



HM Crown Prosecution
Service Inspectorate

CPS London Inspection Report

April 2014



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Chief Inspector's foreword

The performance of CPS London has a significant impact on the overall performance of the Crown Prosecution Service (CPS). It has the largest caseload and staff numbers, and has to deal with many of the most serious and complex cases. It is therefore both appropriate and necessary for it to receive close scrutiny to ensure it is delivering the service that victims, witnesses and the citizens of London generally are entitled to expect.

The last full inspection report on the Area's performance was published in 2010, since then there have been many significant changes to its structure and the way it delivers its core business. The new Senior Management Team faced many serious challenges. I acknowledge the progress they have made in difficult and challenging times. The breadth of the Area's achievements in restructuring how it delivers its casework by creating more viable units with the benefits of economies of scale, the creation of a robust performance management regime, the review of flexible working arrangements and an informed approach to the deployment of resources, should not be underestimated.

The Area has done much to position itself for future budget cuts with a reduction of just over 18.0 per cent in staff numbers over the last two years. However, this comes with a price which is reflected in the workloads carried by staff, which has impacted on many parts of casework preparation. In a number of aspects the Area needs to improve the value for money it gets from its expenditure on prosecuting cases.

As the Director of Public Prosecutions has rightly stated, one of the priorities for the CPS must be to increase the quality of casework handling across its whole range of work. I am pleased to

see a sustained improvement in performance across many aspects of London's work and better outcomes in respect of CPS charged cases. There is also encouraging performance in respect of offences involving violence against women, but the position is less satisfactory for overall magistrates' court outcomes. I have made seven recommendations designed to improve key aspects of the process to ensure casework issues are addressed promptly, whilst recognising the progress made in a number of aspects of digitisation.

I am also encouraged by the commitment of the CPS, their police partners and the Mayor's Office for Policing and Crime (MOPAC) at the strategic level to address performance issues. The development of effective joint working under the new Area structure at the operational level with Her Majesty's Courts and Tribunals Service has not progressed as quickly.

The overriding challenge the Area now faces is to improve the quality of its casework. There is little likelihood of any meaningful increase in overall resources in the current public expenditure climate so more has to be done to achieve efficiency savings through digitisation, to stop promptly cases that cannot succeed and ensure the focus is where one expects it to be, namely on the quality of legal decision-making.



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Her Majesty's Chief Inspector



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Executive summary

The Area has made substantial progress in addressing the recommendations made in Her Majesty's Crown Prosecution Service's (HMCPSP) performance report on CPS London (2010). The scale of its casework units' restructuring, development of effective staff deployment models and the review of flexible working arrangements should not be underestimated.

There is now sound financial management, which is reflected in a number of aspects including dealing successfully with the wholly unacceptable backlog of counsel fee payments which inspectors found in 2010. However, it still costs considerably more to prosecute cases in London than elsewhere. This is due to a number of factors, including higher staff salary costs and a larger proportion of Crown Court cases.

The Area is now much better placed to deliver its core business effectively than it was in 2010 and has worked continuously with police partners to improve key aspects, such as the quality of the initial police file. There are issues which still need to be resolved with Her Majesty's Courts and Tribunals Service (HMCTS), including determining the most effective way to ensure cases are progressed effectively and aspects of the handling of cases at court. As a consequence of the Area restructure there is a need to reassess how performance is managed at the local level, although we recognise that returning to borough level joint performance groups is too resource intensive for all agencies.

London has benefited from stability in the posts of Chief Crown Prosecutor (CCP) and Area Business Manager (ABM) but until recently this has been less apparent at other senior management levels including those of Deputy Chief Crown Prosecutor (DCCP). This has affected the development of relationships with some criminal justice partners.

Staff engagement has improved and there is a focus on the provision of learning and development opportunities. There is a good communications structure, although staff did not feel that the difficulties they faced were always recognised. Inspectors also found that morale had improved and overall there was an ethos of people wanting to do as good a job as they could. They were also impressed with how administrative staff had embraced digital working in the magistrates' court and their understanding of the processes.

In common with all CPS Areas, London faces ongoing budget cuts. It has moved quickly to position itself for further financial reductions. Partly as a consequence of this its staffing numbers have reduced over the last two years by 18.1 per cent compared with an average of 11.2 nationally (although staffing numbers in other Areas are now reducing at a greater rate than in London). Although against a background of overall falling caseloads, this has contributed to its prosecutors and administrators carrying higher caseloads than elsewhere, particularly the more resource intensive contested cases. This manifests in staff working under considerable pressure to deal effectively with cases as they progress through the system and substantial expenditure on overtime payments across the grades.

Despite these pressures there has been a sustained improvement in successful outcomes in CPS charged cases but not, overall¹, in magistrates' court cases. Performance overall in most aspects in both the Crown Court and magistrates' court is still behind the CPS nationally. There are encouraging signs in the rate of improvement against the CPS key measures when compared with other Areas, but this will have to be sustained if London is to catch up.

Overall, despite improvements in other aspects, casework performance remains poor. There remain substantial issues which need addressing in respect of the quality of casework, including effectively reviewing and progressing cases, dealing with the disclosure of unused material provisions and communication with victims and witnesses. Whilst inspectors found that charging decisions taken by London's prosecutors were good, too many police charged cases either failed to comply with the Code for Crown Prosecutors (the Code) or should have been referred to the CPS for a decision. This situation was aggravated at the time of our inspection by a lack of effective case review before the first hearing, as a consequence of which they could drift to the trial stage. This wastes everyone's resources. Since our inspection the Area has developed, as part of a national pilot, an Initial Case Review Team, which should help to address these issues.

There was a need, as a priority, to ensure material received from the police or other agencies which could impact on the prospect of a successful conviction was assessed and dealt with promptly. Too often it was not assessed until late in the day which resulted in last minute attempts to take remedial action or cases being dropped close to, or on, the trial date.

There are undoubted challenges to running the prosecution service in the capital city which other Areas do not face. It is not just the much higher caseload and a greater proportion of serious and sensitive crime, but the scrutiny that arises from those factors. However, a concerted focus on the quality of casework handling and timely decision-making, supported by effective processes, should lead to sustaining the improvements which are beginning to occur.

Conclusion and recommendations

Despite the implementation of a number of necessary and wide ranging reforms the delivery of timely quality casework remains a challenge for CPS London. Whilst there are encouraging signs in the improvement of some outcomes, performance remains behind the overall CPS performance. In financial terms, due in part to a number of factors outside the Area's control, it also costs more to deliver the core business in London.

In part this is attributable to the extensive workload carried by all staff when compared to the national perspective. This undoubtedly impacts on their ability to carry out their work wholly effectively. However, in challenging budgetary times the resources to address this are limited. Yet action can be taken which should produce improvement. In particular the processes to ensure there is an effective oversight of casework as it progresses through the system can be improved, including promptly weeding out cases in respect of which there is no prospect of success. A start has been made, but more can be done.

¹ This includes cases charged by the police.

There is an undoubted commitment from staff at all levels across the organisation to provide the quality of service that victims, witnesses and the citizens of London deserve. Work with police partners is starting to produce positive results and there is a clear joint strategic ethos between the two organisations.

This report highlights where improvement is needed to ensure quality casework handling occurs in all aspects of the process. Only a concerted effort can achieve this but we do not underestimate the challenges still faced by the Area. The recommendations we make are designed, if implemented successfully, to strengthen the Area's ability to reach the standard to which it aspires.

We recommend that:

1 The roles and responsibilities of the Deputy Chief Crown Prosecutors and Legal and Stakeholder Managers, including levels of decision-making, are clarified and communicated effectively to criminal justice partners (paragraph 1.3).

2 The Area, in conjunction with its police partners, reviews the current joint performance management structure to ensure it delivers value for money and is focussing on critical aspects of performance (paragraph 1.23).

3 The Area, in conjunction with its criminal justice partners, reinstates effective local performance groups (paragraph 1.26).

4 The Area, in conjunction with its police partners, ensures that all cases which require a CPS charging decision are referred accordingly and that compliance with pre and post-charge action plans is actively managed (paragraph 2.11).

5 Written guidance is provided to prosecutors setting out clearly how the procedure for supplying initial disclosure at the first hearing must operate and emphasising the prosecution's disclosure obligations (paragraph 2.40).

6 The Area ensures all material received is assessed promptly and any necessary actions are carried out so as to ensure effective case progression (paragraph 2.55).

7 The Area Court Deployment Team analyses overall prosecutor attendance rates and the reasons for non-attendance, and identifies recurring issues. This should be used to inform any performance issues and whether sufficient standby resources are allocated (paragraph 2.97).



Part 1: Introduction

In this section we set out a number of important contextual aspects to the overall findings in this report. A detailed breakdown of the data is set out at annex A.

At the time of this inspection CPS London was based at four locations. Its Operations Centre shares accommodation with CPS national Headquarters, with its Crown Court casework² units also based in central London. Magistrates' court casework is managed at two other sites, but will both co-locate to the same premises as the Operations Centre at the end of 2013-14. This is a substantial reduction in accommodation from our last full inspection when there were CPS units in each of the London boroughs, almost all of which were in shared accommodation with the police. The scale of this restructuring should not be underestimated and the Area deserves credit for creating more resilient units which enable it to deal more flexibly with its work.

Since our 2010 report London lacked stability for some time across the range of management posts below CCP and ABM. The position is now much better, but due to a number of factors outside the Area's control it has been unable to achieve a level of permanency at DCCP grade. This has hindered some aspects of relationships with criminal justice partners.

² Including the Complex Casework Unit, which was not part of this inspection.

Resourcing

In common with other Areas, London has seen a decline in overall staffing as a consequence of the reduction in the national CPS budget. Over the two years to the end of September 2013 staffing numbers dropped by 18.1 per cent compared with an average of 11.2 nationally. Within this overall figure the number of prosecutors has fallen by 19.0 per cent compared with 12.2 and administrators (including paralegal staff) by 17.4 per cent compared with 10.4.

However, over the same period the Area has seen a much sharper fall in its magistrates' court caseload of 24.7 per cent compared with 16.0 nationally, but contested cases, which require more resources to manage, only dropped by 3.9 per cent compared with 8.2 nationally. CPS London has a higher proportion of magistrates' court contested cases than the national average. In real terms the consequence of this is that there are 45.7 contested cases per prosecutor in London compared with 24.5 nationally³.

Overall Crown Court caseload has dropped by 15.3 per cent compared with 16.8 nationally, but contested cases by only 7.6 per cent compared with 10.1. As with the magistrates' court, a much higher proportion of cases are contested than found nationally. As a consequence there is an average of 12.6 contested cases per prosecutor compared with 5.7⁴.

³ This is averaged across all prosecutors in London and the CPS, not just those assigned to magistrates' court or Crown Court casework, therefore the actual figure for prosecutors in the magistrates and Crown Court units will be substantially higher. It also includes prosecutors employed by CPS Direct who do not have personal caseloads.

⁴ Ibid.

Whilst this is no excuse for the failings in casework quality we identify in this report, it goes some way to explain the pressure prosecutors and administrators are under to deal with work to an acceptable standard in the time allowed⁵.

The Area also has to rely on a much higher agent usage in the magistrates' courts than nationally. In the 12 months to September 2013, 36.8 per cent of magistrates' court sessions were covered by agents compared with 23.5 nationally. This also brings additional challenges to some aspects of casework delivery at court.

⁵ If other variables, such as agent usage (which releases prosecutor resource) and overtime are factored in, there is a slight reduction in the average Crown Court contested caseload, but a substantial drop in magistrates' court contested caseload per London prosecutor (29.1) - although still much higher than the national average (17.5).

Outcomes

It is encouraging that key Crown Court casework outcomes have improved since the publication of the 2010 review, as has performance overall in respect of CPS charged cases. However, they are still behind national performance. Overall magistrates' court performance (which includes police charged cases), in contrast, has declined over the last 18 months⁶. The Area attributes this dip to the period of restructuring, but we also noted an increase in the proportion of police charged cases that did not comply with the Code. However, London was the most improved CPS Area in the second and third quarters of 2013-14 when assessed against the national weighted measures, although it still has a considerable way to go before it matches overall national performance.

The table below illustrates progress against the four key outcomes for all cases.

⁶ The return of responsibility for uncontested motoring cases to the police has also had some impact on the CPS overall successful outcome rate.

Date	Magistrates' court				Crown Court			
	Discontinued		Successful outcomes		Discontinued		Successful outcomes	
	National	London	National	London	National	London	National	London
2009-10	9.0%	8.4%	86.8%	85.7%	11.7%	15.8%	80.6%	72.0%
2010-11	9.6%	9.3%	86.5%	85.0%	12.8%	17.7%	79.6%	70.9%
2011-12	9.6%	9.1%	86.7%	85.4%	11.6%	15.4%	80.8%	73.6%
2012-13	9.7%	11.2%	86.2%	81.8%	11.5%	15.4%	80.5%	72.8%
12 months to end Sep 2013	9.9%	12.7%	85.7%	79.4%	11.4%	14.7%	80.8%	73.6%
Direction of travel*	Declining	Declining	Declining	Declining	Improving	Improving	Improving	Improving

* Compared with 2010 report.

It is of note that there is a significant difference if the performance of London is excluded from the overall CPS successful outcome rates. For the 12 months to the end of September 2013 the proportion of national successful outcomes in the magistrates' court would improve from 85.7 per cent to 86.8 per cent, and in the Crown Court from 80.8 per cent to 82.8.

The position is more encouraging in respect of offences involving violence against women⁷; whereas the performance in respect of hate

crime⁸ declined considerably in 2012-13 but is now improving, although remains below 2010-11 performance. The table below illustrates performance.

Within the overall violence against women category there has been improvement in the proportion of successful outcomes for cases involving domestic violence and sexual offences other than rape. Successful outcomes for rape offences remain almost unchanged in the last three years.

⁷ Offences involving domestic violence and those of rape and other sexual offences.

