

Her Majesty's Crown Prosecution Service Inspectorate

Review of the performance of CPS London

March 2010

Executive summary

Introduction

This is Her Majesty's Crown Prosecution Service Inspectorate's (HMCPsi) executive summary of the report on the Crown Prosecution Service (CPS) London area. The findings set out in the report draw on a number of associated inspection activities including HMCPsi borough performance assessments (BPAs) of 20 CPS London borough units, a similar assessment of the CPS London traffic unit, a scrutiny of the operation of CPS London Direct (CPSLD; which provides telephone charging advice on volume crime cases to the Metropolitan Police Service during normal office hours) and a detailed consideration of the implementation and impact of a number of key initiatives which have been introduced by CPS London since it was last subject to an overall performance assessment (OPA) in December 2007.

Overview

CPS London comprises two regions, within which are six districts aligned to Crown Court centres. Within each district there are a number of boroughs (including the City of Westminster) totalling 32 and the City of London. Additionally there is a traffic unit and a Complex Casework Unit.

HMCPsi assessed 20 boroughs, one of which was good, seven were fair and 12 were poor. The London traffic unit was assessed as fair. The following table sets out HMCPsi's assessments by borough:

District and Borough	Overall assessment	Score
Snaresbrook		
Barking & Dagenham	FAIR	19
Hackney	POOR	16
Havering	FAIR	18
Redbridge	POOR	15
Tower Hamlets	POOR	13
Waltham Forest	FAIR	22
Harrow & Wood Green		
Barnet	FAIR	18
Brent	POOR	8

Enfield	POOR	8
Haringey	POOR	9
Harrow	POOR	15
Isleworth & Kingston		
Ealing	FAIR	19
Hammersmith & Fulham	POOR	8
Hillingdon & Heathrow	FAIR	23
Hounslow	POOR	11
Southwark & Croydon		
Croydon	GOOD	1
Westminster	POOR	13
Woolwich		
Bexley	FAIR	16
Greenwich	POOR	11
Lewisham	POOR	8
Traffic	FAIR	17

The following table illustrates the breakdown of performance by aspect:

Aspect	Borough assessment against each aspect			
	Excellent	Good	Fair	Poor
1. Pre-charge advice and decisions	0	3	15	3
2. Decision-making, preparation and progression in magistrates' court cases	0	1	9	11
3. Decision-making, preparation and progression in Crown Court cases*	0	0	5	15
4. The prosecution of cases at court	0	1	18	2
5. Serious violent and sexual offences and hate crimes	0	2	11	8
6. Disclosure	0	1	8	12
7. Custody time limits*	0	11	9	0
8. The service to victims and witnesses	0	0	10	11
9. Managing performance to improve	0	3	15	3
10. Managing resources	Not scored	Not scored	Not scored	Not scored
11. Management and partnership working	0	5	15	1

* The London traffic unit was not scored on this aspect

The analysis of aspects of performance across the boroughs assessed and the London traffic unit indicated the main weaknesses to be in:-

Crown Court casework	-	15 poor
Disclosure	-	12 poor
Magistrates' court casework	-	11 poor
Victims and witnesses	-	11 poor
Serious violent and sexual offences	-	8 poor

¹ Croydon was the unit selected for the pilot BPA. It was scored under a different mechanism but would still have been assessed as good under the scoring mechanism subsequently used for all other boroughs assessed.

All these aspects go to the heart of CPS casework quality.

It is a major concern that the lower tier of Crown Court casework is too often poorly prepared, with adverse effects on readiness and presentation at court, and that outcomes despite some improvement since the HMCPSP OPA in 2007 remain substantially worse when compared to national performance.

The preparation of magistrates' court casework had weaknesses, including delays in dealing with the disclosure of unused material.

Related aspects of casework, including the vital care and support of victims and witnesses, are variable and poor in many boroughs.

