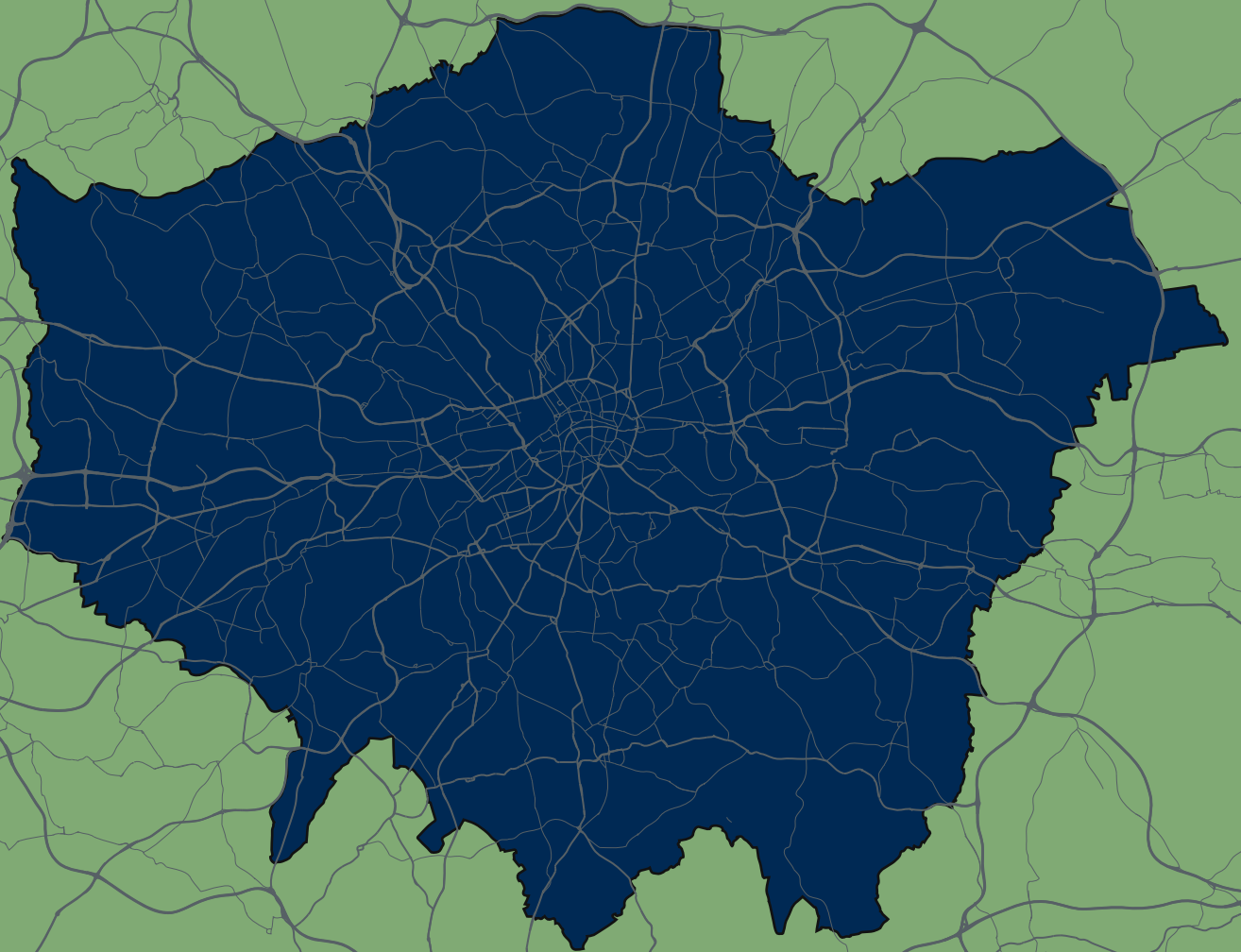


CPS London Borough Performance Assessments

Traffic Unit

Undertaken October 2009





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Traffic Unit

Undertaken October 2009



Promoting Improvement in Criminal Justice

HMcp*si*
HM Crown Prosecution Service Inspectorate

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 |
| OCU | Operational command unit (police unit headed by a Chief Superintendent responsible for day-to-day policing) |
| PCD | Pre-charge decision |
| PCMH | Plea and case management hearing |
| PTPM | Prosecution team performance management |
| WCU | Witness care unit |
| WMS | Witness management system |

CONTENTS

| | | |
|----------|---|-----------|
| A | Introduction to the performance assessment process..... | 2 |
| B | Description and caseload of CPS London traffic unit..... | 4 |
| C | Summary of judgements..... | 6 |
| D | Defining aspects | 10 |
| 1 | Pre-charge advice and decisions | 10 |
| 2 | Decision-making, preparation and progression in magistrates' court cases..... | 13 |
| 3 | Decision-making, preparation and progression in Crown Court cases | 17 |
| 4 | The prosecution of cases at court | 18 |
| 5 | Serious and sensitive road traffic cases | 21 |
| 6 | Disclosure | 23 |
| 7 | Custody time limits..... | 24 |
| 8 | The service to victims and witnesses..... | 25 |
| 9 | Managing performance to improve..... | 27 |
| 10 | Managing resources..... | 29 |
| 11 | Management and partnership working | 31 |

ANNEXES

| | | |
|---|---|----|
| A | Performance data | 34 |
| B | Individuals and representatives of local criminal justice agencies and organisations who assisted us... | 36 |
| C | London traffic unit scoring model | 37 |

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 traffic unit (LTU). It represents a more in-depth local assessment than the overall performance assessment of the South 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 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.

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.

Similar to the assessment of the CPS London boroughs, the inspectorate has used a points based model for assessment of the unit. The unit's overall assessment is determined by the cumulative total of points for all of the eight aspects that are scored. There are two limiters within the model. The unit cannot be rated Good or Excellent unless it is assessed as good in at least two of the first four scored aspects. This is designed to give pre-eminence to the ratings for the core aspects of the unit's work. Similarly, if the unit is scored as Poor in two 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 unit's performance in managing its resources, this aspect has not, in line with our assessment of the CPS London boroughs, been scored. Additionally aspects 3 and 7 have also not been scored in relation to the London traffic unit since neither was relevant to its operation at the time of our assessment.

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

Whilst these performance assessments 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.

The findings from the performance assessments will be drawn together in a summative report which will provide an overall picture of the performance of CPS London. It will also provide comment on the effectiveness of CPS London headquarters operations, including 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 the London traffic unit. 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 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 LONDON TRAFFIC UNIT

Unlike most of CPS London, the LTU is not aligned to a single geographical area as it deals with traffic cases from across the capital. The LTU is headed by a level D CPS lawyer with the status of borough crown prosecutor (BCP), who reports on performance, via the Woolwich district, to the CPS London senior management team, which consists of the Chief Crown Prosecutor, three legal directors and two regional business managers. Due to its location, the LTU has been sited within the Woolwich district cluster, along with the Bexley, Greenwich and Lewisham borough units. District responsibility rests with the district crown prosecutor (DCP), a level E CPS lawyer, who also line manages all the BCPs for boroughs within the district.

Communication 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 unit 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 London traffic unit was formed in 2003 and has, since its inception, been co-located with the Metropolitan Police traffic operational command unit (OCU) at Marlow House, Sidcup. LTU prosecutes all traffic cases heard in the magistrates' courts within the Greater London area, as well as providing pre-charge advice in serious traffic cases usually destined for the Crown Court. Traffic prosecutions take place at designated magistrates' court centres, known as 'Gateway' courts, geographically cited within one of the five HM Courts Service administrative areas: the North East, North West, South East, South West and Central regions. Since the beginning of 2009, the LTU has taken on additional work at the lower level, volume end of the spectrum, such as 'camera' prosecutions for speeding offences, and this has increased the unit's total caseload and court coverage commitments.

The unit's casework profile is different to the CPS London boroughs. Cases are grouped into two distinct courts, according to the type of offence being prosecuted; these are referred to, respectively, as Gateway1 and Gateway2. The former venues take more serious traffic offences, some of which can be punishable with imprisonment, such as failing to stop and failing to report an accident, whilst the latter venues deal with less serious summary matters, mainly the camera prosecutions and unpaid fixed penalty notices.

The LTU's staffing complement is also different to the borough units, with a greater requirement for associate prosecutors (APs) and less experienced lawyers still developing their prosecution skills. The LTU does not deal with Crown Court work, other than to provide the initial advice, so has no caseworkers or crown advocates (CAs) dealing with serious casework preparation or advocacy. Presently, these cases revert to the local CPS London borough for prosecution, although this is set to change at some point in the near future and is being progressed jointly by the CPS, HM Courts Service and police as the 'Gateway3 project'. The LTU uses its administrators and prosecutors as single resource, working collectively, whilst the case progression officers have designated responsibility for one of five geographical regions.

As of October 2009, the LTU had an average of 31.5 full-time equivalent staff in post and a budget of £1,615,700¹.

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.

| Staff | Numbers at October 2009 |
|-------------------------------------|--------------------------------|
| Unit head | 1 |
| Business managers | 1 |
| Crown prosecutors | 6 |
| Associate prosecutors | 9.7 |
| Case progression managers | 4.8 |
| Administrative support staff | 9 |
| Total (full-time equivalent) | 31.5 |

Details of the London traffic 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 | 187 | 126 | -32.6% |
| Decisions not resulting in a charge ² | 397 | 314 | -20.9% |
| Total pre-charge decision cases | 584 | 440 | -24.7% |
| Magistrates' court proceedings³ | | | |
| Magistrates' court prosecutions | 16,378 | 15,097 | -7.8% |
| Other proceedings | 0 | 0 | - |
| Total magistrates' court proceedings | 16,378 | 15,097 | -7.8% |

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.