⁸ Religiously or racially aggravated, homophobic/transphobic and disability.

Date	Successful outcomes			
	Violence against women		Hate crime	
	National	London	National	London
2010-11	71.5%	59.5%	82.8%	78.6%
2011-12	73.1%	63.1%	83.4%	78.9%
2012-13	74.1%	62.3%	82.6%	74.9%
12 months to end Sep 2013	74.3%	63.3%	83.5%	77.3%
Direction of travel*	Improving	Improving	Improving	Improving

* Compared with 2010 report.

Background and context

HMCPSI published its last full inspection report on CPS London in March 2010. It was highly critical of many aspects, including case progression and initiative overload; and expressed significant concerns about the Area's ability to deliver its core business. New senior managers (the CCP and ABM) took over shortly before publication of the report. Subsequent Inspectorate management oversight visits concluded that the 32 borough based unit structure could not deliver improvements. They lacked resilience and economies of scale and hindered implementation of common working practices.

A follow-up inspection report was published in February 2012. It found considerable improvement: prosecutors had been relocated from administrative to operational posts, a performance management culture was embedded and a number of units had been merged with plans to merge further. Flexible working arrangements were also a much better fit with business needs. However the report found that casework outcomes remained stubbornly difficult to improve.

In the period since the publication of the follow-up report the merger of units has been completed and staff relocated to centralised CPS offices.

The performance of London remains significant to that of the CPS overall. It has the largest caseload and staff numbers and is the only Area which statistically impacts significantly on CPS overall outcome performance. It also faces the challenges of running a prosecution service in a capital city, where its performance is likely to have a high profile.

For these reasons it was determined to be appropriate to carry out another full inspection of the Area.

Alison Saunders, the CCP appointed just before publication of the 2010 report, left during the course of this inspection following her appointment to the post of Director of Public Prosecutions in November 2013. Her successor as CCP took up post immediately.

Methodology

The methodology included an examination of finalised and live files; the analysis of data and other material; surveys of staff and external stakeholders; detailed process checks, interviews with the judiciary and other external stakeholders; interviews with Area managers at all levels and court observations. A more detailed explanation of the methodology is at annex D.

The findings from these sources are referred to at relevant parts of the report. Detailed analysis of the finalised file sample is at annex B.

Part 2: Inspection findings

1 Governance of the Area

Good

1.1 The Area has benefited from stability in the most senior management posts of CCP and ABM. This has undoubtedly helped in delivering the key reforms that have taken place since our 2010 report. However, this stability has been less apparent at other senior management levels and has affected the development of relationships with some criminal justice partners. For reasons outside the Area's control, there have been a number of DCCPs, some for fixed six month periods, over the last two years. A strategy to recruit and retain managers to these posts is now being considered at a national level.

1.2 The DCCPs were more involved in day to day operational issues than we would have expected for such senior posts and the spans of responsibility between them and the Legal and Stakeholder Managers were blurred. Some external stakeholder meetings were shared between the two posts and we found that the DCCPs were drawn into operational meetings which should have been covered by the Legal and Stakeholder Managers. Some stakeholders recognised that the issues they were raising with the DCCPs should have been dealt with at a different operational level, but were unclear where decision-making responsibility rested. In some instances this was manifested by stakeholders only wanting to meet with DCCPs.

1.3 These issues could be overcome if there was greater clarity as to the roles and responsibilities of the two posts, which should be communicated effectively to criminal justice partners.

Recommendation

The roles and responsibilities of the Deputy Chief Crown Prosecutors and Legal and Stakeholder Managers, including levels of decision-making, are clarified and communicated effectively to criminal justice partners.

Vision and values

1.4 The CPS London Board has established a clear set of priorities for the Area based around "people" and "casework". The 2013 Civil Service Staff Survey (the CS Survey) results for CPS London showed an increase of 16 per cent in positive responses to questions on Organisational Objectives and Purpose.

1.5 In our survey of London staff, 62 per cent of respondents gave a positive response to the statement "There is a clear vision and set of priorities for CPS London"⁹. In the CS Survey 86 per cent of staff gave a positive response to the statement "I have a clear understanding of the CPS objectives". However, a number of respondents and staff we interviewed believed that despite the stated priorities, efficiency and cost savings were being prioritised ahead of the quality of casework.

⁹ Positive response equals agree or strongly agree. HMCPSP surveyed all CPS London staff (excluding senior management) via an online survey and received approximately 180 responses.

1.6 Despite the undoubted strain that staff at all levels were feeling we found that morale had improved since our previous management visit in May 2013, and was particularly noticeable in some offices. This change has also been reflected in a significant increase in the overall CS Survey staff engagement score from 40 per cent in 2012 to 50¹⁰ in 2013¹¹.

1.7 Each of the following aspects showed substantial percentage improvements in positive responses compared with the 2012 CS Survey:

- Learning and Development (+16)
- Organisational Objectives and Purpose (+16)
- Inclusion and Fair Treatment (+12)
- My Work (+11)

1.8 However, staff still considered that due to the pressures of work they felt they were not able to do their jobs to the best of their ability. This was a view echoed by many of the stakeholders with whom we spoke.

1.9 The Area uses a number of ways to communicate with staff, including a recently launched Knowledge Information Management intranet site, Team Information Boards, Daily Briefings and the delivery of three key messages from the Senior Management Team (SMT) after each Board Meeting. We saw examples of these on notice boards. They were open and honest about where performance improvement was needed, but also recognised what staff did well. However, staff felt that SMT communications did not always recognise the difficulties they faced.

Learning and development

1.10 The CS Survey showed a substantial increase in those staff who considered they had access to the right learning and development opportunities, which had helped to improve their performance. A skills gap analysis had recently been carried out by the Area, which was being used to target specific training for legal staff. The Area had also learnt from its assessment of the training structure used to implement digitisation in the magistrates' courts units. This was informing how training would be delivered for the digitisation of the Crown Court units in respect of which the Area was making considerable investment. Compliance checks were also being carried out to ensure training had been effective.

The digital process

1.11 The principal project London has to deliver is the digitisation of its casework processes and the implementation of national Standard Operating Practices (SOPs). At the time of our inspection the latter had just been introduced in the magistrates' courts units. We were impressed with the progress made in the implementation of digital working in those units and the knowledge of administrative staff about how the process worked.

1.12 The two Crown Court units were still using different processes and they will need to be harmonised to ensure work and staff can be moved effectively. There was also a lack of clarity about which tasks were the responsibility of paralegal officers and which were attributable to lawyers. This creates risk that some quality checks, for example assuring the correctness of draft indictments, are 'falling between the gaps'.

10 The overall national CPS figure was 54 per cent.

11 This was based on a 39 per cent response rate. However, it should be noted that the PCS union at a national level had encouraged its members not to participate in the Survey.

1.13 Case progression teams are working digitally and using electronic tasks to allocate and monitor workload, although we have concerns (which are discussed in the casework chapter) on how effectively material received digitally is considered and actioned. Staff told us they had seen improvements in how the process worked but there is a reliance on people completing correctly their part of the process (for example creating an escalation task and assigning it to the correct place on the system). It was not clear that people had a complete understanding of the various digital interdependencies and there were some issues still to be resolved.

1.14 SOPs are, in the main, in place in the magistrates' court teams. Compliance issues have been identified in ongoing post-implementation reviews. These are being addressed by the Area. The SOPs don't deal with low-level parts of the process, which means some variations in practices are developing between the teams. At the national level some aspects are still under development to ensure so far as practicable that there is organisational consistency.

Performance management

1.15 The Area has embedded a robust performance culture which is supported by a range of compliance checks and measures. A substantial array of performance information is provided by the Area Performance Team. This includes a London databank, which mirrors the national CPS databank. Managers can access this through a live link, at any time, for up to date performance information. Managers are also sent weekly and monthly reports. Weekly performance information is useful to managers to assist in identifying where remedial action

may be required, but longer timespans need to be considered before sustained improvement can be assured.

1.16 Performance updates are provided frequently to staff at daily briefings. In our survey of London staff, 58 per cent of respondents said that they understood how the Area and their unit are performing. The Area needs to ensure that in their understandable wish to keep staff informed, they are not overloaded with performance information, some of which may not be readily identified as relevant.

1.17 Reports focus on performance against the national targets, particularly in relation to the CPS high-weighted casework measures, which contribute to the national assessment of the Area's overall performance. Other teams (for example the Business Change Team) report on productivity in relation to specific initiatives.

1.18 All managers are expected to complete a large number of daily, weekly and monthly checks in addition to the legal manager's national Core Quality Standards Monitoring (CQSM) requirements and adverse casework outcome reports. A number of these checks are primarily process and compliance focused, for example in the magistrates' court teams legal and administrative managers dip-sample four cases a day to collect data on police file quality and timeliness (although the cases selected also feed into CQSM). Whilst these checks provide useful information that can assist in both managing individual performance and joint performance with partners, a balance is needed to ensure enough time for meaningful quality checks as well. This needs to be considered as part of the recommendation we make at paragraph 1.23.

1.19 In the Crown Court, the DCCP and Legal and Stakeholder Managers run regular case management panels in a range of cases. These are attended by the allocated lawyer and paralegal officer and are designed to improve casework quality. This is a positive process which helps develop casework skills and senior managers informed us that it had also helped them identify cases that should be dropped and not allowed to proceed to trial.

1.20 The Area Board was previously supported by a Risk Committee, however it was decided that responsibility for managing risk would sit with the Board. It reviews a risk report each month, which includes a description and assessment of the high-level risks along with mitigating actions and evidence analysing the effectiveness of those actions. Board minutes show that new risks have been proposed since the beginning of the year and the effectiveness of countermeasures reviewed periodically. Whilst not all of the mitigating actions were carried out as reported, risks are being considered thoroughly and addressed. In addition the Area Finance Manager now reports directly to the Board, through provision of the Area Finance Report.

Joint performance management

1.21 There has been a concerted effort with the police to drive up improvement. It was apparent that there was an ethos of collaborative working at the strategic level. This was evidenced by the joint approach to meetings with the Mayor's Office for Policing and Crime (MOPAC).

1.22 Joint bi-weekly meetings are held which are attended by CPS senior legal managers, a senior police administrator and borough based operational police personnel. The focus of these meetings is the joint CPS/police improvement plan, which had led to improvements in aspects of police file quality. A substantial amount of data, much of which is generated by the police, is provided for these meetings and attendees are called to account for performance. However, much of it covers a very short time span which makes it difficult to assess the overall 'direction of travel'. We observed one of these meetings and it was apparent that low caseloads in some of the categories being measured accounted for significant fluctuations in short-term police performance.

1.23 These joint meetings are very resource intensive, particularly for the police. We consider, and the Area agrees, that it is now appropriate for the structure to be reviewed. We also consider that the performance focus needs to be scrutinised to ensure it captures those aspects which have the most impact, for example police compliance with the charging framework (which we discuss in the next chapter).

Recommendation

The Area, in conjunction with its police partners, reviews the current joint performance management structure to ensure it delivers value for money and is focussing on critical aspects of performance.

1.24 We understand that since our inspection the Area and its police partners have reduced the frequency of these meetings and refocused on the quality of file preparation in contested cases. However, the recommendation is included to ensure those aspects we refer to in this report are considered.

1.25 As we have stated, the lack of stability at senior management levels has had some impact on relationships with other criminal justice partners and the judiciary, with concerns expressed about a lack of knowledge as to whom they should liaise with to address issues. A number expressed concerns at the impact of ineffective case preparation and progression, although others were more positive, particularly where local initiatives had been put in place to manage these aspects.

1.26 Whilst there is a structure in place to manage strategically joint police/CPS performance there was less clarity at the local level about how performance was managed with other agencies, particularly Her Majesty's Courts and Tribunals Service (HMCTS). The removal of the CPS borough based structure and changes to police structures, for example the reduction in number of Witness Care Units, had made the previous local borough based criminal justice groups impracticable. The Area had recently undertaken an audit of joint performance groups to assess the current landscape. There clearly remains a need for oversight and mechanisms to deal with issues which are not pan-London. This will be challenging, if it is to avoid overburdening the Legal and Stakeholder Managers, and we recognise that it cannot return to the previous borough based structure.

Recommendation

The Area, in conjunction with its criminal justice partners, reinstates effective local performance groups.

1.27 Case progression with the police and other agencies was managed in a variety of ways under the auspices of a joint criminal justice protocol. Some meetings were face to face, whilst others were conducted over the telephone. There were a range of views as to their effectiveness. At some court centres, for example the Crown Court at Snaresbrook, they were seen as improving performance, others considered they added little value. Issues cited include a lack of preparation for the meetings and failures to follow up issues identified. The Area needs to adopt an evidence based approach to determine what works and overlay that process across all the case progression meetings. We recognise that this cannot be done by the CPS alone and will require collaborative working with the other agencies.

1.28 There remain some differences in priorities between the agencies as to what the key performance measures are, although the current focus on police file quality is a good example of joint target setting. Additionally MOPAC focuses on reducing delays in the criminal justice system, although the CPS only measures some aspects of timeliness. The MOPAC priorities are set out at annex E. However there is good engagement with MOPAC on a number of aspects including the Mayor's anti-gangs strategy and the Criminal Justice Working Group which is chaired by a DCCP. As part of the anti-gangs strategy the CPS introduced a gang's flag on the case management system to help identify trends and track cases.



2 Casework quality

Poor

Charging delivery

2.1 We examined 101 cases where the CPS made the decision to charge the defendant and 49 where the police charged the defendant without first referring the case to the CPS. The authority for the police to charge defendants is contained in the Director's Guidance on Charging¹². Ninety-two of the 101 CPS charging decisions were made by CPS Direct prosecutors, the other nine by the Area¹³.