Nevertheless, inspectors emphasise that past assessments, and current feedback, show that the top tranche of casework including murders and other serious casework at the Central Criminal Court (Old Bailey) and the most sensitive elsewhere are being handled well in the Complex Casework Unit which previously received a good rating². This may underpin the higher level of public confidence in the effectiveness of CPS London in prosecuting people accused of committing crime than that found nationally.

Additionally, inspectors note that, whilst there were inaccuracies in recording, the CPS London data shows there to have been increases in the levels of successful outcomes (convictions) in both magistrates' courts cases and Crown Court cases.

Senior managers have endeavoured to deliver new initiatives and structures to address performance issues and secure efficiencies, but too often these have not been implemented well, or have not been co-ordinated effectively with other initiatives. Taken together, the change initiatives have left the front line prosecutors and caseworkers struggling to manage caseloads and "fire fighting", rather than being in charge of and confidently controlling and presenting their cases.

During the course of the assessment process there were incremental changes in the CPS London senior management team, resulting in different post holders in each position by the end of the review. This was coupled with substantial changes in managers at both district and borough level.

Our findings are inevitably a matter of concern for the CPS and its stakeholders including the wider public. They will also bring disappointment to staff. Inspectors wish to state clearly first that they were impressed by the commitment and effort of most staff, and secondly it is not, for the most part, the concepts behind the many and varied initiatives that have been implemented in CPS London which are flawed, but more the manner of the operational delivery and the levels of compliance with what they set out to achieve.

There appeared to be either a lack of awareness at the most senior level of how projects were actually working or a strong tendency to move from pilot stage to full implementation too quickly and to sign off major initiatives too readily as business as usual without a full and robust assessment. A consistent theme that appears to permeate the criminal justice system (CJS) in London was that projects or initiatives could not be seen to fail regardless of what the reality was for the practitioners on the front line who are required to deliver, often with insufficient resources.

Context

Some aspects of how CPS London has to manage its work are undoubtedly different from other CPS areas. It has to deal with the specific casework problems associated with being the political and economic capital city including the transient nature of many victims and witnesses. Like other metropolitan areas it has a large and diverse ethnic minority population, but in some boroughs this is in larger numbers than found elsewhere in the country. This can make some aspects of casework more difficult, for instance where there are cultural pressures put on victims not to

² Last assessed in December 2007.

continue to support prosecutions. But this is not unique to prosecuting in London; it is just that there are more such cases.

Where the CJS in London can justifiably point to differences is in the scale of initiatives that it pilots prior to their national implementation, for example the streamlined process for file preparation and virtual courts. It is unusual to find developments in the CJS that are not piloted in at least some part of London. This, coupled with the development of London specific initiatives, for example the move to integrated prosecution teams (IPTs; where the CPS borough units are sited in police premises) and CPS national initiatives for example the optimum business model (OBM) for the processing of cases, has resulted in an overload of initiatives. Often major change projects are implemented concurrently which can add to strains. Inspectors found that there had been an insufficient consideration of the impact of later initiatives on earlier ones that had already been piloted, leading to severe strains at the operational level which were not always adequately reflected in the decisions that were being taken at a strategic level.

Key findings

1. Casework

In 2008-09 CPS London dealt with 155,890 magistrates' court cases (4.7% year-on-year increase) and 26,830 Crown Court cases (6.6% year-on-year increase). Crown Court cases are of course more difficult and complex than magistrates' court cases.

Performance information available for 2009-10 indicates that the magistrates' court caseload is continuing to rise with the overall number of contested cases in the magistrates' court (which require the most preparation) rising steeply (17.3% increase in the year to December 2009). The Crown Court caseload, including the number of contests, is also continuing to rise.

The total number of magistrates' court sessions rose from 55,404 in 2007-08 to 56,059 in 2008-09. This trend is likely to continue, as in the nine months to December 2009 a total of 41,617 sessions had been covered. In the Crown Court there was a sharp drop in sessions from 55,226 in 2007-08 to 43,345 in 2008-09. In the nine months to December 2009 a total of 32,782 sessions were covered.

