

Area Assurance Inspection of CPS London North

October 2018



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1 Summary

1.1 These are the headline findings from our inspection of CPS London North. The Area's performance, as assessed against the mandatory modules of the inspection framework, was as follows.

Part A: The success of CPS people

| Criteria | Score |
|--|-------------|
| Senior management demonstrates effective leadership and engages with staff to identify and utilise opportunities to deliver a quality service. | Good |
| Senior managers work effectively and are influential with criminal justice partners. | Good |
| The Area is committed to CPS values , equality and diversity policies and staff development to deliver improvement in staff engagement, effectiveness, well-being and morale. | Fair |
| Overall score for The success of CPS people | GOOD |

Part B: Continuously improving

| Criteria | Score |
|---|-------------|
| The Area's key performance data is analysed effectively and used to inform resource allocation, to robustly identify the Area's strengths and weaknesses and to drive improvement. | Good |
| Resources are systematically managed and deployed effectively. | Good |
| Joined up working is effective and delivers improvements in outcomes for users. | Fair |
| Overall score for Continuously improving | GOOD |

Part C: High quality casework

| Criteria | Score |
|--|-------|
| Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; are properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction. (Magistrates' courts) | Fair |

| | |
|--|-------------|
| Case preparation and progression is effective and timely. (Magistrates' courts) | Fair |
| Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; are properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction. (Crown Court) | Fair |
| Case preparation and progression is effective and timely. (Crown Court) | Fair |
| Overall score for High quality casework | FAIR |

Part D: Public confidence

| Criteria | Score |
|--|-------------|
| Communications with victims under all applicable initiatives, Codes or policies (including consulting victims on discontinuance or pleas, letters under the Victim Communication and Liaison scheme, communications with bereaved families, and the Victims' Right to Review scheme) occur where required, and are timely and of a high standard. | Fair |
| The views and interests of the victim, witnesses and public are reflected and protected by the appropriate use of remand or bail conditions, Victim Personal Statements and ancillary orders at sentencing. | Fair |
| The Area is responsive to community groups, victims and witnesses, complainants, other stakeholders and the public and uses their feedback robustly to identify strengths and weaknesses and to improve service delivery. | Fair |
| Overall score for Public confidence | FAIR |

1.2 CPS London was the largest CPS Area where, over a sustained period of time, case outcomes had been less successful than nationally. Following a review¹, it was divided into two new Areas: CPS London North and CPS London South. The new structure went live on 1 April 2017. Some of the functions have remained at the pan-London level and this

¹ The review of CPS London was commissioned by the CPS Board in March 2016. The review aimed to identify why the Area's performance has not improved sufficiently against a number of the Service's key performance indicators and to identify solutions/actions for improvement. The review focused on five themes: People, Casework Quality, Organisation, Stakeholder Engagement and Process.

leads to a degree of cross-Area co-operation and joint working, which is vital as both the Areas work with a single police force, the Metropolitan Police Service (MPS), and overlap at certain Crown Court centres.

1.3 The current management team have faced substantial challenges, including the transition from CPS London into two newly formed Areas. Many staff have been pleasantly surprised and feel that the new Area works well and seems much more manageable. An additional challenge has been the office move to Petty France, although the move itself was seamless.

1.4 The Area has a strategic objective to raise employee engagement; there is good awareness amongst strategic managers and at the operational level. A significant amount of activity has taken place to determine the underlying issues and a number of actions have already been taken forward. CPS London North has been given additional management resources to increase the manager to staff ratio markedly, to allow managers time to better support staff, with the objective of improving performance outcomes. The smarter working scheme has been welcomed in the Area, and is having a positive effect on engagement. Communication is effective across the offices despite some staff being based remotely and there are regular team, performance and engagement meetings held in all units. The overall employee engagement level in the 2017 Civil Service People Survey (CSPS) for CPS London North has improved significantly from the overall CPS London score before the split. Although it is line with the CPS level of ambition, it remains behind the CPS Area average by 3%. Scores for the visibility of senior managers, and leadership and managing change in the Area have improved markedly between the 2016 and 2017 Civil Service People Surveys.