2.2 The Code for Crown Prosecutors was applied correctly in respect of every charge directed in 91 of the 101 CPS cases (90.1 per cent)¹⁴. This compares with 93.5 per cent nationally as found in our Annual Casework Examination Programme (2012-13). The table below sets out the comparative rates of Code compliance for CPS Direct, Area and police charged cases.

2.3 Although based on a small sample, it is to London's credit that the Code was applied correctly in every case where they provided the

charging advice¹⁵. Compliance with the Code was much lower in those cases dealt with by CPS Direct. Inspectors noted a number where there had been a failure to consider adequately issues around the quality of identification evidence and joint enterprise. These are recurring themes which have previously been highlighted as part of the Inspectorate's Annual Casework Examination programme (ACEP)¹⁶.

2.4 The Area has mechanisms for referring back to CPS Direct those cases where there are concerns about the initial charging decision. We saw examples of this in the analyses carried out by CPS London legal managers. However, more needs to be done at the strategic level to address with CPS Direct senior managers the rate of Code test failures, which have an impact on the Area's successful outcome rates.

2.5 We discuss in the next section the effectiveness of Area prosecutors in dealing with CPS Direct charged cases which do not comply with the Code.

¹² 5th Edition – published May 2013. www.cps.gov.uk/publications/directors_guidance/dpp_guidance_5.html

¹³ A proportion of the cases were dealt with by Area Daytime Direct prosecutors prior to them being incorporated into CPS Direct. CPS Direct now provides the majority of CPS pre-charge decisions.

¹⁴ Excluding charges which are wholly insignificant when compared with the overall offending, known as 'de minimis'.

¹⁵ Area performance is only assessed on the quality of charging decisions made by its prosecutors and is rated by assessing the quality of Code compliance and the record of charging decision.

¹⁶ ACEP looks at a range of cases taken from across CPS Areas.

Charging source	Code compliant cases	Percentage
CPS Direct	82 out of 92	89.1%
CPS London	9 out of 9	100%
Police charged	38 out of 49	77.6%
Overall	128 out of 150	85.3%

Quality of charging decision				
Charging source	Excellent	Good	Fair	Poor
CPS Direct	2.2%	35.9%	41.3%	20.7%
CPS London	0.0%	55.6%	33.3%	11.1%
Overall	2.0%	37.6%	40.6%	19.8%

2.6 Inspectors examined the quality of the CPS case review and charging decision as set out on the MG3 (record of charging decision). The findings are in the table above.

2.7 The quality of Area charging decisions was better than the assessment for all CPS charged cases, although still requiring considerable improvement. There were common aspects where improvement was needed, in particular the quality of action plans¹⁷, setting out the case analysis and strategy and dealing with matters relating to whether the case should be heard in the magistrates' court or Crown Court¹⁸.

2.8 A number of members of the judiciary interviewed were concerned about the level of charge in alleged assaults although views differed considerably. Some considered that the charges did not always reflect the seriousness of the offences whilst others took the contrary view. There were also concerns that prosecutors

did not understand fully the changes in the provisions for applying to remand defendants in custody when they were charged with a summary only assault¹⁹. We did not note any such instances in our file sample, but this issue should be discussed between Area Legal and Stakeholder Managers and the judiciary. Legal managers, as part of their casework assurance checks, should also consider whether the CPS Charging Standard on Assaults²⁰ is being followed correctly.

2.9 Inspectors were concerned to find that a proportion of the police charged cases did not comply with the requirements of the Director's Guidance. These were ones which should have been referred to the CPS. Most of them fell into two categories, where either a guilty plea had been wrongly anticipated and the case involved an either way offence²¹, or the offence was so serious that the magistrates' courts sentencing powers were insufficient (regardless of the anticipated plea). We also noted some where a CPS prosecutor had considered the case initially, but required further information or evidence before making the final charging decision, and the police had charged without going back to the CPS.

¹⁷ Action plans are requests to the police, either before or after the charging decision is made, to provide additional information or evidence. Where the request is made pre-charge, the information or evidence required is considered necessary by the prosecutor to enable them to make an informed charging decision.

¹⁸ The more serious types of offences, if committed by adults, must be dealt with in the Crown Court for example murder, rape and robbery. Other offences, such as theft, causing actual bodily harm and some public order offences can, depending on their seriousness, be dealt with in either the magistrates' court or the Crown Court.

¹⁹ These are offences which can only be dealt with in the magistrates' courts.

²⁰ Included in the published CPS Legal Guidance: Offences against the Person, incorporating the Charging Standard. www.cps.gov.uk/legal/l_to_o/offences_against_the_person/

²¹ Offences which can be dealt with in either the magistrates' court or the Crown Court.

2.10 We were also told by interviewees of police charged youth cases where an out of court disposal²² was more appropriate. There could be considerable delay before the out of court disposal was administered. Whilst we did not see any examples of this in our file sample, this issue was highlighted in our Thematic Review of Youth Offender Casework (November 2011)²³.

2.11 Overall police compliance with action plans was variable and we noted cases where material requested before the charging decision was still awaited at a much later stage in the process. This can have a considerable impact on case progression. The police recognised that supervision of compliance with action plans was an aspect which needed improvement²⁴. We understand that since our inspection compliance with action plans is now included as part of the joint CPS/police performance measures.

Recommendation

The Area, in conjunction with its police partners, ensures that all cases which require a CPS charging decision are referred accordingly and that compliance with pre and post-charge action plans is actively managed.

²² There are two formal out of court disposals for youths, cautions and conditional cautions.

²³ www.hmcpai.gov.uk/inspections/inspection_no/500/

²⁴ HMCPSI and Her Majesty's Inspectorate of Constabulary propose to undertake a joint inspection of all aspects of the charging process in 2014-15.

Decision-making

Magistrates' court

2.12 As we set out in the previous section, nearly one in four of the police charged cases in our file sample did not comply with the Code. This was a significant increase in the percentage of Code test failures from the 12.6 per cent found in our ACEP 2012-13.

2.13 At the time of our inspection there was no effective Area process to ensure police charged cases were reviewed effectively by a prosecutor before the first hearing, which would enable the early termination of those where there is no realistic prospect of conviction. Our concerns were shared by Area senior managers. How these cases can be reviewed effectively at this stage is currently under national discussion as part of the ongoing development of SOPs for magistrates' court cases. A number of national pilots were being started to examine various approaches to this issue.

2.14 As part of these pilots CPS London was about to start using an Initial Case Review Team, to focus on police charged cases where there was an anticipated not guilty plea. Whilst this is encouraging we do not think it goes far enough. In our file sample we noted police charged cases where there was an unrealistic assessment of the strength of the evidence and an over optimistic assumption that there would be a guilty plea²⁵.

²⁵ Allegations of handling stolen goods appeared particularly problematic. We understand that since our inspection 'either way' offences are now included.

2.15 As a minimum we consider that all police charged cases, where one or more of the offences are either way, should be subject to an effective review before the first hearing. The quality of material received from the police prior to the first hearing also needed improving. In our file sample only 45 out of 150 cases (30.0 per cent) were assessed as having all the requisite material. However, our checks on 18 magistrates' court live files during our fieldwork suggest that performance is improving, with 75.0 per cent meeting the minimum requirements.

2.16 The quality and timeliness of police files is subject to detailed scrutiny as part of the Joint Criminal Justice Improvement Plan. In the light of our findings we consider that the quality of police charging decisions and compliance with the Director's Guidance should also receive this level of scrutiny. This aspect should be considered as part of the recommendation we make at paragraph 1.23.

2.17 The abolition of committal proceedings²⁶ means that cases can be transferred to the Crown Court at the first hearing. This can cause substantial problems if the first effective review only takes place in the Crown Court, for example if it is decided that the initial police charge is incorrect and a summary only²⁷ charge is more appropriate. The Area had identified possibly

450 current police charged Crown Court cases²⁸. An audit of these was planned by senior legal managers to ensure that there was sufficient evidence for these cases to continue. Discrepancies in the proportion of police charged cases across the boroughs are also being examined.

2.18 The Area has modified its digital hearing record sheet²⁹ to provide a facility for the prosecutor conducting the first hearing to endorse an initial review proportionate to the nature of the case³⁰. Compliance was variable in the cases examined in our file sample and the timing of the review left little opportunity for remedial action to be taken before the first hearing. We were also told that legal managers would discuss with Associate Prosecutors³¹, before the first hearing, what remedial action needed to be taken to ensure cases progressed. However, this was not always practicable and we are not assured that this is happening regularly. Our checks on live files showed that only one magistrates' court unit was recording an initial review.

²⁶ The process by which an either way case used to be moved from the magistrates' court to the Crown Court.

²⁷ Offences which can only be dealt with in the magistrates' court.

²⁸ Some of which may be duplicate cases recorded by the police under different reference numbers when re-submitted to the CPS.

²⁹ Also known as the electronic file jacket.

³⁰ For example, if it was an anticipated guilty plea to theft from a shop then the only requirement would be to endorse that there was compliance with the evidential and public interest stages of the Code.

³¹ A CPS employee who presents straightforward cases on pleas of guilty; to prove them where the defendant does not attend the magistrates' court; and trials of non-imprisonable offences.

2.19 Inspectors examined 79 cases finalised in the magistrates' courts (including the youth court). Only 38.0 per cent had fully adequate reviews endorsed on the case management system (CMS). In 26.6 per cent of cases there was an absence of any review or it was wholly inadequate. The absence of an adequate review was also illustrative of a lack of grip³² on cases. This led to cases being discontinued³³ late in the day or not being strengthened.

2.20 In ten of the 76 relevant magistrates' court cases (13.2 per cent), the Code was not complied with correctly throughout the post-charge process (both police and CPS charged). Proceedings were either discontinued too late, or allowed to proceed to trial when there was clearly no reasonable prospect of conviction. This included four of the magistrates' court cases where the Code test was not complied with at the charging stage.

Crown Court

2.21 Overall, 43.7 per cent of Crown Court cases were reviewed fully. This was better than found in magistrates' court cases but still requires substantial improvement. In 23.9 per cent of cases there was either no review recorded at any stage, or it was wholly inadequate. Some reviews continue to be no more than a 'cut and paste' of the charging decision, which adds no value. In one case involving an allegation of rape which had significant evidential problems, there was no review endorsed on CMS after the initial charging decision³⁴.

2.22 In ten of the 71 Crown Court cases (14.1 per cent) the Code test was not applied correctly. This included five cases where it was not applied correctly at the charging stage, of which three had been charged by the police. Half of the cases proceeded to trial and resulted in a foreseeable unsuccessful outcome. In the others the proceedings were discontinued far too late, when it was apparent at a much earlier stage that they could not continue. In all of them this resulted in unnecessary work being carried out by all the agencies.

2.23 In some of these cases the Crown Advocate who presented the case at court at the preliminary hearing had raised concerns about the strength of the evidence. This was not then considered promptly by the Trial Preparation Team (TPT).

2.24 As we have stated earlier, the Area has substantially more contested Crown Court cases per prosecutor than the national average which we recognise puts significant pressure on its ability to cope effectively with its caseload. However the position could be improved if these weak cases were removed from the process at the earliest possible opportunity.

The Early Guilty Plea scheme

2.25 All cases which go to the Crown Court should be subject to an effective review before the Crown Court preliminary hearing. Initially these cases are considered by the Area's Early Guilty Plea (EGP) Team. The EGP scheme is an initiative of the Senior Presiding Judge to identify cases where a defendant is likely to plead guilty and expedite those cases to an EGP hearing. The process is slightly different in London, in that all cases have a preliminary

³² Grip includes ensuring aspects of case preparation, such as the serving of notices, dealing with victim and witness issues and keeping the case under review are dealt with adequately.

³³ We use this term when a case is dropped by the CPS.

³⁴ The initial charging decision applied the Threshold Test and there was not, as required, a subsequent full Code test review.

hearing regardless of anticipated plea³⁵. We discuss the effectiveness of the preliminary hearing in the section on case preparation.

2.26 CPS London has invested resources heavily in the scheme; currently the unit, which covers all relevant cases, has ten lawyers, a legal manager and two administrative staff. As with other units, the team has a substantial workload but overall was meeting the Area's expectations.

2.27 The primary functions of the EGP Team are threefold: to identify cases suitable for inclusion in the scheme and then undertake any necessary work to enable the EGP hearing to be effective; to transfer promptly cases to the TPT where the anticipated plea is not guilty; and to weed out cases where there is no realistic prospect of conviction.

2.28 Our casework checks during fieldwork identified that the process is not fully effective. Whilst the timeliness of review by the EGP Team was good, including the transfer of cases to the TPT where a not guilty plea was anticipated, other aspects were less satisfactory. First, it was rare to see any endorsement on the magistrates' court hearing record sheet to indicate whether the defence agreed the case was suitable for the scheme. Additionally defence representatives were reluctant to engage in discussion before the preliminary hearing for a variety of reasons, including the absence of the grant of legal aid at that stage or the lack of effective instructions from the defendant.

2.29 We also noted that the EGP Team were transferring cases to the TPT which should have been weeded out at their review stage. This can cause delay, unnecessary work and wasted resources if the TPT also fails to identify the fatal weaknesses in the case.

2.30 A further issue arises where the team identifies correctly a case as suitable for EGP, but that does not transpire at the preliminary hearing. This builds in delay to the request for the appropriate upgrade file from the police. We saw this happening during our court observations. This is difficult to address as it requires effective engagement by defence practitioners, but could be assisted if all the necessary material to properly inform a guilty plea is available by the preliminary hearing, particularly CCTV.

2.31 The national measure to assess the effectiveness of the EGP scheme previously involves a complex 'conversion rate' which did not readily enable local managers to assess how well it is working. This was simplified in October 2013. We consider that the proportion of cases identified as suitable for inclusion, and the percentage of those that actually result in an early guilty plea, would assist in providing an accurate assessment of overall performance.

2.32 The overall proportion of Crown Court cases which result in an early or intermediate guilty plea is improving, although as the following table illustrates this is attributable to a positive trend at the intermediate stage.

