

# CPS London Borough Performance Assessments

## Tower Hamlets Borough

### Executive Summary



This is the executive summary of the report by Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) on the performance assessment of the Crown Prosecution Service (CPS) London, Tower Hamlets borough.

The assessment process provides a benchmark for the performance of the borough in ten key aspects of work, each of which is assessed as being excellent, good, fair or poor. The unit is then assessed on its overall performance in the light of these markings. The process also evaluates the management of resources at borough level.

The overall performance assessment of CPS London, Tower Hamlets borough was **POOR**.

The table below provides a breakdown of the assessed level of performance against the ten aspects:

<b>Aspect</b>	<b>Score</b>	<b>Assessment</b>
Pre-charge advice and decisions	<b>2</b>	<b>Fair</b>
Decision-making, preparation and progression in magistrates' court cases	<b>0</b>	<b>Poor</b>
Decision-making, preparation and progression in Crown Court cases	<b>0</b>	<b>Poor</b>
The prosecution of cases at court	<b>2</b>	<b>Fair</b>
Serious violent and sexual offences, and hate crimes	<b>2</b>	<b>Fair</b>
Disclosure	<b>0</b>	<b>Poor</b>
Custody time limits	<b>2</b>	<b>Fair</b>
The service to victims and witnesses	<b>0</b>	<b>Poor</b>
Managing performance to improve	<b>2</b>	<b>Fair</b>
Managing resources	<b>Not scored</b>	
Management and partnership working	<b>3</b>	<b>Good</b>
<b>OVERALL ASSESSMENT</b>	<b>13</b>	<b>POOR</b>

### **Description and caseload**

CPS London (the area) is organised into operational teams along geographical boundaries. London boroughs and the City of Westminster are covered by the Metropolitan Police Service and the City of London by the City of London Police. The area's borough units are co-terminous with the Metropolitan Police Borough Command Units with each headed by a borough crown prosecutor (BCP), a level D lawyer. Local borough units are then grouped together to form a larger district based upon a common Crown Court centre (or centres). Responsibility for a district lies with a district crown prosecutor (DCP), a level E lawyer who line manages the BCPs. The interface between CPS London's senior management and area staff is through the district, with the DCP ensuring that the area's vision and strategy is implemented by the BCPs at borough level. CPS London is divided into two regions (North and South) which comprise a number of districts. There is also a complex casework centre which handles serious and complex cases and those at the Central Criminal Court (Old Bailey).

The CPS London senior management team consists of the Chief Crown Prosecutor, three legal directors and two regional business managers.

Tower Hamlets has one office, at Bethnal Green Police Station, and is part of the district which is aligned to the Crown Court sitting at Snaresbrook. The office is an integrated prosecution team (IPT) site where police and CPS staff work closely together in shared accommodation.

Borough business is divided on functional lines between magistrates' courts and Crown Court work in respect of administrative staff but lawyers deal with both types of work.

As of October 2009 the borough had an average of 32 full time equivalent staff in post, and a budget of £1,110,859<sup>1</sup>.

<b>Staff</b>	<b>Numbers at September 2009</b>
Borough crown prosecutor	1
Business manager	3
Crown prosecutors	10
Associate prosecutors	2
Caseworkers	8
Administrative support staff	8
<b>Total (full time equivalent)</b>	<b>32</b>

Details of Tower Hamlets borough unit caseload in 2007-08, and 2008-09 are as follows:

	<b>2007</b>	<b>2008</b>	<b>Percentage change</b>
<b>Pre-charge work</b> (all cases referred to the CPS by police for a decision as to charge)			
Decisions resulting in a charge	1449	1424	-1.7%
Decisions not resulting in a charge <sup>2</sup>	796	914	+14.8%
Total pre-charge decision cases	2245	2338	+4.1%
<b>Magistrates' court proceedings<sup>3</sup></b>			
Magistrates' court prosecutions	3975	3902	-1.8%
Other proceedings	11	10	-9.1%
Total magistrates' court proceedings	3986	3912	-1.9%
<b>Crown Court proceedings<sup>4</sup></b>			
Cases sent or committed to the Crown Court for determination	757	874	+15.5%
Committals for sentence <sup>5</sup>	110	166	+50.9%
Appeals from the magistrates' court <sup>5</sup>	8	53	+562.5%
Total Crown Court proceedings	875	1093	+24.9%

1 The non-ring fenced administration costs budget contains payroll costs (including superannuation and allowances) as well as budget for travel and subsistence. Things like training are included in the London-wide budget and are not allocated at the borough level.

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

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

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

5 Also included in the magistrates' court figures, where the substantive hearing occurred.

### **The inspection team**

Inspection teams comprise legal and business management inspectors working closely together. HMCPSI also invites suitably informed members of the public to join the process as lay inspectors. They are unpaid volunteers who examine the way in which the CPS relates to the public through its dealings with witnesses and victims; engagement with the community, including minority groups; handling of complaints; and the application of the public interest test contained in the Code for Crown Prosecutors. In this assessment Ms Joanne Harris, who works within the offices of Hull Churches Housing Association, was the lay inspector. Her views and findings have been included in the report as a whole. Her time was given on a purely voluntary basis and the Chief Inspector is grateful for her effort and assistance.

