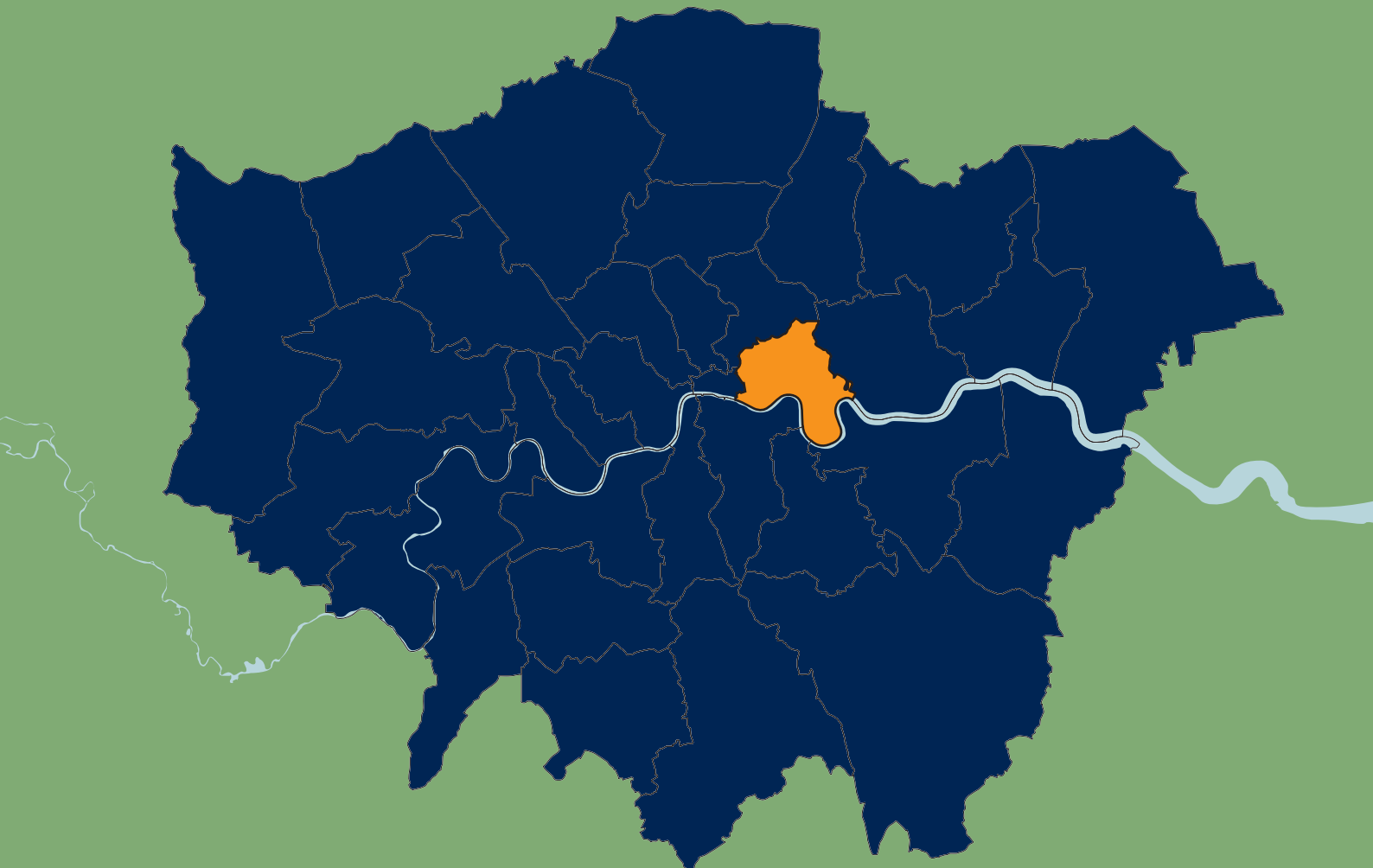


CPS London Borough Performance Assessments

Tower Hamlets Borough

Undertaken October 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 in Tower Hamlets borough unit. It represents a more in-depth local assessment than the overall performance assessment of the north 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 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 Tower Hamlets 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 TOWER HAMLETS 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.

CPS London is divided into two regions (North and South), which comprise a number of districts. The area revised its divisional structure in 2009 and each district is now aligned to one or more Crown Court centres and is composed of boroughs whose casework is dealt with by those centres.

Tower Hamlets borough has one office at Bethnal Green Police Station. It is part of the CPS London district which is aligned to the Crown Court sitting at Snaresbrook. The office is an integrated prosecution team site (IPT) 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 £1,110,859¹.

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

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 Tower Hamlets 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	1449	1424	-1.7%
Decisions not resulting in a charge ²	796	914	+14.8%
Total pre-charge decision cases	2245	2338	+4.1%
Magistrates' court proceedings³			
Magistrates' court prosecutions	3975	3902	-1.8%
Other proceedings	11	10	-9.1%
Total magistrates' court proceedings	3986	3912	-1.9%
Crown Court proceedings⁴			
Cases sent or committed to the Crown Court for determination	757	874	+15.5%
Committals for sentence ⁵	110	166	+50.9%
Appeals from the magistrates' court ⁵	8	53	+562.5%
Total Crown Court proceedings	875	1093	+24.9%

Inspectors visited the borough between 5 and 16 October 2009. The lay inspector was Joanne Harris, a housing association manager in Hull. The role of the lay inspector is described in the introduction. She examined files that had been the subject of particular public interest considerations or complaints from members of the public and considered letters written by CPS staff to victims following the reduction or discontinuance of a charge. She also visited some courts and assisted in interviews with Witness Service representatives. This was a valuable contribution to the inspection process. The views and findings of the lay inspector have been included in the report as a whole, rather than separately. Her time was given on a purely voluntary basis and the Chief Inspector is grateful for her effort and assistance.

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

The implementation of an integrated prosecution team (IPT) in early 2007 was a major change involving the transfer of staff from CPS headquarters 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 branch crown prosecutor 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 the co-location of police, CPS and the 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 only. 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 have been implemented but performance continues to be mixed. Criminal Justice: Simple, Speedy, Summary (CJSSS) and more recently Director's guidance on the streamlined process (DGSP) have contributed to some improvements.

Cases of domestic violence represent a significant proportion of the borough's summary caseload but have been susceptible to high levels of attrition but a new Specialist Domestic Violence Court (SDVC) was expected to open within weeks of our visit to the borough 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 the borough 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 going forward. 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 that are distributed across several locations throughout London.

Since the introduction of CPS London Direct, a daytime telephone service providing charging decisions to police, the borough 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 and these should be cleared if the borough's 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 borough 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 the borough's 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 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.

Crown Court outcomes are lower than national results but comparable with those of CPS London. Despite sound decision-making at the charging stage, there are inadequate case management processes in place on the borough so that significant preparatory work on serious trials is too often carried out too near 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. The borough 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 for the borough.

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 the borough's 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 prosecutor'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 ACPO/CPS disclosure manual.

The borough 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 HQ.

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 known 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 on the borough 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 subgroups 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 costs and non-ring fenced administrative costs, which are managed 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' courts. Associate prosecutor usage has increased following improved listing arrangements agreed with the court but work is needed to plan the future deployment of the borough's 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 for the borough 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.

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

Aspects for improvement

We identified 13 aspects for improvement:

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

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

 - 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).

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

 - 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).

 - 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).

 - 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).

 - 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 Witness Service (aspect 8).

 - 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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Summary of judgements

BOROUGH PERFORMANCE ASSESSMENT 2009	
Pre-charge advice and decisions	2 – Fair
Decision-making, preparation and progression in magistrates' court cases	0 – Poor
Decision-making, preparation and progression in Crown Court cases	0 – Poor
The prosecution of cases at court	2 – Fair
Serious violent and sexual offences, and hate crimes	2 – Fair
Disclosure	0 – Poor
Custody time limits	2 – Fair
The service to victims and witnesses	0 – Poor
Managing performance to improve	2 – Fair
Managing resources	Not scored
Management and partnership working	3 – Good
OVERALL ASSESSMENT	13 – Poor

D DEFINING ASPECTS

1 PRE-CHARGE ADVICE AND DECISIONS

Assessment
2 – Fair

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

- Overall, the quality of decision-making at the pre-charge stage is sound, but with weaknesses in anticipating problems and ensuring action is taken to address these. We examined 34 finalised cases that had been subject of a pre-charge decision (PCD). The evidential and public interest stages of the Code for Crown Prosecutors (the Code) test were applied correctly in 33 of those cases (97.1%). The one case where the Code was not applied correctly was charged by a borough prosecutor but was later discontinued at committal stage.
- In three of the 12 cases (25%) where the threshold test was applied, the reasons for doing so were incorrectly recorded. Borough prosecutors were responsible for two of these three decisions. The borough had no system in place to ensure that cases charged under the threshold test were subject to a full Code test review within a reasonable period of time. Indeed the review is delayed until preparation for summary trial, committal or service of the prosecution case takes place which can be a period of several weeks after the defendant's first appearance in court.