Magistrates' courts successful outcomes

Performance in the magistrates' courts in respect of all outcomes (CPS charging decisions and police charged cases) is shown below:

Successful outcomes (convictions) as a percentage of completed magistrates' court cases					
	2006-07	2007-08	2008-09	2009	Change 2006-07 to 2009
London	82.0%	83.9%	86.0%	85.8%	+3.8%
National	84.2%	85.7%	87.3%	87.0%	+2.8%
Gap	2.2%	1.8%	1.3%	1.2%	

The proportion of successful outcomes is increasing, although overall performance is still not as good as nationally and declined slightly in the 12 months to December 2009, as did national outcomes.

Crown Court successful outcomes

The following table illustrates the improvement in Crown Court outcomes:

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

	2006-07	2007-08	2008-09	2009	Change 2006-07 to 2009
London	70.0%	72.3%	73.1%	72.5%	+2.5%
National	77.3%	79.3%	80.8%	80.6%	+3.3%
Gap	7.3%	7.0%	7.7%	8.1%	

As in the magistrates' court, the successful outcome rate in the Crown Court has improved since 2006-07, albeit there is now a slightly bigger margin of performance between CPS London and nationally.

CPS London dropped 15.4% of its Crown Court cases in the 12 months to December 2009 (compared with 11.6% nationally) before trial, and this was considerably more than the rate of acquittals during trials themselves.

Violence against women and hate crime outcomes

The CPS also measures its performance in respect of violence against women specifically and hate crimes generally.

The proportion of successful outcomes in violence against women cases has increased from 2006-07 to 2008-09 from 55.4% to 62.0% but this is less than found nationally (65.1% to 71.9%) and the margin between the two is still considerable. Performance declined in the 12 months to December 2009.

In cases involving allegations of rape (a sub-set of the violence against women data), CPS London had a successful outcome rate in 2007-08 of 45.2% compared with 57.7% nationally. This rose in 2008-09 to 47.0% compared with 57.7% nationally, but declined to 43.8% in the 12 months to December 2009, compared with an improvement nationally to 58.2%.

The proportion of successful hate crime outcomes increased from 72.6% in 2006-07 to 77.2% in 2008-09 but lagged behind national performance (76.7% to 82.0% respectively). Performance declined in the 12 months to December 2009 to 74.4%.

Casework handling

In relation to Crown Court casework three quarters of the boroughs were assessed as 'poor' overall with the ongoing review and preparation of Crown Court cases being the most significant weakness. Similar issues were found in respect of magistrates' courts casework. These fundamental issues need to be addressed. The large majority of decision-making either at the charging or initial review stage is in accordance with the Code for Crown Prosecutors but there are a small but important number of cases which are discontinued, often at a late stage, when a different prosecutor or advocate takes a different view of the case but where there have not been any material changes of circumstance. More cases are the subject of acquittals in the Crown Court when the prosecution drops the case than when a jury acquits the defendant, although this may in part reflect recording of case results. The senior management team are aware of the level of error in recording case outcomes and are addressing the issue.

Higher standards of foresight, determined case building and strengthening, and careful timely case preparation are needed to ensure that cases are ready to proceed at the allotted time and that evidence is presented in the best possible fashion.

Prosecutors do not always identify at an early stage what is required to ensure a successful outcome and could be more proactive in indicating further lines of enquiry required to support the prosecution case. Proactivity was undermined by a lack of effective supervision and monitoring systems and poor preparation at an early stage was contributing to cases either not being ready for

trial or not being as robust as possible. This was often compounded by the late receipt from the police of material necessary for effective case preparation. This manifests itself in late applications for special measures to help witnesses give their best evidence and other aspects designed to strengthen the prosecution case. There is a lack of intellectual rigour when preparing cases, with prosecutors asking police merely for the full file and not assessing what are the issues in dispute. This continues with minimal, if any, analysis of the case in the instructions to the advocate at the Crown Court.