C SUMMARY OF JUDGEMENTS

Contextual factors and background

There has been some increase in the unit's resources to accommodate the additional lower level work (for example camera speeding cases) taken on during the first quarter of 2009. The unit now receives approximately 3,000 new cases per month. Recruitment difficulties have prevented the unit being staffed to the required level agreed with CPS London and the unit needs to instruct agents to prosecute magistrates' court sessions that cannot be covered in-house. Although co-located with the police traffic CJU, there are no plans for the unit to move to an integrated prosecution team (IPT) structure or implement the optimum business model (OBM) processes. The LTU, therefore, has not had to cope with the impact of the most recent initiatives to have affected the CPS London boroughs. Given the LTU's structure, positioning it within a single district cluster makes it difficult to support the extent and nature of the unit's work and this is likely to become even more problematic once its work includes cases scattered across a number of Crown Court centres throughout London.

Summary

The processes for delivering pre-charge decisions have remained unaffected by the introduction of CPS London Direct and the overwhelming majority of charging decisions are taken by the most experienced lawyers on the unit. The quality of advice provided in the most serious and complex cases is good and valued by the police. The unit's discontinuance and attrition rates in 2008-09 were excellent and have improved slightly over the 12 month period to June 2009. The low rate of guilty pleas in traffic cases is a consequence of the high proportion that are required to be proved in absence.

Unit prosecutors have established a harmonious working relationship with police colleagues and the quality of files submitted in fatal collision cases is particularly high. Police Criminal Justice Unit (CJU) managers at Marlow House ensure that cases receive a thorough evidential review before being submitted to the CPS and maintain a spreadsheet to ensure that they are effectively managed.

The unit, at present, operates exclusively in the magistrates' courts, where the conviction rate for 2008-09 was better than both national and CPS London performance. This unit organises its case progression in line with the regional structure of the police traffic OCU and Gateway courts. The LTU has been assessed by the national OBM team, which has approved of the systems already in place and concluded that OBM would not improve the unit processes, save for the addition of a duty prosecutor, which the unit has implemented.

Paralegal case progression officers are responsible for ensuring the cases are trial ready and the proportion that has to be discontinued is significantly lower, and the level of effective trials greater, than for CPS London or nationally in 2008-09. In respect of volume work, however, there is an element of cases sorting themselves out on the day at court and there is a lack of proactivity in respect of cases that have had to be returned to the police for further action to be taken.

The LTU does not prepare or present the most serious traffic cases that are dealt with in the Crown Court and the unit's specialist lawyers are currently under-utilised since they do not retain ownership of these cases beyond the pre-charge advice stage. This situation is currently under review and likely to change at some point during 2010 if and when the Gateway3 project is implemented.

The LTU prosecutors observed during the assessment all met the national standards of advocacy, although the range of presentation skills required to conduct cases competently varied markedly; the majority of court sessions are undemanding, with only the more involved traffic trials requiring more developed advocacy skills. The London traffic unit is part of the CPS national associate prosecutor 'Pathfinder' initiative, which is piloting AP's extended powers to conduct summary trials for non-imprisonable

offences. Whilst the unit's APs have benefited from prosecuting contested traffic cases, the limitations imposed by them concentrating exclusively on traffic cases risks a degree of deskilling as the APs cannot undertake the full range of work available to APs on the boroughs. In general, prosecutors enjoy a positive and productive relationship with the courts in which they regularly appear.

The LTU has three senior 'specialist' lawyers experienced in dealing with serious and sensitive road traffic cases (often involving fatalities) who provide pre-charge advice to the police in all such cases. In addition to completing a written opinion, appropriate cases are identified by the police for face-to-face advice provided at monthly surgeries. These generally work well, although improvements need to be made in the monitoring of cases where prosecutors advise against further action. An accurate assessment of the unit performance in respect of serious and sensitive road traffic cases is not ascertainable since the proceedings are often conducted by the relevant borough and the outcomes for these cases are not disaggregated from the borough's results.

Compliance with the prosecution's duties of disclosure of unused material is poor, lacking openness and transparency. Weaknesses were evident across a range of aspects, from the lack of a proper explanation of the disclosure decision to a failure in recording that disclosure had taken place at all. This unsatisfactory position has not been assisted by the absence of unused material schedules on the majority of traffic cases. This is now set to change in early 2010 when, in addition to the most serious cases, Gateway1 cases destined for trial will also have the proper schedules completed by a disclosure officer.

The traffic unit does not normally prosecute cases involving custody time limits (CTLs) and any such cases are normally transferred to an appropriate borough. As such, the unit had handled only one case involving a CTL since its inception in 2003 and this was dealt with satisfactorily.

The unit vastly exceeded its target in terms of the number of letters sent to victims to explain why a charge had been dropped or significantly altered, although this reflects more upon the target, than overall performance. The unit met its 90% timeliness target for 2008-09, although this had deteriorated slightly during the first quarter of 2009-10. The unit does not operate a joint witness care unit, as envisaged under the No Witness No Justice scheme, as responsibility for communicating with victims and witnesses rests either with the police CJU court team or specially trained family liaison officers (FLOs) in traffic collision cases involving a fatality. The unit enjoys a good working relationship with both the CJU and FLOs and holds meetings with families and victims in appropriate cases, but needs to take greater care identifying those cases where an obligation to provide a written explanation exists. Systems need to be put in place with local Witness Service coordinators to identify cases where witness support is required at court.

The unit has a systematic approach to the monitoring of casework quality and advocacy. However, the monitoring of pre-charge decisions should be extended to include those decisions where no further action is directed. Management and staff have a good awareness of performance and the unit met or exceeded half of its performance targets in 2008-09. Management have taken steps to address areas of poor performance, including working proactively with partner agencies to address joint performance issues.

The unit's prosecution costs and non-ring fenced administrative costs are set by CPS London but managed by the unit, with some oversight at the district level. In 2008-09, the unit was overspent against its budget despite achieving its target for in-house coverage in the magistrates' court and target for the deployment of APs. With the introduction of Gateway2 work in 2009, unit workload has increased by about half. The unit has had some increase in resources to cope with the increased workload, but is having to utilise more agents to cover the shortfall.

The management team have a good awareness of the priorities for the unit and undertake a significant degree of planning outside of normal London processes, particularly in relation to new initiatives. The introduction of Gateway2 work onto the unit has taken up significant management focus in the last year and required effective engagement with partner agencies to ensure its success. While communication on the unit is generally effective, consultation with staff about new initiatives together with frequent updates would help staff to be better engaged when changes occur.

In the light of our findings, the unit's performance assessment is **FAIR**.

We identified one strength and ten aspects for improvement:

Strengths

- 1 The quality of the monthly face-to-face advice surgeries held with the police delivering guidance on serious and complex cases (aspect 1).
-

Aspects for improvement

- 2 Unit managers should utilise the police pre-charge decision-making performance data to assist in analysing PCD outcomes (aspect 1).

 - 3 The unit should implement an effective system to monitor and progress cases that have been returned to the police for further action (aspect 2).

 - 4 The unit should put steps in place to ensure that associate prosecutors in the LTU maintain the full range of skills associated with that role and have the opportunity to progress and develop their career (aspect 4).

 - 5 The London traffic unit should negotiate with HM Courts Service over Gateway listing arrangements to enable efficient resource deployment and maximise the number of sessions available for trial work (aspect 4).

 - 6 The London traffic unit should work with CPS London senior management team and the relevant regional director to adopt a common memorandum of understanding with all appropriate CPS London boroughs, setting out the principles governing the transfer of work between traffic and borough courts (aspect 4).

 - 7 Steps need to be taken to ensure compliance with the prosecution's disclosure obligations and to quality assure those disclosure decisions effectively, providing feedback, where necessary, to individual prosecutors (aspect 6).

 - 8 The unit head should review compliance with the direct communication with victims scheme in fatal collision cases where pre-charge advice is for no further action and take steps to ensure that:
 - the correct method of providing pre-charge advice is noted on the MG3 form or advice note; and
 - a record is made on the file, CMS or decisions log stating that the reviewing lawyer has offered the family the option of a meeting (aspect 8).
-

9 Formal arrangements need to be established between the London traffic unit and Witness Service (aspect 8).

10 The unit's quality assurance process for pre-charge advice cases should include an appropriate proportion of no further action decisions so that these cases are properly monitored (aspect 9).

11 The unit management team should ensure that staff are adequately informed and consulted about new initiatives throughout the planning stages (aspect 11).