Aspect for improvement

Managers need to establish systems to ensure that full Code test reviews are carried out on cases charged under the threshold test within a reasonable period of time

- Of the 34 cases we examined, 13 had the benefit of a charging decision taken by borough prosecutors while the remaining 21 were decisions taken either by CPS Direct or CPS London Direct, which had become operational in March 2009. Overall, the quality of the MG3A advice on locally charged cases was fair, with none rated as excellent, four good, seven fair and two poor. Common failings were the lack of clear and cogent case analysis and the absence of any prosecution strategy designed to secure a successful outcome.
- In eight of the 13 relevant cases (61.5%) charging decisions did contain references to relevant ancillary issues although in four cases (30.8%) we found that prosecutors had omitted to deal with clear opportunities to consider the use of evidence of the suspect's "bad" character or the availability of special measures to assist prosecution witnesses. Three of these four cases involved allegations of domestic violence where the vulnerability of the victim ought to have alerted the lawyer to consider these issues.
- None of the cases in our file examination sample involved the consideration of a confiscation order. The recovery of criminal assets has not been a priority for the CPS during the last year but a Proceeds of Crime Act specialist prosecutor has been in post now for several months and has established liaison with the Police Payback Unit to ensure that opportunities for asset seizure and confiscation are maximised.
- In 29 of the 34 cases (85.3%) the charges selected at the PCD stage were deemed to be the most appropriate. Three of the five cases where we disagreed with the selected charges involved allegations of assault that had been overcharged and were later reduced.

- The borough performance in respect of all the six charging measures has failed to meet the targets set by the CPS throughout 2008-09 except in respect of magistrates' court guilty pleas. National performance exceeded that of the borough in all measures but when compared with CPS London as a whole the borough achieved better outcomes in respect of both Crown Court and magistrates' court guilty pleas. Discontinuance and attrition rates remained high and continued to do so in the current year but more recently the Crown Court measures have started to show modest improvement although this has not been replicated in magistrates' court performance.

	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%	74.5%	80.5%	75.5%	74.1%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	14.0%	13.3%	14.1%	14.4%
Guilty plea rate	74.4%	69.8%	73.1%	74.2%	68.8%	70.9%
Attrition rate	19.2%	22.1%	23.6%	19.5%	23.0%	25.0%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	17.4%	11.8%	15.7%	16.1%
Guilty plea rate	72.9%	60.8%	67.6%	73.0%	61.1%	67.7%
Attrition rate	19.4%	27.3%	28.6%	19.5%	27.6%	27.3%

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

- The successful outcome rate or conviction rate for all the borough's pre-charge decision cases has fallen slightly from 74.5% to 74.1% so far during 2009-10 compared with the previous year. This is well below national performance of 80.5% and slightly below that of CPS London at 75.5% and is regarded as poor.

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

- The borough operates a charging centre located in the police station two floors away from the main integrated prosecution team (IPT) site and this is covered between 9am and 5pm on weekdays by one duty prosecutor. Since the end of 2008 the administrative post of charging centre manager has been withdrawn and now prosecutors maintain an appointments diary. Other significant tasks such as monitoring outstanding pre-charge cases and chasing officers who have not returned to the centre have not been easily absorbed elsewhere in the administrative team so that backlogs have built up. At the time of our visit there were some 650 outstanding pre-charge cases registered on CMS. Attention to these backlogs is essential if the borough is to reflect accurately its caseload and performance.
- With the implementation of CPS London Direct (CPSLD) earlier this year, a large amount of the pre-charge decision work has been diverted away from the borough but local managers have maintained their commitment to the charging centre. The cases currently advised upon locally are complex or sensitive cases where it is common for prosecutors to spend two or three hours on one case reviewing video recorded testimony from vulnerable victims and witnesses. At other times a duty prosecutor is always available to deal with urgent custody cases. Although the extent of coverage is appreciated by police partners, the borough is not reaping any benefits in saving of prosecutor time from the CPSLD initiative.

- The availability of specialists in categories of crime is not always achieved due to shortages of staff and other commitments. The Borough Crown Prosecutor (BCP) is available to deal with serious or complex cases if required. There were some examples of additional enquiries being required unnecessarily before charging decisions were made and we found that this had occurred in half of relevant cases (three out of six) and similarly continuity of prosecutor had not been maintained in four out of eight relevant cases. Moreover adequate instructions to the court prosecutor were present on the charging decision document in seven of the relevant 13 cases (53.8%).
- As a result of IPT the borough's prosecutors are located close to the police Evidential Review Officers (ERO) who act as gatekeepers allowing only eligible cases to be referred for early consultation or charging decisions. The borough's view is that more of these officers would improve the quality of the submitted files and that a more robust approach with investigating officers has begun to make a difference. The BCP has provided several training sessions to groups of EROs on issues of evidence and procedure. There are well-established channels of communication between police and CPS managers to address any disputed charging decisions or police charges that were contrary to the Director's guidance on charging.
- In the first quarter of 2009-10 the proportion of cases where the decision of the CPS was to direct no further action was 25.4% which is lower than both national and CPS London rates and represents a fall from the 2008-09 figure of 29.6%. However the high number of outstanding cases yet to be finalised may be masking the true proportion as a significant number of those outstanding matters are unlikely to result in successful outcomes.

Aspect for improvement

The borough should take urgent action to reduce backlogs on CMS of outstanding pre-charge cases.

- The impact of the new CPSLD service available to the police in all but the more complex cases or those with CCTV or other electronic media to be viewed is yet to be assessed. There are currently no liaison channels established between the two units.
- In six cases from the file sample, the charging decision was deferred to a later date in order to gather and consider further evidence. In three of those cases, we considered that there had been sufficient evidence available for a charging decision to have been made without delay.
- CMS was used to record the charging decisions in all cases examined.

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

Assessment
0 – Poor

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%	8.5%	8.7%	8.0%	8.9%
No case to answer	0.2%	0.3%	0.3%	0.2%	0.3%	0.3%
Dismissed after trial	2.0%	2.4%	2.2%	2.1%	2.5%	2.2%
Discharged committals	0.2%	0.3%	0.9%	0.2%	0.3%	1.0%
Warrants	1.6%	3.0%	3.5%	1.6%	2.9%	3.2%
Overall conviction rate	87.3%	86.0%	84.7%	87.3%	85.9%	84.5%

- 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 21 out of 22 cases (95.6%) in our file sample. The one case that failed the evidential stage concerned the prosecution of a young man involved in a street disturbance who had been identified holding a stick in a photograph. However the witnesses available to the prosecution were neither independent nor reliable and the accused's explanation for having the stick in his possession was plausible. The case was discontinued at committal stage after the defendant had elected jury trial.
- 13 cases in our sample were discontinued by the prosecution and seven of them were dealt with in the magistrates' court. We considered that two of the decisions to discontinue were not in accordance with the evidential stage of the Code test. In one of these cases the trial of a youth found running from a stolen car was vacated and the proceedings discontinued and in the other the prosecution of a fourth youth involved in an assault upon a younger boy was dropped when the three other defendants pleaded guilty. The extent and strength of the evidence available to the prosecution in both these cases had not changed significantly since the first review of the case.
- Full file reviews were carried out in 11 out of 19 relevant cases (57.9%) and we felt that an ad hoc review was required in eight cases but recorded in five (62.5%). The supervision of cases being prepared for summary trial is now undertaken in the borough's Optimum Business Model (OBM) unit and these outstanding reviews should be addressed by prosecutors assigned to that unit. We found that action plans devised at the charging stage were frequently not progressed post-charge by police investigators and this was having a detrimental effect upon the ability of the borough to secure additional evidence or lodge pre-trial applications in a timely fashion. Overall we found that all aspects of case preparation were timely in just four cases out of 16 (25%).
- The charges that proceeded to summary trial were the most appropriate in 12 out of 13 cases (92.3%). The exception was an allegation of assault upon a police constable initially charged by the police but accepted at initial and full file review stage by prosecutors. At trial the justices ruled that there was no case to answer accepting a defence submission that the officer had been acting outside the scope of her duties. Alternative charges were available to the prosecution but had not been considered. The only case in our sample where the prosecution accepted pleas offered by the defence was an appropriate and realistic decision.