³⁵ London Group Crown Courts: Protocol outlining the process to support the Early Guilty Plea scheme and work sent up from magistrates' courts from 28 May 2013. www.cps.gov.uk/london/assets/uploads/files/LondonEGPprotocolMay2013.pdf

	CPS London				National	
	2012-13 Quarter 2	2012-13 Quarter 3	2012-13 Quarter 4	2013-14 Quarter 1	2013-14 Quarter 2	2013-14 Quarter 2
Crown Court percentage of guilty pleas at 1st hearing	32.8%	30.8%	30.9%	32.2%	32.3%	39.0%
Crown Court percentage of intermediate guilty pleas	39.5%	40.9%	41.7%	41.8%	43.5%	39.2%

Case preparation

2.33 The timely and effective preparation of cases, including dealing promptly with issues as and when they arise, is essential to ensure trials are effective and the strongest possible case is presented to the court. Inspectors found that this was not happening consistently in either magistrates or Crown Court cases. This can result in wasted court time, unnecessary hearings, last minute work and a failure to provide justice for the victims of crime.

2.34 The findings from the file sample showed that the overall proportion of cases where there was a full grip on case preparation had declined when compared with the findings from the previous year's ACEP³⁶. Only 33.8 per cent of cases demonstrated a full grip compared with 53.7 in the ACEP sample.

³⁶ Based on a sample of 148 cases.

Magistrates' court

The first hearing

2.35 There has been substantial improvement in the provision of the initial disclosure of the prosecution case (IDPC) material to the magistrates' court within 48 hours prior to the first hearing. External interviewees confirmed that overall the material was timely. Area data and our file checks indicated that the target is being met in over 90 per cent of cases. We examined the processes for provision of the IDPC package and found that staff understood and applied them. There was good awareness of what was required from the police and timely requests when these requirements were not met.

2.36 All material provided by the police is included in the IDPC package, which can lead to unnecessary evidence or information being included. We recognise that this approach is the most expedient, but care needs to be taken to ensure inappropriate information is not included. The Area has undertaken a substantial sampling exercise, which has provided assurance that this is not happening. It has also negotiated with the police to ensure personal details of victims and witnesses are not included in witness statements which are disclosed to the police as part of this process.

2.37 One of the key factors which cause delay is the late provision of the initial disclosure of unused material to the defence. In most magistrates' court cases this involves no more than sending the defence a certified schedule listing all the non-sensitive unused material.

2.38 Our file examination showed that delay was caused by the late receipt of the schedule from the police coupled with prosecutors not considering it as soon as it arrived electronically in CMS. At the time of our inspection the Area had just started a pilot in one of the magistrates' court units, whereby the police would ensure the schedules were submitted before the first hearing in cases where a not guilty plea was anticipated. These would then be considered by a lawyer, which would enable the schedule to be handed over as soon as the not guilty plea was entered.

2.39 At this stage the material listed on the schedule is not examined and therefore must be adequately described in the document. There must also be certification by the police disclosure officer that there is no material to be disclosed. This initiative has the potential to address an aspect which causes frustration throughout the process, but we have some reservations.

2.40 First, the quality of the police description of the material is variable, and there are categories of case where caution needs to be exercised before a prosecutor should be satisfied that there is no disclosable material. This includes cases where identification is in dispute and those where the victim has made previous complaints but subsequently withdrawn support for the prosecution. Prosecutors also need to be alert to the duty of continuing review. Therefore if material listed on the schedule is subsequently received from the police with the upgraded file the duty to examine it remains, even if the

schedule was handed over at the first hearing. It is essential that there is clarity amongst prosecutors about how the process operates.

Recommendation

Written guidance is provided to prosecutors setting out clearly how the procedure for supplying initial disclosure at the first hearing must operate and emphasising the prosecution's disclosure obligations.

The not guilty plea process

2.41 There is an expectation that if the offence is denied the defendant will enter their not guilty plea at the first hearing. All the parties to the proceedings, and the court, should then hold a case management hearing (CMH)³⁷. The purpose of this hearing is primarily to identify the trial issues, determine what evidence is agreed, which witnesses need to be called and what applications³⁸ either party need to make. Ideally those applications should be made at that hearing.

2.42 With the exception of special measures applications for victims and witnesses who had a statutory entitlement we found it rare for applications to be dealt with at the first hearing. Often this was because the prosecutor did not have the necessary information, for example details of the defendant's bad character on which they intended to rely or a detailed witness needs analysis from the police. During our court observations we also noted that key issues were being raised on the day of trial, which should have been addressed at the earlier hearing.

³⁷ This will almost always be part of the first hearing process.

³⁸ For example, to adduce bad character or hearsay evidence and special measures for victims and witnesses when they give evidence.

2.43 Prosecutors were also hindered by the absence of information on the availability of witnesses, which led to trial dates being set 'blind'. This can cause substantial remedial action when it is ascertained an essential witness is not available. The accurate and timely provision of this information should be considered as part of the police/CPS Joint Criminal Justice Improvement Plan.

2.44 The prosecutor at court is responsible for setting out on the hearing record sheet the detail of what was agreed at the CMH and what further information and evidence is required as part of the upgrade file, which the police have to prepare. That information should then be passed promptly to the police.

2.45 The table below illustrates performance³⁹ at various stages of the subsequent process and compares it with our findings when we conducted a management oversight visit in May 2013.

³⁹ Based on 18 magistrates' court and six youth court files.

2.46 The timelines of all aspects is improving but quality still requires substantial improvement and the proportion of effective trials had declined. Only 44.0 per cent of magistrates' court upgrade files were of sufficient quality (50.0 per cent in the Youth Court). In part this was due to inadequate identification at the CMH of what material was required, but also to the absence of material which had been requested. Material from the police can come in at different times and is automatically uploaded onto CMS. It can therefore be difficult for managers to know when all the material has arrived without regular time consuming checks. This was an issue the Area was working on with the police, to improve compliance with the requirement to notify the units when the upgrade file had been fully uploaded.

2.47 The escalation process whereby the police are informed that material has not been received on time is not fully effective. The process is mechanical and does not address the impact late receipt of individual items will have on the overall progression of the case.

Magistrates' court trial preparation	Magistrates' court		Youth court	
	May 2013	Nov 2013	May 2013	Nov 2013
Average days from plea to upgrade file request	13.6	3.6	5.3	2.4
Average days from request to upgrade file receipt	25.2	21.3	13.8	12.6
Percentage of upgraded files sufficient from police	39%	44%	20%	50%
Average days between final review and trial	13.1	26.9	21.7	29.3
Percentage of cases with electronic records of hearings on CMS	94%	100%	100%	67%
Percentage of trials that went ahead on date set down	65%	40%	67%	17%

2.48 The timing of the summary trial review is a substantial improvement on what we have found during other inspection activity when files were being reviewed as late as the day before the contested hearing. However, it still leaves little time to rectify deficiencies, which as we indicate above were found in more than half of the upgrade files.

2.49 Even with this improved performance, the magistrates' court units struggled to comply with court directions in the timescale set down at the CMH. In our finalised file sample we found that only 22.2 per cent of magistrates' court files examined fully complied with court directions. The three primary causes were late initial disclosure of unused material, late special measures applications and a failure to provide CCTV evidence.

2.50 All aspects of the process for the provision of CCTV material were problematic, as was the process for reviewing the material once received from the police. We noted cases in our file sample where it was viewed for the first time by the advocate on the morning of the trial. In one case where it was viewed at court for the first time the proceedings were dropped because what was shown fatally undermined the prosecution case.

2.51 The arrangements for the handling of physical exhibits in a primarily electronic process were not satisfactory. Although staff were aware of the process for linking physical material with the digital trial bundle, our court observations indicated that this was not happening consistently. Exhibits such as albums of photographs were not being sent to court, resulting in urgent requests for the police to bring duplicates. Interviewees also told us of instances when the CPS tablet computer had to be passed around so that the court could see a digital copy of the exhibit⁴⁰.

2.52 As we have stated material from the police was being 'drip fed' onto CMS. We found that systems for identifying what material could await the full summary trial review and what needed to be actioned immediately were unsatisfactory. Cases were only scrutinised at fixed stages, primarily when the complete upgrade file was received or before case progression meetings with criminal justice partners. As a consequence crucial evidential and witness issues were not being addressed until it was too late to take remedial action or determine whether the case could proceed at all.

2.53 The Area urgently needs to develop an 'intelligent filter' whereby this material can be assessed informatively as soon as it is received to determine what action needs to be taken.

⁴⁰ We understand that HMCTS is now installing equipment to enable what is displayed on CPS 'tablets' to be viewed more easily by other parties.

Unit	Task				Total
	Check new communications	Check new correspondence	Check new police information	Check Witness Care Unit communication	
North and East	141	375	206	74	796
Central and West	71	119	167	23	380
South	170	498	341	157	1,166
Youth	70	224	95	65	454
Total	452	1,216	809	319	2,796

2.54 We undertook a snapshot⁴¹ of outstanding tasks on CMS which related to information or material received. The table above sets out our findings, broken down into the four key categories⁴².

2.55 Those tasks which require no action and can be merely be marked as such and those which require immediate escalation, for example the receipt of information from the police that a victim no longer supports a prosecution or from the Witness Care Unit identifying difficulties in tracing witnesses, should be considered promptly. Any required action should then be taken at that stage.

Recommendation

The Area ensures all material received is assessed promptly and any necessary actions are carried out so as to ensure effective case progression.

2.56 Overall, taking into account all factors related to effective case management and progression, we assessed that there was a full grip on only 31.2 per cent of magistrates' court cases in our file sample. In 32.5 per cent we found that there was no grip leading to them drifting, with inadequate reviews and preparation. However, despite this poor performance, almost all the cases (93.8 per cent) proceeded to trial on the correct charge.

2.57 The effective trial rate in the magistrates' court has remained almost constant over the last three years at about 46.0 per cent, outperforming the national average by 2-3 per cent. However the ineffective trial rate⁴³ has risen steadily over the same period from 17.6 per cent to 19.6, which is higher than the national average (17.2 in 2012-13). However the proportion of cracked and ineffective trials attributable to the prosecution continued to improve throughout 2012-13 and 2013-14. In our finalised file sample we found that the prosecution was responsible for a third of the ineffective trials, other causes included the

41 On 10 December 2013.

42 This will include tasks linked to the receipt of information in relation to first hearings.

43 Cases which are adjourned to another trial date.

lack of court hearing time. Our examination of live files found that cases were still being discontinued on the day of trial and there was a high proportion of ineffective trials, particularly in youth court cases.

2.58 These figures do not reflect the proportion of late vacated trials where applications are made to adjourn the trial before the scheduled trial date, or proceedings are dropped shortly before that date. In the 12 months to the end of September 2013, 43.0 per cent of cases were dropped after the third or subsequent hearing, compared with 37.2 nationally. The Area recognises that this aspect of performance needs to be improved, which is indicative of the lack of grip we describe earlier.

The disclosure of unused material in magistrates' court cases

2.59 The findings from our file sample confirm the need to improve the timeliness of the disclosure of unused material. In only 22.7 per cent of cases were all aspects timely.

2.60 Full compliance with other aspects of initial disclosure, for example endorsing the non-sensitive schedule correctly and rectifying defective schedules, was achieved in only 36.9 per cent. In one case there was a failure to disclose undermining or assisting material, however the proceedings were discontinued and there was not a potential miscarriage of justice. Although schedules are received digitally, this does not prevent prosecutors endorsing them electronically. We were told of prosecutors printing the schedules, endorsing them manually and then scanning them back onto the system. Managers will want to ensure that all relevant staff understand fully how to use the digital process.

2.61 Continuing disclosure was dealt with fully correctly in only 22.7 per cent of cases. Defence statements were not being considered or guidance given to the police on what to consider in light of their content. It was rare to see a letter on a magistrates' court trial file which provided the defence with a substantive response to their defence statement.

2.62 Sensitive material schedules were dealt with fully correctly in only 6.2 per cent of cases, but in over 70 per cent of those not handled correctly the error was limited to a failure to endorse the schedule. Other issues included material wrongly listed on the sensitive schedule which was not transferred to the non-sensitive schedule.

2.63 Only 60.0 per cent of the cases had a full audit trail of the decision-making process endorsed on the disclosure record sheet (DRS).

2.64 Taking into account all these factors we only assessed the handling of unused material as good or fair in just under half of the cases examined in the file sample. The police contribution to ensuring compliance with the disclosure regime requirements was assessed as good or fair in just under 70.0 per cent of cases.

Crown Court

The preliminary hearing

2.65 Every case allocated or sent to the Crown Court has a preliminary hearing, regardless of the anticipated plea. We observed a number of these hearings during our fieldwork. Very few defendants pleaded guilty at this stage, even when on the face of the evidence this could have been realistically anticipated.

2.66 Where the defendant indicated a not guilty plea, the preliminary hearing should have been used to manage the case and identify issues at an early stage. In the majority of cases we observed this was not happening and the hearing was used only to set the timetable for the case. Once the case has been passed from the EGP Team to the TPT it is their responsibility to promptly identify the issues in the case and inform the police of what further evidence and other material is required. We examined 12 live Crown Court files specifically to assess the effectiveness of this process, all of which had preliminary hearings in the week before the checks. In eight of the 12 there had been communication with the police, but in only four were the trial issues set out clearly. In the other four there had been no communication.

2.67 Crown Advocates were not proactive in seeking to identify trial issues. Where this did happen it was only after judicial intervention. We also noted, and interviewees confirmed, that the courts at the preliminary hearing stage were dealing with more applications for bail

than previously. This can be explained in part by the speed with which cases now move from the magistrates' court to the Crown Court before the defendant has exhausted their right to make two applications without showing a change in circumstance⁴⁴. Crown Advocates need to be aware of this and be prepared to deal with these applications.

2.68 How preliminary hearings are handled is a judicial decision, but the prosecution needs to ensure that it is able to contribute fully to case management at this stage.