Summary of judgements

| BOROUGH PERFORMANCE ASSESSMENT 2009 | |
|--|-------------------|
| Pre-charge advice and decisions | 3 - Good |
| Decision-making, preparation and progression in magistrates' court cases | 2 - Fair |
| Decision-making, preparation and progression in Crown Court cases | Not scored |
| The prosecution of cases at court | 2 - Fair |
| Serious and sensitive road traffic cases | 3 - Good |
| Disclosure | 0 - Poor |
| Custody time limits | Not scored |
| The service to victims and witnesses | 2 - Fair |
| Managing performance to improve | 2 - Fair |
| Managing resources | Not scored |
| Management and partnership working | 3 - Good |
| OVERALL ASSESSMENT | 17 - FAIR |

D DEFINING ASPECTS

1 PRE-CHARGE ADVICE AND DECISIONS

Assessment
3 – Good

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

- Overall, the quality of decision-making at the pre-charge stage is good. We examined 11 cases that had been subject to a pre-charge advice decision (PCD). In six cases (54.5%), the decision was to authorise charge, while the remaining five were concluded as no further action, either because there was insufficient evidence for a realistic prospect of conviction or that a prosecution was not required in the public interest. In the six, where the decision was to authorise charge, the most appropriate charge was selected. In none of the cases examined was the threshold test appropriate and all charging decisions were taken applying the full Code for Crown Prosecutors (the Code) test. In all of them, we found that the pre-charge advice given accorded with the Code evidential and public interest tests.
- We considered the quality of MG3s (the record of charging decision) in 11 cases and assessed them to be good in two cases (18.2%), fair in five cases (45.5%) and poor in four (36.4%). We concluded, overall, that the quality of MG3s was fair, but noted a particular weakness around some decisions to take no further action where the exposition of fact and law was insufficiently detailed or precise to make clear the application of the Code to the case. As we make clear in aspect 9, the unit's casework quality assurance process for charging was not sufficiently robust enough to identify problems with such cases.
- Ancillary issues, including unused material, bad character and hearsay evidence, as well as witness requirements and special measures applications, were relevant considerations in three of the 11 (27.3%) cases submitted for charging advice. In two (66.7%) of them, those issues were adequately covered in the written MG3 advice.
- Where additional work is identified at the PCD stage, the charging lawyer should complete an action plan as part of the MG3 form setting out what is required and by when. Two of the PCD cases we examined merited the use of an action plan, but in neither case had the appropriate section of the MG3 been completed. In one case, however, the charging lawyer had covered the points in the main body of the advice and set out clearly what the required further actions were. In the other case, the opportunity to strengthen the prosecution case was missed altogether and resulted in an unsuccessful outcome.
- Instructions to the advocate at court were included where merited and were present on three of the cases in the file sample. In the remaining eight cases, instructions to the prosecutor would not have added value to the review or case preparation for court since the issues were clear and relatively straightforward. All APs on the unit have substantial experience conducting traffic cases, whilst those with extended rights (AP2s) were appointed following a selection exercise and have undergone further training.
- Because the LTU is unique within the CPS London structure, it is difficult to compare statistically with either national, London or borough units in terms of its performance outcomes. For example, whilst it may advise initially on all serious, indictable traffic cases, these are presently charged and prosecuted at borough level, so the unit has no Crown Court casework or outcomes. Conversely, in terms of volume, in 2008-09 the LTU dealt with 11.6% of all CPS London's magistrates' court cases, a far higher proportion than for a borough unit. The profile of cases on the unit is substantially different to the boroughs. Yet, despite this, the unit has been set exactly the same performance targets as boroughs, which means that the statistical information is prone to producing both false positives and negatives.

- It is noticeable that the magistrates' court guilty plea figure is well below the national and London levels and equates to a Poor rating statistically. However, a considerable percentage of defendants in traffic cases fail to enter pleas altogether, requiring the case to be proved in absence (PIA). If the PIA rate were included along with the guilty plea rate, then the revised figures for 2008-09 and the 12 months to June 2009 would be 91.7% and 90.4% respectively. This, statistically, would represent an Excellent rating.
- The LTU's attrition rate, on the other hand, is much better than either national or London performance. Traffic cases, however, do not suffer the same pinch-points as generally found in borough cases, especially over issues such as witness attendance. This also reflects in the better than national and London figures for discontinued cases where, similarly, witness reluctance to support a prosecution is not a significant issue, not least due to the high proportion of prosecutions which rely solely upon the evidence of police witnesses.
- Overall, taking the above into account and considering that the majority of LTU cases do not attract PCD advice, the unit's magistrates' court results for those cases in which they make the charging decision are good and compare favourably with national and CPS London performance as illustrated in the table below:

| | Performance 2008-09 | | | Performance 12 months to June 2009 | | |
|----------------------------------|---------------------|------------|----------------------|------------------------------------|------------|----------------------|
| | National | CPS London | London traffic unit* | National | CPS London | London traffic unit* |
| Pre-charge decision cases | | | | | | |
| Conviction rate | 80.8% | 76.2% | 78.9% | 80.5% | 75.5% | 77.7% |
| Magistrates' court cases | | | | | | |
| Discontinuance rate | 13.1% | 13.6% | 4.8% | 8.7% | 8.0% | 4.4% |
| Guilty plea rate | 74.4% | 69.8% | 14.3% | 76.3% | 74.0% | 12.8% |
| Attrition rate | 19.2% | 22.1% | 8.9% | 12.7% | 14.1% | 8.7% |

* London traffic unit figures are magistrates' court only since they do not include cases advised upon which subsequently proceeded to the Crown Court.

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

- The LTU provides pre-charge advice for all traffic cases that meet the referral criterion for the Director's Guidance on Statutory Charging. These will include cases involving fatal collisions, serious personal injury or collisions involving police vehicles, as well as matters complicated by issues of law or complex fact. Unlike borough units, where charging decisions in volume crime cases are made by CPS London Direct on a telephone basis, the LTU covers all its PCD advice work in-house. Three face-to-face advice surgeries are held each month at Marlow House, divided into: serious casework, police collisions and regional traffic unit cases⁴. The surgeries are fully subscribed and work well. Road traffic cases involving a fatal collision are investigated by one of the four regional collision investigation units (CIUs). Full advice files are prepared by the CIU to a high standard before being sent to Marlow House for a written charging decision. From our file examination, in all 11 cases submitted for a charging decision, the police had provided sufficient material for a properly informed decision to be taken.

⁴ The police traffic unit at Marlow House is organised into five regional CJUs, divided geographically, which deal with the volume work and a serious casework CJU which is responsible for the most serious cases from across the whole of London.

- The LTU has three senior crown prosecutors, each of whom has experience dealing with the most serious traffic cases, and the majority of all pre-charge advice work is distributed equally between them. Once allocated, the lawyer will remain with the case and deal with all pre-charge aspects, including early conferences with senior traffic investigators where appropriate. Thereafter, the case will either pass to a CPS London borough, if heading for the Crown Court, or remain with the lawyer at Marlow House. Our file examination confirmed that, in all 11 cases, there had been continuity of prosecutor at the pre-charge stage.

Strength

The quality of the monthly face-to-face advice surgeries held with the police delivering guidance on serious and complex cases.

- The unit keeps its own spreadsheet record of pre-charge cases advised upon during a calendar year, noting the dates on which files were received and subsequently returned. This shows that, for 2008, the LTU recorded 557 advices. The police use a more detailed spreadsheet as a 'case-tracking' system and share this information with the CPS. Both systems have assisted prioritisation and minimised delays submitting cases for consideration and the time taken by CPS to complete an advice, which had been recognised by both agencies as a weakness that required improvement. The police also produce some valuable statistical information around charging decision outcomes broken down into case categories including cases involving fatal collisions, serious personal injury cases and police collisions. This information, which is not currently utilised by the LTU, would assist the unit in, for example, assessing the proportion of cases (and categories) where a charge is directed or no further action advised.

Aspect for improvement

Unit managers should utilise the police pre-charge decision-making performance data to assist in analysing PCD outcomes.

- Prior to arranging an advice surgery appointment with the CPS, all MG3 forms and any accompanying MG5 case summaries, are checked by the police serious casework unit Inspector or a senior member of staff in order to quality assure them before submission; this operates in a manner similar to the borough police evidential review officer role. A copy of the police generated MG3 is sent to the CPS electronically in advance of the surgery. There have been no instances of charges being brought in breach of Director's Guidance relating to charging.
- The use of the case management system (CMS) to record pre-charge decisions is fair, although greater steps could be taken to ensure that records generated independently of CMS are placed on the system, such as the police MG3 form, and that pre-charge advice documents created outside the system are likewise copied across to CMS.

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

Assessment
2 – Fair

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

Case outcomes in the magistrates' court

| | Performance 2008-09 | | | Performance 12 months to June 2009 | | |
|------------------------------|---------------------|------------|---------------------|------------------------------------|------------|---------------------|
| | National | CPS London | London traffic unit | National | CPS London | London traffic unit |
| Discontinuance and bindovers | 8.7% | 8.0% | 4.8% | 8.7% | 8.0% | 4.4% |
| No case to answer | 0.2% | 0.3% | 0.2% | 0.2% | 0.3% | 0.2% |
| Dismissed after trial | 2.0% | 2.4% | 2.2% | 2.1% | 2.5% | 2.8% |
| Discharged committals | 0.2% | 0.3% | N/A | 0.2% | 0.3% | N/A |
| Warrants | 1.6% | 3.0% | 1.6% | 1.6% | 2.9% | 1.3% |
| Overall conviction rate | 87.3% | 86.0% | 91.1% | 87.3% | 85.9% | 91.3% |

- Overall, the application of the full Code test at the point of first review was in accordance with the Code in 27 out of 28 cases (96.4%) in our file sample; although in six of them (21.4%) we noted that there had been a failure to record the review properly. This proportion is sufficiently high to be of concern and needs to be reduced. In one case (3.6%), at the point of initial review, the evidential stage in the Code was applied incorrectly and proceedings were wrongly discontinued. In 16 out of 19 cases (84.2%), the cases proceeded to summary trial on the most appropriate charges.
- Of the 12 cases that received a subsequent trial review, 11 (91.7%) had the evidential and public interest stages of the Code test applied correctly, although, again, in two cases (16.7%) there was a failure to record the substance of the review. In one case (8.3%), the prosecutor had failed to identify that proceedings had been brought for the wrong offence, which resulted in the court finding no case to answer at the trial. Overall, whilst the Code for Crown Prosecutors was being applied consistently, in only 18 cases had it been completed to the required standard or a sufficient record of it retained on the file.
- From our file examination, we found that in eight out of 15 relevant cases (53.3%), proactive case management was fair, whilst in the remaining seven (46.7%) it was assessed as poor. Traffic cases can be surprisingly technical in terms of the law and we found that, for some offences, the inaccurate drafting of the summons ought to have been spotted and corrected prior to the case appearing at court. Problems were also found in some cases where the defence had made written representations to the prosecution and these had not been considered appropriately before hand, leaving them to be resolved at court.
- Overall, we found that timeliness of case preparation was in need of improvement as this element was lacking in 16 out of 23 cases (69.6%) and, in a further two cases (8.7%), we were unable to determine the degree of dispatch from the file. In 2008-09 the unit achieved a successful outcome in 91.1% of cases, which is good. Because of the tendency for defendants not to appear in traffic cases, a significantly higher than average proportion (when compared to borough case outcomes) of the unit's conviction rate consists of cases which the prosecution have had to prove in absence. This makes it difficult to assess performance when compared to outcome rates nationally and for CPS London.

