court hearings and send prompt requests to the police for additional papers and for witnesses to be warned to attend court in cases adjourned for summary trial.
- The proportion of effective trials in 2008-09, at 43.0%, was similar to the national average although it was lower than that for CPS London overall.
- The ineffective trial rate, at 17.0%, was better than both the national average and that for London although performance fluctuates and declined in the first quarter of 2009-10 (18.1% compared with

the national average of 18.3%). The proportion of ineffective trials attributable to the prosecution (40.0%) fluctuated over 2008-09, with the main reason being witness difficulties. There were two ineffective trials in the file sample but in neither case could they have been avoided by prosecution actions.

- The cracked trial rate in 2008-09 was higher than nationally and for London. The prosecution was responsible for 40.0% of the cracked trials with approximately half of these being dropped due to witnesses not attending court.
- The use of the case management system (CMS) to provide an audit trail of actions is good. Its use to finalise cases and record hearing outcomes however needs to be improved. In four of the 18 cases (22.2%) in our magistrates' court file sample the case outcome had been recorded incorrectly on CMS. The proportion of cases where the hearing outcome was recorded within one day has improved from a low of 37.9% in 2008-2009 to 50.8% in the first quarter of 2009-2010, but is still well below the London rate of 78.9%. The proportion of cases finalised on CMS within a day of the final hearing is also poor: 43.0% compared with 75.7% nationally and 64.3% for London in the first quarter of 2009-10.

Aspect for improvement

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.
-

3 DECISION-MAKING, PREPARATION AND PROGRESSION IN CROWN COURT CASES

Assessment
2 - Fair

3A Decision-making is of a high quality, and case handling is proactive to ensure that the prosecution maintains the initiative throughout the case

Case outcomes in the Crown Court

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough
Judge ordered acquittals	11.6%	15.7%	14.9%	11.8%	15.9%	15.2%
Judge directed acquittals	1.0%	1.1%	0.7%	1.0%	1.3%	0.6%
Acquittals after trial	5.5%	8.5%	8.6%	5.5%	8.6%	9.5%
Warrants	1.1%	1.6%	2.2%	1.1%	1.6%	1.9%
Overall conviction rate	80.8%	73.1%	73.6%	80.6%	72.7%	72.8%

- The application of the evidential and public interest stages of the full Code for Crown Prosecutors (the Code) test was in accordance with the Code in all 13 Crown Court cases in our file sample. There was a full file review which met the required standard in 11 cases (84.6%). There was an ad hoc review where necessary in six out of ten cases.
- Prosecutors and caseworkers are aware of the procedures for referring cases to the London complex casework centre and that the borough crown prosecutor (BCP) is responsible for authorising such referrals. Currently Redbridge has no cases which have been referred to the unit.
- As is the case in magistrates' court work prosecutors do not always identify at an early stage what is required to ensure a successful outcome. Nor do they take timely action to request further information or to chase outstanding material, even where the prosecutor at the pre-charge decision stage has set out what is required with target dates for submission of the evidence or material by the police. Overall there was good proactive case management in two cases (15.4%), it was fair in nine (69.2%) and poor in two (15.4%).
- The charges selected at the committal review stage were correct in 12 out of 13 cases (92.3%). Pleas to different charges were accepted in one case in the file sample, which was appropriate and realistic.
- There were no cases where a defendant had a linked case but there are appropriate systems in place to ensure that any are identified at an early stage.
- The indictment was drafted correctly in 11 out of 13 cases (84.6%). It was amended correctly in one case but not in the other. There is currently no system to monitor the quality of indictments or any amendments found to be necessary at a later stage, but the BCP has plans to introduce a monitoring system in order to identify any training needs.
- Although restraint and confiscation issues are not always considered the Proceeds of Crime Act (POCA) champion is available to assist prosecutors with queries. The champion has engaged with the police financial investigation unit and has drafted guidelines to assist investigators, which it is anticipated will be circulated shortly.

- The proportion of cases which resulted in a judge ordered acquittal (JOA) in 2008-09, at 14.9%, was better than that for CPS London overall (15.7%) but worse than the national average of 11.6%. The rate declined slightly in the 12 months to June 2009 when it was 15.2% compared with 11.8% (nationally) and 15.9% (London).
- We examined four cases which resulted in a JOA and one where the judge directed an acquittal (JDA). In one of the JOAs not all appropriate actions were taken to save the case while better preparation could have prevented the JDA. The discontinuance was timely in three of the four JOAs.
- Overall the proportion of Crown Court cases that resulted in a successful outcome in 2008-09 was slightly higher than that for London (73.6% compared with 73.1%) but lower than the national average of 80.8%. The rate declined towards the end of 2008-09 and for the 12 months to June 2009 was 72.8% compared with 72.7% for London and the national figure of 80.6%

3B Cases are prepared and progressed effectively

Trial rates

	Performance 2008-09		
	National	CPS London	All Snaresbrook Crown Court cases ⁶
Effective	47.1%	54.7%	50.4%
Cracked	40.8%	30.0%	33.3%
Ineffective	12.1%	15.2%	16.3%