Nevertheless, the performance in relation to effective, ineffective and cracked trials in London is good when compared to national performance. CPS London plays its part in this, but some of this is down to the approach of some courts not to list cases for trial until they are satisfied that the prosecution is ready.

Whilst overall conviction rates have increased, acquittal rates in contested trials are rising. The proportion of contested magistrates' court cases that result in an acquittal has steadily increased both in real and percentage terms from 3,204 in 2007-08 (representing 32.5% of all contested cases) to 4,195 in the 12 months to December 2009 (representing 37.6% of all contested cases). In the Crown Court the proportion of contested cases that result in an acquittal after trial has increased from 1,782 (representing 42.9% of all contested cases) in 2007-08 to 2,238 in the 12 months to December 2009 (representing 48.6% of all contested cases).

Some specific aspects of performance need particular attention, including compliance with the obligations on the prosecution for the disclosure of unused material. There is a renewed focus on improving compliance but it is too early to assess whether this has been successful.

Where there has been specific attention on driving up aspects of performance this has shown some success. For example the management of custody time limits was assessed more favourably than any other aspect in our borough performance assessments.

There has also been progress in ensuring that letters to victims are sent where required under the provisions of the direct communication with victims scheme when charges are dropped or substantially altered, although there is scope for further improvement and more work needs to be done on their quality. Looking forward, more attention needs to be paid to ensuring that all the various new initiatives and policies introduced to improve the service to victims and witnesses are fully in place. These include other aspects of the Victims' Code and victim personal statements as well as work to meet the minimum requirements of witness care units on a consistent basis.

2. Managing resources

Financial resources

CPS London's resourcing difficulties have seen it unable to cover all aspects of its business adequately, although it receives its pro-rata share of the CPS national budget. Unlike other areas, CPS London had adopted a process of taking from this what its operations centre and central functions such as its Complex Casework Unit needed before dividing the balance amongst the borough units. The proportion of the budget allocated to the units has been decreasing year-on-year. This trend has now started to be reversed, with recognition that resourcing the front line units is the top priority.

In 2008-09 CPS London had a staffing budget of £57.3m but spent £56.8m. In 2009-10 the staffing budget (as at November 2009) increased by 6.7% (compared with the previous year's spend) to £60.6m, a more generous increase than for the CPS as a whole. The area's forecast staffing expenditure for 2009-10 is £61.2m representing a 7.7% increase on the previous year. A key contributor is the very large increase in expenditure on agents, to cover the presentation of cases in the magistrates' court, from £496,000 in 2008-09 to a projected spend of £1.9m in 2009-10 (an increase of just under 290%). This reflects the lack of in-house prosecutors to cover the core aspects of CPS work, namely the provision of charging advice, and the preparation and presentation of cases.

Expenditure in relation to programme expenditure (comprising mainly prosecution costs) is also expected to be above budget with a forecast overspend of £2.2m in 2009-10.

Financial delegation

The area has a centralised financial control structure, which is currently under review. The decision to return financial delegation to district level in April 2010 is to be welcomed and should relieve some of the burdens currently felt by the area finance team. This should allow greater focus on improving payment performance, particularly relating to fees paid to counsel where there has been a significant backlog in payments.

Human resources

Since March 2007 the total number of prosecutors has increased from 440.6 to 487.2 (as at November 2009). This represents a 10.6% increase in prosecutor resource. Within this overall figure there have been significant changes in the mix of prosecutors. The number of crown prosecutors has fallen from 361.8 to 238.4 (-34.1%), whilst the number of crown advocates (prosecutors who may on reaching the required standard present cases in the Crown Court) and associate prosecutors (non-lawyers who after training may present certain categories of case in the magistrates' court) rose from none in 2007 to 118.1 and 65.5 respectively in 2009. This change in the staffing mix has reduced the availability of overall prosecutor resource to carry out two of the three core casework functions, namely the provision of charging advice and case preparation.