The post-preliminary hearing process

2.69 If the defendant does not enter an early guilty plea at the preliminary hearing a timetable is set for service of the prosecution case and the subsequent plea and case management hearing. At some Crown Court centres the proposed not guilty plea date is also fixed at the preliminary hearing.

2.70 Our checks on live files, as illustrated in the table overleaf, show that there has been a decline in quality since our management checks in May 2013. Timeliness is impacted by cases being listed more quickly and changes in time periods do not necessarily indicate a decline in performance.

⁴⁴ A defendant has a general right to make two applications for bail. To be able to make subsequent applications the defendant has to show that there is a change in circumstances which could materially affect the factors the court would consider in deciding whether to grant bail.

Crown Court trial preparation		
	May 2013	Nov 2013
Average number of days from allocation/sending to upgrade file request	17.8	18.8
Average number of days from upgrade file request to upgrade file receipt	20.7	22.0
Percentage of sufficient upgrade files	43%	25%
Average number of days between review and trial	109.4	88.1
Average number of days between service of case and trial	106.1	99.3
Percentage of reviews that were of sufficient quality	50%	33%
Percentage of cases with electronic records of hearings on CMS	67%	50%
Percentage of trials that went ahead on date set down	57%	33%

2.71 Some of the delay in requesting upgrade files from the police is attributable to those cases where the EGP Team realistically anticipated a guilty plea at the preliminary hearing, which was not then forthcoming.

2.72 Court directions were complied with fully in the timescale set down in 34.5 per cent of cases in our finalised file sample and judges' orders in 23.5. There was partial compliance with judges' orders in 47.1 per cent of cases; dealing with issues such as the provision of CCTV, transcripts and continuing disclosure were all problematic.

2.73 The Area monitors compliance with judges' orders and has processes to pick up those where applications are needed to extend the timescale. This is an onerous task and some managers considered that it should be dealt with by a dedicated post holder. We have extrapolated data from the CPS Management Information System which indicates that in the 12 months to the end of September 2013 there

was timely compliance with 51.9 per cent⁴⁵ of orders compared with 64.6 nationally. The Crown Court South Unit was performing better than the London average (55.0 per cent) compared with the North Unit (49.4).

2.74 In light of the substantial difference between the findings from our casework sample and the CPS generated data we shall be undertaking more detailed audit work on this aspect of compliance monitoring.

2.75 The initial drafting of indictments needs to improve. Only 86.2 per cent were initially drafted correctly. Common errors included failing to put the charges in chronological order and using inappropriate terminology. Although cases may be prepared by paralegal officers, it is the lawyer's responsibility to check that this important document is correct before it is served. We were not assured that this was happening consistently.

⁴⁵ This also includes cases dealt with by the Complex Casework Unit.

Unit	Task				Total
	Check new communications	Check new correspondence	Check new police information	Check Witness Care Unit communication	
Crown Court North	639	711	575	11	1,936
Crown Court South	138	117	122	25	402
Total	777	828	697	36	2,338

2.76 As with magistrates' court cases we took a snapshot of outstanding tasks, which is set out in the table above.

2.77 The snapshot shows a marked difference between the two units and managers will want to identify the causes. Our Crown Court file sample identified similar issues as those we discuss in respect of magistrates' court case preparation, namely the lack of an 'intelligent filter'.

2.78 Overall, we found that prosecutors had a full grip on 36.6 per cent of cases. In 16.9 per cent of cases there was no grip, with issues that needed addressing drifting and inadequate or no reviews.

2.79 There were very few ineffective trials in our Crown Court file sample. Of the six we identified, the prosecution could have taken action to avoid four. This finding is supported by London's Crown Court effective trial rate which is consistently better than the national average. In 2012-13, 55.8 per cent of trials were effective compared with 49.6 nationally. Performance could improve further if cases which should not proceed to trial were stopped at an early stage.

The disclosure of unused material in Crown Court cases

2.80 Most aspects of disclosure handling were better in Crown Court cases than in the magistrates' court. All aspects were timely in 35.1 per cent of cases in our file sample. Delays were more likely to occur in dealing with continuing disclosure requirements. Compliance with the duty of initial disclosure was achieved fully in 56.9 per cent of cases, but in only 32.6 per cent of those requiring the prosecution to consider continuing disclosure.

2.81 There were delays in passing the defence statement to police, with receipt of the document not being actioned promptly. In most cases passing the document to the police was a purely administrative act. There was no informed analysis of the defence statement which guided the police to which material should be revealed to the prosecution or what further lines of enquiry might be necessary. Procedures for escalating non-receipt of the disclosure officer's certification⁴⁶ at this stage were not as effective as those for monitoring receipt of the upgraded file.

⁴⁶ A certification as to whether further material falls to be disclosed.

2.82 Sensitive schedules and the related material were dealt with correctly in 34.5 per cent of cases. In over half (51.5 per cent) of those cases not handled correctly the omission was solely a failure to sign the schedule.

2.83 Disclosure is generally more complex in Crown Court cases, requiring more informed decisions, which should be recorded fully on the DRS. There was full compliance with this requirement in 37.9 per cent of cases. Generally the recording of initial disclosure decisions were endorsed, but little was added about continuing disclosure decisions.

2.84 In two cases there was a failure to disclose undermining or assisting material. On one, a close scrutiny of the file revealed that the material had been disclosed to the defence representative by the police during the investigative stage, but there was nothing endorsed on the CPS file to indicate this was the reason why there was no formal disclosure. In the other case the proceedings were discontinued, avoiding any potential miscarriage of justice.

2.85 In the light of our findings it is essential that legal managers in both magistrates' court and Crown Court units focus on this aspect of performance to ensure that disclosure handling is improved substantially.

Custody time limits

2.86 Aspects of the handling of cases involving custody time limits (CTLs) were unsatisfactory and there have been a number of CTL failures⁴⁷. This can result in defendants being released on bail who pose a danger to the victim or are likely to re-offend. The table below illustrates the number of failures⁴⁸.

2.87 We were also informed that CPS Headquarters was considering a further five CTL failures referred to them by the Area and was expecting a further case. CPS Headquarters considers each failure to determine whether the Area was at fault or whether it was due to circumstances outside their control. Of the nine London CTL failures in 2012-13, five were attributed to the Area. Of the six to date in 2013-14, one has been attributed to the CPS.

2.88 Our findings from the file sample and on-site process checks confirmed that the handling of CTLs is currently a high risk in CPS London. Aspects of concern included an inconsistent approach to agreeing CTLs with the court, inadequate chronologies setting out how the prosecution had acted with due diligence, and omitting to record the time spent in custody by the defendant upon their release on bail.

⁴⁷ These fall into two broad categories; where the defendant is kept in custody beyond the expiry of the CTL and where the court refuses to extend a CTL because the prosecution cannot show it has acted with 'due diligence'.

⁴⁸ Data provided by CPS Headquarters.

Period	London	National (excluding London)	Total
2012-13	9	32	41
April-November 2013	6	7	13

2.89 The CPS has a robust national standard⁴⁹, which if followed correctly would address the errors we found. There is a need for managers to ensure strict compliance with that standard.

Delivery at court

Magistrates' court

2.90 We observed a range of advocates in the magistrates' courts conducting a variety of work including trials and initial and case management hearings. All advocates who were seen carrying out sufficient amounts of case presentation were assessed against the CPS National Standards of Advocacy.

2.91 Our overall assessment was that the quality of case presentation could improve, but this was due primarily to extraneous factors as opposed to a decline in competencies. These factors included advocates having frequently to leave court to get information from CMS, either for their own cases or those being conducted by agents, not having the requisite papers, or not having sufficient time to prepare thoroughly.

A number of stakeholders expressed concern that Associate Prosecutors were struggling to deal digitally with the high volume of cases, particularly in the first hearing courts. Our court observations supported this view.

2.92 Another factor was the requirement for CPS prosecutors to arrange for case papers to be printed off for agents when trials were switched between courtrooms at short notice. We recognise that there are tensions between the court wishing to ensure court hearing time is used effectively and the CPS wish to ensure prosecutors have sufficient time to prepare cases and provide the appropriate level of service to victims and witnesses. The Area would benefit from negotiating a pan-London agreement with HMCTS to provide clarity about the criteria to be considered when cases are transferred.

2.93 CPS London, at its own expense, is in the process of putting Business Broadband into magistrates' courtrooms across London. This will be a significant advantage for prosecutors, some of whom have to work currently with inadequate facilities.

2.94 The following table illustrates our findings.

⁴⁹ National Standard for the Effective Management of Prosecution Cases involving Custody Time Limits. www.cps.gov.uk/legal/assets/uploads/files/CTL%20Appendix%20C%20-%20National%20Standard.pdf

Category of prosecutor	Assessment						
	1	2	3+	3	3-	4	5
Associate Prosecutor	0	0	2	4	3	3	0
Crown Prosecutor (inc Senior Crown Prosecutors)	0	0	2	1	0	0	0
Agent	0	0	0	1	1	3	0
Total	0	0	4 (20.0%)	6 (30.0%)	4 (20.0%)	6 (30.0%)	0

1 Outstanding; 2, 3+, 3; Performance was assessed **competent** overall or better and in all key aspects

3- Performance was assessed **competent** overall but with a key aspect(s) needing attention

4 Performance was assessed **not competent**; 5 Unacceptable

2.95 Whilst stakeholders compared the performance of some agents favourably with CPS prosecutors, our findings suggest that there is room for substantial improvement. The Area spends a considerable amount on agents and it is essential that they achieve value for money. The majority of CPS prosecutors who responded to our survey stated they did not receive feedback on the quality of their advocacy. We are aware that the Area had recently carried out an extensive advocacy monitoring exercise, the findings from which were under consideration at the time of our inspection. Managers will wish to assure themselves that all advocates are assessed proportionately to ensure that their performance and personal development is assessed.

2.96 A recurring issue raised by all magistrates' court stakeholders was the non-attendance of the scheduled prosecutor and the resultant delay before a standby advocate attended. This was clearly a source of friction and CPS managers considered some of the issues arose from court listing arrangements. Legal managers are required to telephone the CPS room at each of the court centres to confirm whether all the allocated advocates have attended. The Area considered this an effective use of resources. We do not agree. There should be a clear expectation that the scheduled prosecutor will attend.

2.97 The absence of data prevented us from assessing definitively the extent of the problem and what proportion was due to court listing issues. We recognise that the CPS Court Deployment Team has a challenging task to ensure it provides the necessary advocate cover for approximately 100 courtrooms daily, a third of which will usually be covered by agents. However, in order to monitor this aspect and to identify any recurring issues the team needs to monitor overall

attendance rates of scheduled prosecutors and the reasons for non-attendance. This should be used to identify any performance issues and whether sufficient standby resources are allocated.

Recommendation

The Area Court Deployment Team analyses overall prosecutor attendance rates and the reasons for non-attendance, and identifies recurring issues. This should be used to inform any performance issues and whether sufficient standby resources are allocated.

2.98 Agents only have a very limited authority to take casework decisions without the prior approval of a Crown Prosecutor, which can cause delay to the court process. Associate Prosecutors also only have limited powers, but generally stakeholders commented that they were better prepared in respect of what decisions could be taken. This should improve further as the Area has recently converted a number of suitably qualified Associate Prosecutors to Crown Prosecutors. It is also recruiting additional Crown Prosecutors, which will reduce the extent of agent coverage.

2.99 We noted cases in our file sample where the advocate at court was being unrealistically instructed to continue to trial when there was clearly no longer a realistic prospect of conviction. This was also commented on by some stakeholders. Legal managers have full access to all the evidence on the case management system and should be able to make an informed decision. Whilst it is beneficial to ensure trials are effective, this does not override the prosecutor's duty to apply the Code even if it means dropping the case on the day set down for the contested hearing.

Category of prosecutor	Assessment						
	1	2	3+	3	3-	4	5
Principal Crown Advocate	0	1	0	0	0	0	0
Crown Advocate	0	0	1	3	3	0	0
Counsel	0	1	3	1	0	0	0
Total	0	2 (15.4%)	4 (30.8%)	4 (30.8%)	3 (23.1%)	0	0

1 Outstanding; 2, 3+, 3; Performance was assessed **competent** overall or better and in all key aspects

3- Performance was assessed **competent** overall but with a key aspect(s) needing attention

4 Performance was assessed **not competent**; 5 Unacceptable

Crown Court

2.100 Our Crown Court observations focussed on case progression hearings⁵⁰. Performance was variable, some advocates did nothing more than agree a schedule of dates for subsequent stages in contrast to seeking to identify the issues. As in the magistrates' courts they have limited time to prepare, particularly for preliminary hearings, as the case papers may not be available until late in the afternoon of the day before. Liaison Crown Advocates also have to deal with casework queries and make decisions on issues such as acceptable pleas before prosecuting their own lists. At one Crown Court centre we observed a queue of prosecution advocates wanting decisions on cases they were prosecuting in other courtrooms.

2.101 The table above illustrates our findings.

2.102 The late instruction of trial counsel was raised as an issue of concern by stakeholders. We were provided with examples, which inspectors subsequently verified by examination of CMS, where trials were ineffective due to issues being identified by counsel instructed

close to the hearing date. We also observed a complex plea and case management hearing where counsel had only just been instructed. This gave them insufficient time to address key aspects of the case, including the appropriateness of counts on the indictment. In a further case counsel instructed to conduct an appeal against conviction from the magistrates' court was still awaiting their papers less than an hour before the appeal was scheduled to be heard.

2.103 Cases heard in the magistrates' court are digital, but if then subject to appeal may need to be converted into paper files for the Crown Court hearing. The Area needs to assure itself that the process for generating a paper file in these circumstances is both timely and effective.

2.104 Overall the quality of instructions to counsel was only fully satisfactory in 29.9 per cent of cases. Performance in this aspect is declining⁵¹ and few files contained a detailed analysis of the case or a clear case strategy. This is undoubtedly a consequence of workload pressures, with staff struggling to meet timescales for service of the prosecution case.