1.5 Bullying and harassment is a significant issue in London North and the CSPS scores remain worse than the London Area before the split. The Area recognises that this is an issue. It is to the senior management team's credit that they are taking these matters seriously and making a considerable investment in improving engagement and finding innovative ways to tackle bullying. After some improvement, the Area has started to see an increase in sickness absence; the Area needs to find ways to improve, in particular on long-term absence.

1.6 The Area score for Learning and Development in the 2017 CSPS was worse than nationally, although it was an improvement on the CPS London score before the split. The Area has committed to an induction programme for all new starters, having recognised that staff retention was an issue, and staff turnover has reduced. Performance issues are dealt with through a more supportive informal approach, and good performance has been recognised in a variety of ways.

1.7 The Chief Crown Prosecutors (CCPs) for London North and London South have quickly established strong relationships with key criminal justice partners. To guarantee that criminal justice partners receive a consistent approach, the attendance of both CCPs at the Local Criminal Justice Board (LCJB) ensures that there is a joint CPS approach. Partners indicated that the CCPs were also willing and able to make prompt strategic and operational decisions, committing resources to work on joint improvement activity. Additionally, both CCPs work with the Mayor's Office of Police and Crime, Her Majesty's Courts and Tribunals Service and the judiciary. A number of joint initiatives driven by the CPS have resulted in improved outcomes.

1.8 The Area has a formal structure of performance meetings. This provides a sound framework in which performance data is scrutinised by all levels of management. There is a feedback loop between the performance meeting at the strategic level and those held at unit level. Each unit is held to account and most staff are kept up to date with information on the performance of the Area and their unit through team meetings and briefing notes. The performance information for London North shows that over the course of 2017-18 the Area improved its performance in a number of key aspects compared to CPS London before the split; this is encouraging.

1.9 The Area's finances are managed in accordance with the national CPS Financial Control Framework and Checklist. Internal processes and checks are in place and provide effective assurance of financial probity. Both London Areas have been allowed to recruit additional staff above the level indicated by the CPS National Resourcing Model. Despite this additional resource commitment, the overall budget and spend has seen little change because the Area has also seen a corresponding reduction in its prosecution spend. The Area has implemented a number of methods to maximise the staffing budget, including recruiting members of the Bar to work on short-term secondments, which has worked very well. In addition, the magistrates' courts unit has a team of lawyers based in Wales conducting review work. This was primarily to help with the high turnover of staff in London and also to help CPS Wales manage their staffing arrangements at the time. It has also provided the Area with savings on the cost of employing staff with the London salary weighting.

1.10 At an operational level, CPS managers work closely with criminal justice partners to improve performance and outcomes for victims and witnesses. However, there are some legacy issues in London, such as the poor quality of police files, that mean it will take some time before a significant and sustained improvement is seen, even though work is in hand. The two London Areas and the MPS have jointly agreed a File Quality Improvement

Plan which contains clear and definitive improvement targets and enables the partners to measure and manage progress. In addition, the MPS recently launched the Central Case Management Team to quality assure case files before submission to the CPS. It will take some time before it can be seen whether any significant and sustained improvement will result.

1.11 The management of disclosure of unused material has also been a major challenge in London for a substantial period. Senior managers across the Area have developed a joint disclosure improvement plan and are working with the police to increase competence and compliance. The Area has delivered the national disclosure training programme to all of its lawyers. The Area has worked with the police to deliver joint training events and has committed resources to monitor the effectiveness of the improvement activity.

1.12 The Code for Crown Prosecutors was correctly applied at the charging stage by Area lawyers in all the relevant cases; however, there were files where the decision-making throughout the life of the case needed improvement. Only a third of cases supplied by the police fully complied with the National File Standard at the time of submission to the CPS. Performance in the magistrates' courts is slightly better than the findings for Crown Court casework. It was not uncommon for prosecutors to use Notices of Proposed Discontinuance as a tool to extract significant casework material from the police; the police were more likely to respond to this than an action plan or an escalation process. Under the Transforming Summary Justice initiative, effective case progression relies on the correct identification of the plea at the charging stage. There were a number of cases where the anticipated plea was incorrectly identified by the police and the Area failed to identify weak police charged cases at an early stage. This was a particular issue for cases heading for the Crown Court, resulting in significant wasted resources.