- The proportion of cases discontinued at 8.5% of the borough's caseload in 2008-09 was very similar to the performance nationally of 8.7% and of CPS London of 8.0% in 2008-09. There has been a slight increase to 8.9% during the current year so far but the borough crown prosecutor (BCP) ensures that all decisions to drop cases are referred to him wherever practicable. The borough has suffered from high levels of discharged committals in recent times but the trend is downward. In 2007-08 there were 50 cases representing 6.6% of all committals and 1.3% of magistrates' court caseload. In 2008-09 the total had fallen to 35 representing 4.0% of all committals and 0.9% of caseload. So far in the current year the proportion of caseload stands at 1.0%
- Overall the proportion of magistrates' court cases that result in a successful outcome was 84.7% last year and was lower than national performance of 87.3% and that of CPS London of 86.0%. The figure so far this year is very similar at 84.5%, which is regarded as poor.

2B Cases are prepared and progressed effectively

Trial rates

	Performance 2008-09		
	National	CPS London	Borough
Effective	43.4%	47.3%	40.2%
Cracked	38.0%	34.8%	36.0%
Ineffective	18.6%	17.9%	23.8%
Vacated	21.5%	16.3%	17.9%

- The optimum business model (OBM) was implemented on the borough as long ago as August 2007 and was subject to a formal evaluation by CPS HQ's OBM team in February 2009. Performance data and the results of file examination would suggest that improvements in case management have been slow to materialise. We were told by staff that changes to police file preparation processes brought about by the Streamlined Process (SP) initiative across London had increased the pressure on the CPS to get cases trial ready.
- At the time of our inspection the OBM was three and four weeks ahead in respect of administrative and lawyer tasks respectively. There are, however, still systems and aspects that need attention. Whilst current finalisations were up to date, there were over 100 outstanding cases in the system. However we were impressed by the dedication of the staff assigned to the unit, which had recently moved to better accommodation within the office. This approach needs to be translated into improved outcomes as soon as possible if the OBM is to be recognised as successful.

Aspect for improvement

The borough crown prosecutor should set clear objectives and performance targets for the OBM linked to improvements in magistrates' court case preparation

- Criminal Justice: Simple Speedy and Summary (CJSSS) has been implemented on the borough. From our sample of 22 cases, 21 (95.5%) proceeded at first hearing, and there is a shared commitment to eliminate unnecessary adjournments by HM Courts Service (HMCS) and CPS managers. However directions made by the court at first hearing in respect of subsequent trials were completed in a timely fashion in six out of 15 relevant cases (40%) and all necessary pre-trial applications were served within statutory time limits in eight out of 14 cases (57.1%). Proactive case management was fair in ten out of 16 cases, good in one and poor in the remaining five. Unnecessary adjournments were identified in four cases and in each case these were attributable to the prosecution.
- The cracked and ineffective trial data in respect of Tower Hamlets Borough is combined with that of Hackney as both boroughs' cases are heard at Thames Magistrates' Court. The ineffective trial rate during 2008-09 of 23.8% was considerably higher than the national rate of 18.6% and that achieved by CPS London of 17.9%. The BCP has made efforts to address this situation in conjunction with HMCS managers through a sub group of the borough criminal justice group (BCJG) and results so far this year have seen a steady fall in the rate of ineffective trials to 20.6% in the first quarter of 2009-10, as against a target rate of 19%.
- Trial effectiveness in the magistrates' courts is monitored at the effective trials group, a subgroup of the BCJG that is chaired by the BCP and covers both Tower Hamlets and Hackney. The Witness Service and witness care unit managers also attend. Meetings are held regularly and appear effective in addressing key cross-cutting issues. There are, though, recurring issues that tend to arise from meeting to meeting.
- We examined two cases where the justices ruled that there was no case to answer at the close of the prosecution case but in neither case did we consider that the outcome could have been avoided by better case preparation. Of the seven cases discontinued we found better case preparation could have avoided the outcome in two.
- Use of the case management system (CMS) was assessed as either fair or poor in 15 of the 22 cases in the file sample (68.2%). The outcome, disposal or other significant part of the result was wrongly finalised in six cases (27.3%) and this needs to be addressed by borough managers to ensure that performance is represented accurately by the data generated from CMS.
- Much of the decision-making is sound but lack of timely reviews and poor preparation leads to cases not being ready or not being as strong as possible.

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

Assessment
0 – Poor

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%	16.3%	11.8%	15.9%	15.6%
Judge directed acquittals	1.0%	1.1%	1.7%	1.0%	1.3%	1.5%
Acquittals after trial	5.5%	8.5%	8.0%	5.5%	8.6%	8.1%
Warrants	1.1%	1.6%	0.9%	1.1%	1.6%	1.1%
Overall conviction rate	80.8%	73.1%	73.1%	80.6%	72.7%	73.7%

- The application of the evidential stage of the full Code for Crown Prosecutors (the Code) test at either the committal review stage or service of the prosecution case accorded with the Code in all 18 Crown Court cases in the finalised file sample. The application of the public interest stage accorded with the Code in each case.
- Of the 18 cases we examined we found that a full file review had not been recorded on the case management system (CMS) in five (27.8%). The requirement to conduct a subsequent or ad hoc review following a significant change of circumstances or the receipt of relevant additional material arose in 12 cases but was present in just seven (58.3%).
- There have been no cases referred by the borough to CPS London Complex Casework Centre. The referral procedure is made available generically to all London staff via an electronic folder. Lawyers on the borough are familiar with the criteria, but have not, as yet, received any cases that they feel would have met the referral criteria. The borough's performance in respect of asset restraint and recovery through confiscation is not currently measured as CPS London collates this data centrally but it would be right to categorise the local contribution as embryonic to date.
- Crown Court cases are allocated by the borough crown prosecutor (BCP) on the basis of caseload, experience and any specialist skills of individual prosecutors. The borough has only one crown advocate (CA) and thus courtroom experience is in short supply.
- The charges selected for committal were correct in 15 out of 18 cases (83.3%) and in 13 of the 15 that then proceeded to Crown court trial. We found examples of overcharging in respect of offences of assault and in one case we considered that a summary offence would have given the court adequate powers of sentence. In only one case were pleas accepted by the prosecution and it was appropriate to do so.
- The early identification of important evidence and material required to ensure successful outcomes is often lacking. Even where at pre-charge stage the prosecutor has set out the need to gather this material, action is frequently delayed or is not robustly pursued with police investigators. Proactive case management was good in three cases (16.7%) fair in nine (50%), and poor in six (33.3%). Responsibility for the early stages of case preparation lies with the allocated caseworker, before being passed on to the reviewing lawyer for completion.

- We examined two cases where the Judge directed the jury to acquit the defendant but in neither case was the outcome foreseeable at an early stage nor could better case preparation have avoided the outcome. Indictments were correctly drafted by borough prosecutors in 15 out of 18 cases (83.3%) and we were told that the BCP monitors the quality of indictments at the casework quality assurance reviews of individual cases and through his weekly attendance at Snaresbrook Crown Court.
- We examined four cases that had been effectively terminated by the prosecution and thus recorded as judge ordered acquittals (JOA). Three of these were sensitive cases with vulnerable victims and we considered that in each case the outcome might have been avoided had earlier action been taken to secure and serve evidence only obtained close to trial. The proportion of JOAs was 16.3% of caseload in 2008-09 and was higher than national performance of 11.6% and CPS London of 15.7%. During the current year the proportion has dropped slightly to 15.6% compared with national performance at 11.8% and CPS London at 15.9%.
- In 2008-09, the borough achieved a successful outcome in 73.1% of its cases. This was below the national figure of 80.8% but equal to that of CPS London overall. In the current year so far the proportion of successful outcomes has increased very slightly to 73.7% but is still well below national performance of 80.6%, however it has now exceeded that of CPS London which fell to 72.7%. The borough's performance in this category must be regarded as poor.