⁵⁰ Primarily preliminary, and plea and case management hearings.

⁵¹ 49.7 per cent were fully satisfactory in the ACEP 2012-13 file sample.

Victims and witnesses

2.105 The various aspects of victim and witness care are shared between the police and CPS. Those that come under the police remit, for example keeping victims informed of case progress, warning them to attend court and informing them of the case outcome, are handled by Witness Care Units (WCUs). These units are now staffed wholly by police personnel and had gone through substantial consolidation prior to this inspection, which stakeholders confirmed had impacted on their performance⁵².

2.106 Effective and timely communication between the WCUs and the CPS is therefore essential to ensure victim and witness issues are addressed promptly. Our file examination indicated that this is not happening consistently, for example witness needs analysis were not being inputted promptly onto the Witness Management System and, conversely, crucial communications from the WCUs which impacted on the likelihood of an effective trial were not being considered until close to the trial date. In some instances this led to very late applications for witness summons, which as a consequence were not granted.

2.107 Concerns were expressed by stakeholders about some of the methods used to communicate with witnesses, in particular text messages to mobile telephone numbers. Whilst we recognise that this can be the quickest way to communicate information, it can also be unreliable. Although the warning of witnesses is a police function, the success of a prosecution relies on their attendance. The CPS therefore has a vested interest in ensuring the effectiveness of the process. Managers should agree with the WCUs robust arrangements for providing assurance that witnesses have been warned.

2.108 Inspectors assessed a number of other aspects to determine the quality of victim and witness care. This included: compliance with The Code of Practice for Victims of Crime (Victims' Code) and the Direct Communication with Victims (DCV) scheme, how well complaints were handled and specific casework issues arising out of case preparation and presentation⁵³.

2.109 Overall, 76.8 per cent of cases in our file sample fully met the various requirements of the Victims' Code. Aspects that impacted adversely included late applications for special measures, not engaging with the victim about which special measures they required and not addressing issues relating to the victim personal statement. Only 42.9 per cent of relevant cases evidenced any communication with the victim about the acceptability of pleas.

2.110 Compliance with the DCV scheme requires substantial improvement. Only 50.0 per cent of letters were timely. In half of the relevant cases no letter was sent. It is important that advocates at court endorse hearing record sheets accurately to ensure the need for a DCV letter is identified.

2.111 Of those letters sent, 25.0 per cent fully met the required standard. Issues of concern included inaccurately stating what happened at court and including inappropriate information, for example in respect of the defendant's personal circumstances.

⁵³ www.cps.gov.uk/publications/docs/victims_code_2013.pdf and www.cps.gov.uk/legal/v_to_z/cps_commitments_to_victim_and_witnesses/

⁵² Previously each borough had its own WCU.

2.112 We do not make a recommendation in respect of this aspect as the CPS nationally is introducing Victim Liaison Units which will deal with a number of aspects, including the drafting of DCV letters. The Area informs us that they are in the process of training staff for their unit, drawing on the skills of Victim Support and their Local Scrutiny Involvement Panel members. However, the quality of letters produced by the unit should be a key component of performance monitoring.

2.113 Whilst there were issues in respect of some aspects of the timeliness of complaints handling, the overall quality was far higher than that found in DCV communications. Correspondence in relation to complaints was open and transparent.



3 Financial management and value for money

Fair

Budgetary management

3.1 The Area budgetary allocation process is clear. Delegated limits to commit expenditure have recently been reviewed and updated. Budget allocations and amendments from CPS Headquarters to Areas are made in tranches throughout the year and these are reflected appropriately in London's budget control system. Following an overspend in 2011-12, London was under budget by £63,000 in 2012-13 for non-ring fenced costs and £610,000 for prosecution costs. The 2013-14 forecast is for an underspend of £3.7m. This forecast saving is primarily generated through savings on staff salaries but also includes some made in reprographics and stationery costs. The staff savings have been achieved by the 2012-13 organisational restructure; the release of staff through the Voluntary Early Severance (VES) scheme and delays in making appointments to vacant posts. In light of this anticipated underspend London surrendered £1.8m to CPS Headquarters in December 2013 with the remainder scheduled to be returned at the end of the financial year.

3.2 Monthly forecasts and variances to budget amounts are investigated and analysed appropriately and included in Unit Finance Reports. Requests to CPS Headquarters for extra funds for specific activities or initiatives are supported by appropriately costed business cases. The Area uses a range of financial propriety checks which are routinely reported on at London Board meetings. The Area's assurance framework was reviewed internally in April 2013 and a number of minor required actions were identified and implemented. A headline report of financial propriety checks is now made at Board meetings.

3.3 The Area approach to its assessment of staff level requirement is sound. London operates a throughput model to assess its staffing needs requirement, alongside the national Activity Based Costing model, which is designed to be more closely linked to current workloads. The throughput approach indicates that the Area has a shortfall in Crown Prosecutors which it is currently filling through the use of agents, although an external recruitment exercise is planned. Shortfalls in administrative staff are managed through overtime working. The model is still being tested in London and a number of other Areas to ensure it reflects wholly accurately the Area's needs⁵⁴.

3.4 Whilst not of direct financial benefit to the Area the restructuring and relocation of casework units, which should be completed by the end of 2013-14, has provided accommodation costs reduction benefits to the CPS nationally.

3.5 The Area is currently using the lawyer agents' budget code in its accounts to notionally "store" expected under/over spends on other budget headings, in addition to the money to be returned to Headquarters due to London not meeting its projected Crown Advocacy savings. As a consequence of this the budgeted funds indicated as available under this code is overstated by £6m. The actual forecast and expected expenditure for lawyer agents is £2m. Board reports identify clearly the use of the lawyer agents' budget for this purpose and schedule the amounts that are, in reality, other budget head expenditure or savings. However this approach results in an overstatement of the national position in relation to agents'

⁵⁴ £1.8m has been assigned to pay for overtime working in 2013-14.

budget expenditure in the national Corporate Information System (CIS). Consequently the national lawyer agents' budget shown of £10.9m is actually £6.9m and the resultant forecast national underspend shown on CIS of £3.7m is in reality a £300,000 overspend.

3.6 We recognise that Areas have not been issued with guidance on how to deal with recording these monies, but it is clear that London is properly recording and reporting these monies locally. However the process the Area has to adopt is not satisfactory. Local flexibility in approach is leading to CIS not being a true record of all budgeted funds in every spend type. To ensure transparency and consistency in budget and actual expenditure on a true like for like basis across all Areas this issue needs to be considered at a national level.

Resource deployment

3.7 Staff levels have reduced by 18.1 per cent between 2011-12 and September 2013, with similar proportions for legal and administrative staff. This compares with an 11.2 per cent reduction nationally. The Area has used the nationally funded VES scheme to help reduce its resource level now to meet the projected budgetary position in 2015-16 and has also lost a number of staff to CPS Headquarters. This has created shortfalls in the staff required to undertake currently the necessary work, which is being addressed through the use of overtime. Whilst this approach gives the Area some flexibility in resource allocation, it carries an extra premium time cost in addition to a lost opportunity of not employing permanent staff. London's current estimate of overtime expenditure for 2013-14 is £1.2m for lawyers and £1.8m for administrative staff. This represents a premium

time payment of approximately £1.3m and a "normal time" payment equivalent to 11 full-time lawyers and 41 full-time administrative staff. We accept that London has significant difficulties in filling posts, which are not experienced by other Areas. This impacts in part on its ability to use short term contracts to make up staffing shortfalls.

3.8 The overall level of spend in London is not reflected in the proportion of successful outcomes. The Area is applying a significantly higher level of finance to its operations than the national average. In staffing terms London spends 32 per cent more than the national average for each member of staff⁵⁵, not all of which can be attributed to higher London pay scales.

3.9 Additionally the overall average spend on each case is £704, which is 33 per cent higher than the national average. Whilst it is accepted that a higher number of contested cases has an impact on costs, the Area is not successfully translating this extra expenditure into better than average successful outcomes.

3.10 We are aware London is planning an external recruitment exercise for Crown Prosecutors. However, these posts will only backfill the reduction in the 2014-15 magistrates' court agents' budget. The Area will therefore struggle to meet its resourcing requirements without resorting to extensive overtime working. Senior managers anticipated that savings would be made with the transition to a digital Crown Court system, although we have not seen this costed.

⁵⁵ The overall spend divided by staffing numbers. London spend equates to £94,326 per member of staff compared with £71,312 nationally. These figures do not take account of unfilled vacancies and only reflect actual staff in post.

3.11 The Area has also recently appointed 13 new Crown Prosecutors from its existing Associate Prosecutor cadre, which will not change overall staffing levels, but will give increased flexibility to deploy advocates at the magistrates' courts. Although meeting the required 2015 staff level target early, there has been little improvement in casework outcomes since our 2010 report. In light of this and considering staff reductions and the overtime premium cost payments, it raises concerns around the effectiveness of some aspects of resource utilisation and the achievement of value for money. If recent performance improvements are not sustained this could be considered "too much too early".

3.12 We have discussed at paragraph 2.97 in the casework chapter the issues around deployment of advocates to the magistrates' court. The Area has to deploy approximately 100 advocates a day to the magistrates' courts and the scale of this undertaking should not be underestimated. It has invested additional resources to this task and identified how the process could be improved further. However it has not been able to take this forward further, pending consideration of a national system.

3.13 The Area has made a concerted effort to set down performance and throughput expectations for both lawyers and administrative staff, which are actively applied and assessed in the units. For example the Early Guilty Plea Team lawyers are expected to review 12-15 cases per day; magistrates' court lawyers in the case progression teams are allocated approximately 8-12 case review tasks per day. There are also clear expectations for administrative staff to complete various tasks. These expectations are

going to have to be maintained consistently to enable the Area to deliver its core business and this is undoubtedly putting a strain on staff.

3.14 Many of the staff who responded to our survey expressed concern that they considered they were not able to do their jobs to the best of their abilities because of workload pressures. Our survey indicated that 73.7 per cent of prosecutors who responded either disagreed or strongly disagreed that the allocation of work generally balanced the need for personal development as well as other factors. The Civil Service Survey in 2013 highlighted that only 35.0 per cent of London staff who responded agreed that they had an acceptable workload. Of the staff who responded 25.0 per cent strongly disagreed with this statement.

3.15 Aligned to this the Area is tackling performance issues informed by the various compliance checks that managers are required to complete.

3.16 Despite recent improvement in the three months to the end of September 2013, London does not compare well with national performance in regards to staff sickness levels. In the three month period to September 2013 a yearly average of nine days per staff member was lost. However for the 12 months to September 2013 the average days lost to sickness absence was 12. This was the highest level in the CPS. Absences attributed to stress have reduced recently but still accounted for 23.9 per cent of total sickness absence for the 12 months to the end of September 2013. The Area has calculated the annual cost of sickness at over £541,000. When considered in terms of resource and its impact this figure equates to just less than nine full-time lawyers or just less than 22 full-time administrative staff.

Prosecution costs

3.17 Prosecution costs are monitored appropriately, but when considered in terms of value for money London compares poorly with national performance. Its average prosecution cost per case for the 12 months to the end of September 2013 was £1,569, which was 32.4 per cent higher than the national average (£1,185). The Area attributes this to both the higher proportion of contested cases in its overall caseload when compared with other Areas and the higher proportion where the defendant elects trial at the Crown Court.

3.18 Prosecution costs expenditure and commitments and analysis of variances is routinely included in the Area Finance Report. The Area has forecast that prosecution costs expenditure for 2013-14 will be close to its budget allocation. Falling Crown Court caseload has seen a reduction in spend under the Graduated Fee Scheme (GFS)⁵⁶ continuing a three year trend.

3.19 The number of Crown Advocates employed has reduced from 115 in April 2011 to 80 in September 2013 (excluding Principal and Senior Crown Advocates). The Area has also refocused the work of a number of them from case presentation to preparation. Staff considered this approach was helping with case progression and ensuring more were trial ready on time, which is reflected in the improving effective Crown Court trial rate. This approach has however impacted on London's Crown Advocate savings, as fewer in-house advocates are available to cover Crown Court sessions, as

well as having less opportunity to develop their trial skills. The savings ambition for the Area was originally set at £6.50m for 2013, of which it would have been allowed to retain £5.85m. The ambition has now been reduced to £5.00m of which the Area expects to meet £4.80m. This would enable London to retain £4.32m but it will have to return £1.53m to Headquarters (£5.85m less £4.32m). It intends to redeploy Crown Advocates to the Crown Court in 2014-15, which creates a risk to aspects of case preparation.

3.20 The Area has carried out a review of how to maximise Crown Advocate savings through targeting specific types of work or courts. The findings are still being considered but this should enable better alignment with listing patterns and improve the clarity of Crown Court deployment.

3.21 There are effective controls in place for the selection of counsel. All relevant barristers' chambers who service London Crown Court centres have provided the Area with the necessary information about availability of counsel to appear in the magistrates and Crown Court. All counsel undertaking magistrates' courts work must agree the terms set out in the Service Level Agreement.

3.22 Routine Crown Court cases are allocated to counsel on a "next on list" process in order to ensure a fair and even distribution of work. More serious casework is allocated having regard to the specific circumstances. Skill requirements for these cases are established by the allocated lawyer and paralegal officer, with the decision on which advocate to allocate the work to being made by the appropriate Level D manager.

⁵⁶ The scheme for paying counsel in all but the most serious/lengthy cases.

3.23 To ensure no individual member of the Bar is unduly favoured the Area maintains a manual system which records cases allocated to each counsel and chamber, and data on Crown Advocates. It also measures the number of instructions to counsel and late returns of instructions, which then have to be reallocated to other counsel by the CPS.