The area has assessed that it has a shortfall of 42 prosecutors to resource its core work. This assumes that borough based crown advocates do not undertake any Crown Court advocacy, so may underestimate the extent of the shortfall. The consequences of this have been a significant increase in the use of agents to replace in-house prosecutors in the magistrates' courts and also the abstraction of staff from the important tasks of case preparation and presentation of cases in the magistrates' courts. The boroughs have also lost prosecutors to the central and local advocacy units as part of the area's strategy to increase in-house coverage in the Crown Court. The demands of resourcing CPSLD as it expands are also going to put further strains on the borough units while the area attempts to achieve its aim of 80% of charging decisions being provided by telephone. CPSLD had to resort to the use of external agents to provide pre-charge advice to police. This is lawful only if decisions are reviewed effectively and endorsed by a supervisor who is a crown prosecutor.

One of the difficulties the area has faced is that until recently it has not had a clear picture of how its people resources are spread across the operational units or what the impact of flexible working arrangements has had on its ability to cover the necessary work adequately. This has been aggravated by the preference exercise undertaken as part of the move to IPTs which did not consider this issue fully. Detailed work is now taking place which involves essential adjustments in the balance of resources. This includes reducing staff at the centre and returning them to the front line. Additionally, responsibility for ensuring resources are in the right place at the right time is to be passed back to district managers.

Advocacy strategy

The area has committed to ambitious Crown Court advocacy savings targets, these having been imposed by CPS headquarters in earlier years. A key element of its advocacy strategy is the establishment of a central advocacy unit (CAU). Although the CAU was set up later than anticipated in 2009, which contributed significantly to the area not achieving its targeted savings, the 2010 advocacy savings targets remain very optimistic: for example, the CAU must increase its gross savings by 333.0% in 2010 to reach its target compared to the actual gross savings on fees made in 2009. The area is now considering whether the CAU (with salary costs forecast to be £1.8m in 2010) offers value for money at a time when magistrates' court cases are going into court with inadequate preparation for want of resources.

3. Managing change

Since we first identified some poor performance in CPS London in our 2005 OPA, the Prime Minister's Delivery Unit has worked with CPS London and the London Criminal Justice Board (LCJB) to agree positive joint action to address long standing issues. Notwithstanding this our borough performance assessments found that aspects of poor performance remain.

The area operates in a challenging and sometimes harsh environment compared to many parts of the country. It is a positive indicator that CPS London is working with colleagues in the LCJB to deal with matters jointly and innovatively. Nevertheless, change project interdependencies, the adequacy and deployment of resources and the fundamental issues of casework quality need to be addressed if solutions are to succeed.

The requirement to deliver a number of new initiatives over the last three years has compounded the difficulties highlighted above. Their combined effect is at the core of the effectiveness and efficiency problems.

Integrated prosecution teams

The move to IPTs, where the CPS borough staff are based in police premises, has improved working relationships, but is as yet far from delivering the wide ranging benefits envisaged. Since the start of the project in 2007 the extent of the efficiency savings remains unclear. A number of the smaller units lack resilience and this needs to be addressed at district level when difficulties appear. In 2006, faced with six CPS leases due to expire, inspectors can appreciate the economic attraction of moving to less costly police premises, but our findings lead us to conclude that there was inadequate assessment of the risks and benefits of the move to IPT.