1.13 A good quality review is essential to ensure that the reviewing lawyer has a grip of the case. A quarter of the cases in both the Crown Court and the magistrates' courts had no review at all. This prevents the Area getting a grip at an early stage, either to build a stronger case as part of the prosecution strategy or to weed out weak cases. The failure by the CPS to grip cases effectively affects not only CPS resources but also those of their criminal justice partners, defendants and the victims and witnesses. In those cases where a review took place, it was generally timely. The observations in the magistrates' courts confirmed there are recurring problems that impact on the effectiveness of the first hearing. Criminal justice partners confirmed that in-house CPS prosecutors were generally able and prepared to make decisions and progress cases. The Crown Court Better Case Management initiative is not yet completely embedded and the Area needs to be more pro-active. The handling and management of unused material has received significant media attention. In CPS London North, the issues around police file quality make it

more challenging for lawyers to comply with their obligations in relation to handling the disclosure of unused material.

1.14 Casework quality has been a longstanding challenge for CPS London, in part because of police file quality, but also because of the lack of experience and capability of some staff. The Area has taken steps to address this. At the strategic level, a legal lead has been appointed and monthly Casework Quality Board meetings are held; learning points are taken forward from these meetings, as well as learning from the two pan-London Local Scrutiny and Involvement Panels (LSIP). The Area holds a high number of case management panels where it is felt management oversight is required or would add value. Reviews and decisions are quality assured by managers and unsuccessful outcomes and wasted costs are analysed alongside the individual quality assessment process. Senior managers dip-sample this work and, whilst there was some acceptance that the processes could be more robust, there was a focus on the delivery of positive and constructive feedback. The reduction in the number of staff managed by legal managers has enabled them to invest more time in monitoring, both in the office and at court.

1.15 During the same period, the Area secured convictions (either after trial or by a guilty plea) against 77.9% of defendants in magistrates' court cases and 73.8% of defendants in the Crown Court. Magistrates' court performance was worse than the national performance (84.8%), and so was Crown Court performance (79.9%).

1.16 The Inclusion and Community Engagement Manager (ICEM), communications team and Area managers work closely to build staff and community engagement. The ICEM attends the Casework Quality Board to link community feedback with casework discussions. The communications team produces monthly reports for the Area's Strategy Board, which describe internal and external communication activity, and steps have also been taken to improve the Area's visibility with the external media on issues of concern. There are two Local Scrutiny and Involvement Panels, one of which focuses on hate crime and the other on violence against women and girls. Feedback is used to improve outcomes – for example, the quality of letters to victims.

1.17 The Victim Liaison Unit (VLU) covers four CPS Areas, including London North, which presents a challenge when delivering a local service. There is variable performance by prosecutors both in notifying the VLU when a letter is required and in the quality of the information provided. In the letters that were of poor quality, there was a lack of empathy, inaccurate information, and explanations that were too brief. Considerable work has been undertaken to quality assure the letters sent, and guidance and training has been delivered. A panel of administrative staff has been established, and managers have used dip-sampling to provide feedback to deliver improvement. The Area has worked to increase

the number of cases where the appropriate hate crime uplift in sentencing is sought by prosecutors and properly recorded on the hearing record as having been applied by the court, and performance has been improving.

Good practice

1 The Chief Crown Prosecutor meets with all new and newly promoted staff to set out the vision for the Area and personally engage staff.

2 The Area has appointed two legal managers in the magistrates' teams and a new starter team to manage the induction process.

3 Weekly crown advocate liaison reports for unit managers capture the quality of preparation of cases and any issues raised by the court or counsel.

4 Performance posters, which are displayed in the office, set out clearly how the unit is performing against the Crown Prosecution Service high weighted measures, the priorities for the next three months and how close the unit is to achieving a better rating.

5 Staff high weighted measures champions raise awareness of the measures through a variety of media and engage a wider range of staff in the performance of the Area.

6 Recruiting members of the Bar to work on short-term secondments allows the Crown Prosecution Service to adjust staffing levels and improve the experience for the Crown Prosecution Service and the Bar.

7 Desk top guidance supplements the national legal guidance and offers some practical ideas to assist prosecutors.

8 The extended use of case management panels helps identify learning.

9 The Victim Communication Letter panel of administrative staff meets monthly and provides feedback to deliver improvement.