- Crown Court cases which are adjourned for preparation of papers are monitored by a dedicated committals clerk who records on a central spreadsheet all actions taken on a case before the plea and case management hearing (PCMH). The system ensures that reminders are sent to the police if papers are outstanding, but it does not monitor timeliness of preparation within the borough once the necessary papers are received. In our file sample all necessary action had been taken to progress the case at PCMH in 12 out of 13 cases (92.3%).
- There is a dedicated Crown Court case progression officer (CPO) who is responsible for managing the progress of cases after the PCMH. The CPO considers all trial cases one month before the date of hearing, meets with the police to discuss whether the case is ready for trial and liaises with the Crown Court's own CPO. Although outstanding actions are identified at this stage this is often months after the trial date was set (there is a long delay in fixing trials at Snaresbrook Crown Court) and can be long after deadlines have passed or additional information has been received.
- Applications for bad character, special measures or hearsay were made and served within the statutory time limits in two out of seven relevant cases. Overall all aspects of case preparation were timely in five out of 13 cases (38.5%).
- There was timely compliance with directions made before the PCMH in all four relevant cases but there was only timely completion of orders made at PCMH in four out of the ten relevant cases.
- Redbridge is not currently handling any cases which are of sufficient seriousness or complexity to require oversight by a case management panel. However, the district would facilitate setting up a panel should the need arise.

⁶ Crown Court trial data is not disaggregated to borough level, therefore this table reflects the composite performance of all those CPS London boroughs that commit cases to that Crown Court.

- The quality of instructions to counsel in our file sample was poor. In four of the 13 cases (30.8%) they were fair with the rest being poor. Instructions followed a template with little or no attempt to include any reference to the facts of the case or to add any value.
- There were four unnecessary adjournments in the Crown Court file sample, two of which were attributable to the prosecution. In both cases the adjournment could have been avoided by better case preparation.
- The cracked and ineffective trial data for Snaresbrook Crown Court is not disaggregated to borough level. The effective trial rate in 2008-09 was 50.4% which is better than the national average although not as good as that for London overall. The ineffective trial rate (16.3%) is also not as good as London and worse than nationally. The cracked trial rate, at 33.3%, is worse than London (30.0%) but better than the national average of 40.8%. There were three cracked trials, none of which could have been avoided by prosecution actions.
- The use of the case management system to provide an audit trail of actions is good, being good or fair in every case. The recording of case outcomes is not satisfactory, with three out of 13 (23.1%) being incorrectly finalised.

Aspect for improvement

The borough crown prosecutor should put in place effective systems to ensure timely case progression and preparation of Crown Court cases.

4 THE PROSECUTION OF CASES AT COURT

Assessment

2 - Fair**4A Advocates are active at court in ensuring cases progress and hearings are effective; advocacy and case presentation are of a high standard**

- All prosecutors in the magistrates' court are experienced advocates. There are plans to ensure that specialist prosecutions, in particular those involving allegations of domestic violence, are undertaken by the borough community prosecutor.
- Cases in the Crown Court are handled by the Snaresbrook Crown Court advocacy unit, the borough higher courts advocate and counsel from the independent Bar.
- Prosecution advocates generally display a comprehensive knowledge of their cases and are able to deal with any issues raised by the court. In the magistrates' court cases are prepared at a very late stage and our observations showed that some, including trials, were only being prepared shortly before the court sat.
- Progress is generally made at the first hearing: in our file sample progress was made in 29 cases out of 31 (93.5%). There were seven where there were one or more unnecessary adjournments. Two of the seven (28.6%) were attributable to the prosecution. In 2008-09 there were three wasted costs orders against the CPS in the Crown Court.
- The quality of file endorsements (at and out of court) was good in 19 cases out of 31 (61.3%), fair in 12 (38.7%) and poor in one (3.2%). File endorsements made by some agents in the magistrates' court are not always legible and complete and there are plans to address this through the instructions sent with the case papers.
- Criminal justice partners considered that the standard of advocacy is variable, but the associate prosecutor is highly regarded. Our limited advocacy observations indicated that all advocates observed met the CPS national standards.
- Prosecutors and caseworkers are aware of the Prosecutors' Pledge, Victims' Code and Witness Charter. Prosecutors ensure that they introduce themselves to victims and witnesses and keep them informed of the progress of cases.

5 SERIOUS VIOLENT AND SEXUAL OFFENCES, AND HATE CRIMESAssessment
0 - Poor**5A The borough ensures that serious violent and sexual offences, and hate crime cases are dealt with to a high standard***Violence against women: successful outcomes (convictions) as a percentage of completed cases*

Performance 2008-09			Performance 12 months to June 2009		
National	CPS London	Borough	National	CPS London	Borough
71.9%	62.0%	61.6%	71.8%	61.0%	59.0%

Hate crime: successful outcomes (convictions) as a percentage of completed cases

Performance 2008-09			Performance 12 months to June 2009		
National	CPS London	Borough	National	CPS London	Borough
82.0%	77.2%	76.9%	81.9%	75.5%	77.8%

- Cases involving allegations of sexual offences, domestic violence and hate crimes are not consistently identified and flagged on files and on the case management system. Out of 14 in the file sample only eight (57.1%) were properly identified and flagged.
- There are a limited number of specialists which means that cases are not always allocated to prosecutors with the appropriate experience or expertise. Prosecutors can however seek assistance from borough or district specialists. Consideration is currently being given to providing identified days for charging surgeries for specific offences or specialists and the borough community prosecutor handles community related offences.
- There is only one rape specialist which means that CPS policy in relation to handling rape cases is not complied with consistently. For example charging decisions can be made by nonspecialists and decisions to discontinue a rape case or reduce the level of charge, whilst being made by two lawyers, are not always considered as required by two specialists.

Aspect for improvement

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.