- Full file reviews were being carried out where necessary, but these were not always properly recorded. They were completed and met the standard in 25 out of 31 cases (80.6%), but went unrecorded in a further five cases (16.1%). There is a particular class of case, which is common on the LTU, that falls into a grey area when a review is required; APs with extended rights are authorised to review summary trial cases, but only where a minor road traffic offence is alleged. Presently, there is no precise definition or guidance as to what offences constitute a minor road traffic offence and uncertainty exists over which cases are required to be reviewed by a lawyer and those that are not. This lack of precision needs to be addressed.
- Due to the nature of the cases dealt with by the LTU, the requirement to link separated defendants or offences together is low. Occasionally, a traffic matter may, for various reasons, be listed in the borough court. Where this happens, the LTU will liaise with the local borough to arrange for the case to be covered, although not always successfully. We discuss the relationship between the LTU and CPS London boroughs further in aspect 11.
- The proportion of cases discontinued by the LTU is significantly lower than that found both nationally and compared to London overall. In 2008-09, only 4.8% of cases were discontinued, compared to 8.7% nationally and 8.0% for CPS London. For the rolling year to June 2009, this figure had reduced to 4.4%, compared to 8.7% and 8.0% for national and CPS London respectively. From our file sample, we examined five cases that had been discontinued, two for evidential reasons and three on public interest grounds. In four of the cases, the discontinuance accorded with the Code; but in the remaining case, the decision to discontinue was not in accordance with the Code and the precise reasoning behind it was unclear. In five cases brought to trial, magistrates found that there was no case to answer. This outcome had been reasonably foreseeable and could have been avoided by better case preparation in three out of the five cases (60.0%).
- The BCP or a senior lawyer authorises all discontinuance decisions when these are taken in advance of the hearing. The BCP authorises discontinuance in all PCD cases. Where a decision not to proceed with a case needs to be taken at court, the prosecutor will speak to either the BCP or one of the unit's senior lawyers to confirm the appropriate course of action. Although adverse case reports are not prepared on individual files, all such cases are entered by the BCP onto an adverse outcome spreadsheet, which contains a brief description of the reasons behind the unsuccessful outcome. This can then be used to identify emerging themes and trends, such as poor identification evidence, the learning point most recently disseminated by the BCP. Issues arising from outcomes analysis are discussed with senior managers from the police traffic unit at regular meetings.
- The unit does not have any discharged committals, since cases destined for the Crown Court are dealt with by the local boroughs.

2B Cases are prepared and progressed effectively

Trial rates

| | Performance 2008-09 | | |
|-------------|---------------------|------------|---------------------|
| | National | CPS London | London traffic unit |
| Effective | 43.4% | 47.3% | 57.1% |
| Cracked | 38.0% | 34.8% | 25.8% |
| Ineffective | 18.6% | 17.9% | 17.1% |
| Vacated | 21.5% | 16.3% | No cases |

- Proactive case management on the unit is variable and depends greatly on the seriousness of the case, if it has received pre-charge advice and whether it has been reviewed in the office or for the first time at court. Experienced lawyers on the unit are reasonably adroit at identifying and requesting the necessary evidence required to support a successful outcome and demonstrate the benefit of good-quality, early advice. These tend to be the better-prepared cases, inevitably, the more serious ones dealt with on the unit. Ownership of these cases is strong and they remain with the reviewing lawyer, up to and sometimes including summary trial, where commitments permit. The unit allocates cases and courts six to eight weeks in advance so that preparation and review can take place. This ensures that the reviewing prosecutor is the court prosecutor. Some cases, however, which receive a review as part of the prosecutor's court list preparation, especially Gateway2 cases, are less likely to have legal or factual flaws identified, with appropriate remedial action taken thereafter.
- Just as this inspection commenced, the LTU implemented a 'duty prosecutor' system recommended by the national OBM review team in order to improve the quality and timeliness of trial preparation overall. Although too early to assess, this should have a positive effect on the proactivity of volume case preparation and would have constituted an aspect for improvement, had it not recently been adopted.
- The unit cannot rely upon the cracked and ineffective trial data produced centrally since traffic trials are not disaggregated from the borough results. The LTU, therefore, compiles and produces its own statistical information independently. Data is entered onto a spreadsheet divided into the regions and trial courts generating the outcomes together with the reasons listed for the trial being ineffective or cracked. The spreadsheet also lists the individual cases that contributed to the figure, together with a brief description of what happened at court. The compilation method enables the unit to generate a sophisticated analysis around cracked and ineffective trials and performance, overall, is better than for both national and CPS London.
- Implementation on the unit of the OBM system for the preparation of contested cases in the magistrates' court has recently been considered by the national review team. Save for the provision of a duty prosecutor to improve timeliness, the team determined OBM to be unsuitable for the unit and case progression to trial remains the responsibility of individual paralegal case progression officers assigned to cover the particular region in which the case is due to be heard. The system operates effectively where case progression tasks can be completed in good time before the hearing date. Process steps, which can be dealt with administratively, such as witness warnings, are usually undertaken in good time and rarely cause difficulty. Where the task is more onerous, however, such as a request for further evidence, a disclosure decision or a further review, completion can take place very close to the trial date. Case progression managers (CPMs) chase outstanding work as part of their 14 day checks. However, the unit operates a single file system and must return the whole case to the police if there are further enquiries or work to be done for the case to be trial ready. Once this has happened, CPMs are no longer able to track the progress of outstanding work until the file has been returned from the police.

Aspect for improvement

The unit should implement an effective system to monitor and progress cases that have been returned to the police for further action.

- Although the most serious traffic cases dealt with summarily may have court orders imposed, the majority of cases listed for trial are not subject to any directions made by the magistrates and are not brought within the standard criminal case management framework. Where necessary, the court will list traffic cases for a pre-trial review hearing; these are usually reserved for those cases in which expert evidence is anticipated to be challenged or where the trial is due to last in excess of half a day.

- The unit has been left untouched by four significant and recently implemented initiatives, three national and one adopted by CPS London. These are, respectively: the Criminal Justice: Simple, Speedy, Summary (CJSSS); the Director's Guidance on the Streamlined Process (DGSP); OBM; and IPTs. None of them incorporates traffic processes or include traffic cases within their ambit and so have no operational relevance to the LTU.
- The data for 2008-09 records that 59.7% of cases had the hearing outcome updated on CMS in less than one day and that in 57.4% of cases, the finalisation was completed within one day. The London-wide combined target for all units in 2008-09 was 75%. However, the target does not take account of the greater geographical distances involved in transporting LTU files to and from some courts, as well as the general lack of access to CMS at court and the absence there of any administrative support.

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

Assessment

Not scored**3A Decision-making is of a high quality, and case handling is proactive to ensure that the prosecution maintains the initiative throughout the case**

- As has already been commented upon, the London traffic unit does not presently prepare or progress cases destined for Crown Court. Instead, these are charged within the local police borough and dealt with by the corresponding CPS borough unit. However, in line with recent observations contained in the Inspectorate report⁵ into fatal road traffic collisions, CPS London has determined that specialist prosecutors should retain ownership of all road traffic cases involving a fatality, including those heard in the Crown Court. To that end, the CPS, police and HM Courts Service are currently engaged in a project, Gateway3, to look into how this should be structured, with an expectation that the LTU will take over responsibility for Crown Court work at some point during 2010.
- Statistical data collated by the Metropolitan Police traffic serious casework unit for 2008 shows that 52 cases involving a road traffic fatality were charged and sent to the Crown Court, of which 25 were allegations of causing death by careless driving. Prior August 2008, when the legislative changes made by the Road Safety Act 2006 came into force, those cases would have been prosecuted in the magistrates' court and dealt with from cradle-to-grave, including presenting the case at court, by one of the unit's senior crown prosecutors (SCPs). It was acknowledged by CPS London when the traffic unit was first established that this important work should be prosecuted to a high standard by a cadre of trained, specialist lawyers. Its disaggregation from the LTU has meant that the specialist skills of the experienced lawyers on the unit are currently under utilised.

⁵ The second thematic review of Crown Prosecution Service decision-making, conduct and prosecution of cases arising from road traffic offences involving fatalities; published November 2008.