Strengths

- 1 The Area has strong working relationships with key criminal justice partners and there is effective representation at meetings.
 - 2 The Area has worked to increase the number of cases where the appropriate hate crime uplift in sentencing is sought by prosecutors.
-

Issues to address

- 1 The Area needs to address issues relating to inclusion and fair treatment, and bullying, developing an effective measurable plan to reduce these levels before the 2018 Civil Service People Survey.
 - 2 The Area needs to address the rising trend in sickness absence, with a particular focus on long-term absence.
 - 3 The Area needs to review the functions of the pan-London Business Centre and those of dedicated Area staff to identify any duplication.
 - 4 The Area should continue to influence the police to improve the quality of police files by having an effective mechanism to hold the police to account, monitor file quality, share data and escalate issues.
 - 5 The Area should continue to influence the police to ensure that the identification of anticipated pleas is improved, to facilitate the timely review of cases and effective case progression.
 - 6 The importance of constructive defence engagement should be emphasised and clear instructions given that reviews must include engagement with the defence when details are known.
-

7 The Area must ensure that quality reviews in Crown Court cases are undertaken in a timely manner, set out a clear case analysis and trial strategy, and facilitate effective grip.

8 The Area should continue to influence partners to ensure that case progression in the Crown Court adheres to the expectations of Better Case Management.

9 The Area should ensure that the work to identify the letters that should be sent to victims drives measurable improvement in both the number and quality of letters.



2 Context

2.1 CPS London was the largest CPS Area until April 2017, when it was divided into two new Areas: CPS London North and CPS London South. They were not fully independent Areas at that stage; for the first six months they were overseen by the CPS Directors of Business and Legal Services through a pan-London Board. The London Board has continued to be useful to both Areas in handling pan-London issues, so it has remained in place and is now led by both Chief Crown Prosecutors (CCPs) and Area Business Managers (ABMs). The data reported in this inspection covers the year of transition.

2.2 London North still encounters the challenges of London, namely a number of deprived inner city boroughs with significant social problems and levels of crime, and diverse minority ethnic communities speaking a range of different languages. The transient population makes ensuring victims and witnesses attend court challenging. The profile of cases and close media scrutiny of all that happens in London inevitably attract Ministerial interest. The Area has also faced the historical challenges of recruitment and retention of staff.

2.3 Some of the functions have remained at the pan-London level. This has led to a degree of cross-Area co-operation which is unique for a CPS Area, but also vital, because both the Areas work with a single police force: the Metropolitan Police Service. High level meetings are undertaken on a pan-London basis, involving both Areas, in order to exercise greater influence. Other functions have been divided with oversight from a single Area. The fees unit and the homicide unit are based in CPS London North whereas the Complex Casework Unit is sited in CPS London South. There is also a pan-London Business Centre, which deals with finance, performance operational support, Human Resources, training support and communication functions for both Areas. Both London Areas also share the London and South Eastern Circuit with CPS South East and CPS Thames Valley; the CCP chairs the Crown Advocate Liaison Committee, which is supported from the pan-London Business Centre. Since the split, the Area has also relocated to Petty France.

2.4 CPS London North still had offices at both Petty France and Rose Court at the time of the fieldwork, with the move of all staff to Petty France to be completed in July 2018. The Area is aligned with the Metropolitan Police Service and covers nine magistrates' courts and five Crown Court centres, including the Central Criminal Court. During 2017-18, it had the equivalent of 418.3 full-time staff and its budget was £41,176,283.

2.5 During 2017-18, the Area finalised 39,091 magistrates' court cases and 7,635 Crown Court cases. The Area's overall caseload is declining in both the magistrates' courts and the Crown Court. During the same period it secured convictions (either after trial or by a guilty plea) against 77.9% of defendants in magistrates' court cases and 73.8% of defendants in the Crown Court. Magistrates' court performance was worse than the national performance (84.8%), and so was Crown Court performance (79.9%).