- We examined 20 cases involving allegations of serious violence, sexual offences, domestic violence and hate crimes. In each the evidential and public interest stages of the full Code for Crown Prosecutors (the Code) test accorded with the Code. In one involving an allegation of domestic violence the decision to drop the case at trial when the victim (who had attended court) indicated an unwillingness to give evidence did not accord with the Code. The charges proceeded with reflected the seriousness and nature of the offending and gave the court adequate sentencing powers in all but one case.

- Borough specialists do not have a role in monitoring performance or in providing feedback on outcomes or lessons learnt. It is intended however that the borough community prosecutor will have such a role in relation to hate crime.
- Redbridge does not have a specific plan to implement the overall aim of the CPS national Violence against Women (VAW) strategy (which includes domestic violence cases) but it is implementing the London mainstream model of standards for the management of domestic violence cases and local implementation meetings are held every month. In addition discussions have taken place at the joint performance meetings regarding giving priority to domestic violence cases: they are to be listed in the morning and not double listed with another priority trial.
- Rape and sexual assault cases are generally handled better than other casework. The quality of review and case progression in domestic violence cases is however poor. The availability of enhanced evidence was considered at the pre-charge decision (PCD) stage in only three of the six cases where it was appropriate to do so and case preparation in four of the eight cases in the file sample was not timely. The problems in relation to case progression in the magistrates' court (see aspect 2) are contributing to the lack of support offered to the victims of domestic violence as any needs identified at the PCD stage are not being actioned.
- The level of successful outcomes in VAW cases needs to be improved. Performance in 2008-09 was similar to that for CPS London overall but was well below the national average and declined progressively over the four quarters. The level for the 12 months to June 2009 remained worse than London and well below the national average.
- Performance in respect of outcomes for all hate crime cases was lower than that for London in 2008-09 but improved in the 12 months to June 2009, when the rate was better than London's. Performance was lower than the national average for both periods.
- The borough has not had any contact with the local safeguarding children board. The borough crown prosecutor plans to write to the chair of the board and to offer borough attendance at any future meetings.

Aspect for improvement

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.

6 DISCLOSURE

Assessment

0 - Poor**6A There is compliance with the prosecution's duties of disclosure**

- There was compliance with the duty to provide initial disclosure in 13 out of 26 cases (50.0%) in our file sample. Failures included decisions made on inadequate descriptions in schedules provided by the police, disclosure of items that did not undermine the prosecution case or assist the defence and poor or incorrect endorsements on schedules. There were five cases where there was a failure to disclose potentially undermining or assisting material, although this was disclosed to the defence at a later stage.
- Initial disclosure was timely in 11 out of 13 cases (84.6%). The borough has identified missing unused material schedules as an issue affecting timeliness in the magistrates' court, particularly in cases which have been processed by the police under the Director's guidance on the streamlined process (DGSP). In these cases the police do not provide core unused material with the initial file and, where the defendant has pleaded not guilty, there can be a significant delay before the material and the appropriate schedules are submitted to the CPS. This has been highlighted at performance meetings with the police.
- There were eight cases where there was a need to consider continuing disclosure. The duty was complied with in two (25.0%). In both cases where continuing disclosure was made appropriately this was undertaken a significant period after the prosecution were in possession of the information they required (in one the delay was over six months). There was one case where there was a failure to disclose potentially undermining or assisting material. In the event a decision was made on the day of trial to accept pleas to lesser charges because of information revealed in the unused material.
- Use of the disclosure record sheet to record the chronology of disclosure decisions and the reasons for them needs to be improved. A sheet was completed in 17 out of 25 cases (68.0%) but the records were only partially completed in that they did not include reasons for decisions.
- Redbridge was included in a district disclosure performance review undertaken in May 2009 when similar issues to those we found were identified. The borough crown prosecutor (BCP) has also identified the same issues in considering files as part of her monthly quality assurance consideration. Guidance has been circulated to prosecutors on how to comply with the disclosure obligations and borough training is planned to raise awareness.
- There were no cases in our file sample involving public interest immunity (PII) applications. Prior to the departure of the district crown prosecutor (DCP) in August 2009 all applications for PII certificates allowing the prosecution to withhold certain sensitive material from the defence were handled at district level. Two BCPs in the district have been delegated specific responsibility to deal with any PII hearings until a new DCP is appointed. Any relevant records are kept securely at district level.
- There were two cases involving sensitive material. In one it was not handled correctly: there was inappropriate material included on the schedule which was not transferred to the nonsensitive schedule.

Aspect for improvement

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.

7 CUSTODY TIME LIMITS

Assessment

3 - Good**7A The borough ensures that all cases with a custody time limit are dealt with appropriately and time limits adhered to**