4 THE PROSECUTION OF CASES AT COURT

Assessment
2 – Fair

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

- The unit prosecutes 80 traffic sessions⁶ in 15 court centres across the capital each week. These are equally divided between Gateway1 and Gateway2 courts, which are, in turn, equally split between trial and non-trial sessions. Not all magistrates' courts deal with traffic cases. Since 2003, these prosecutions are now streamlined into specialist venues, the Gateway courts, and grouped into five geographical regions. From our observations, all the advocates assessed met the national standards of advocacy.
- Court rotas are prepared a month in advance by the unit's business manager who allocates an appropriate advocate to cover the court: either an AP, an AP2, an SCP, a crown prosecutor (CP) or an agent. Selection will depend upon whether the court is Gateway1 or Gateway2, trial or non-trial, and the seriousness of the cases due to be heard. The unit has three permanent SCPs who are available to cover the most serious cases listed for trial; alternatively, experienced self-employed counsel may be booked to appear. Less serious trials are covered by a CP, AP2 or an agent. Non-trial work is covered by the unit's APs, with unallocated sessions distributed between the remaining AP2s and CPs. With the exception of the SCPs, who provide police with pre-charge advice, all the unit's prosecutors undertake an average of six sessions a week. Whilst prosecutors are available to cover the whole of London, they are customarily allocated to prosecute courts that are most convenient for individual travel requirements. This ensures that prosecutors appear regularly at the same courts and has helped towards building positive relationships.
- There is a significant difference between non-trial work and trial work in traffic courts; not only in respect of the degree of prosecutor involvement in proceedings, but also in terms of the advocacy skill level required to conduct the hearing competently.
- The experience of lawyers and APs varies considerably. The three SCPs have many years experience between them and have developed specialist traffic skills appreciated and valued by their police counterparts. The CPs, on the other hand, are seconded onto the unit for a limited time, usually between three and six months, early in their career as part of their general development. The APs are permanently allocated to the unit and have gained experience dealing with traffic courts. Those APs with extended rights prosecute trials for non-imprisonable offences and have improved their knowledge and honed their advocacy skills as a result. Notwithstanding, much of the work on the unit is somewhat repetitive and undemanding, compared to borough AP duties, and a constant diet of this work raises a risk that they will lose other important skills over time and lack development.
- Prior to the advent of Gateway2 courts, APs on the unit were able to undertake some borough prosecutions in order to remain practised across the full range of skills. This informal arrangement came to an end once the Gateway2 courts became operative and increased the LTU's sessional commitment. Notwithstanding the need for the unit to maintain an acceptable level of in-house court coverage, it is equally important to consider how they can maintain a broad range of skills. It would seem that a simple solution could be to adopt a formal arrangement with CPS London boroughs to operate an exchange system with borough APs; this would also provide the added benefit of enabling borough APs to gain experience prosecuting in traffic courts.

⁶ A single session is counted as half a day; 80 sessions equates to 40 full days per week at an average deployment rate of eight advocates per day.

Aspect for improvement

The unit should put steps in place to ensure that associate prosecutors in the LTU maintain the full range of skills associated with that role and have the opportunity to progress and develop their career.

- The majority of file endorsements were assessed as fair (73.1%), with one rated as good (3.8%) and a further six (23.1%) as poor. Endorsements found wanting generally lacked necessary detail, rather than a failure to record essential information.

Non-trial work

- The majority of traffic cases are completed in the non-trial Gateway1 and Gateway2 courts. Defendants may appear in person, and often do, but in many matters, they have the option to send in a plea of guilty or not guilty by post. Guilty pleas are dealt with and sentenced on the day and all not guilty pleas are adjourned over to a trial date. In cases where a defendant has neither attended nor indicated a plea in writing, the court will usually proceed to prove the allegation in absence by receiving evidence from the prosecutor, usually in the form of a written statement, previously served on the defendant along with the summons.
- These courts can be very busy, especially if a high proportion of defendants choose to appear in person. Prosecution duties, however, are shared between the AP and two police case presentation officers (CPOs), who will invariably deal with the majority of cases in the list. Police employees are permitted to present certain minor road traffic offences known as specified proceedings. If the defendant indicates a plea of guilty to the specified offence either by post or in person the case is dealt with by the CPO. If the defendant does not acknowledge receipt of the summons (or fails to indicate their plea) and associated documentation, including the evidence in written form, then the prosecution can apply to prove the case in their absence by reading the witness statements supplied to the defendant. However this procedure, known as "proof in absence" has to be dealt with by the CPS prosecutor not the police. The APs are, therefore, only needed for the short time required to present the evidence for proof in absence cases. Most of the time, they remain in court without being positively engaged in proceedings until the very end of the court business, which is when proof in absence cases are normally dealt with. This is simply not an effective use of their time and a more efficient listing for non-trial Gateway courts is a priority, not only to make better use of limited resources, but also to increase the number of trial courts available and relieve the pressure on these cases, which are becoming increasingly back-logged.

Aspect for improvement

The London traffic unit should negotiate with HM Courts Service over Gateway listing arrangements to enable efficient resource deployment and maximise the number of sessions available for trial work.

- Cases generally progress at the first hearing. In our file sample, the prosecutor was proactive in progressing these cases in 23 out of 24 cases (95.8%). The acceptance of pleas was sensible without adding unnecessary delay into proceedings. This aspect was acknowledged by individuals within the court service who compared traffic prosecutors favourably in this regard, to their borough counterparts.

Trial work

- The majority of the unit's trial work is undertaken by the permanent AP2s and CPs on secondment from the boroughs; with the former able to conduct all contested hearings for offences that are not imprisonable. In practice, AP2s cover the Gateway2 cases listed for trial, conducting, on average, between eight and ten trials a week. The extended right of AP2's to prosecute trials is a relatively new development and operational only at a limited number of Pathfinder sites, so that it may be evaluated before being rolled out nationally. As a consequence, all the unit's AP2s have recently undergone an in-depth advocacy assessment conducted by the London area advocacy assessor, who provided a positive overall endorsement of the standard of advocacy.
- From our own observations, the AP2s performed competently in court. It was clear that they had prepared their cases for trial in advance and that they were aware of the basic principles and procedures for presenting and testing the evidence. Trial work is still relatively new to the AP2 cadre and oral presentation skills, whilst competent, are not yet fully developed and the presentation occasionally appeared stilted, coming across as somewhat formulaic. This is probably exacerbated by the fact that the majority of trials conducted by APs in the LTU are of a similar nature reflected by evidential patterns with repetitive elements.
- CPs on secondment concentrate on the more serious Gateway1 trials and spend an average of three days a week covering court. The unit BCP will conduct an advocacy assessment and provide a report for each CP during the secondment period. Complicated or sensitive trials will normally be conducted by one of the three permanent SCPs, although these cases have diminished significantly as a result of the changes introduced by the Road Safety Act 2006.
- The implementation of Gateway2 has occasioned a significant increase in the number of cases listed for trial in designated traffic courts as these cases were previously dealt with by the boroughs. It is common practice for court administration to take account of exigencies, which invariably occur on a daily basis, by moving cases between courtrooms so that the work is distributed evenly. Individual courts have encountered difficulty transferring traffic trials to borough courtrooms, due to a marked reluctance on the part of some borough prosecutors to deal with a traffic unit case. This needs to be addressed.

Aspect for improvement

The London traffic unit should work with CPS London senior management team and the relevant regional director to adopt a common memorandum of understanding with all appropriate CPS London boroughs, setting out the principles governing the transfer of work between traffic and borough courts.

- Prosecutors were aware of, and generally complied with, the Prosecutors' Pledge and Witness Charter, and endeavoured to make sure that they introduced themselves to witnesses at court as well as keeping them informed, when necessary and practicable of the progress of cases.
- Overall, criminal justice partners were generally positive about the quality of trial advocacy, with the significant reservation that cross-examination skills were under developed, although to no greater extent than for local borough prosecutors. On a few occasions, traffic prosecutors gave the impression that they had not sufficiently prepared their cases before coming into court and lacked sufficient depth of knowledge to identify the salient facts and law in issue and assist the court by succinctly stating the prosecution's case.

5 SERIOUS AND SENSITIVE ROAD TRAFFIC CASES

Assessment

3 – Good**5A The borough ensures that serious violent and sexual offences, and hate crime cases are dealt with to a high standard**

- The traffic unit does not deal with the same mix of offences as CPS London boroughs; for example, hate crime and violence against women offences do not feature on the unit. The LTU does, however, deal with traffic cases that include serious and sensitive elements, such as fatal road traffic collisions, serious personal injury cases and collisions involving police vehicles.
- In our file sample, we examined ten cases where the collision had resulted in either a fatality, serious personal injury, or involved a police officer. Save for in one case, all had been correctly identified and flagged on CMS, where the system allowed such flagging. Less serious road traffic incidents involving police officers cannot be flagged on CMS, but the involvement of a police officer was endorsed on the paper file. These cases are appropriately prioritised by the unit, which has strong elements of case ownership.
- These cases are allocated to one of the three specialist senior lawyers. Advice will be given in writing, usually following either a face-to-face discussion held at one of the monthly surgeries or through case conference with a senior investigator from the police collision investigation unit. It is worth noting that the full files submitted by police in fatal collision cases are prepared to a high standard and contain sufficient information for a pre-charge decision (PCD) to be taken.
- Overall, we found that the advice given in the majority of serious and sensitive road traffic cases charged was of a good standard in that the principal issues were highlighted, it dealt thoroughly with the evidence, case building and disclosure considerations, and identified relevant ancillary matters, such as witness requirements, hearsay and bad character applications. Contrastingly, however, we found instances where the advice given was for no further action, the written opinion was less comprehensive and did not always fully cover relevant elements and aspects of the case. These decisions can sometimes be contentious and it is important that the justification for decisions is clear so it can be deployed where necessary.
- Because of the nature of LTU work, it does not have identified specialist prosecutors as champions or coordinators. As a 'specialist' traffic unit, however, the experienced lawyers do perform a mentoring role for the seconded CPs, assisting them to develop their knowledge of road traffic law and case presentation.
- Prior to the Road Safety Act 2006, fatal collision cases resulting in careless driving charges would proceed in the magistrates' court. Since the start of 2009, however, almost all fatal collision cases are charged as either way or indictable only offences. Proceedings under the 2006 Act are monitored centrally prior to the issue of the pre-charge advice by the Director of Public Prosecution's (DPP) principal legal assistant, as well as being considered by CPS London's regional legal director. As with all cases on the unit, any proposal to discontinue a serious or violent offence charge requires authorisation by the BCP.
- Serious road traffic cases are not monitored by the CPS separately from other cases, but do come within its general quality assurance systems, such as adverse case reporting and the casework quality assurance process. Outcomes for serious road traffic cases are not separately measured, but the overall rate for discontinued PCD cases in 2008-09 stood at 8.8%; this has decreased to zero during the first quarter of 2009-10. The overall attrition rate for cases sufficiently serious to be subject to pre-charge advice was 25.0%, which reflects the comparatively high acquittal rate for contested cases of this nature.