The projected annual savings to the CPS of £4.7 million (net) accommodation costs, and approximately £4.6 million to the Metropolitan Police Service (representing 151 staff) once IPT is fully implemented are substantial and laudable for criminal justice in London. However, determining that the work of those 151 police staff could be covered by 32 temporary additional CPS staff for two years and thereafter absorbed in efficiency savings appears extremely optimistic. The risks involved in such a speedy implementation programme were very high, even with the benefit of hindsight. The immediate benefits to police and the ability to get cases to first hearing, and indeed to final hearing, without extending the time scales have overridden the negative impact on investigation, preparation and presentation of prosecution cases. Late in the day a consultants' report identified the actual resource needs of CPS London to deal with the casework and related tasks and our findings reveal deficiencies in the quality of prosecution casework. Unfortunately, there was no clear agreement for any of the police staffing or CPS accommodation savings to be transferred back to CPS London in the form of staffing resource as necessary, or on a longer term basis.

Subsequent to the decision to move to IPT, as a result of the national CPS/police modernising charging programme, the majority of charging decisions will now be delivered by telephone from a centralised London location by CPSLD. The input of local prosecutors, knowledgeable about local issues, and who have built up a professional rapport with local investigators is potentially diminished.

Borough community prosecutor coordinators

This also has to be seen in the context of the political imperative to develop the role of the borough community prosecutor coordinator who it is envisaged will go to the heart of the problems of the local community and engage with them on those issues. Yet many of the key charging decisions most likely to be relevant and influential are not going to be addressed at a local level.

Inspectors questioned why, when the area is undoubtedly struggling to deliver its core business, resources are having to be diverted to this role. Raising public confidence is correctly a key aim, but ensuring the guilty are convicted by presenting high quality cases properly prepared, together

with the right levels of support to victims and witnesses should be the key priority. There is now a greater sense of realism about what the area can actually achieve in its community engagement with a sharper focus on what is deliverable.

The streamlined process

One of the risks to IPT was the impact of other projects. The introduction of the streamlined process for certain prosecution files has led to the prosecutor receiving less evidence and information at the time of the charging decision. Its genesis was an apparent desire to 'reduce bureaucracy' which is laudable but it is equally mistaken to equate the gathering of evidence with bureaucracy. As a result, when a defendant contests the allegations, far more work has to be done post-charge, and this has increased the pressure on the IPT units which have taken over many of the file building tasks previously done by the police. Prior to the introduction of the streamlined process the area had operated a "quick process", which was similar to the streamlined process, but with the important distinction that the police supervised any additional file building required.

The increased pressure is compounded by the inadequate staffing of the OBM units who prepare the contested magistrates' court cases (which rose by over 17.0% in the 12 months to December 2009). One of the root causes is that in far too many cases an unrealistic assessment is made by the police of whether the defendant will plead guilty.

Against this backdrop it is surprising that the LCJB signed off the project phase of the streamlined process to business as usual in March 2009. Either the board was uninformed as to the high impact non-compliance was having on the CPS or sign off was on the basis of the soundness of the process and the benefits to the police as opposed to its application.

Overall

All this points to some lack of strategic vision and oversight in how CPS London manages change. Business cases for change projects were often lacking from a CPS London perspective. Overall there was little consideration of the impact of individual projects on others that were being introduced in parallel which exacerbated the situation and cast doubt on how some of the projected performance improvements and efficiency savings for the individual change initiatives will be achieved or how they were determined at the start of the project. As well as a lack of cost benefit analyses for the major change projects there was also a lack of overall evaluation.

There appears now to be a recognition both by CPS London and their CJS partners that there needs to be a period of stability, to put a hold on further initiatives and focus on delivering quality casework in a period of reducing budgets. HMCPSI welcomes this recognition.

4. Managing performance

Inspectors found that the focus on managing performance, particularly around key casework issues had slipped. In part this is due to the numerous changes at district and borough management level, but also because of the pressure to implement initiatives and resource constraints which have led to most boroughs having to "fire fight" to keep casework on track.

Responsibility for quality assuring casework performance now sits with the head of the Complex Casework Unit, who will also take the lead for promulgating legal guidance. This, reinforced by both greater stability and responsibility at district management level, should enable the area to re-focus on improving the quality of its core business. It also has the potential to strengthen the links between the Complex Casework Unit and other operational units.