- In September 2008 CPS London issued a notice to all staff to ensure that the national custody time limits (CTL) guidance was adopted in all boroughs. This was done in the light of the high number of CTL failures in London and HMCPSI's impending assessments of London boroughs. The London Management Team then instructed all boroughs to adopt the London CTL system. This is compliant, for the most part, with the national standard. However managers need to be aware of the disparity and ensure that national requirements are also met.
- Redbridge completed a peer review with Havering borough which identified a number of potential weaknesses to the existing processes. The recommendations in that review have been implemented on the borough to ensure effective identification, flagging and monitoring of CTL cases. This is particularly important as it is likely that staff roles and personnel may change with the move into the integrated prosecution team (IPT) site with Redbridge police, making continuity and experience an issue in respect of CTLs.
- Although the peer review identified several potential weaknesses to the systems adopted there have been no reported CTL failures for four years. A sample of Crown Court and magistrates' court CTL case files were examined which indicated that compliance is working well. Expiry dates on all files were correctly calculated. In general the endorsements on the files were clear. On Crown Court files the CTL status was clearly shown on the front cover and on magistrates' court files the status was explicitly shown on the front cover and throughout the file, with each endorsement followed by a custody stamp which indicated the continuing custody status as well as that the file was being continually monitored. On all files there were clear indications that time limits had been monitored with clear file notes made to lawyers of any actions that needed to be taken in respect of the CTL status.
- None of the files examined needed a request for an extension of CTLs at court but interviews revealed that it was common practice for oral, as opposed to written, applications to be made to the court for them to be extended. This practice is not in accordance with guidelines.
- The borough has not agreed a system of CTL management with either the magistrates' court or Crown Court. Instructions have been provided to prosecutors to involve the clerks at the magistrates' court in the agreement of expiry dates although there is no indication from the file sample that these actions have taken place. In the Crown Court enquiries concerning CTLs tend to be made in open court by the judge.
- Redbridge's magistrates' court CTLs are managed and monitored by a staff member who also undertakes the management of the Havering's magistrates' court files. This mutual arrangement will cease when both boroughs move to IPT. Crown Court CTLs are managed and monitored by Redbridge's paralegal manager. In accordance with London protocols CTLs are managed and recorded on the case management system and in a written diary. In addition a white board system is operated for magistrates' court cases to give an overt, visible reference to the current status of relevant cases. Both these systems complied with guidelines. While the structure and systems appear robust dip sampling procedures have yet to be fully embedded.

- The borough does not have a CTL champion but the managers for both the magistrates' court and Crown Court CTLs are experienced and fully conversant with the procedures, law and national guidance. Other relevant staff have received training and these issues feature prominently in meetings between the borough crown prosecutor and borough staff.

Strength

The system of receiving, checking and monitoring custody time limits in magistrates' court cases is robust.

Aspect for improvement

All requests to extend custody time limits should be made in writing unless exceptional circumstances exist.

8 THE SERVICE TO VICTIMS AND WITNESSES

Assessment

0 - Poor**8A The borough ensures timely and effective consideration and progression of victim and witness needs, and the service to victims and witnesses is improving**

- Redbridge adopted the pan-CPS London instructions for complying with the direct communication with victims (DCV) initiative in May 2009. A joint DCV coordinator has been appointed to manage and monitor letters sent by both Redbridge and Havering prosecutors.
- The borough did not meet the proxy target set in 2008-09 for the number of letters to be sent under the DCV scheme but exceeded the target in the first quarter of 2009-10, improving from 89.7% to 120.9%. However further improvement is needed since other inspection work has found that DCV proxy targets do understate the requirement for letters in order to comply fully with the scheme. As a result of our other inspection work the CPS has suspended the proxy target in October 2009 pending a re-evaluation of how it should be assessed. This is supported by the findings from our file examination. We looked at nine files where the DCV scheme was engaged. In six of these (66.7%) compliance with the scheme was poor. No letter was sent in five cases and in the sixth the letter that had been sent to the victim contained incorrect information.
- Performance in respect of timeliness in 2008-09 was better than the CPS London average, with all letters being sent within one day to vulnerable and intimidated victims against the London figure of 65.9%, and 94.2% of letters being sent within five working days to other victims compared with 83.1%. Performance changed significantly in the first quarter of 2009-10, with only 25.0% of letters to vulnerable and intimidated victims sent within the target time, but there was 100% compliance in respect of other victims.
- The table below shows performance against target in respect of DCV compliance.

	Performance 2008-09		Performance 1st quarter 2009-10	
	Borough	CPS London	Borough	CPS London
DCV compliance (volume target 100%)	87.9%	91.1%	120.9%	96.1%
Vulnerable and intimidated victims (timeliness target 95%)	100%	65.9%	25.0%	81.2%
Other victims (timeliness target 95%)	94.2%	83.1%	100%	87.3%

- The needs of victims and witnesses are not always considered at the pre-charge decision stage. Ancillary issues, including any need for special measures, were considered in 17 out of 30 relevant pre-charge cases (56.7%). Where the need for special measures or support is identified little timely action is taken to ensure that they are available to the victim or witness. This results in late applications for special measures, some of which are not granted, or decisions being made not to apply because of the delay.
- The witness care unit (WCU) keeps victims and witnesses informed of the progress of their case and notifies them of the results. The quality of these letters is variable and in some instances the template letter was not amended and incorrect information was provided about the outcome of the case.

- There were very few victim personal statements, which record the impact of the crime on the victim, present on the files in the sample. There were six magistrates' court cases where a statement should have been offered but there were none present on the files and two completed ones out of five relevant Crown Court cases.
- Witnesses are generally warned in a timely manner following a not guilty plea being entered but the witness attendance rate was low in 2008-09 (84.8%). The WCU notifies the borough if there are any difficulties in securing a witness's attendance at court but this is not always dealt with promptly. Witness attendance rates in the first quarter of 2009-10 improved to 92.5% compared to the London average of 82.2%.
- The WCU is based at Ilford Police Station and is managed by the police. The borough has one CPS witness care officer who is based in the unit. There are good communication links between the WCU and borough staff, which may be enhanced with the CPS move to the police station in November 2009.
- Performance data on primary and secondary measures is provided on a pan-London basis but there has been limited analysis of this at a borough level. Redbridge has identified witness difficulties as one of the main causes of cases not being able to proceed at trial. Whilst the long delay before trials in the Crown Court may well be a factor, the lack of support offered to victims after charge, particularly in domestic violence cases, appears to be a major reason. The borough needs to undertake more analysis of the reasons for victim or witness nonattendance at trial and take steps to improve the service it provides.
- There is no nominated champion for victims and witnesses although the borough community prosecutor's role will involve an awareness of victim and witness issues. The Borough Criminal Justice Group does not have a separate victim and witness subgroup although relevant issues are discussed in other subgroups. Borough managers are involved in the pan-London initiative to introduce streamlined processes for the management of domestic violence cases.