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%

- The borough's Crown Court caseload increased significantly between 2007-08 and 2008-09 by 24.9%. The reasons for this growth are not fully understood by the borough's managers but clearly additional pressure has been applied to the preparation and management of serious casework.
- The recent changes in committal pathways for London's Crown Court casework have resulted in the temporary transfer of most of the borough's cases from Snaresbrook to Isleworth Crown Court. This will impose further challenges for borough staff who will need to ensure the prompt and secure delivery of case files to a new location and to ensure the attendance of witnesses does not dip below current levels. Early signs are encouraging as the borough has received positive feedback from senior managers at Isleworth Crown Court praising the quality of papers received for plea and case management hearings (PCMH).
- Our examination of Crown Court files has revealed some delays and deficiencies in the preparation of cases. We found that ten out of 17 cases (58.8%) were progressed satisfactorily by the prosecution at PCMH stage and that in ten out of 18 (55.6%) all pre-PCMH directions had been complied with in a timely fashion.

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.

- After PCMH the performance dipped as in only five of 16 relevant cases (31.3%) had all necessary applications been served in accordance with statutory time limits. Examples of late applications included special measures for prosecution witnesses and notices to admit important hearsay evidence. In only three out of 15 cases (20%) was there timely completion of all directions made between PCMH and trial. Weekly spreadsheets showing judges' orders and directions are now produced and distributed to caseworkers by managers in order to address this issue.
- Further lines of enquiry or specialist evidence not identified at the charging stage were only considered routinely by prosecutors in the most serious cases. All aspects of case preparation were timely in only four of 18 cases (22.2%) examined.
- Instructions to counsel were found to be poor overall with nine cases (50%) rated as such in our sample, five as good (27.8%), four as fair (22.2%) and none as excellent. Improvement in the quality and content of instructions is required with attention particularly to case analysis and the reviewing lawyer's assessment of its strengths and weaknesses
- There have been formal case progression meetings at Snaresbrook for some time and the BCP has established a regular presence there by his weekly trips to act as duty prosecutor to resolve issues arising in the courtroom. The rate of ineffective trials heard at Snaresbrook (which inevitably includes cases committed from several other locations as well as Tower Hamlets) was 16.3% during 2008-09. This was higher than the national figure of 12.1% and that of London overall of 15.2%. We found four examples of ineffective trials and felt that all of these could have been avoided by prosecution actions.
- The borough had no cases that were subject to a case management panel. Panels are convened to oversee the most serious casework, usually assessed as trials expected to last over 40 days or involve more than three trial counsel.
- Crown advocate (CA) deployment is on a district, rather than a borough, basis. At the time of the inspection, only one CA was available to the borough to present mainly PCMH cases but the removal of much of this work to Isleworth will substantially affect this contribution. Two other borough prosecutors are either awaiting CPS HCA training opportunities or exemption from their professional body before they can exercise higher rights of audience.

Aspect for improvement

The borough crown prosecutor should ensure that Crown Court case preparation is undertaken to a satisfactory standard.

- The borough's use of CMS to record action taken by prosecutors and other significant events was mixed. Finalisation details were correctly recorded in 12 out of 18 cases (66.7%) but the wider use of the system was good in six cases, fair in six and poor in six. Monitoring the correctness of finalisation codes is essential if performance data is to reflect accurately the borough's activity.

4 THE PROSECUTION OF CASES AT COURTAssessment
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**

- The borough's magistrates' court work is dealt with at Thames Magistrates' Court, which also receives all of the neighbouring Hackney borough's cases. Some of Tower Hamlets' contested youth work is heard at West London Magistrates' Court where there are better facilities for hearing children's evidence.
- The selection of suitable advocates is managed by the borough with effective use of associate prosecutors (AP) in appropriate courts allowing them to exercise their extended powers. There are no specific procedures for deployment of the few specialist prosecutors to present cases within their specialised field in the magistrates' court but opportunities are taken when practicable. In the Crown Court caseworkers are briefing counsel from approved lists to deal with highly sensitive cases such as allegations of rape.
- The borough crown prosecutor is responsible for compiling the weekly rota, which must accommodate sessions at court as well as in the charging centre and the OBM for lawyers. The APs are regularly deployed to deal with most plea and remand courts at Thames Magistrates' Court with lawyers covering both trial and youth work. A specialist domestic violence court opened at Thames Magistrates' Court in October 2009 and sit for one session per week. There is regular liaison between the Tower Hamlets and Hackney BCPs concerning court coverage at Thames Magistrates' Court and both recently negotiated a reduction in weekly court sessions from 72 to 66. Each borough resources 33 of those sessions but there remains a significant reliance upon agent prosecutors in trial courts.
- The five advocates observed met the CPS national standards of advocacy. The view of criminal justice partners, however, was that prosecution advocates were not always well prepared for trial hearings, as there were frequent late applications and recurring problems around reluctant or absent prosecution witnesses.
- Criminal Justice: Simple Speedy and Summary has been implemented in the magistrates' court, which has contributed to some improvements. In 2008-09 the number of adjournments in guilty plea cases was just above the London average although performance has improved in 2009-10. The number of adjournments in contested cases was better than the London average in 2008-09 and although the number has increased slightly this year, performance is still ahead of London.
- The prosecution at first hearing were ready to progress 21 out of the 22 cases in our sample of magistrates' court files but in Crown Court cases the prosecutor took all steps to progress the case at the plea and case management hearing in only ten out of 17 cases (58.8%). Also we found examples of nine unnecessary adjournments in all 40 files examined and the prosecution were responsible for five of these.
- The quality of file endorsements was good in 16 out of 40 cases (40.0%) but of the remainder the chief omission was a clear and comprehensive record of the outcome of contested hearings. This was particularly prevalent in the Crown Court where coverage by caseworkers was sparse. This may be contributing to errors in finalisation codes on CMS that are discussed in aspect 2.
- The level of compliance with the Prosecutors' Pledge, Victims' Code of Practice and Witness Charter in terms of advocates' communication and interaction with victims and witnesses at court was mixed. Some partner agencies expressed the view that over a period of time there had been an

improvement in the care and attention given to victims and witnesses by CPS prosecutors although the performance of agents lagged behind that of in-house staff. During the course of our visits we observed appropriate care being provided to victims and witnesses by prosecutors.

- The borough's sole crown advocate (CA) has been deployed regularly at Snaresbrook Crown Court to deal with Tower Hamlets plea and case management hearings but this situation is subject to review as a result of the move to Isleworth Crown Court. Two other prosecutors are hoping to become CAs but training opportunities and professional body exemptions are still to be undertaken. The BCP is supportive of these developments by providing opportunities for them to attend Crown Court and dealing with preliminary hearings and bail applications.
- The BCP is a regular visitor both to the Crown Court and magistrates' courts and provides instant feedback to the borough's advocates. Also some monitoring of less experienced advocates by London's area advocacy assessor was carried out some time ago. However no monitoring of counsel in the Crown Court takes place by the borough or of the CA. A system of more structured monitoring and feedback of all advocates should be put in place to provide reassurance to the BCP and promote development of staff.

5 SERIOUS VIOLENT AND SEXUAL OFFENCES, AND HATE CRIMESAssessment
2 – Fair**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%	58.8%	71.8%	61.0%	58.6%

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%	81.2%	81.9%	75.5%	79.1%

- In our file sample there were 19 cases within the definition of serious and sensitive crime requiring specific flagging on the case management system by CPS staff but four of the cases (21.1%) involving offences of rape, child abuse and racially motivated crime had not been appropriately flagged.
- The borough currently has two rape specialist prosecutors permanently based at Bethnal Green and makes use of an experienced lawyer based at Stratford who advises police and makes charging decisions in rape investigations. Two other lawyers are undergoing training to become specialists but still have a number of criteria to fulfil before they can be formally designated. In addition there are two domestic violence specialist prosecutors (including the borough community prosecutor) and a Proceeds of Crime Act champion. None of the specialists has a clear role description nor have any specific training sessions been delivered although there has been occasional dissemination of relevant material to other staff. Specialists do not presently analyse borough performance data.
- We found that all charging decisions in cases of serious and sensitive offences complied with the evidential and public interest stages of the Code test. The charges that were pursued to committal or trial were considered to be the most appropriate in 13 of the 19 cases (68.4%). However in nine of the 19 cases (47.4%) further reviews by prosecutors accounting for significant developments in the strength of the evidence or the attitude of the victim were missing from the file.
- We examined 11 domestic violence cases although some were also in other specialist categories. The prosecutor considered the availability of enhanced evidence at the pre-charge stage in only four of these cases and in each of these the decision was made by lawyers not attached to the borough. Enhanced evidence can corroborate a victim's complaint so that the prosecution is not so easily undermined by the withdrawal of the victim's support at or before trial. The borough has had long standing high incidence of domestic violence incidents and experiences significant challenges in securing victim and witness attendance.
- Although prosecutors were aware of CPS policies on retraction of complaints and referred to them in their decision-making, we noted that in only two out of ten relevant cases did the case proceed against the victim's wishes. Greater consistency and purpose in the use of the witness summons

procedure to compel the attendance at trial of reluctant witnesses is needed. Also there should be a strategy in place in each case to outline the action to be taken where a witness summons has been found to be ineffective in securing attendance.