3.24 Fee payments are timely and there has been an overwhelming improvement in performance since our 2010 report. As at the end of October 2013 outstanding magistrates' court lawyer agents' fees amounted to £188,000 with only £90,892 relating to transactions over 90 days old. The Area was aiming to clear this by the end of November 2013. The amount of GFS payments outstanding as at 12 November 2013 was £226,000. Of this only £15,000 was outstanding for more than 90 days and related to four Complex Casework Unit payments.

3.25 London routinely scrutinises aspects of concern in relation to prosecution costs to ensure these are appropriately managed. As a result of concerns about aspects of the process for booking expert witnesses, the Area Finance Team was carrying out an audit of their expenses at the time of the inspection. As of September 2013 the Area's forecast spend of £1.1m in 2013-14 for expert witness costs would be £119,000 over budget.



Part 3: Annexes

A Casework outcome data

	National	London
Magistrates' court successful outcomes		
2009-10	86.8%	85.7%
2010-11	86.5%	85.0%
2011-12	86.7%	85.4%
2012-13	86.2%	81.8%
Rolling year to end Sep 2013	85.7%	79.4%
Magistrates' court discontinuance		
2009-10	9.0%	8.4%
2010-11	9.6%	9.3%
2011-12	9.6%	9.1%
2012-13	9.7%	11.2%
Rolling year to end Sep 2013	9.9%	12.7%
Crown Court successful outcomes		
2009-10	80.6%	72.0%
2010-11	79.6%	70.9%
2011-12	80.8%	73.6%
2012-13	80.5%	72.8%
Rolling year to end Sep 2013	80.8%	73.6%
Crown Court judge ordered acquittals		
2009-10	11.7%	15.8%
2010-11	12.8%	17.7%
2011-12	11.6%	15.4%
2012-13	11.5%	15.4%
Rolling year to end Sep 2013	11.4%	14.7%
Charging volumes		
Pre-charge decisions		
2009-10	477,204	69,772
2010-11	466,591	73,175
2011-12	367,058	59,606
2012-13	299,348	49,502
Rolling year to end Sep 2013	294,351	52,215
Variance 2010 - rolling year to end Sep 2013	-36.9%	-28.6%

	National	London
Pre-charge decisions		
<i>Magistrates' court guilty plea</i>		
2009-10	70.3%	62.2%
2010-11	71.8%	64.1%
2011-12	71.2%	65.4%
2012-13	71.7%	63.1%
Rolling year to end Sep 2013	71.7%	63.0%
<i>Magistrates' court attrition</i>		
2009-10	21.0%	25.9%
2010-11	21.8%	26.9%
2011-12	21.8%	25.5%
2012-13	22.0%	29.1%
Rolling year to end Sep 2013	21.9%	28.9%
<i>Crown Court guilty plea</i>		
2009-10	70.8%	55.7%
2010-11	72.3%	58.6%
2011-12	72.4%	59.7%
2012-13	71.8%	58.4%
Rolling year to end Sep 2013	72.4%	59.2%
<i>Crown Court attrition</i>		
2009-10	19.5%	28.4%
2010-11	20.5%	29.7%
2011-12	19.4%	26.7%
2012-13	19.3%	27.3%
Rolling year to end Sep 2013	18.9%	26.2%
Violence against women		
<i>Domestic violence conviction rate</i>		
2010-11	71.9%	58.7%
2011-12	73.3%	62.7%
2012-13	74.3%	61.7%
Rolling year to end Sep 2013	74.5%	62.8%
<i>Sexual offences conviction rate</i>		
2010-11	74.3%	68.4%
2011-12	75.7%	69.8%

	National	London
2012-13	76.8%	69.8%
Rolling year to end Sep 2013	78.1%	71.7%
<i>Rape conviction rate</i>		
2010-11	58.6%	52.0%
2011-12	62.5%	55.4%
2012-13	63.2%	55.0%
Rolling year to end Sep 2013	61.8%	52.8%
<i>Overall violence against women conviction rate</i>		
2010-11	71.5%	59.5%
2011-12	73.1%	63.1%
2012-13	74.1%	62.3%
Rolling year to end Sep 2013	74.3%	63.3%
Hate crime		
<i>Religiously and racially aggravated conviction rate</i>		
2010-11	83.1%	79.3%
2011-12	84.2%	79.6%
2012-13	83.1%	75.6%
Rolling year to end Sep 2013	83.9%	78.0%
<i>Homophobic and transphobic conviction rate</i>		
2010-11	80.7%	73.1%
2011-12	78.7%	72.4%
2012-13	80.7%	70.1%
Rolling year to end Sep 2013	80.4%	70.2%
<i>Disability hate crime conviction rate</i>		
2010-11	79.8%	71.4%
2011-12	77.3%	71.2%
2012-13	77.2%	55.0%
Rolling year to end Sep 2013	79.9%	68.9%
<i>All hate crime conviction rate</i>		
2010-11	82.8%	78.6%
2011-12	83.4%	78.9%
2012-13	82.6%	74.9%
Rolling year to end Sep 2013	83.5%	77.3%

Trial effectiveness								
	National				London			
	2010-11	2011-12	2012-13	RYT end Sep 2013	2010-11	2011-12	2012-13	RYT end Sep 2013
Magistrates' court								
Cracked trial	39.1%	39.1%	38.5%	37.9%	36.3%	35.1%	34.4%	33.5%
Effective trial	43.4%	43.4%	44.3%	44.7%	46.1%	46.2%	46.1%	47.2%
Ineffective trial	17.5%	17.5%	17.2%	17.4%	17.6%	18.7%	19.6%	19.3%
Crown Court								
Cracked trial	42.1%	39.1%	36.6%	35.3%	34.6%	30.8%	28.5%	27.0%
Effective trial	44.4%	48.3%	49.6%	51.0%	50.2%	53.4%	55.8%	57.8%
Ineffective trial	13.5%	14.5%	13.8%	13.7%	15.1%	15.8%	15.7%	15.2%

RYT Rolling year to

Resourcing and caseload							
	2010-11	2011-12	2012-13	% change 2011-12 to 2012-13	RYT end Sep 2013	% change 2012-2013 to RYT end Sep 2013	2 year average % change 2011-12 to end Sep 2013
All Areas and CPS Direct							
Staff in post	6,712.9	6,251.9	5,807.1	-7.1%	5,550.6	-4.4%	-11.2%
Prosecutors in post	3,041.3	2,876.8	2,643.9	-8.1%	2,526.7	-4.4%	-12.2%
Administrators in post	3,671.6	3,375.1	3,163.1	-6.3%	3,023.9	-4.4%	-10.4%
Magistrates' court							
Completed cases	840,968	787,529	700,405	-11.1%	661,825	-5.5%	-16.0%
Contested cases	54,392	50,904	46,761	-8.1%	46,709	-0.1%	-8.2%
Contested cases as a proportion of completed cases	6.5%	6.5%	6.7%	+0.2	7.1%	+0.4	+0.6
Contested cases with conviction	33,350	31,861	28,369	-	27,864	-	-
Proportion of contested cases resulting in conviction	61.3%	62.6%	60.7%	-1.8%	59.7%	-1.0%	-2.9%
Contested cases per prosecutor	18.2	18.0	17.9	-	18.8	-	-
Crown Court							
Completed cases	116,310	106,794	95,556	-10.5%	88,890	-7.0%	-16.8%
Contested cases	16,134	15,708	15,093	-3.9%	14,120	-6.5%	-10.1%

RYT Rolling year to

Resourcing and caseload							
	2010-11	2011-12	2012-13	% change 2011-12 to 2012-13	RYT end Sep 2013	% change 2012-2013 to RYT end Sep 2013	2 year average % change 2011-12 to end Sep 2013
Contested cases as a proportion of completed cases	13.9%	14.7%	15.8%	+1.1	15.9%	+0.1	+1.2
Contested cases with conviction	8,254	8,569	8,338	-	7,868	-	-
Proportion of contested cases resulting in conviction	51.2%	54.6%	55.2%	+0.6	55.7%	+0.5	+1.1
Contested cases per prosecutor	5.3	5.5	5.8	-	5.7	-	-
London							
Staff in post	1,198.3	1,138.2	1,025.1	-9.9%	932.4	-9.0%	-18.1%
Prosecutors in post	496.9	484.9	437	-9.9%	392.7	-10.1%	-19.0%
Administrators in post	701.4	653.3	588.1	-10.0%	539.7	-8.2%	-17.4%
Magistrates' court							
Completed cases	148,239	139,707	116,576	-16.6%	105,253	-9.7%	-24.7%
Contested cases	13,708	13,309	12,236	-8.1%	12,785	+4.5%	-3.9%
Contested cases as a proportion of completed cases	9.2%	9.5%	10.5%	+1.0	12.1%	+1.6	+2.6
Contested cases with conviction	8,634	8,422	7,274	-	7,394	-	-
Proportion of contested cases resulting in conviction	63.0%	63.3%	59.4%	-3.9	57.8%	-1.6	-5.5
Contested cases per prosecutor	27.9	27.7	28.4	-	33.1	-	-
Crown Court							
Completed cases	24,838	23,233	20,633	-11.2%	19,671	-4.7%	-15.3%
Contested cases	5,304	5,285	5,068	-4.1%	4,886	-3.6%	-7.6%
Contested cases as a proportion of completed cases	21.4%	22.7%	24.6%	+1.9	24.8%	+0.2	+2.1
Contested cases with conviction	2,763	3,014	2,880	-	2,793	-	-
Proportion of contested cases resulting in conviction	52.1%	57.0%	56.8%	-0.2	57.2%	+0.4	+0.2
Contested cases per prosecutor	10.8	11.0	11.8	-	12.6	-	-

RYT Rolling year to

	National				London					
	2010-11	2011-12	2012-13	RYT end of Sep 2013	2010-11	2011-12	2012-13	RYT end of Sep 2013		
Efficiency										
Completed cases per administrator (FTE)	260.7	265.0	251.6	248.3	↓	246.8	249.4	233.3	231.5	↓
Completed cases per prosecutor (FTE)	319.6	315.5	305.5	301.7	↓	352.3	339.6	318.2	323.3	↑
In-house magistrates' court sessions	90.3%	91.2%	80.0%	76.5%	↓	93.1%	89.6%	68.8%	63.2%	↓
Associate Prosecutor magistrates' court sessions	32.2%	33.7%	31.9%	30.0%	↓	28.9%	30.9%	30.7%	28.0%	↓
Cases dropped at 3rd or subsequent hearings	44.3%	42.6%	38.1%	37.2%	↑	47.2%	45.9%	42.8%	43.0%	↓
Average sessions per Associate Prosecutor per week	6.09	5.91	5.42	5.22	↓	6.09	6.23	6.29	5.87	↓
Hearings per case guilty plea magistrates' court	2.05	2.00	1.93	1.92	↑	2.11	2.09	2.01	2.02	↓
Hearings per case guilty plea Crown Court	3.45	3.51	3.52	3.51	↑	3.71	3.77	3.85	3.84	↑
Savings per Crown Advocate	£43,858	£49,309	£55,404	£57,597	↑	£50,216	£60,202	£58,652	£56,255	↓
Cost										
Prosecution cost per completed case (Crown Court)	£955	£945	£1,008	£1,185	↓	£1,293	£1,275	£1,323	£1,569	↓
Overall spend per completed case	£483	£477	£516	£529	↓	£601	£604	£686	£704	↓
Overall spend per total staff (FTE)	£68,852	£68,174	£70,689	£71,535	↓	£86,817	£86,533	£91,797	£94,363	↓
Quality										
Magistrates' court successful outcomes	86.5%	86.7%	86.2%	85.7%	↓	85.0%	85.4%	81.8%	79.4%	↓
Crown Court successful outcomes	79.6%	80.8%	80.5%	80.8%	↑	70.9%	73.6%	72.8%	73.6%	↑
Percentage of magistrates' court guilty pleas at first hearing	63.4%	64.9%	67.0%	67.5%	↑	63.2%	65.6%	67.0%	67.4%	↑
Percentage of Crown Court guilty pleas at first hearing	39.6%	39.8%	38.8%	38.4%	↓	31.7%	32.4%	31.5%	31.5%	↔

FTE Full-time equivalent.

B Findings from the file examination

The following table sets out the key findings from the examination of 150 finalised case files. Where there is a direct comparator the

findings from the Annual Casework Examination Programme (2102-13) are also shown. That Programme examined 148 London files.

Question		Inspection file sample	ACEP (2012-13) file sample
The CPS decision to charge complied with the Code Test		90.1%	93.5%
The police decision to charge complied with the Code test		77.6%	87.4%
The record of the charging decision included proper case analysis and case strategy		52.5%	52.4%
The overall quality of the charging decision	Excellent	2.0%	3.3%
	Good	37.6%	40.7%
	Fair	40.6%	37.7%
	Poor	19.8%	18.3%
The initial file received from the police was of good quality		30.0% fully met	No comparator
The case was reviewed properly (magistrates' court)		39.0% fully met	No comparator
The case was reviewed properly (Crown Court)		43.7% fully met	49.6% fully met
There was compliance with the duty of continuous review in accordance with the Code		86.4%	93.6%
There was timely compliance with court directions		28.1% fully met	67.1% fully met
There was timely compliance with judges' orders in Crown Court cases		23.5% fully met	No comparator
There was sound judgement, a grip on the case and it was progressed efficiently and effectively		33.8% fully met	53.7% fully met
There was post-charge compliance with the relevant CPS policy		74.2% fully met	86.7% ^a
The prosecution discharged its duties of disclosure in a timely fashion		28.5% fully met	No comparator
The overall quality of handling of unused material by the CPS	Excellent	0.0%	3.0%
	Good	7.4%	43.7%
	Fair	45.1%	40.7%
	Poor	47.5%	12.2%

a Based on a yes or no answer set.