Recommendations

Inspectors made 14 recommendations designed to assist the CPS London senior management team (SMT) in taking forward the improvements they have identified as necessary to drive up the performance of the area. The appointment of a new Chief Crown Prosecutor in early December

2009 completed the recruitment of the current senior management team, a month before the focus of our assessments shifted from the borough to central and overarching issues. Between then and the completion of this report there has been much activity on the part of senior managers to identify the key issues facing CPS London and work has started to address priorities on a number of fronts. In general our recommendations are consistent with and have been adopted in the approach and thinking of senior managers. Much of the early work underway will assist CPS London to address our recommendations which are as follows:

1. The SMT should ensure that cases are prepared and managed to a universally high standard with strong and well-founded cases presented to the court, with particular reference to:
 - the early identification of key issues in the case;
 - proactive management of case building;
 - timely applications for special measures, the adducing of hearsay and bad character evidence;
 - full compliance with the duty of disclosure; and
 - proper continuity of case handling including the instructions to the trial advocate.
2. The SMT should review its overall approach to allocating and managing its people resources, to ensure optimal use is made of these. This needs to include:
 - reviewing CPS London's advocacy strategy in the light of resourcing tensions, the performance issues that need to be addressed and potential future budget cuts, to ensure a more pragmatic approach;
 - reviewing the resource deployment and productivity of the central operations departments with a view to redeploying any excess capacity to the front line;
 - continued work with HM Courts Service on listing to ensure the most cost-effective deployment of crown prosecutors and associate prosecutors;
 - reviewing the additional resource requirements of the change projects in place and take action to address these; and
 - refining the borough resources model as the organisation redefines its priorities and reviews its delivery action plan in the light of this.
3. The SMT will need to ensure that review dates are incorporated into all flexible working agreements which continue after the forthcoming review and any new requests are considered carefully against business needs.
4. The SMT should:
 - review the area's advocacy strategy to assess if the area is achieving value for money in having a dedicated central advocacy unit at a time of increasing budget constraints. (This is also in the context of its aim to achieve 100% in-house magistrates' courts cover, and the recent moves to try and divert resources back to the front line as part of the resources model);
 - review how advocacy work should be divided between the central advocacy unit and local advocacy units, and the referral process of cases to the central advocacy unit; and
 - in conjunction with CPS HQ consider the use of separate cost codes for local advocacy units to allow for greater accuracy and transparency of actual salary costs against savings achieved.
5. The SMT should, as a matter of urgency, allocate resources to clear the backlog in the payment of counsel's fees. The payment process should then be reviewed with the aim of implementing a more effective control structure to ensure that backlogs do not occur.
6. The SMT will need to ensure that prior to any revised financial delegation, district staff have sufficient training in their new roles and responsibilities, have sufficient support staff to handle the increased volume of work, and are adequately supported by the centre.

7. The SMT should evaluate the new management structures to assess whether the weaknesses identified in the 2008 senior management review have been overcome and where not, take any further steps and revisions that are necessary to refine the new governance arrangements.
8. The SMT should refine and communicate to the front line its revised approach to the borough community prosecutor co-ordinator role and its rationale for this to ensure clarity and avoid misunderstanding.
9. In developing the roles and responsibilities of the new and reduced change team, the SMT needs to ensure that there is:
 - a clear focus on overall programme management with strong links between CPS managed and LCJB managed projects;
 - a shift of focus to the evaluation and benefits realisation project phase and the revision and refinement of projects in the light of these; and
 - awareness of timescales so that ongoing projects are not adversely affected by too swift a withdrawal of support through a reduction in the change team.
10. District business plans should be implemented across all districts, aligned to the overall Area Delivery Action Plan as well as incorporating local priorities. A highlight report should be devised for the board to provide a more effective update for board meetings.
11. The SMT should introduce risk registers at district level, linked to district business plans, which would increase awareness of risk within the organisation and encourage engagement of local managers in risk management. Also, there should be a more effective linkage adopted between the Area Delivery Action Plan actions and the countermeasures to mitigate risks listed within the risk register.
12. The SMT should review its arrangements for advocacy monitoring to ensure that all advocates, including external advocates, are covered.
13. The SMT should review performance management arrangements at borough level with the aim of developing a clear focus on analysis and improvement activity and as part of this reconsider the allocation of user licences for performance management tools. The new approach should be underpinned by appropriate performance management training and ensuring that boroughs are adequately resourced.
14. The SMT will need to assess the future requirements of the performance reporting arrangements at the various levels in light of the changing governance arrangements and imminent reduction in the size of the central performance team.