Aspect for improvement

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.

- We examined five cases of rape. In three of them a rape specialist had dealt with the case throughout its life but in two, continuity of prosecutor was not maintained. There was evidence to show that the decision to drop a charge had been endorsed by a second specialist in only two of four relevant cases. In one of those cases a meeting had not been offered to the victim where the decision could be further explained by the prosecutor in accordance with the CPS policy on rape.
- All decisions to drop or reduce charges are required to be endorsed by the BCP although this was not always endorsed on the case file.
- During 2008-09 the borough achieved successful outcomes of offences involving violence against women in 58.8% of cases. This was significantly lower than national performance of 71.9% and of London as a whole of 62.0%. During the current year the borough's performance has remained constant at 58.6%. Within this category, the successful outcome rate for rape was 47.4% in 2008-09 and for domestic violence 59.6%. At least three of the four targets have been missed by the borough in all four quarters of that year.
- In respect of all hate crime the picture is more encouraging in that in 2008-09 the borough has achieved successful outcomes in 81.2% of cases compared to the national performance of 82.0% and London of 77.2%. Again this year's performance has fallen to 79.1% but is still in front of the London average of 75.5%.
- It is clear that in conjunction with local criminal justice partners a considerable amount of time and effort has been devoted by the borough's senior managers and domestic violence specialists to work initiated by the borough criminal justice group to tackle the high attrition rates in summary domestic violence cases. As a result of this partnership work a new Specialist Domestic Violence Court was launched in October 2009 at Thames Magistrates' Court.
- There has been no direct contact by the BCP with the local safeguarding children board but a lawyer attached to the district attends panel meetings on behalf of Tower Hamlets and Hackney Boroughs.

6 DISCLOSURE

Assessment

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

- The Borough's compliance with the prosecutor's duty of initial disclosure is poor. We found that in only 17 out of the 33 relevant cases (51.5%) had the prosecutor's duty of initial disclosure been complied with fully. Although schedules of non-sensitive unused material were endorsed and served, they were frequently incomplete and lacked necessary comment explaining decisions whether to disclose or withhold certain items. In a number of cases, the decision to disclose appeared born out of an excess of caution rather than in accordance with the statutory regime.
- Prosecutors were clearly under pressure of time to serve schedules that had been received late from police disclosure officers and this problem had been exacerbated by the streamlined process project of proportionate file building now rolled out across London by the Metropolitan Police. As an indirect consequence compliance with initial disclosure was timely in 23 cases (69.7%) but the quality of schedules was poor with items listed that could not conceivably constitute unused material. Examples included defendants' previous convictions and audio tapes of interviews with the accused. Prosecutors did not challenge the quality of these schedules nor were there examples of them being returned to police for correction. However, there were no instances in our sample where undermining or assisting material had not been disclosed to the defence.
- The duty of continuing disclosure was specifically triggered by a defence statement in 16 cases in our sample and was complied with fully in ten of these (62.5%). Defence statements were received late in many cases but we found no evidence of prosecutors chasing the service of these documents or of referring missed deadlines to the court. Although they were forwarded to the police disclosure officer, rarely was a response received in sufficient time before the trial to allow continuing disclosure to be served in a timely fashion. Compliance was timely in only five cases (31.3%).
- The quality of schedules of sensitive material (MG6D) was also poor although most were blank implying that no sensitive material was held. In two cases, the MG6D listed items that were plainly not sensitive but these were not challenged nor were the items transferred to the MG6C. In only two of the 33 cases (6.1%) had all actions been endorsed on a Disclosure Record Sheet (DRS) as required by the ACPO/CPS disclosure manual.
- Examples of third party material being identified as relevant to a prosecution were only found in two cases and it was handled correctly in one of them. There is no protocol currently in force dealing with the disclosure of third party material held by the local authority in the borough.
- Prior to the departure of the district crown prosecutor (DCP) in August 2009 all applications for public interest immunity (PII) certificates, allowing the prosecution to withhold certain sensitive material from the defence, were handled at district level. However the BCPs for Tower Hamlets and Hackney have been delegated specific responsibility for the district to deal with any PII hearings until a new DCP is appointed. There were no examples of PII hearings taking place in any of the cases we examined. Any relevant records are kept securely at district headquarters.
- A file review was carried out by the CPS Operational Legal Support Division of the Business Development Directorate in May 2009 and their examination of six files identified many of the same findings as our inspection. The BCP has recognised that action to improve performance is required and to this end has decided to appoint a borough disclosure champion and to work more closely with police partners to raise standards of compliance with the manual.

- Some borough prosecutors have received training earlier this year and others are booked to undergo further courses. There has been no joint training with police in recent times, nor has disclosure been an item on the agenda of joint prosecution team performance meetings.

Aspect for improvement

The BCP should implement increased levels of performance management to improve compliance with the duties of disclosure of unused material.

7 CUSTODY TIME LIMITS

Assessment

2 – Fair**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.
- The borough had three reported CTL failures in 2007-08 which occurred prior to the period of time covered by this inspection but these were fully investigated by the BCP and sector director in post at that time. Two of these cases involved mistakes by prosecutors in identifying whether particular charges were triable on indictment only or either way. The wrong expiry dates were thus recorded and monitored leading to failures in each case. The third case resulted from a straightforward error in calculating the expiry date, which was not revealed during standard monitoring checks.
- In the course of our general file examination we found a more recent failure that had occurred in January 2009 in respect of a Crown Court case that had resulted in an ineffective trial and subsequently discontinuance by the prosecution. The trial could not proceed on the appointed date as the prosecution had served certain additional evidence late and the Judge granted the defence an adjournment. He then declined to extend the CTL as he felt that the prosecution had not acted expeditiously or with due diligence. According to the national CTL guidance, this failure ought to have been reported to CPS headquarters in order to reflect the seriousness of the case preparation type. However, no report had been sent.
- A CTL protocol has recently been signed with the magistrates' court with the result that CTL expiry dates are now being agreed between the prosecutors and the court at hearings. The courts are working cooperatively with the borough to notify them of any changes in court hearings which may impact upon custody cases but agreement of CTL dates under the protocol are not evident from the file endorsements.
- Moreover HM Courts Service staff at the magistrates' court told us that they received from CPS Tower Hamlets borough a weekly spreadsheet of all custody cases of which they are aware listed during that week.
- By contrast in the Crown Court some resistance had been encountered in listing by agreement cases where CTL expiry dates were imminent and this remained a potential rubbing point at the time of our visit.
- We examined six live cases where the defendants had been remanded in custody – three in the Crown Court and three in the magistrates' court. CTL expiry dates had been correctly calculated on all of them but in one case where the defendant had very recently been admitted to bail, the unexpired portion of the limit had been inaccurately calculated and endorsed on the file jacket. In fact this would have led to the defendant's incarceration being reviewed at the wrong point, fortunately in this instance three days earlier than was necessary.
- Applications for extension of CTLs were required in seven cases in our sample and all had been made in good time and with appropriate chronologies to assist the court. These applications contained adequate information in order to establish due diligence on the prosecution's part.

In three of these cases the court did extend the CTL but the new expiry dates were not clearly endorsed on the file jackets in two.

- Despite the previous failures we found that management of CTL cases was efficient and taken seriously by borough staff. Manual diaries were examined and all case management system checks were satisfactory. Weekly assurance certificates were provided by the CTL manager to the BCP who also reported to the district crown prosecutor until her departure.