Aspect for improvement

Formal arrangements should be established to discuss borough victim and witness performance issues with the police and HM Courts Service.

9 MANAGING PERFORMANCE TO IMPROVE

Assessment

2 - Fair**9A There is an effective and proportionate approach to managing performance locally at individual, unit and borough level**

- The assessment of qualitative casework issues is primarily undertaken through the national casework quality assurance (CQA) scheme. The borough crown prosecutor (BCP) assesses one file for each lawyer and associate prosecutor on a monthly basis. The BCP uses the information to elicit trends or particular issues of concern and raises these at meetings (internally and externally) as well as giving any necessary feedback to the lawyer or individual. The introduction of the optimum business model (OBM) has reduced levels of case 'ownership' for magistrates' court work which has resulted in less one-to-one feedback to individual lawyers. In 2008-09 Redbridge and Havering boroughs combined achieved an 88.9% compliance rate for CQA volume compared to a London average of 84.8%.
- The CQA forms completed by the BCP are robust, indicating a number of areas where performance could be improved and actions were raised demonstrating that qualitative checking is taking place. In addition the BCP circulates monthly assessment forms to all staff indicating where performance could be improved.
- Adverse cases are finalised by the paralegal manager and put into a spreadsheet. These are analysed by the BCP and any trends or issues circulated internally to lawyers and externally to police, where they are discussed as part of prosecution team performance management (PTPM) meetings. Witness attendance (albeit now improving) has been a main concern in respect of adverse cases and is potentially linked to the lengthy time trials are taking to be heard at the Crown Court, as well as the lack of support offered to victims after charge. The BCP is aware of these issues which will be addressed as the borough moves to the integrated prosecution team (IPT) site (see aspect 10).
- There is no consistency of in-house advocacy monitoring. Assessments were undertaken by the CPS London area advocacy trainers in late 2008 although no feedback was given to lawyers. The BCP does not undertake any formalised system of monitoring in-house advocates or agents although this is intended to be done in the near future. Feedback is also given by other court users.
- All existing operational systems have been reviewed recently and changes made. These include modifications in processes in respect of OBM, custody time limits, direct communication with victims (DCV) and post handling. Despite these measures, demands on all staff have increased and often a 'fire fighting' approach has been adopted. The borough has consequently adopted a hands on approach to dealing with matters as they arise and as such respond to pressing issues rather than a more proactive approach to reviewing the effectiveness of operational systems. There have been some significant managerial and structural changes in the last year and the imminent IPT move will mean further structural and cultural changes to working practices. It is understandable therefore that a consistent performance framework is yet to emerge.
- At times the borough has found it difficult to deliver all its business effectively and there have been slippages in performance. In 2008 the OBM was introduced but staffing difficulties and the separation of the two boroughs impacted on this unit's ability to prepare and progress magistrates' court cases effectively, despite remedial action being taken. This also resulted in other aspects of performance declining, for example updating case finalisations, timeliness of disclosure and case progression.
- Much of the resilience has been maintained through the sharing of Redbridge and Havering resources and some joint sharing continues, including court coverage by lawyers. The move to the new IPT site will effectively put an end to this mutual assistance. However it is not known which borough has been the greater beneficiary of shared resources as no accurate record has been kept. Consequently it has not been possible to assess the impact of the impending separation of functions.

- The district business manager and district crown prosecutor also monitor performance at the district level and have the ability to adjust resources within the district where there is a clear business need, although instances are rare because of the mutual assistance offered by the two boroughs. It is not known how easily and to what extent resourcing adjustments will be able to be made when the borough moves to its new site. The mutual arrangement of sharing resources with Havering may cease or become much more difficult to manage, which could lead to some difficult performance issues.
- Performance data which links into the CPS key performance indicators is provided to borough managers from the CPS London Performance Unit and reviewed as part of the district management team meetings. Performance data is provided for all boroughs, districts and other operational units within CPS London and allows for data to be compared. Boroughs contribute to the quarterly report submitted by the district to CPS London. Performance is rated against the key performance indicators using a 'traffic light' system. The BCP has regular performance meetings at district level and actions for improvement are agreed upon. Performance is discussed at borough meetings although these can often be ad hoc. However not all staff are familiar with the current performance of the borough, although performance measures are displayed throughout the office environment.
- Most individuals believed that their performance appraisals contained pertinent objectives to their role and position although most were unaware of how they contributed to the district or area plans. Due to changes in management, not all appraisals have been completed, or completed in time, and mid-year reviews were rare.

Aspect for improvement

The borough should introduce a more structured and consistent system of monitoring in-house advocates and provide feedback.