2.6 The creation of CPS London North was accompanied by the appointment of a new senior management team. The ABM has been in post since November 2016, the CCP was appointed in January 2017 and two of the three Deputy Chief Crown Prosecutors (DCCP) have been in post since early summer 2017. The appointment of legal managers then followed. Thus the entire management team is relatively new, and some remain temporary in their posts. CPS London North has a remote hub in Wales undertaking review work for magistrates' courts casework.

2.7 Further information on the Area's performance data is at Annex A.

3 Methodology

3.1 Inspectors examined 150 magistrates' court and Crown Court files finalised between December 2017 and February 2018. The relevant parts of the report refer to the key findings from this examination. The full findings, together with a detailed breakdown of the file sample, can be found at Annex B.

3.2 The fieldwork took place in June 2018. Before this, documentation submitted by the Area was examined and a survey of CPS London North staff was undertaken. Inspectors spoke with members of the judiciary, representatives of partner agencies, and CPS staff both formally and informally. Court observations were undertaken to assess the effectiveness of case progression.

3.3 Key Area performance data compared against CPS national average performance is set out at Annex A. The data incorporated into the report is for the year 2017-18.

3.4 The report sets out the findings in respect of each section of the inspection framework. The framework, including the more detailed sub-criteria, is set out at Annex C.

Scoring

3.5 Inspectors assessed how well the Area met the expectations in each section of the framework as assessed against the criterion and the sub-criteria. Performance against each of the criteria was assessed as Excellent/Good/Fair or Poor.

3.6 A glossary of the terms used in the report is at Annex D.



4 Part A: The success of CPS people

Overall score: Good

Performance expectation:

The Area is led and managed effectively to ensure it has the right people equipped with the appropriate tools and skills for the job to deliver a high quality service. This is achieved by ensuring all staff have the right technology, systems and skills, to enable decisions to be made fairly, at the right time and at an appropriate level.

| Criteria | Score |
|--|-------|
| Senior management demonstrates effective leadership and engages with staff to identify and utilise opportunities to deliver a quality service. | Good |
| Senior managers work effectively and are influential with criminal justice partners. | Good |
| The Area is committed to CPS values , equality and diversity policies and staff development to deliver improvement in staff engagement, effectiveness, well-being and morale. | Fair |

Performance against the PART A Criteria

4.1 *The current management team has faced substantial challenges in the first year of operation, including the transition from CPS London into two newly formed Areas and an office move of all Area staff to Petty France. Both of these could have impacted significantly on staff engagement. The Area has made raising employee engagement a strategic objective; there is good awareness of this priority amongst all managers and a number of actions have already been taken forward. The smarter working scheme has been welcomed by staff in the Area, and this is having a positive effect on engagement. Communication is effective across the offices, despite some staff being based remotely, and regular team, performance and engagement meetings are held in all units. The Civil Service People Survey (CSPS) and the HMCPSI survey highlight that the visibility of senior managers is better than the national average, and the score for leadership and managing change has improved markedly. Performance issues are dealt with through a more supportive informal approach, and good performance has been recognised in a variety of ways. Having identified that staff retention was an issue, the Area committed to an induction programme for all new starters, and staff turnover has decreased. However, bullying and harassment is a significant issue in London North, although there is considerable investment in improving engagement. The Area also needs to improve sickness absence, in particular long-term absence.*

4.2 *The Chief Crown Prosecutors for London North and London South have quickly established strong and effective relationships with key criminal justice partners across London. There is a joint London Local Criminal Justice Board, which covers all police boroughs and courts and is attended by both CCPs, to maintain a joint CPS approach whilst representing their own Area in order to make prompt strategic and operational decisions. There is attendance at a senior level with the police and Her Majesty's Courts and Tribunals Service and the judiciary. This work has led to a number of positive outcomes.*

A1: Senior management demonstrates effective leadership and engages with staff to identify and utilise opportunities to deliver a quality service.

Assessment: **GOOD**

4.3 The overall employee engagement level in the 2017 Civil Service People Survey (CSPS) for the Area is 59%. This is in line with the Crown Prosecution Service level of ambition and has improved significantly from an overall CPS London score in 2016 of 54%, but remains 3% behind the CPS Area average of 62%. Following the split into two Areas, the Area published a joint 2017-20 Engagement Strategy with CPS London South and a pan-London Communications and Engagement Plan. The strategy was subsequently revised and re-named the 2018-20 Engagement Strategy and published on the 'Inside London' Knowledge Information Management (KIM) site, giving all staff ready access.