Aspect for improvement

Staff should be made fully aware of national guidance especially in the context of identifying failures and endorsing files at court.

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**

- There has been significant focus within the borough on complying with the direct communication with victims (DCV) policy, one of the responsibilities of the CPS under the Victims' Code of Practice (Victims' Code). A new London-wide system has been implemented, and systems for ensuring the prompt identification of cases in which a DCV letter should be sent have been strengthened, as have systems for ensuring letters are sent within timescales. This includes the appointment of two DCV co-ordinators who track and monitor letters, chasing as necessary. There is scope for strengthening the systems further to capture all cases with an identifiable victim where charges are reduced. The need to ensure compliance with the policy is also regularly reinforced in emails to staff. Performance is monitored monthly at borough level and also as part of the monthly quarterly performance-reporting regime. It is also discussed at unit all-staff meetings.
- The borough missed its 2008-09 proxy target of sending 387 letters and sent only 309 (79.8%) during the year, although reported compliance in the first quarter of 2009-10 improved (129%). Other inspection activity has revealed the unreliability of the calculation of the proxy target, which tends to understate what is required for proper compliance, and our file examination contradicts the high compliance rate indicated.
- In our file sample there were 15 DCV cases. DCV performance was rated as good or fair in six of these and poor in nine cases. Of the latter, in five cases DCV letters had not been sent, in one the case the letter was not sent on time and in three cases the letters were of poor quality. A meeting with prosecutors was offered in two of the three relevant cases
- Letters to vulnerable and intimidated victims were despatched within the one day time limit in 71.1% of cases, which was higher than the CPS London average of 65.9%. This is a positive outcome especially given that a higher proportion of DCV cases in the borough involve vulnerable and intimidated victims than the average for London (17.0% compared with 10.2%). Letters to other victims were sent within the five day time limit in 80.7% of cases, which was slightly below the London average of 83.1%.
- The CPS has a number of other responsibilities under the Victims' Code including for example that prosecutors introduce themselves to victims before a trial and explain any delays on the day and that expenses are paid on time. There are currently no formal means of assessing compliance with these at borough level but our observations during our visit are recorded in aspect 4 and suggest scope for improvement.
- The needs of victims and witnesses are generally considered at the initial review stage although this could be improved upon. Ancillary issues including the applicability of special measures were considered in nine of the 13 (69.2%) relevant pre-charge decisions made by borough prosecutors. Three of the cases where these issues were omitted concerned vulnerable victims. The reverse side of the MG11 witness statement forms, which provide victim and witness details, are often not completed meaning that the charging lawyer does not have all the relevant facts. This is particularly an issue in cases handled under the Director's guidance on the streamlined process (DGSP).
- The Prosecutors' Pledge says that prosecutors should take into account the impact of crime on the victim and their family when making a charging decision. Our file sample indicates that victim personal statements are taken only in a low proportion of cases (three of 14 relevant cases in the Crown Court and one of nine relevant cases in the magistrates' courts). In two of the five relevant cases that were discontinued, the victim's view was considered prior to the decision to discontinue.

- Appropriate special measures applications are generally being made but applications are often late including applications made on the day. This can be due to the needs of the witness not being properly assessed at the earliest opportunity, and also as a result of witnesses becoming frightened and more nervous as the trial approaches. Whilst late applications, including those made on the day, tend to be agreed by the court this means that witnesses do not always have the reassurance in advance that special measures will be available to assist them.

Aspect for improvement

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 Witness Service.

- Dates to avoid for both civilian and police witnesses are often not available at the first hearing when a trial date is expected to be set. This has been a major concern for some time and exacerbated by the introduction of DGSP in the magistrates' courts. In the Crown Court the long delays until trial can add to difficulties as even when dates are provided these may not extend sufficiently far ahead, for example police availability is generally given for six months only. Since June 2009 Thames Magistrates' Courts has applied a policy of setting back such cases for an hour or so to give an opportunity for relevant dates to be identified. Whilst this is helpful, it is still proving difficult to establish dates for all witnesses in such a short time scale and more needs to be done to ensure that dates to avoid are established before the first hearing. In the Crown Court the witness care unit (WCU) manager attends the plea and case management hearings to assist with witness availability issues.

Aspect for improvement

Systems designed to ensure that all witnesses' inconvenient dates are made available to prosecutors at first hearing should be reviewed and strengthened.

- Lists of witnesses to attend court (LWACs) are provided to the WCU who are responsible for warning witnesses. The accuracy and timeliness of LWACs has improved with the establishment of a dedicated court administration team from February 2009. There are weekly case progression arrangements in the Crown Court that follow-up on witness attendance issues but as yet there are no regular case progression meetings for the magistrates' courts that could provide a final check on witness issues.
- Witness attendance rates for 2008-09, which include both magistrates' courts and Crown Court witnesses, were behind the average for London (79.5% compared with 83.1%). Although performance in the first quarter of 2009-10 continued behind the London average, performance from June to August was much improved, the borough receiving a green rating in August for the first time (93.1% attendance). The borough deals with a high level of domestic violence cases where victims are frequently reluctant to attend court. The introduction of a Specialist Domestic Violence Court (SDVC) is designed to provide a greater level of support to victims of domestic violence and encourage more to give evidence.
- At the time of our inspection, trials were shortly to commence in Isleworth Crown Court. CPS and police managers expressed concern about the potential impact of requiring witnesses to travel across London on witness attendance. This aspect had not been properly risk assessed.
- In general there is a good level of exchange of information between CPS, the WCU, police and Witness Service and constructive working relationships are apparent. The co-location of police, WCU

and CPS is considered to be an important contributory factor. Concerns about the accuracy of LWACs earlier in the year have been resolved, but communication of the outcomes of special measures applications and provision of witnesses' dates to avoid remain problematic. The WCU would benefit from being copied in on DCV letters to assist them in their communication with witnesses.

- With the exception of DCV compliance and in common with other London boroughs there are no formal procedures in place for monitoring compliance with other CPS responsibilities under the Victims' Code on a regular and formal basis, or WCU performance against the minimum requirements set out for them. Informal assessment indicates that the WCU is currently meeting the majority of requirements. Full needs assessments are generally conducted for all witnesses following a not guilty plea. There are difficulties in accessing hearing and sentencing outcome information and meeting timeliness standards in conveying this information to witnesses. Notification to the WCU of appeals is also problematic. The fact that the CPS witness care officer left the unit 18 months ago and has still to be replaced is a concern.
- DCV, witness attendance and magistrates' courts ineffective trial data is available at borough level, and performance in these measures improved in the first quarter of 2009-10. However other witness performance data is only available on a London-wide basis. Looking forward, more attention now needs to be paid to ensuring that the various other initiatives and policies that have been introduced to improve the levels of service are fully embedded. This would include for instance the Victim Personal Statement (VPS), the full range of special measures and the Witness Charter as well as action needed to ensure WCU requirements are met consistently for all witnesses. It may prove helpful to collate the various strands in an action plan. There would be benefit in periodically reviewing CPS (and police performance) against the full range of responsibilities set out in the Victims' Code. The borough criminal justice group structure indicates that the Victims' Code should be a standing agenda item at the effective trial group meeting but in practice it is not. The borough needs to consider in what forum such a review might best fit and ensure it takes place.

9 MANAGING PERFORMANCE TO IMPROVEAssessment
2 – Fair**9A There is an effective and proportionate approach to managing performance locally at individual, unit and borough level**

- Monitoring of casework quality is generally systematic and supportive of improving casework standards. Monitoring is undertaken in a number of ways and covers both magistrates' courts and Crown Court casework. The casework quality assurance scheme (CQA) is in place and compliance with this has improved significantly since mid 2008-09. The very high CQA scoring conflicts somewhat with the findings of our file sample particularly in relation to disclosure. This may raise questions about the robustness of the process. Feedback to lawyers tends to be on an individual one-to-one basis when issues arise.
- For Crown Court cases, logs of discontinued cases and a monthly adverse case report are maintained. These are reviewed by the borough crown prosecutor and any issues arising from individual cases are raised with the relevant lawyer. An adverse case report for magistrates' courts cases has yet to be developed. The BCP regularly covers court sessions once or twice a month, which provides an opportunity to assess the quality of files and casework, as does participation in Crown Court case progression meetings. There is scope for adverse case reports to be shared with all lawyers to assist them appreciate the wider picture, and for more discussion of trends and issues arising from CQA and other monitoring to be discussed at lawyer meetings.
- As set out in aspect 4, the BCP monitors lawyers' advocacy performance on an informal basis when at court, supplemented by feedback from other court users. Monitoring and mentoring of associate prosecutors tends to be more regular and systematic. There is no formal process for monitoring agent advocates. Agents may be seen in court by the BCP or information about their performance received from other lawyers or the courts. Agents and counsel who fall short of requirements are rarely used again. Arrangements have yet to be put in place for crown advocates to be formally monitored once a quarter as set out in the district business plan.