- The police traffic serious casework unit, however, does maintain statistical data in relation to disposals for fatal collision cases, serious personal injury cases and police collisions on a calendar year basis. Figures for 2008 show a relatively high no further action (NFA) to charge ratio in respect of PCDs made by traffic unit lawyers. It would therefore be prudent for the unit to bring NFA cases within the quality-monitoring regime, alongside those that are charged. We consider this further in aspect 9.

6 DISCLOSURE

Assessment

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

- Compliance with the duty to provide initial disclosure was poor and failures in the process did have the potential to cause injustice. We found that the prosecutor's duty was fully discharged in only five out of 18 cases (27.8%) in our file sample; in three cases, non-compliance was a failure to disclose undermining or assisting material. Two of those three cases were discontinued before the case came to trial; however, one case did proceed to trial and a conviction secured. Whilst we cannot discount the possibility that the material was disclosed to the defence on the day, there is no indication on the prosecution file that this was done. The material would not have avoided a conviction, but might have assisted the defence mitigation so as to influence the level of fine.
- The process, overall, lacked openness and transparency and was poorer in the case of unrepresented defendants than for those who were represented. Examples included: failures to identify whether the statutory or common law disclosure regime⁷ had been applied to the case; a lack of proper exposition as to how the disclosure decision was determined; late notification of the disclosure decision; infrequent use of the disclosure record sheet (DRS) to record disclosure decisions; and, in some cases, no record of disclosure having been considered and a decision made.
- The general findings from the file examination were confirmed by our observations conducted at court and were supported by the views of criminal justice partners who expressed their concern over the way in which disclosure was dealt with in some traffic cases. How the LTU discharges its duty to provide disclosure has been a subject of consideration by the unit's managers for some time and overall performance has been restricted by the police traffic unit not using the Manual of Guidance disclosure schedules. This is now set to change in early 2010 when, in addition to the most serious cases, Gateway1 cases destined for trial will also have the proper schedules completed by a disclosure officer.
- In two cases, there was a need to consider continuing disclosure. This duty was complied with on both files.
- Staff on the unit are aware of the need to complete the DRS although this was present on only three out of 17 files (17.6%), but in the majority of cases the form was not used in either manual or electronic format. Disclosure documentation and correspondence was not stored in separate disclosure folders and appeared either tagged to the inside file jacket or was otherwise located somewhere within the other paperwork.
- Unsurprisingly, given the nature of the cases, there were none in our file sample that had any third party material, sensitive material or which raised issues involving public interest immunity applications.

Aspect for improvement

Steps need to be taken to ensure compliance with the prosecution's disclosure obligations and to quality assure those disclosure decisions effectively, providing feedback, where necessary, to individual prosecutors.

7 Disclosure decisions in almost all prosecutions are in accordance with the provisions set out in the Criminal Procedure and Investigations Act (CPIA) 1996, as amended. However, where there has been no investigation within the definition of the Act (as is the case with a number of minor road traffic offences), the statutory framework imposed by the CPIA does not apply. In those circumstances, prosecutors must still act in accordance with the Attorney General's Guidelines on Disclosure and comply with the common law obligation to disclose any material not used as evidence in the case which could have the potential to undermine the fairness of the proceedings or otherwise impact adversely upon the interests of justice.

7 CUSTODY TIME LIMITS

Assessment

Not scored

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

- The traffic unit does not normally prosecute cases involving custody time limits (CTLs). Any traffic cases involving a defendant in custody are handled by the borough units and CTL cases arriving at the unit are transferred to the appropriate borough by the unit head. As such, the unit had only handled one CTL case since its inception in 2003 and this was handled satisfactorily.
- Most staff on the unit have an awareness of the procedures for handling CTL cases from their previous work on other CPS units, however they have had limited opportunity to apply this knowledge while working on the traffic unit. As the unit moves to prosecuting Crown Court cases under Gateway3, training and revision for staff in CTL procedure will need to be addressed.

8 THE SERVICE TO VICTIMS AND WITNESSES

Assessment

2 – Fair**8A The borough ensures timely and effective consideration and progression of victim and witness needs, and the service to victims and witnesses is improving**

- In common with borough units, the LTU has volume and timeliness targets against which compliance with the direct communication with victims initiative (DCV) is measured. In some of our other inspection activity we have found the 'proxy' target for volume to be unrealistically low, allowing units to exceed substantially the targets, even where we find there have been omissions.
- In two of the three relevant cases that resulted in proceedings, a DCV letter had been sent, but very late; some 3.5 months after the decision had been made. In each case, the explanation given in the letter was tailored to the individual case and did not rely on stock paragraphs, although its value was significantly diminished so long after the event. In neither instance was the letter drafted by the individual who had made the decision to drop or substantially alter the charges. No letter was sent in the third case.
- The traffic unit sent out 70 DCV letters during 2008–09 against a proxy target of 12. This supports other inspection work that has found that DCV proxy targets do understate the requirement for DCV letters in order to comply with the scheme. As a result of our other inspection work the CPS has suspended the proxy target in October 2009 pending a re-evaluation of how it should be assessed. The borough sent 90% of its DCV letters within five days, against the target of 90%, which was better than CPS London performance (83.1%). Compliance is monitored by the unit head through the monthly performance reporting process.
- Where the CPS provide face-to-face pre-charge advice, responsibility for conveying a decision rests with the police; in fatal collision cases, however, there is a further requirement for the CPS to offer the deceased's family a meeting in order to explain the decision orally. There is no obligation upon the family to have the meeting. It is the unit's practice, in these cases, to leave responsibility for conveying the decision to a family liaison officer, regardless of how the advice is provided, since the FLO will have already developed a rapport with the family. FLOs are a dedicated police resource, all of whom receive extensive specialist training befitting the role.
- Whilst the above approach may be sensible, it does not automatically comply with CPS obligations under the DCV scheme when the direction is that no further action should be taken, as this is dependant upon how the pre-charge advice is conveyed to the police. This could be remedied by simply providing a copy of the DCV letter to the FLO, who could then deliver it personally to the family. In the three relevant cases examined, the decision to take no further action was delivered as a written advice and, if that represented the true position, ought to have had an accompanying DCV letter. There was also no note on the file or CMS to indicate that the family had been offered a meeting.
- The BCP retains a log of all DCV meetings that take place in cases where proceedings are subsequently dropped, but the log does not record those cases where the requirement to offer a meeting has been overlooked or where a meeting was offered but declined. Moreover, the log does not necessarily include all cases where a meeting should be held because NFA has been advised. In respect of these cases the unit head is reliant on being notified of the NFA decision by the prosecutor who gave the charging advice.

Aspect for improvement

The unit head should review compliance with the direct communication with victims scheme in fatal collision cases where pre-charge advice is for no further action and take steps to ensure that:

- the correct method of providing pre-charge advice is noted on the MG3 form or advice note; and
 - a record is made on the file, CMS or decisions log stating that the reviewing lawyer has offered the family the option of a meeting.
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- The needs of victims and witnesses are usually considered either at the pre-charge decision or initial review stages and the unit has been proactive in progressing such cases expeditiously, for example, by arranging an earlier trial date for a serious matter which required a timely resolution. The unit confirmed that special measures are not common in traffic cases, but applications were made when required, usually in respect of child witnesses.
 - Witnesses are usually warned in a timely manner following a not guilty plea being entered. Prosecutors at court complete a trial minute sheet which lists the witnesses required to attend and sets out, where known, the issues in dispute. Once the case returns to the office, the CPS case progression officer emails the relevant police CJU court team, who will take on all aspects of witness care and communication, performing the role of the borough witness care units (WCUs). Unlike WCUs, no CPS personnel are located within the CJU court team, but since they share the same office building, communication between CPS and the court team is good and relationships are positive. Many of the cases that go to trial involve police witnesses only, but a substantial proportion of the more serious cases also involve civilian witnesses, some of whom have sustained debilitating injuries arising out of the collision giving rise to the prosecution. Sensitive and sympathetic handling is required in these cases and this important responsibility is well discharged by the CJU court team.
 - Analysis of trial data shows that very few cases fail to proceed due to problems over witness attendance. On the limited occasions when a police officer has failed to attend trial, the issue has been brought to management's attention and dealt with as a serious matter. Even so, there remains a lack of effective integration between the preparatory witness care work undertaken by the police and timely referral to the support services available at court provided by the Witness Service (WS), part of the Victim Support network. Closer links need to be established with WS coordinators operating at the traffic Gateway courts so that the WS at court are notified in good time of witness needs in traffic cases. There is presently no protocol in place between the LTU and WS. This needs to be addressed and a service level agreement put in place.
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Aspect for improvement

Formal arrangements need to be established between the London traffic unit and Witness Service.

9 MANAGING PERFORMANCE TO IMPROVE

Assessment

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

- The quality of decision-making and casework on the unit cases is monitored through a number of mechanisms. Charging decisions and casework are reviewed by the unit head through a monthly casework quality assurance (CQA) process. The unit head reviews one charged case per lawyer per month and a brief summary of the general findings from all of the reviews is circulated to staff in an email or discussed in team meetings. This dip sampling exercise, however, does not presently include cases submitted by the police for PCD advice where the direction is that there should be no further action. Our findings in respect of pre-charge cases (aspect 1) have highlighted the need to improve some elements of PCD advice that result in NFA and the need for these cases to be monitored.