9B The borough is committed to managing performance jointly with criminal justice system partners

- The BCP is committed to the effective joint management of performance. However PTPM meetings have in the past not been effective or regular. Meetings since May 2009 are now well attended and business is focussed on immediate issues and those relating to the move to an IPT. Critical analysis and clear understanding of performance issues has yet to evolve before both agencies will be able to evidence improvements in performance driven by the PTPM process.
- The BCP chairs a separate meeting with police to discuss sexual offence cases. This focuses on upcoming cases and how the prosecution team can ensure successful outcomes, as well as ensuring the needs of witnesses and victims are addressed.
- There is generally good sharing of performance information between agencies, in particular with the police and courts. Relevant prosecution team performance reports, domestic violence and adverse outcome reports are provided to police for PTPM meetings.
- A monthly joint performance management (JPM) meeting has recently been established and is attended by key criminal justice system partners including the CPS, police and HM Courts Service. The focus is on performance outcomes in the magistrates' court and, in particular, reasons for cracked and ineffective trials. JPM has enabled the group to identify inaccuracies in completion of relevant forms, issues regarding the management of the Criminal Justice: Simple, Speedy, Summary initiative and application of the Criminal Procedure Rules. This has then led to improvements and more reliable information being obtained.
- The courts are currently putting in place efficiency measures which will impact on court listing. The BCP is planning to meet with the bench legal manager to discuss listing patterns and other performance issues.

10 MANAGING RESOURCES

Assessment

Not scored**10A The borough deploys its resources efficiently and operates within budget**

- Financial management of the non-ring fenced administrative costs budget (NRFAC), comprising mainly staffing and general costs, and programme costs budget (largely prosecution costs) rests at regional and district level. At borough level there is limited responsibility for financial management of these budgets. For accounting purposes spend is forecast and expenditure allocated to borough level cost centres, but in reality these are monitored at the district level and overseen and authorised by the region. Financial delegation within the region is limited, spend is authorised at that level and strict controls are exercised.
- At borough level financial management is limited to ensuring financial propriety. This includes the casework business manager ensuring accurate and timely fees information sheets are completed by caseworkers and forwarded to the area graduated fees scheme team and the timely identification and management of very high cost cases, of which there are few in Redbridge.
- Allocation of staffing resources is determined by the activity based costing (ABC) system used by CPS London. In 2008-09 Redbridge's budget for NRFAC was £1,082,000, of which 102.7% was spent. However the overspend was balanced by underspends elsewhere in the district, particularly Havering who were underspent and shared many resources with Redbridge during the financial year. In 2009-10 the NRFAC budget has decreased to £787,000. Whilst this represents a significant decrease some funding responsibilities have been taken away. Casework fluctuations and integrated prosecution team (IPT) roll-out also add to the complexity of the ABC allocation which is adjusted accordingly throughout the financial year.
- Borough staffing resource issues are managed by the district crown prosecutor and district business manager and regular reviews take place with the borough crown prosecutor (BCP) to ensure that staffing resources are deployed on an efficient basis and in accordance with the ABC share.
- As a result of the London-wide IPT roll-out the area has implemented a preference process exercise whereby staff indicate which borough they would wish to work in. This process has not been without certain difficulties (see aspect 11) and therefore Redbridge is not aware fully of which of the current staff will be moving to the new site. The management of this change is the responsibility of CPS London headquarters.
- In August 2009 the borough had 19.8 full-time equivalent staff including a borough based higher courts advocate. In the last few years the resources allocated to Redbridge have fluctuated and the sharing of resources with Havering has meant that both boroughs have not operated within defined staffing parameters. There is limited contingency for staff absence which presents a risk to the effective delivery of business. It is anticipated that the move to IPT will overcome some of the joint burdensome administrative and bureaucratic aspects of delivery that currently exists between the two agencies as well as provide better communication between the CPS and police. One of the expected benefits will therefore include maximising the efficient deployment of staff thereby enhancing resilience. However the new staffing parameters and lack of available mutual resilience from Havering will need to be managed carefully at borough and district level.
- The borough has a range of working patterns of different grade staff allowing little flexibility if any absences occur. This has had an impact on the effectiveness of the delivery of the core business, including backlogs of post, finalisations and effective case progression through the optimum business model (OBM). Concerns have been raised at district level and it is hoped that some balance may be achieved at the conclusion of the IPT preference exercise.

- The BCP sets clear expectations for the deployment of lawyers and associate prosecutors (APs). For lawyers this includes delivering pre-charge decisions at the police station, as well as a minimum of six sessions of magistrates' court and Crown Court advocacy and deployment in the OBM unit. Part of these expectations is the ability of lawyers to be flexible in accommodating those with particular working conditions and to take account of fluctuating court sessions. The borough has struggled to meet the lawyer deployment target in the magistrates' court and this continues to be a difficulty due to the impact of working patterns and court listing. Listing arrangements with the courts are being addressed by the BCP to provide a balance of efficient use of lawyer and AP resources whilst recognising the court's commitments to its own performance targets.
- In 2008-09 the borough achieved 80.5% deployment of in-house prosecutors at the magistrates' court against a target of 90.0%, compared with the CPS London average of 87.9%. Similarly, due to long-term sickness, it was unable to meet the 2008-09 AP deployment target, achieving just 10.9% of magistrates' court sessions compared to a target of 23.0% and a London average of 20.5%. However recent agreement with the court concerning appropriate cases being listed for APs will enable the borough to fully deploy its two APs to achieve the 2009-10 target.
- The deployment of crown advocates is controlled and managed at district level and a dedicated advocacy unit has been established at Snaresbrook Crown Court. There is no specific savings target for Redbridge although it contributes to the resources of the unit.
- The borough had an average of 10.0 days sickness absence per person in 2008-09 which was slightly worse than the London average of 9.3 days. Back to work interviews are conducted and appropriate occupational health and wellbeing referrals are made. The DBM also has a proactive involvement in analysing the level and types of sickness at borough and district level and will advise the BCP in consultation with Human Resources where appropriate to do so.
- Managers are sympathetic to requests for flexible working to enable staff to achieve their individual work/life balance and various working patterns exist. However due to the number of staff employed on flexible conditions managers often struggle to meet the business need, particularly when unexpected absences occur. It is often difficult to renegotiate agreed flexible working conditions because of contractual reasons, even if the business need changes. This challenge has been recognised by CPS London and work is ongoing to address some of the major issues flexible working poses. In particular, the most urgent one is to ensure an appropriate balance and allocation of staff on full-time and part-time or flexible working patterns to the new IPT sites.