Aspect for improvement

There is a need for more structured monitoring of all advocates to take place on the borough.

- In 2008-09, Tower Hamlets was the only borough in London to receive no green ratings against key performance indicators in the range of measures set down by regional management of CPS London. Performance overall was generally poor. The crime profile and the volume and complexity of work in Tower Hamlets make it a very challenging borough. The management team continue to work very hard to address the poor performance in the borough. The implementation of an integrated prosecution team (IPT) in April 2007 led to staffing losses and general difficulties. Morale was described as being very low at this time. Much of the management team's focus has been on stabilising and strengthening staffing levels and on developing the morale of staff. We found good levels of morale and team working with a sense of optimism within the borough. The recent extension of CPS accommodation has also helped in this respect.
- Much work has been focused on getting the foundations right. There are some good examples of where operational systems have been reviewed and overhauled with good result, for example the new custody time limit (CTL) system. The optimum business model (OBM), which was formally signed off in February 2009, is developing well. It is managed and organised well and working practices are continuing to evolve as aspects are reviewed and improved. However, this has yet to positively impact on magistrates' courts' outcomes.

- As to evidence of improvement against key performance indicators it is still early days and in some aspects the picture is mixed. For instance in relation to charging performance, the borough met one of the six targets in 2008-09 and two in the first quarter of 2009-10. Whilst performance in relation to the three Crown Court indicators all improved in the first quarter, compared with the previous year, in the three magistrates' courts indicators, performance fell. In the Crown Court improvement was more consistent. The rate of discontinuances and judge directed acquittals fell in twelve months to June 2009 and the successful outcome rate improved to above that for London as a whole. In the magistrates' courts, the rate of discharged committals reduced, as did the rate of ineffective trials including the proportion due to prosecution reasons, although at the same time the successful outcomes in the magistrates' courts fell very slightly.
- The extent of borough-based performance reporting has improved and since April 2009, data is available by borough for all key performance indicators. At a senior level there is a quarterly performance review between the regional director and regional business manager, and monthly performance management meetings between the district crown prosecutor (DCP) and BCP. The latter appear to have been particularly effective in analysing key performance issues and identifying improvement actions, although they have not been held since the DCP left at the end of July.
- Within the borough, all unit managers receive a copy of the monthly district performance figures and these are discussed at borough management meetings. Managers were generally aware of performance levels in their areas of responsibility. Borough performance is also discussed in all-staff meetings and referred to in email messages from the BCP to staff. Most staff were found to have some knowledge of performance results in their areas of responsibility.
- The targets and priorities for the coming year are not set at borough level, and personal objectives that link to these are then prepared as a basis for the performance development review (PDR) process. Most staff had had mid-year and end-of-year PDRs, although reviews were not always timely. Some B-level managers had not had end-of-year reviews due to a change in line management. There would be benefit in ensuring that objectives for all staff are set and communicated at the start of the year. The PDR process is generally regarded as a helpful development tool, particularly for newer staff and those on temporary promotion.

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

- The BCP demonstrates a clear commitment to managing performance jointly with partners attending a range of multi-agency meetings on a regular basis. In addition to the PTPM and Effective Trials Group mentioned below, these include the borough criminal justice group (BCJG), court user and youth court user groups and a specialist domestic violence court steering group meeting. Meetings are also held between the Sapphire team and CPS rape specialists.
- There is generally good sharing of performance information between agencies but there is currently a lack of Crown Court effective trial data available, although more recently a Crown Court ineffective trial log has been produced and circulated by the courts.
- PTPM meetings are chaired by the BCP. Meetings are generally held monthly and there is an appropriate range of representation from police and CPS including the WCU manager. The PTPM is generally considered a useful forum and is effective in tackling some important cross-cutting issues. There is scope for ensuring that all action points are captured in the minutes and that progress against these is reviewed and recorded at the start of each meeting to ensure continued focus on aspects where further progress is needed. PTPM reports that are sent out in advance of the meeting are not easily understood by all participants and given their length and detail, would benefit from a narrative identifying the key points of interest for the group. There appears insufficient analysis

of PTPM data at the meetings; in the May and June meetings it was noted that performance was not discussed, and the above may be a contributory factor. Potential benefits would accrue from provision of adverse case reports to this group in order to aid analysis and improve planning.

Aspect for improvement

The effectiveness of PTPM meetings should be enhanced by adding a summary and overview of borough performance to the raw data circulated to attendees.

- As set out in aspect 2, trial effectiveness is monitored by a multi-agency group. However, Crown Court trial effectiveness data is limited and not covered by this group. The CPS, through its own adverse case reports, analyses Crown Court cases and lessons learnt but this is without the benefit of a multi-agency approach.
- Good working relationships exist between the CPS and criminal justice partners on a bilateral and trilateral basis. Good examples of the former are that the BCP attends police senior management meetings on a regular basis and the negotiation of listing to better accommodate CPS resourcing difficulties. A mutual understanding of individual agencies' priorities and stakeholder expectations is evident.

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 (NRFAC) budget, comprising mainly staffing and general costs, and programme costs budget, comprising largely of 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 the borough.
- In 2008-09, Tower Hamlets was one of ten London boroughs to overspend its NRFAC budget with an outturn of 109.9%, giving it a red rating on the CPS London performance dashboard. In respect of programme costs, the borough was one of four to achieve a green rating with an outturn of 98.7% (excluding very high cost cases).
- The borough management team has limited ability to influence staffing structures or levels. At district level there is discussion between the district and borough managers on the best use of available resources. However, overall staff structures and levels are determined at the regional level with input from the relevant district crown prosecutors. This financial year, the borough crown prosecutor (BCP) has been given details of the borough's ABC (activity based costing) staffing profile for the first time.
- The volume of magistrates' courts cases dealt with in the borough fell in 2008-09 by 1.8% compared with the previous year (London +4.7%). Over the same period the number of committals increased by 15.5% (London +7.4%) and the number of Crown Court cases dealt with increased by 24.9% (London +5.2%). As funding is dependent on past volumes of cases completed, funding levels continue to be adversely impacted by backlogs in finalisations. At the time of our visit there were around 700 outstanding finalisations some of which dated back several years. These were in the process of being dealt with.
- Given the significant increases in its Crown Court caseload, and the move to an integrated prosecution team, whereby CPS staff take more responsibility for case preparation, the borough has struggled to cover the workload with its own staff. Since the current BCP has been in post, lawyer numbers have decreased slightly which has added to the pressures.
- The staffing difficulties outlined above have contributed to a high reliance on agents in the borough. In 2008-09, 31.7% of magistrates' courts sessions were covered by agents – well above the average for London (12.1%). Only two boroughs had a higher level. The level of agent use has continued to rise this financial year with 37.8% of sessions in the first quarter covered by agents (London 22.4%). The overall cost effectiveness of using such a high level of agents as opposed to permanent staff is questionable. Agent use is negotiated with the district personnel on a weekly basis. At the time of the inspection around 25 agent sessions were being used weekly.

- The area's expectation that lawyers conduct six court sessions a week is broadly translated into an overall aspiration of six sessions that may comprise court, charging centre or optimum business model (OBM) sessions. The BCP takes responsibility for the rota and allocates all cases.
- A reduction of magistrates' courts sessions had been negotiated with HMCS from 72 to 66, which for coverage purposes are divided equally between Hackney and Tower Hamlets. Allowing also for ten charging centre sessions and ten OBM sessions the result is a weekly requirement of some 53 sessions or 2650 sessions per annum. Assuming associate prosecutor coverage of 20% and based on 240 sessions per lawyer per year (which allows for annual leave and time for meetings and training), this requires some 9.6 fully trained lawyers to resource in-house advocacy targets. At the time of our inspection, the borough had nine C2 lawyers (one absent since 2 August), one crown advocate (CA) and two associate prosecutors (APs).