Aspect for improvement

The unit's quality assurance process for pre-charge advice cases should include an appropriate proportion of no further action decisions so that these cases are properly monitored.

- Monitoring also takes place through adverse outcome reporting and the BCP reviewing and authorising any decisions to discontinue cases that were subject to pre-charge advice. Issues arising out of adverse cases are discussed with the individual in question. Additional review takes place on serious casework decisions (all cases under the Road Safety Act 2006), which are monitored by the principal legal assistant to the DPP and the CPS London regional legal director. Detailed feedback is given to the charging lawyers as a result of these reviews.
- Performance monitoring also takes place with respect to advocacy. At the time of the inspection, the unit was participating in the associate prosecutor Pathfinder project, so all of the unit's AP2s had undergone an assessment by the area advocacy assessor. Thorough written feedback was provided to each of the AP2s after their assessment. Those APs on the unit without extended rights shadow the AP2s for development and are assessed in court annually by the unit head as part of their performance development review (PDR). Crown prosecutors rotating onto the unit are assessed on their advocacy skills at least once during the period of their secondment, while the more experienced and permanent SCPs are assessed on a more ad hoc basis when the opportunity arises. All of the advocacy assessments undertaken by the unit head are followed up with a discussion with the advocate and written feedback. The unit has only recently begun to use agents in the magistrates' court to assist with the increased volume of work arising out of Gateway2. As a result, there has been no programme for assessing the performance of the agents used to date. The unit currently relies on negative feedback from the court or other parties to alert them to issues with agents and action has been taken as the result of one such complaint.
- The traffic unit does not operate an OBM, as it was not deemed appropriate for the unit's particular setup and type of casework. However, following the recent OBM assessment, the unit did see the potential for adopting one OBM case progression process and has implemented a duty prosecutor system to improve timeliness. All lawyers are rota'd to act as the duty prosecutor for a day to deal with all the urgent advice work, correspondence and disclosure issues that until recently, has been left to just before the trial to be completed. Although in its early days, the lawyers and administrative staff have reported that the scheme is working well.

- The unit met or exceeded targeted performance and achieved a green rating in half of its key performance measures in 2008-09. Areas where targets were not met include use of CMS, compliance with the Victims' Code, community engagement and overall spend against budget. In some areas where targets were not met, the unit management team have taken steps to improve performance. For example, the unit was below target in relation to CMS finalisations and management have looked at ways to drive up performance in this area including further training and reminder emails to staff. This has led to an improvement in CMS finalisation performance in the first quarter of 2009-10 against 2008-09 performance.
- Information on the traffic unit's performance, relative to other London boroughs, is provided by the CPS London Performance Unit. The unit head provides commentary to the DCP about the unit's performance for the quarterly performance review meetings and management demonstrated a good awareness of the areas where the unit was performing poorly. Performance is a regular topic at team meetings and staff are made aware of the unit's latest performance results via emails from the unit head and business manager.
- Unit objectives reflect London priorities as well as addressing areas of poor performance for the unit. Unit objectives are translated into individual objectives as part of staff PDRs.

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

- The unit head and the unit business manager are active participants in a number of multi-agency performance meetings, tailored to the particular work of the traffic unit. The BCP has a designated slot in the police CJU performance meeting with regional managers and the head of the CJU at which to talk about joint CPS-police performance issues. In addition, the BCP meets quarterly with the Chief Inspector of the collision investigation unit (CIU) and the head of serious casework to discuss relevant issues. In these meetings, the parties look at the service level agreement between the police and CPS and discuss timeliness of files and any issues around specific files. The BCP also attends traffic liaison meetings (chaired by the police) with police representatives from the traffic garages. At these quarterly meetings, issues to do with cases, including ineffective trials, are discussed.
- The unit head attends quarterly Gateway meetings with attendees from HM Courts Service and the police, where performance and inter-agency issues are looked at. The unit provides ineffective trial gateway data for discussion at the meetings.
- Performance information is shared with partner agencies to enable informed discussion. The unit provides timeliness information to police for discussion at the quarterly casework meetings with the Chief Inspector in charge of the London CIUs and the head of serious casework. In turn, the police share their weekly tracker spreadsheet, which is a log of the location of all files at any point in time. The tracking system helps the police and the CPS monitor the timeliness of files submitted to, and received back from, the CPS. Additionally, the unit head analyses the reasons behind discontinued cases each month and communicates any issues with the police in regular meetings.
- Analysis of performance issues by the BCP and the police have led to some improvements. An analysis of issues affecting police timeliness was carried out in the serious casework meetings and there have been good improvements in police timeliness as a result. The introduction of charging surgeries by the traffic unit has also been seen as a positive improvement by both the police and the unit in progressing files more efficiently.
- The BCP has also worked with specific Gateway courts to look at issues around trial ineffectiveness.

10 MANAGING RESOURCES

Assessment

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

- The London traffic unit's budget and resource profile is set by CPS London and is 'top-sliced' from the borough allocations prior to being devolved by the centre. Unlike the boroughs, the LTU is financially accountable directly to CPS London headquarters as opposed to the district, although the formal reporting process is through the district. Although Woolwich district maintains a watching brief over unit spend, it has no direct influence upon it and is not empowered to divert resources either into or out of the LTU. Overall, management of the budget and the efficient deployment of resources is the responsibility of the unit management team.
- In 2008-09, the traffic unit's budget for non-ring fenced administration costs was £1,031,237 and actual spend was £1,058,048 (102.6% of budget). In 2009-10, the unit has taken on additional work under the Gateway2 project and the unit's budget for non-ring fenced administration costs has increased accordingly. In the first half of 2009-10, completed cases in the magistrates' court increased 54.0% compared to the same period the previous year and the budget for non-ring fenced administration costs for the unit has increased 56.7% to £1,615,700 in 2009-10.
- As a result of the traffic unit taking responsibility for Gateway2 traffic prosecutions, additional resources were allocated to the unit. In 2009, at the start of Gateway2, the unit was allocated an additional five administrative staff at A2 grade and four associate prosecutors, however, as of October 2009, only two administrative staff and two APs had been successfully recruited. The gap in prosecutor resources is currently being managed with the use of agents, funded from the resulting underspend in the salaries budget.
- The workload of the unit is expected to increase further. From January 2010, an extension of Gateway2 will be rolled out on the unit adding an estimated additional 10,000 cases to the unit's workload. Even if the unit had succeeded in staffing up to its newly agreed complement, it would still not be able to cover the required court sessions. Agents will need to be utilised to an even greater extent to cover these additional commitments so that the unit is very likely to be overspent against budget in 2009-10.
- The unit currently has three duty prosecutors (SCPs) who are almost fully employed in providing charging advice and are specialists in advice in fatal collision and serious cases. They also undertake a small amount of advocacy work. The number of such prosecutors increased from two to three in 2009, which assisted in managing the large body of specialist advice work.
- The unit's three crown prosecutors each undertake between six to eight sessions of advocacy per week. The remaining two to four sessions a week are spent in the office, either carrying out case progression work, acting as the duty prosecutor or preparing for court. In 2008-09, the unit achieved 100% in-house coverage in the magistrates' court compared to a national target of 90%. By the second quarter of 2009-10 this had dropped to 93.5% as a result of the additional Gateway2 work and the present under staffing.
- The unit has the full-time equivalent of 9.7 APs who undertake a significant proportion of the unit's advocacy work in the magistrates' court (80 sessions a week) and contribute to the high in-house coverage achieved by the unit. In 2008-09, the APs covered 50.7% of the unit's magistrates' court sessions, which was the highest usage across London. This increased to 56.4% in the first quarter of 2009-10.

- The six AP2s, one of whom is part-time, are currently taking part in the Pathfinder pilot. Under the pilot, the APs with enhanced rights of audience have begun to conduct some of the trial advocacy work previously undertaken by the unit's prosecutors. The unit is planning to use them for more testing trials in future as they gain confidence and experience. This will increase the pool of in-house resources that can cover magistrates' court trials, which will help reduce the unit's need for agents.
- The traffic unit is currently co-located with the police serious casework unit, which deals with fatal collision cases, serious personal injury and police collision cases at Marlowe House. The close proximity to the police is working well for both parties, allowing the two agencies to share some facilities and allows questions and issues to be resolved quickly. Accommodation space is tight and, at the time of our inspection, a number of administrative staff were having to share desks. This has now been resolved, although space will once again become an issue when the unit acquires the additional resources needed to take over the Gateway3 work.
- In 2008-09, average sick leave for the unit was 5.3 days, significantly better than the national figure of 8.7 days and the London average of 9.3 days. Monthly sickness triggers are used to monitor any sustained or significant instances of sick leave.
- The unit has a number of staff on flexible working arrangements, including part-time and compressed hours. Management have been better able to accommodate flexible working arrangements for administrative staff who, unlike prosecutors and APs, do not have to be available for standard court hours.