### **Summary of judgements**

#### *Contextual factors and background*

The implementation of IPT in early 2007 was a major change involving the transfer of staff from the CPS headquarters building at Ludgate Hill to Bethnal Green Police Station. Tower Hamlets was one of three pilot sites. With hindsight it is considered that the pilot was undertaken too quickly and even at the formal sign off stage there were still unresolved issues around relationships, job clarity and accommodation. The latter was only resolved very recently when the team's accommodation was extended; until then CPS staff had been working in cramped conditions. When the current BCP joined in mid 2007, the borough was still reeling from the change with staffing difficulties and low morale. The new arrangements have taken time to settle down, but are now seen to be working reasonably well. There is seen to be clear value in co-location of the police, CPS and witness care unit (WCU), while views on a single file system are more mixed.

Despite this there has been considerable staff turnover throughout the period covered by the report, which has resulted in one key management role being filled for long periods on a temporary basis. More recently the "pathways" for cases committed to Crown Court have changed so that a large proportion of Tower Hamlets' work will be sent to Isleworth instead of the local court at Snaresbrook. The borough implemented the optimum business model (OBM) some time ago to manage the preparation of its summary cases. A number of joint initiatives have been implemented with as yet mixed performance results. Statutory charging and, more recently, CPS London Direct (CPSLD) have been adopted but performance continues to be mixed. Criminal Justice: Simple, Speedy, Summary and, more recently, the Director's Guidance: Streamlined Process (DGSP) have contributed to some improvements.

Cases of domestic violence represent a significant proportion of the summary caseload but have been susceptible to high levels of attrition. A new Specialist Domestic Violence Court (SDVC) was expected to open within weeks of our visit as a multi-agency response.

#### *Summary*

The unit operates in a challenging and occasionally hostile environment with high levels of serious crime such as robbery and difficult issues concerning victim and witness attendance at court when trials eventually take place. It is clear that after two years of poor performance in terms of casework outcomes and achievement of targets Tower Hamlets has taken a grip of the issues that will underpin improvements. The appointment of a community prosecutor and the anticipated launch of the SDVC are seen as indications of a more positive approach. These efforts are to be commended and are already beginning to show encouraging trends in some performance measures. Crown Court caseloads have risen steeply during 2008-09 and this will exert pressure on the borough's ability to manage the hearings of these cases which are distributed across several locations throughout London.

Since the introduction of CPSLD, a daytime telephone service providing charging decisions to police, Tower Hamlets has chosen not to reduce its duty prosecutor staffing of the charging centre at Bethnal Green. Instead of redeploying lawyers to court or case preparation duties the borough continues to provide advice to police officers on an appointments system. Decision-making at the pre-charge stage is sound but an inability to convert charges into successful outcomes has generally not allowed the borough to meet performance targets. There are high levels of outstanding pre-charge cases still 'live' on the case management system (CMS) and these should be cleared if casework activity is to be represented accurately.

The overall conviction rate in magistrates' court cases is lower than national performance. Although decision-making is satisfactory, the management of contested cases has not been proactive so that trials are often unprepared and lack important supporting evidence. The CPS needs to work more closely with police managers to monitor the completion of post-charge action plans set by the prosecutor pre-charge. Recent development of OBM should help to secure improved outcomes but clear objectives and regular monitoring of OBM work should be put in place. The high rates of discharged committals (those cases which should proceed to the Crown Court but do not because the prosecution are not ready) have begun to fall but the level and timeliness of discontinuance in relation to charges authorised by the CPS remains an issue for managers. The rate of ineffective trials has improved this year (the proportion of cases fixed for a contested hearing which do not proceed on the appointed day).

Crown Court outcomes are lower than national results but comparable with those of CPS London overall. Despite sound decision-making at the charging stage there are inadequate case management processes in place so that significant preparatory work on serious trials is too often carried out too close to the trial itself. Instructions to counsel are not of good quality. Long waiting times for trial at Snaresbrook Crown Court have exacerbated the position although the transfer of some trial work to Isleworth may reduce those delays. However, it also brings risks. Staff are understandably anxious that witnesses will find it difficult to travel across London to give evidence and attrition may increase as a result.

Presentation of cases in the magistrates' court complies with the national standards of advocacy although the standard of prosecution of trials is often undermined by late or inadequate preparation of cases. The level of agent usage is high and the absence of any structured monitoring of advocates carries some risks.

Allegations of serious violence, sexual offences and other hate crimes are treated appropriately and the quality of decision-making is generally good. However the same issues of case 'drift' coupled with high incidence of victim and witness attrition impact on performance. Successful outcomes in those offences of rape and domestic violence encompassed within the CPS Violence against Women strategy are poor although performance in respect of other hate crimes is much better. The borough has some expectations that the SDVC will improve outcomes but the effect will be limited to domestic violence cases in the magistrates' court.