Aspect for improvement

Detailed records of prosecutors' weekly deployment to court, charging centre and OBM should be maintained to inform staffing and budgetary planning.

- The borough has two APs and good efforts have been made to increase their coverage including negotiating changes to listing practices with the courts to accommodate better deployment. In 2008-09, the average proportion of magistrates' courts covered by APs at 20.4% was at the London average (20.5%). It has since improved further to 24.8% (London 21.8%).
- In 2008-09 Tower Hamlets operated with one CA who undertook 25 sessions in the Crown Court, below the current district target for individual sessions, and made a modest contribution to the district's counsel fee saving (£20,238 of the £604,408 savings). In the first quarter of 2009-10, no sessions were covered due to the absence of the CA who returned at the end of the second quarter. Steps are in place to develop a number of borough lawyers to CA level. However this will diminish the lawyer pool available to cover magistrates' courts unless lawyers who become crown advocates are replaced promptly.
- There are procedures in place to monitor and manage sickness absence and the rate of sickness absence has improved significantly from an average of some 14 days per person in 2007 to 8.4 days in 2008-09. This was below the average for London (9.3 days) and compares favourably with the national average, which is measured for the calendar year (8.9 days in 2008). However the rate of sickness absence more recently has increased to 9.7 days to the end of the first quarter of 2009-10.
- Many staff benefit from the flexible working hours scheme, which was identified by some staff, interviewed as being an important benefit of working for the CPS. A number of staff have in the past been granted alternative working arrangements (compressed hours), which is found to limit the flexibility of the borough in meeting business demands. In recent times the BCP has not agreed to further requests.

11 MANAGEMENT AND PARTNERSHIP WORKING

Assessment

3 – Good**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**

- Priorities from the CPS London business plan are communicated to the district management team and reflected in the Snaresbrook district business plan. Formal business planning is limited at the borough level to new initiatives, which are often project managed from the centre. Whilst there is no borough action plan, there is a general understanding on the part of managers as to overall what needs to be delivered at local level including relevant national and area initiatives and expected outputs via the key performance indicators. Team and individual objectives link with those set out in the district and area business plans and progress is reviewed against these on an individual basis, however, at the time of our visit not all staff including some managers had had their objectives set for the year. There is scope for more formal reviews of borough-wide progress against the individual objectives set out in the area and district business plans.
- Borough managers understand their responsibilities for implementing management decisions and managers act corporately. Staffing levels have been problematic and managers are well aware that the borough needs to improve performance across a range of aspects. As a result managers have tended to adopt a hands-on approach to ensuring that work is delivered at the same time as tackling some of the underlying performance issues. There is scope for more delegation both to lawyers and administrative staff that would help relieve managers from day to day tasks to focus more on driving performance as well as developing staff. The development of clear job descriptions and desktop instructions for managers' tasks would assist in training staff to cover temporary absences of managers and would ensure more resilience. There was a good sense of team spirit within the borough and of support and cooperation between managers and their teams.

Aspect for development

The borough needs to develop greater resilience at all management levels through increased delegation and appropriate training.

- There is a good level of communication within the borough. There are frequent and regular all-staff team meetings and management meetings. Below this, individual team meetings are less frequent and tend to be held as a need arises, which appeared sufficient to keep staff informed and involved. Staff view managers as both open and accessible and feel able to raise any issues of concern. Communication with the district and other CPS London colleagues tends to be at a more senior level only. There is scope for more communication between level B managers and their counterparts in other boroughs, which may assist them, address common issues and share good practices.
- A formal approach to risk management is adopted for major change initiatives managed by the centre. Outside this, there is no formal planned approach to risk identification and management at borough level. Risks to business delivery are identified and managed on a day-to-day basis as part of the normal operational business processes. A formalised approach would assist the borough take a more proactive approach to potential risks and their management.
- There is no borough-level training plan. The central training plan is circulated to staff who are responsible for identifying suitable courses and booking places. Staff are normally able to attend the courses they identify as necessary. There was some concern expressed about the perceived lack of opportunities to train as crown advocates and training provision for associate prosecutors. Largely due to their operational duties, some B level managers had found it difficult to take time out to attend all the necessary management training courses.

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

- Criminal justice partners confirmed that senior managers demonstrate an open and constructive approach to joint working and good working relationships were evident. The BCP participates in the borough criminal justice group (BCJG), chaired by the Borough Commander, and chairs both the effective trials group and prosecution team performance management meetings – both subgroups of the BCJG. The BCP has participated in meetings with the DCP and Resident Judge. Outside these formal meetings, contact with the judiciary tends to be on an ad hoc basis.
- The borough has also had to respond to a number of central initiatives such as Criminal Justice: Simple Speedy and Summary and more recently Director's guidance on the streamlined process which have been implemented locally
- The borough has also implemented No Witness No Justice and as part of this has an established witness care unit (WCU). In the absence of formal procedures to monitor compliance with the minimum requirements for WCUs, it is not possible to assess accurately the position. WCUs were designed as a joint police/CPS initiative. In practice the borough WCU is police led and managed. The fact that the single CPS witness care officer position has been vacant for some 18 months does not help and there is scope for more joint working in this respect. The CPS has worked closely with criminal justice agencies and other partners to secure funding and support for a Specialist Domestic Violence Court (SDVC) to serve both Tower Hamlets and Hackney boroughs which was anticipated to open in late October 2009.
- A community prosecutor was appointed in the borough earlier in 2009 and is taking a proactive approach to building contacts with the community. It is too early to judge the outputs of this initiative. The BCP has attended the last two meetings of the Crime and Disorder Reduction Partnership, which is welcomed by partners.

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 frequently recognised and acknowledged by managers both verbally on an informal basis, within one-to-one sessions and in writing. Good performance is also acknowledged more publicly at staff meetings. District and regional managers can also commend staff where particularly noteworthy performance is brought to their attention.
- Managers and staff treat each other with respect and demonstrate an understanding of the behaviours expected of them in keeping with the CPS dignity at work policy. Good relationships between lawyer and administrative staff were apparent. Staff view managers as visible and approachable and feel able to raise any issues or concerns they may have. There have been no substantiated complaints made by staff about their treatment by managers in the last two years. Managers are confident to address situations that involve inappropriate behaviour or a perception of such.
- We found a good level of morale and motivation, together with a clear sense of team working and shared optimism, despite the significant challenges facing the borough. This has developed from a low base when the integrated prosecution team was first implemented in April 2007. Senior managers have worked hard to resolve the staffing difficulties and develop a more stable and stronger team.
- Team diversity statistics are not kept at borough level. The ethnicity of the borough team is considered to reflect generally the borough profile and thus the community served. At the time of our inspection, an equality impact assessment of the new SDVC was underway.

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%	74.5%	80.5%	75.5%	74.1%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	14.0%	13.3%	14.1%	14.4%
Guilty plea rate	74.4%	69.8%	73.1%	74.2%	68.8%	70.9%
Attrition rate	19.2%	22.1%	23.6%	19.5%	23.0%	25.0%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	17.4%	11.8%	15.7%	16.1%
Guilty plea rate	72.9%	60.8%	67.6%	73.0%	61.1%	67.7%
Attrition rate	19.4%	27.3%	28.6%	19.5%	27.6%	27.3%

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%	84.7%	87.3%	85.9%	84.5%

Trial rates

	Performance 2008-09		
	National	CPS London	Borough
Effective	43.4%	47.3%	40.2%
Cracked	38.0%	34.8%	36.0%
Ineffective	18.6%	17.9%	23.8%
Vacated	21.5%	16.3%	17.9%

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%	73.1%	80.6%	72.7%	73.7%

Trial rates

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

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%	58.8%	71.8%	61.0%	58.6%

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%	81.2%	81.9%	75.5%	79.1%

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%	109.9%

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%	68.3%
Associate prosecutor deployment (as % of magistrates' court sessions)	24.8%	23.0%	20.5%	20.4%
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	8.4 days

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

Police

Chief Superintendent P Rickett, Borough Commander
Chief Inspector N Nottage
Mr S Dunham, Witness Care Unit Manager

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 Mr M Read
Mr S Van Gelder, JP Chair of the Bench
Mr K McHale, Deputy Justices' Clerk

Victim Support

Mr S Bruwer, Witness Service Manager, Thames Magistrates' Court

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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