Explanatory notes

Background to performance review of CPS London and the borough assessments

HMCPSP's original intention had been to assess all 33 boroughs (including the City of London) in order to reflect the variations in performance which were expected across an area as diverse as CPS London, and this approach was endorsed by the area's senior managers. In the event findings from the early assessments showed a relatively narrow range of performance and consistency in the themes emerging and the aspects for improvement. Some of these were of serious concern and needed to be tackled urgently at a senior level. London's senior management team confirmed that the boroughs which had been assessed were fairly representative of the area as a whole and that to undertake further assessments would be unlikely to add significantly to our findings. The inspectorate therefore decided to confine the exercise to 20 boroughs (including the pilot assessment of Croydon), drawn from five of the six districts, together with the traffic unit.

The report on the Croydon pilot assessment was published in April 2009 and the next nine borough reports were published on 19 January 2010. The other ten borough reports and the traffic unit report are being published simultaneously with this report.

Assessments

Assessments and judgements have been made by HMCPsi based on absolute and comparative assessments of performance. These came from national data; CPS self-assessment; HMCPsi assessments; and by assessment under the criteria and indicators of good performance set out in the performance assessment framework, which is available to CPS London. Evidence has also been taken from a number of sources, including the findings from the examination of a file sample, the view of staff, representatives of criminal justice partners and the judiciary. Inspectors have also conducted observations of the quality of case presentation in the magistrates' courts and the Crown Court.

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

The inspectorate uses a points based model for assessment, with a borough's overall assessment determined by the cumulative total of points for all of the ten aspects that are scored. There are two limiters within the model. A borough cannot be rated Good or Excellent unless it is assessed as Good in at least two of the first four aspects. This is designed to give pre-eminence to the ratings for the core aspects of the borough's work. Similarly, if a borough is scored as Poor in three or more aspects its final assessment will be reduced by one grade from that which the overall points indicate.

The findings from the borough performance assessments undertaken are drawn together in the performance review of CPS London which provides an overall picture of the performance of the area, together with short summative reports of the findings from each borough.

Structure of CPS London

CPS London is divided into two regions (North and South on the dividing line of the River Thames), each including three districts aligned to Crown Court centres. There are a number of borough units within each district.

Each region is headed by a regional director and regional business manager who, in addition to managing the region's business, each have specific London-wide responsibilities.

By the end of 2009 a total of 21 borough units (including the City of London unit) out of 33 were based in police premises and substantial amounts of the CPS London estate had been or was in the process of being relinquished.

A central advocacy unit (CAU) was set up in 2009 to undertake case presentation in the Crown Court in the most serious cases, with local advocacy units established at each Crown Court centre to deal with borough based cases.

In early 2008 a new unit was created, known as CPS London Direct (CPSLD), to provide telephone charging advice during normal office hours. This was set up to help relieve the pressures faced by some of the borough charging centres. It is now planned for it to undertake 80% of the charging advice and decision-making across CPS London.

The full text of the report may be obtained from the Corporate and Operations Support Group at HMCPsi Inspectorate (telephone 020 7210 1197) and is also available on line at www.hmcp.si.gov.uk.