Question		Inspection file sample	ACEP (2012-13) file sample
The police contribution to the unused material exercise ^b	Excellent	0.0%	No comparator
	Good	17.9%	
	Fair	49.6%	
	Poor	29.3%	
Custody time limits applied, were monitored and handled in accordance with national standards ^c		40.4%	84.1%
There was compliance with the Victims' Code, Prosecutors' Pledge and any other policy guidance on the treatment of witnesses		76.8% fully met	91.1% fully met
The Direct Communication with Victims was of a high standard ^d		25.0% fully met	58.5% fully met

b In a further 3.3 per cent of cases the contribution could not be assessed.

c In 31.9 per cent of cases there was insufficient information on the finalised digital file to make a determination.

d Only cases where a letter was sent were assessed for this question.

C Survey results

The following table illustrates the key findings from our survey of CPS London staff in respect of those questions that were asked of staff in

every group we surveyed. The percentages reflect the proportion of responders who strongly agreed or agreed with the question asked.

Question	Percentage of responses strongly agreed or agreed
There is a clear vision and set of priorities for CPS London	62%
Change is managed well within London	26%
I have the opportunity to contribute my views before decisions are made that affect me	29%
Principles and practices that take account of individual differences (for example cultural or background) are respected by Area and unit managers	62%
I receive regular and constructive feedback on my performance	43%
Poor performance is managed effectively in CPS London	22%
I understand how CPS London/my unit is performing in comparison to other Areas and units	58%
The performance appraisal system in CPS London is effective and worthwhile	20%
Managers in CPS London communicate and engage with staff effectively	42%
CPS London processes and systems help to deliver Area priorities effectively	39%
The use of resources could be improved	91%
I feel motivated to do a good job	53%
Court listing is effective in CPS London, taking account of business needs	14%
The allocation of work generally balances the need for personal development as well as other factors (cost, availability, etc)	26%
I receive the training I need to carry out my role effectively	55%
In the past three years (or since I have joined CPS London) I think performance has improved	42%



D Methodology

Generally

This inspection took place against a framework agreed with the CPS. The findings were assessed against a scoring matrix which provided a guide as to whether the evidence in respect of each main criterion indicated that Area performance was excellent, good, fair or poor.

File examination

Inspectors examined 150 finalised magistrates' (including youth court) and Crown Court files. The finalised cases comprised a mix of outcomes and types, including guilty pleas, convictions and acquittals after trial, allegations of rape, racially aggravated offences and domestic violence.

As part of the fieldwork a small sample of files which had been subject to a complaint were examined to assess how well complaints were handled in the Area.

Examination of material

Inspectors examined relevant performance and financial information and other documentation, for example business plans, project plans and team meeting minutes before the fieldwork.

Survey

CPS London employees, independent counsel, defence representatives and community groups were invited to complete a web based questionnaire. The findings from those responses are set out at relevant parts of the report and the CPS employee responses in detail at annex C.

Observations

During the course of the fieldwork inspectors carried out advocacy observations at a range of Crown Court and magistrates' courts centres.

Process checks

Detailed process checks were carried out in each of the magistrates and Crown Court case progression units and the Early Guilty Plea scheme unit. These checks included assessments of the effectiveness of each key stage in the trial preparation process.

Interviews

Formal and informal interviews were conducted internally with:

- The Senior Management Team
- Unit Heads and managers
- Area operations staff
- Trades Union representatives
- Other prosecutors and administrators

External interviews were also undertaken with:

- Senior police officers and civilian police staff
- Resident Judges
- District judges
- Bench and Deputy Bench Chairs
- Justices' Clerks
- Deputy Justices' Clerks
- Her Majesty's Courts and Tribunals staff
- Defence representatives at court
- Mayor's Office for Policing and Crime

Members of Parliament

All MPs with constituencies covered by CPS London were invited to provide their views on its performance. We are grateful for the responses received.



E Mayor's Office for Policing and Crime: Strategic Priorities

MOPAC's priorities are to:

Hold the MPS⁵⁷ to account and deliver the Mayor's manifesto commitments and expectations.

Challenge the Metropolitan Police and other criminal justice agencies to deliver value for money for the taxpayer and meet the challenge of service delivery with fewer resources in the years ahead.

Ensure that all of London's public service agencies work together and with communities to prevent crime, seek swift and sure justice for victims, and reduce reoffending.

This plan proposes clear performance measures that focus on results, not process or activity. This can be summarised as a 20:20:20 Challenge. In order to achieve the mission and priorities, MOPAC have to:

Reduce key neighbourhood crimes by 20%, which means up to 250,000 fewer crimes.

Boost public confidence in the police by 20%, up to 75%.

Cut costs by 20% by delivering £500m savings.

⁵⁷ Metropolitan Police Service.



F Glossary

Area Business Manager

The most senior non-legal manager at CPS Area level.

Associate Prosecutor

A CPS employee who is trained to present cases in the magistrates' court on pleas of guilty, to prove them where the defendant does not attend or to conduct trials of non-imprisonable offences.

Case management system (CMS)

IT system for case management used by the CPS. Through links with police systems CMS receives electronic case material. Such material is intended to progressively replace paper files as part of the T3 implementation. *See also Transforming Through Technology (T3).*

Case progression manager (CPM)

An administrative member of CPS staff who manages the progression of cases through the Optimum Business Model system. They oversee and manage the prioritisation of OBM cases; ensuring cases are ready for trial on their trial date. *See also Optimum Business Model (OBM).*

Code for Crown Prosecutors (the Code)

The public document that sets out the framework for prosecution decision-making. Crown Prosecutors have the Director of Public Prosecutions' power to determine cases delegated to them, but must exercise them in accordance with the Code and its two stage test - the evidential and the public interest stages. Cases should only proceed if, firstly, there is sufficient evidence to provide a realistic prospect of conviction and, secondly, if the prosecution is required in the public interest. *See also Threshold Test.*

Committal

Procedure whereby a defendant in an either way case is moved from the magistrates' court to the Crown Court for trial, usually upon service of the prosecution evidence on the defence, but occasionally after consideration of the evidence by the magistrates. *See also either way offences.*

Complex Casework Unit (CCU)

A unit set up within each CPS Area which handles the most serious cases, such as organised crime, people or drug trafficking, and complex frauds.

Conditional caution

A caution which is given in respect of an offence committed by the offender and which has conditions attached to it (Criminal Justice Act 2003).

Contested case

A case where the defendant elects to plead not guilty, or declines to enter a plea, thereby requiring the case to go to trial.

CPS Core Quality Standards (CQS)

Standards which set out the quality of service that the public are entitled to expect. The standards reflect legal and professional obligations.

CPS Direct (CPSD)

This is a scheme to support Areas' decision-making under the charging scheme. Lawyers are available on a single national telephone number so that advice can be obtained at any time. It is available to all Areas.

Core Quality Standards Monitoring (CQSM)

A system of internal monitoring against the standards, whereby each Area undertakes an examination of a sample of completed cases to assess compliance.

Court orders/directions

An order or direction made by the court at a case progression hearing requiring the prosecution to comply with a timetable of preparatory work for a trial. These orders are often made under the Criminal Procedure Rules.

Cracked trial

A case listed for a contested trial which does not proceed, either because the defendant changes his plea to guilty, or pleads to an alternative charge, or because the prosecution offer no evidence.

Criminal Justice: Simple, Speedy, Summary (CJSSS)

An initiative introducing more efficient ways of working by all parts of the criminal justice system, working together with the judiciary, so that cases brought to the magistrates' courts are dealt with more quickly. In particular it aims to reduce the number of hearings in a case and the time from charge to case completion.

Criminal Procedure Rules (CPR)

Criminal Procedure Rules determine the way a case is managed as it progresses through the criminal courts in England and Wales. The rules apply in all magistrates' courts, the Crown Court and the Court of Appeal (Criminal Division).

Crown Advocate (CA)

A lawyer employed by the CPS who has a right of audience in the Crown Court.

Custody time limits (CTLs)

The statutory time limit for keeping a defendant in custody awaiting trial. May be extended by the court in certain circumstances.

Direct Communication with Victims (DCV)

A CPS scheme requiring that victims be informed of decisions to discontinue or alter substantially any charges. In some case categories a meeting will be offered to the victim or their family to explain these decisions.

Discharged committal

A case where the prosecution is not ready to commit the defendant to the Crown Court, but the magistrates' court refuses to adjourn the case.

Discontinuance

The formal dropping of a case by the CPS through written notice (under section 23 Prosecution of Offences Act 1985).

Early Guilty Plea scheme (EGP)

A scheme introduced by the Senior Presiding Judge in a number of Crown Court centres which aims to identify cases where a guilty plea is likely. The aim is to separate these cases into EGP courts which expedite the plea and sentence thereby avoiding unnecessary preparation work.

Either way offences

Offences of middle range seriousness which can be heard either in the magistrates or Crown Court. The defendant retains a right to choose jury trial at Crown Court but otherwise the venue for trial is determined by the magistrates.

File endorsements

Notes on a case file that either explain events or decisions in court or that provide a written record of out of court activity.

Indictable only, indictment

Cases involving offences which can be heard only at the Crown Court (e.g. rape, murder, serious assaults). The details of the charge(s) are set out in a formal document called the “indictment”.

Ineffective trial

A case listed for a contested trial that is unable to proceed as expected and which is adjourned to a later date.

Instructions to counsel

The papers which go to counsel setting out the history of a case and how it should be dealt with at court, together with case reports. These are sometimes referred to as the “brief to counsel”.

Judge directed acquittal (JDA)

Where the judge directs a jury to find a defendant not guilty after the trial has started.

Judge ordered acquittal (JOA)

Where the judge dismisses a case as a result of the prosecution offering no evidence before a jury is empanelled.

No case to answer (NCTA)

Where magistrates dismiss a case at the close of the prosecution evidence because they do not consider that the prosecution have made out a case for the defendant to answer.

Optimum Business Model (OBM)

A CPS initiative for handling its casework. The model sets out a framework of structures, roles and processes, and aims to standardise these across different units and Areas to improve efficiency and effectiveness.

Paralegal Career Family Structure

A new CPS career structure which defines the roles and responsibilities for non-legal staff from paralegal assistant to Associate Prosecutor.

Paralegal officer (PO)

A member of CPS Crown Court staff who deals with, or manages, day-to-day conduct of prosecution cases under the supervision of a CPS lawyer. The PO often attends court to assist the advocate.

Plea and case management hearing (PCMH)

A plea and case management hearing takes place in every case in the Crown Court and is often the first hearing after committal or sending in indictable only cases. Its purpose is twofold: to take a plea from the defendant, and to ensure that all necessary steps are taken in preparation for trial or sentence and that sufficient information has been provided for a trial date or sentencing hearing to be arranged.

Pre-charge decision (PCD)

Since the Criminal Justice Act 2003, this is the process by which the police and CPS decide whether there is sufficient evidence for a suspect to be prosecuted. The process is governed by the Director’s guidance, the latest edition of which came into effect in early 2011.

Pre-trial application

An application usually made by the prosecution to the court to introduce certain forms of evidence in a trial (e.g. bad character, hearsay etc).

Proceeds of Crime Act 2002 (POCA)

Contains forfeiture and confiscation provisions and money laundering offences, which facilitate the recovery of assets from criminals.

Prosecution Team Performance Management (PTPM)

Joint analysis of performance by the CPS and police locally, used to consider the outcomes of charging and other joint processes.

Prosecutor's duty of disclosure

The prosecution has a duty to disclose to the defence material gathered during the investigation of a criminal offence, which is not intended to be used as evidence against the defendant, but which may undermine the prosecution case or assist the defence case. Initial (formerly known as "primary") disclosure is supplied routinely in all contested cases. Continuing (formerly "secondary") disclosure is supplied after service of a defence statement. Timeliness of the provision of disclosure is covered in the Criminal Procedure Rules. *See also unused material.*

Review, (initial, continuing, summary trial, full file etc)

The process whereby a Crown Prosecutor determines that a case received from the police satisfies and continues to satisfy the legal test for prosecution in the Code for Crown Prosecutors. One of the most important functions of the CPS.

Section 51 Crime and Disorder Act 1998

A procedure for fast-tracking indictable only cases to the Crown Court, which now deals with such cases from a very early stage - the defendant is sent to the Crown Court by the magistrates.

Sensitive material

Any relevant material in a police investigative file not forming part of the case against the defendant, the disclosure of which may not be in the public interest.

Special measures applications

The Youth Justice and Criminal Evidence Act 1999 provides for a range of special measures to enable vulnerable or intimidated witnesses in a criminal trial to give their best evidence. Measures include giving evidence through a live TV link, screens around the witness box and intermediaries. A special measures application is made to the court within set time limits and can be made by the prosecution or defence.

Streamlined process (Director's guidance)

Procedures agreed between the CPS and police to streamline the content of prosecution case files; a restricted amount of information and evidence is initially included where there is an expectation that the defendant will plead guilty.

Summary offences

Offences which can only be dealt with in the magistrates' courts, e.g. most motoring offences, minor public order and assault offences.

Threshold Test

The Code for Crown Prosecutors provides that where it is not appropriate to release a defendant on bail after charge, but the evidence to apply the full Code test is not yet available, the Threshold Test should be applied.

Transforming Through Technology (T3)

A national CPS programme introducing electronic working and aiming to provide, through the use of enhanced technology, a more efficient Service. The CPS proposes to change its business processes by moving to full digital working by April 2013.

It involves electronic files being put together by the police and being sent digitally to the CPS. Cases will then be prepared electronically and prosecuted from laptops or tablets in court.

Unused material

Material collected by the police during an investigation but which is not being used as evidence in any prosecution. The prosecutor must consider whether or not to disclose it to the defendant.

Upgrade file

The full case file provided by the police for a contested hearing.

Witness Care Unit (WCU)

Unit responsible for managing the care of victims and prosecution witnesses from a point of charge to the conclusion of a case. Staffed by witness care officers and other support workers whose role it is to keep witnesses informed of progress during the course of their case. Units have often a combination of police and CPS staff (joint units).



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