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**

- Formal planning and risk management for CPS London boroughs is carried out at the London-wide level and then fed down to borough units through district plans. The BCP or unit head for each borough/unit set the priorities and objectives for their individual teams using these plans. The specialist nature of the traffic unit means that not all of the pan-London objectives are relevant. Also, because the traffic unit operates across London, it needs to consider issues outside the scope of the district. For these reasons, the unit is more autonomous than other London boroughs and undertakes a degree of its own planning, particularly in relation to the project work the unit carries out.
- The unit has set a number of team objectives to tackle weaker aspects of its performance. These include improving timely finalisations on CMS and reducing the number of ineffective trials. They are reflected in individual performance objectives and are regular topics at unit team meetings.
- The main management priorities for the unit head and business manager have been the effective deployment of resources, working with partners to improve joint performance and, in the last year, a significant focus has been on implementing new initiatives, such as the AP Pathfinder and the Gateway2 work.
- As previously stated, in the last 12 months the traffic unit has taken on additional work with the transfer of Gateway2 matters (principally camera prosecutions and unpaid fixed penalty notices) from London boroughs into the unit. This has required significant coordination with the courts and police and also the cooperation of the London borough units. The unit management team is now planning for an expansion of Gateway2 work in January 2010 and the roll out of Gateway3 in the Crown Court later in the year.
- Team meetings are held regularly with all staff on the unit and include discussions around unit performance, staff issues and current and upcoming initiatives. In addition to the all staff meetings, team meetings are held for individual grades, such as the AP and administrative teams. Staff are able to raise issues at these meetings or through informal methods and staff felt management were generally open and responsive to issues raised or any feedback given.
- While staff thought that communication on the unit was generally effective, they were less satisfied in relation to communication relating to particular initiatives. A number of staff felt that they didn't have adequate preparation or communication about the Gateway2 initiative before it was implemented. Whether correct or not, there was a perception amongst some of the staff that information from London senior management to unit management did not filter down to staff and that there was no consultation with staff before the implementation to ensure the transition was as smooth as possible. In order to ensure effective staff engagement for future initiatives, such as Gateway3, the management team needs to ensure that its communication strategies are effective and should look at the different ways in which it consults with staff.

Aspect for improvement

The unit management team should ensure that staff are adequately informed and consulted about new initiatives throughout the planning stages.

- At the management level, the unit head participates in meetings held with the other borough leads and the district business manager for the Woolwich district, however the specialist nature of the unit, and its pan-London focus, means that these meetings are not as relevant as for other BCPs.
- There is no formal analysis of risk undertaken at the unit level, however risks are considered and managed for individual initiatives and projects, for example the unit's taking on of Gateway2 work. The unit's management team do have an awareness of general risks, and had considered some mitigation strategies particularly in relation to risks relating to resource management.
- A training plan exists for CPS London but the unit does not have its own training plan. The unit's main training priority is the development of advocates, particularly in respect of the crown prosecutors and AP2s. The unit needs to expand this to ensure the AP cadre retain the full range of skills. For other staff, there is consideration of individual's training needs through the PDR process. The unit does also arrange some specialist training around particular topics relevant to the unit, such as camera prosecutions.

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

- The management team on the traffic unit have developed good working relationships with their criminal justice partners and are acknowledged by partners as being open and responsive to managing joint issues.
- The unit head and business manager sit on the traffic improvement steering group (TISG), which has been set up under the London Criminal Justice Board (LCJB). The TISG comprises senior representatives from HM Courts Service, the police, a representative of the LCJB and the unit head and business manager from the London traffic unit. This group has delivered on a number of initiatives including postal requisitioning, which has replaced the issuing of summonses with postal charging, the moving of Gateway2 work to the traffic unit and the 'foreign drivers initiative', which aims to improve the handling of offences committed in this country by drivers living abroad.
- Engagement with the police occurs at a number of levels. The unit has a charging service level agreement with the police, which sets out the roles and responsibilities of each of the agencies. Regular meetings are held between the police head of serious casework investigations and the traffic unit head. These meetings cover joint performance related issues and equate to prosecution team performance management meetings in the 'regular' boroughs. The unit head also attends the police CJU performance meetings where joint CPS and police performance issues are a regular agenda item.
- The unit head has established links with each of the 15 magistrates' courts that the unit serves. In 2008-09, the unit head chaired quarterly liaison meetings with each of the five magistrates' court regions. The meetings had a standard agenda to cover issues in first appearance courts and trial courts and update the parties about upcoming issues/projects and changes in the law. These meetings have now been centralised, to be held with the HM Courts Service Gateway lead and police colleagues, every three months. The unit is working to establish closer relationships with the Crown Court as part of the Gateway3 initiative.
- The unit had a community engagement plan for 2008-09, which has carried through into 2009-10. A key focus of the unit's activities has been the quality of service given to victims and witnesses in road traffic cases, including those organisations that exist to provide support for bereaved families. The unit has been liaising with the charity RoadPeace in order to establish a process that would enable bereaved families to speak with the CPS about how they deal with fatal road traffic cases. Overall, however, the unit could do more to record and analyse the findings from engagement activities so that they move beyond simply providing information to improving service delivery.

- Relationships between the LTU and local CPS London boroughs are mixed, with some being decidedly less positive than others. Boroughs can be reluctant to deal with traffic a case listed in their own court and have been unsympathetic to requests for assistance, leaving the traffic unit to arrange for the case to be covered. Individual prosecutors have also been resistant to accepting traffic cases appropriately transferred from a Gateway court to the borough court as part of the proper regulation of court business. This unhelpful relationship needs to be improved and the adoption of a common, formal agreement between the units would go some way towards this.

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 polices

- The management team acknowledge good performance by staff through emails to individual members, updates at team meetings and the PDR process.
- Managers and staff treat each other with respect and morale on the unit appeared to be high. There was a good team spirit evident, and the administrative team, in particular, were singled out for helping to ensure the unit runs effectively. No substantiated complaints have been made by staff about their treatment by managers.
- The make-up of staff in the unit generally reflects the local community served, although the staff profile is beyond the unit's control. The unit has considered issues of equality and diversity when considering staff for temporary 'acting up' positions.
- Complaints from the public have been dealt with appropriately and in a timely manner. Eight complaint letters from the unit's complaint log were reviewed and the responses were generally found to be well written, with a clear and sympathetic tone.

ANNEXES

A PERFORMANCE DATA

Aspect 1: Pre-charge decision-making

| | Performance 2008-09 | | | Performance 12 months to June 2009 | | |
|----------------------------------|---------------------|------------|---------------------|------------------------------------|------------|---------------------|
| | National | CPS London | London traffic unit | National | CPS London | London traffic unit |
| Pre-charge decision cases | | | | | | |
| Conviction rate | 80.8% | 76.2% | 78.9% | 80.5% | 75.5% | 77.7% |
| Magistrates' court cases | | | | | | |
| Discontinuance rate | 13.1% | 13.6% | 4.8% | 8.7% | 8.0% | 4.4% |
| Guilty plea rate | 74.4% | 69.8% | 14.3% | 76.3% | 74.0% | 12.8% |
| Attrition rate | 19.2% | 22.1% | 8.9% | 12.7% | 14.1% | 8.7% |

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 | London traffic unit | National | CPS London | London traffic unit |
| | 87.3% | 86.0% | 91.1% | 87.3% | 85.9% | 91.3% |

Trial rates

| | Performance 2008-09 | | |
|-------------|---------------------|------------|----------------------|
| | National | CPS London | London traffic unit* |
| Effective | 43.4% | 47.3% | 57.1% |
| Cracked | 38.0% | 34.8% | 25.8% |
| Ineffective | 18.6% | 17.9% | 17.1% |
| Vacated | 21.5% | 16.3% | No cases |

* Based on data analysed by the unit

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

| | CPS London outturn 2008-09 | London traffic unit outturn 2008-09 |
|--|-------------------------------|--|
| | 99.1% | 102.6% |

Staff deployment

| | National performance 2008-09 | CPS London target 2008-09 | CPS London performance 2008-09 | London traffic unit performance 2008-09 |
|--|------------------------------------|---------------------------------|--------------------------------------|---|
| In-house deployment in magistrates' court | 85.5% | 90.0% | 87.9% | 100% |
| Associate prosecutor deployment (as % of magistrates' court sessions) | 24.8% | 23.0% | 20.5% | 50.7% |
| Crown advocates. Counsel fee savings against target | 110.0% | £4,200,000 | 99.3% | N/A |
| Sickness absence (per employee per year) | 8.7 days | N/A | 9.3 days | 5.3 days |

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

Police

Chief Inspector K Botting

Inspector T Milana

Inspector S Sharp, collision investigation unit

Sergeant R Newbury, collision investigation unit

Mr B Lynn, Head of serious casework, Marlow House

Mr P Cooke, Serious Casework Manager, Marlow House

HM Courts Service

District Judge J Woollard, Redbridge Magistrates' Court

Mrs Matthison, Chair of the Bench, Redbridge Magistrates' Court

Mrs L Huntley, Deputy Justices' Clerk, Redbridge Magistrates' Court

Mr K Griffiths, Area Justices' Clerk, Central and Southern Area

Mrs Morgan, Deputy Justices' Clerk, Bromley and Bexley Magistrates' Court

Victim Support

Ms L Wallace, Victim Support, London Area Manager with Witness Service portfolio

C LONDON TRAFFIC UNIT SCORING MODEL

Points will be allocated to the London traffic unit using the same scale as for the boroughs. The borough ranges, however, have been revalorised in order to take account of the fact that only eight, rather than ten, aspects have been scored.

Applying this to the model, points will then be added and assessed against the following ranges:

| | |
|-----------|---------------------|
| Excellent | 26 points and above |
| Good | 19 to 25 points |
| Fair | 13 to 18 points |
| Poor | 12 points and below |

Additional limiters

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

- Should the London traffic unit have two or more Poor aspect ratings, the overall score will automatically be reduced to the next range – e.g. a score of 17 points, but with two Poor aspect scores, will automatically be reduced to Poor.

Additionally

- The London traffic unit will need to achieve at least two Good aspect ratings in the first four scored aspects⁸ of the framework to be scored as Good overall – e.g. a score of 23 points but with only one good aspect in the first four scored aspects of the framework will be reduced to Fair.

⁸ Pre-charge advice and decisions; Decision-making, preparation and progression in magistrates' court cases; The prosecution of cases at court; and Serious and sensitive road traffic cases.

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