Compliance with the prosecution's duties of disclosure of unused material is poor in most respects. Greater levels of quality assurance and performance management are urgently needed. There has been no joint approach agreed with police managers to address compliance with the Association of Chief Police Officers/CPS Disclosure Manual.

Tower Hamlets has introduced more effective systems for the monitoring of cases where a defendant is subject to a custody time limit (CTL) since some CTL failures were recorded in recent years. Continued vigilance remains essential to ensure that all aspects of the national CTL guidance are applied and fully understood by staff. A failure early in 2009 had not been recognised as such nor reported to CPS headquarters.

The service provided to victims and witnesses would be enhanced by more timely and effective applications for special measures and improved communication of the outcome of these applications to the WCU and Witness Service staff and by ensuring that witness availability is provided at the first hearing. Compliance with the direct communication with victims scheme has improved in terms of timeliness of letters although some are still missed, especially when charges are altered. Relationships with the WCU are good although the CPS has not filled the vacant witness care officer post in the unit for some 18 months.

Performance management is driven strongly by the BCP who provides regular and constructive feedback to individuals. More use could be made of the analysis of performance data, trends and adverse outcome reports to disseminate learning points across the unit and formulate future strategy. Commitment is evident both to the prosecution team performance management (PTPM) meeting process with police partners and to borough criminal justice sub groups with HM Courts Service and other agencies. Some positive benefits are now beginning to flow from these groups.

The borough has limited responsibility for managing prosecution and non-ring fenced administration costs which is done at district level. However in 2008-09 Tower Hamlets overspent its budget at a time when there were high levels of agent usage in the magistrates' court. Associate prosecutor usage (CPS staff who are not lawyers but who are authorised to conduct certain cases in the magistrates' court after special training) has increased following improved listing arrangements agreed with the court, but work is needed to plan the future deployment of lawyer staff so that a balance of court coverage, duty prosecutor and OBM sessions is achieved within budget constraints.

Managers have a good grasp of what is required to be delivered locally and their responsibility for the implementation of major initiatives such as the appointment of a community prosecutor. The BCP's approach has to some extent been to deal with issues as they arise and as resources are made available. A greater focus on planning and setting priorities should drive progress on all fronts without compromising operational efficiency. The BCP has been recognised as a visible and effective leader who is well respected by criminal justice agency partners at all levels.

Inspectors identified 13 aspects for improvement:

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- 1 Managers need to establish systems to ensure that full Code for Crown Prosecutor test reviews are carried out on cases charged under the threshold test within a reasonable period of time (aspect 1).

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  - 2 The borough should take urgent action to reduce the backlogs on CMS of outstanding pre-charge cases (aspect 1).

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  - 3 The borough crown prosecutor should set clear objectives and performance targets for the OBM linked to improvements in magistrates' court case preparation (aspect 2).

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  - 4 The borough crown prosecutor should ensure that Crown Court case preparation is undertaken to a satisfactory standard (aspect 3).

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  - 5 The need to adhere to CPS domestic violence policy should be reinforced on the borough as the new Specialist Domestic Violence Court becomes operational and regular monitoring of outcomes put in place (aspect 5).

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- 6 CPS London borough performance assessment report 2009: Tower Hamlets - Executive summary
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- 6 The borough crown prosecutor should implement increased levels of performance management to improve compliance with the duties of disclosure of unused material (aspect 6).
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- 7 Staff should be made fully aware of national custody time limit guidance especially in the context of identifying failures and endorsing files at court (aspect 7).
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- 8 Early identification of witnesses likely to benefit from special measures needs to be improved, as does the timeliness of applications for special measures and the communication of their outcomes to witness care unit staff and the Witness Service (aspect 8).
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- 9 Systems designed to ensure that all witnesses' inconvenient dates are made available to prosecutors at first hearing should be reviewed and strengthened (aspect 8).
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- 10 There is a need for more structured monitoring of all advocates to take place on the borough (aspect 4).
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- 11 The effectiveness of PTPM meetings should be enhanced by adding a summary and overview of borough performance to the raw data circulated to attendees (aspect 9).
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- 12 Detailed records of prosecutors' weekly deployment to court, charging centre and OBM should be maintained to inform staffing and budgetary planning (aspect 10).
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- 13 The borough needs to develop greater resilience at all management levels through increased delegation and appropriate training (aspect 11).
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### **Background to London borough assessments**

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

### **Assessments**

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

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

The findings from the assessments undertaken will be drawn together in a pan-CPS London report which will contribute to providing an overall picture of the area's performance. The report will also address a number of significant issues that have emerged as the assessments have progressed including the effectiveness of CPS London headquarters' operations and CPS London Direct (CPSLD), which now makes a significant proportion of the charging decisions.

The full text of the report may be obtained from the Corporate and Operations Support Group at HMCPS Inspectorate (telephone 020 7210 1197) and is also available on line at [www.hmcpsi.gov.uk](http://www.hmcpsi.gov.uk).