11 MANAGEMENT AND PARTNERSHIP WORKING

Assessment

2 - Fair**11A Borough management has a clear understanding of what needs to be delivered to meet London, national and criminal justice system priorities, underpinned by effective planning and management**

- Redbridge does not have a borough business plan but contributes to the district business plan. District planning focuses on the CPS London area delivery plan and identifies key priorities for the area together with aspects which need to be improved at a district level. Whilst Redbridge's activities contribute to the district plan the borough does not have an action plan to deliver these. Managers rely on an understanding of what needs to be delivered and are focused on delivery of the day-to-day service, the best use of resources and actual operational delivery. Performance against common targets is discussed at borough and district level and adjustments and actions are raised accordingly. Formal business planning is therefore limited and borough business is delivered through internal meetings, external meetings with criminal justice system partners and by performance management.
- The key priorities for the borough crown prosecutor (BCP) are centred around addressing current performance issues: improving performance in disclosure, domestic violence and ensuring an effective optimum business model (OBM) unit.
- The integrated prosecution team (IPT) move has not been within the control of the BCP and is being handled centrally. Both the move itself and the way this change programme has been managed have caused anxiety among staff which has affected morale. Coupled with significant management and structural changes, it is understandable that staff perception is one of a lack of direction. Although anxiety still exists with issues of IPT, in general most staff and managers consider that the move will eventually benefit staff morale and performance issues.
- The BCP and other managers understand their responsibility for implementing policy and delivering targets set in the district plan. Resourcing within the borough has been problematic and as a result managers have adopted a very hands on approach to ensuring work of all levels is delivered. This has included doing their best to support their own team as well as cooperating with other teams from Havering to ensure work is done and also help achieve desired performance outcomes.
- Because of the changes in management, borough structure and the various change initiatives team meetings have been infrequent and have lacked consistency. Many have been ad hoc or called at short notice. There has also been a lack of consistent approach. The BCP and other managers are open with, and accessible to, staff and generally, despite the lack of an embedded framework of meetings, there is collaboration and dissemination of key messages. The borough should ensure that meetings, whether planned or ad hoc, are where necessary supported by brief notes accessible to staff not in attendance and as a record of key issues for the team. They should also develop a formal communication strategy for internal or external communication.
- Borough managers have not developed a formal planned approach to risk management as part of the daily management of services, but risks to business delivery are recognised and discussed as part of meetings. Specific risk assessments are conducted for change initiatives such as IPT although London-wide or national change initiatives are captured centrally and monitored at the local implementation level. Overall a more formal approach to risk management should be adopted, particularly as part of the planning around core business delivery.
- The BCP recognises that there is a need for a more formalised training plan to reflect the requirements of individuals and the organisation. Training has been haphazard and a good deal of self and desk side training occurs. Focussed training has been identified as a priority as the borough moves to an IPT to ensure appropriate staff development and support delivery of key priorities.

Aspect for improvement

The borough should develop a communications strategy to formalise communication, internally and externally.

11B The borough is committed to engaging with partners and jointly improving levels of service

- The BCP and other borough staff are developing an open and constructive approach with their criminal justice partners. Liaison is generally supportive with relationships being improved and strengthened and good will demonstrated between the criminal justice agencies and other stakeholders.
- At the strategic level the borough actively participates in the Borough Criminal Justice Group where criminal justice system business and overarching Public Service Agreement targets are discussed. The BCP attends the borough based Crime and Disorder Reduction Partnership meeting which has a broader perspective on tackling crime within the borough. Prosecution team performance management (PTPM) meetings need to develop in order to address joint performance issues. At an operational level borough staff work in cooperation with their criminal justice colleagues. There is shared ownership for delivery of day-to-day criminal justice business.
- Many of the initiatives that the borough has implemented have been joint ones such as CJSSS, the Director's guidance on the streamlined process, statutory charging and No Witness No Justice. Other CPS-driven initiatives such as the OBM and conditional cautioning have been prescribed from CPS Headquarters and adopted by the borough. As a consequence borough-based initiatives have been limited.
- The recently appointed borough community prosecutor will proactively engage with the community, which should raise awareness of how the CPS works and provide an understanding for its staff of the needs and key priorities from a community perspective. The development of the community prosecutor approach is a major new initiative for the CPS and brings with it new ideas of how modern prosecutors should engage with communities, although their full remit has not yet fully evolved. It is too early to evaluate how effective this initiative will be at borough level. Nevertheless Redbridge should develop a clear community engagement strategy to ensure appropriate community and partnership engagement which is measurable and maximises the benefits to service delivery.
- The borough maintains a complaints log that indicates that very few complaints are received. An examination of the log did not reveal any recurring issues or raise any concerns over the handling of complaints.

Aspect for improvement

The borough should develop a clear strategy on engagement to ensure appropriate community and partnership engagement which maximises the benefits to service delivery.

11C Managers act as role models for the ethics, values and aims of the London-wide service and the CPS, and demonstrate a commitment to equality and diversity policies

- Good performance is recognised through bonus awards, CQA feedback and face-to-face discussions but, as with communication in general, staff could benefit from a more formal channel of feedback. Team meetings could be used to recognise the achievements of the team or individual staff members. Discussions with staff indicated that in general there was a lack of recognition of good performance. Where backlogs had occurred a blame culture was emerging with focus on the negative rather than the positive.
- Although the borough has had resource issues which have led to backlogs and tensions most staff display a good team spirit and treat each other with respect. No substantiated complaints have been made by staff about their treatment by managers.
- The make up of staff in the office generally reflects the local community served but there is no ability to control this aspect at borough level. Diversity and recruitment is managed at a London-wide level.

ANNEXES

A PERFORMANCE DATA

Aspect 1: Pre-charge decision-making

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough
Pre-charge decision cases						
	80.8%	76.2%	78.0%	80.5%	75.5%	75.7%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	13.5%	13.3%	14.1%	15.5%
Guilty plea rate	74.4%	69.8%	74.1%	74.2%	68.8%	71.1%
Attrition rate	19.2%	22.1%	20.1%	19.5%	23.0%	22.5%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	15.4%	11.8%	15.7%	15.8%
Guilty plea rate	72.9%	60.8%	60.6%	73.0%	61.1%	60.5%
Attrition rate	19.4%	27.3%	27.3%	19.5%	27.6%	28.5%

Aspect 2: Ensuring successful outcomes in the magistrates' court

Successful outcomes (convictions) as a percentage of completed magistrates' court cases

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough
	87.3%	86.0%	87.5%	87.3%	85.9%	86.9%

Trial rates

	Performance 2008-09		
	National	CPS London	Borough
Effective	43.4%	47.3%	43.0%
Cracked	38.0%	34.8%	39.9%
Ineffective	18.6%	17.9%	17.0%
Vacated	21.5%	16.3%	20.8%

Aspect 3: Ensuring successful outcomes in the Crown Court

Successful outcomes (convictions) as a percentage of completed Crown Court cases

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough
	80.8%	73.1%	73.6%	80.6%	72.7%	72.8%

Trial rates

	Performance 2008-09		
	National	CPS London	All Snaresbrook Crown Court cases
Effective	47.1%	54.7%	50.4%
Cracked	40.8%	30.0%	33.3%
Ineffective	12.1%	15.2%	16.4%

Aspect 5: Serious violent and sexual offences, and hate crimes*Violence against women: successful outcomes (convictions) as a percentage of completed cases*

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough
	71.9%	62.0%	61.6%	71.8%	61.0%	59.0%

Hate crime: successful outcomes (convictions) as a percentage of completed cases

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough
	82.0%	77.2%	76.9%	81.9%	75.5%	77.8%

Aspect 10: Managing resources*Non-ring fenced administration costs budget outturn performance (end of year ranges)*

	CPS London outturn 2008-09	Borough outturn 2008-09
	99.1%	102.7%

Staff deployment

	National performance 2008-09	CPS London target 2008-09	CPS London performance 2008-09	Borough performance 2008-09
In-house deployment in magistrates' court	85.5%	90.0%	87.9%	80.5%
Associate prosecutor deployment (as % of magistrates' court sessions)	24.8%	23.0%	20.5%	10.9%
Crown advocates. Counsel fee savings against target	110.0%	£4,200,000	99.3%	127.9% (district performance)
Sickness absence (per employee per year)	8.7 days	N/A	9.3 days	10.0 days

B INDIVIDUALS AND REPRESENTATIVES OF LOCAL CRIMINAL JUSTICE AGENCIES AND ORGANISATIONS WHO ASSISTED US

Police

Chief Superintendent Terry, Ilford Police
Chief Inspector Kimberley, Ilford Police
Ms M O'Regan, Witness Care Unit Manager, Ilford Police

HM Courts Service

Mr S Hill, Snaresbrook Crown Court Manager
Ms S Gaffney, List Officer

Crown Court

His Honour Judge Radford, Honorary Recorder, Snaresbrook Crown Court

Magistrates' court

District Judge Woollard, Redbridge Magistrates' Court
Mrs G Matthison JP, Bench Chair
Mr T Ring, Justices Clerk North District

Victim Support

Miss N Ikramullah

Community Groups

Ms K Box, Team Manager, Safer Communities Partnership, Redbridge
Mr D Landau, Projects co-ordinator, Redbridge Equalities and Community Council

Witness Service

Ms S Francis
Ms B Graff

C LONDON BOROUGH SCORING MODEL

London borough assessments will be scored using the following model. Points will be allocated to each aspect on the basis of:

Aspect rating	Points to be allocated
Excellent	4
Good	3
Fair	2
Poor	0

They will then be added and assessed against the following ranges:

Excellent	32 points and above
Good	24 to 31 points
Fair	16 to 23 points
Poor	15 points and below

Additional limiters

There will also be two overriding limiters applied to the model ensuring that quality and outcomes are weighted within the model.

- Any borough with three or more Poor aspect ratings will automatically be reduced to the next range e.g. a borough scoring 22 points, but with three Poor aspect scores, will automatically be reduced to Poor.
- A borough will need to achieve at least two Good ratings in the first four aspects⁷ of the framework to be scored as Good overall e.g. one scoring 25 points, but with only one Good aspect in the first four, will be reduced to Fair.

⁷ Pre-charge advice and decisions; Decision-making, preparation and progression in magistrates' court cases; Decision-making, preparation and progression in Crown Court cases; and The prosecution of cases at court.

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