4.4 Raising employee engagement is a strategic objective for the Area; there is good awareness of this priority at all managerial levels. Engagement scores for the magistrates' courts and the Rape and Serious Sexual Offences (RASSO) units are significantly above the CPS target of 59%, with the Crown Court unit below the target and the homicide unit 4% below target. The Chief Crown Prosecutor (CCP) and other senior managers are working hard to raise engagement. A significant amount of activity has taken place in the Area, including focus groups, one-to-ones with relevant staff, and engagement group meetings at the operational level to determine the underlying issues behind some of the engagement scores. A number of actions have already been taken forward, such as team building days and well-being events, as well as some rotation of staff; various ideas were generated from the staff. It is too soon to say whether these events will result in positive outcomes, but it is clear that there is considerable activity, buy-in is apparent at both senior and operational levels, and most staff spoken to felt that positivity and morale in the Area had improved significantly in the past year.

4.5 The visibility of senior management was praised by staff spoken to, and staff felt that the CCP and Area Business Manager (ABM) were visible. The CCP meets with all new and newly promoted staff to set out the vision for the Area and personally engage staff;

this is **Good Practice**. The visibility rating in the 2017 CSPS for London North was 66% – better than the national average of 61% and much improved on the 2016 score of 45%. The culture of the Area has changed significantly in the past two years, with an emphasis on supporting staff. The majority of the managers in London North are new to their posts, because of the creation of new posts following the split into two Areas and the large turnover of staff. Operational managers and staff interviewed were very positive about the senior managers, stating that they were approachable, supportive and people focused. Managers in the Welsh team said they felt very much part of London North, despite being sited at locations in Wales. The Welsh team were invited to the London away-days, where they met with the CCP.

4.6 All senior managers have held a range of one-to-one meetings with staff or at team meetings and also sit amongst the staff on occasion. Operational managers commented positively on the priorities and style of the CCP, particularly people and casework. Administrative operational managers and staff were particularly complimentary about the ABM, stating he was very supportive.

4.7 The majority of operational managers felt that senior managers encouraged them to make their own decisions whilst still supporting them without a blame culture. In the HMCPSI staff survey, 92.8% of staff indicated that they were aware of the vision, values and objectives outlined in the CPS 2020 Business Plan and the annual local Area plan. However, a fifth (19.6%) stated that they were not clear on some aspects. Some felt that there was too much change, too much assumption that staff knew what the vision, values and objectives were or, because of a lack of resources, not enough time to spend reading new policies and relevant information that were circulated. The survey also revealed that 53.5% of managers and staff felt that most or all senior managers act as role models and demonstrate commitment to CPS values and equality and diversity policies, whilst 32.6% felt some but not all managers demonstrated this.

4.8 The management team has faced the additional challenge of the office moves from Drummond Gate and Rose Court to one floor in Petty France. This was still partially in progress during the inspection. Of those spoken to, almost all felt the office move was positive. The move itself was seamless and well managed and this paid off in terms of the positive experience felt by staff. One of the issues of the new open plan layout is the level of noise. To counteract this, the Area invested in privacy screens to reduce the sound and introduced a policy of ‘Open Plan Etiquette’. The Area has also made a concerted effort to improve accommodation and facilities at remote sites based at court centres and elsewhere to ensure staff are catered for – ensuring water coolant systems are working and any issues raised are dealt with swiftly, for example. Many of those interviewed who had disagreed with the decision to split CPS London indicated that they were pleasantly

surprised about how well the new Area works, and that it seems much more manageable as a smaller entity.

4.9 Some functions are still dealt with at the pan-London level, such as the homicide team. Other units are run by one or other of the CPS London Areas but operate across London. The clerking and fees functions are overseen by London North and the shared Business Centre. The Correspondence Unit and Complex Casework Unit are overseen by London South. In general, these teams work well and do not consider themselves aligned to one Area at the expense of the other; this model ensures some resilience. It also allows for good practice to be shared across both Areas.

4.10 The two Areas share a London Board. At the time of the London review, which recommended that London be divided, stakeholders who worked with both Areas were concerned that there may be some conflicts of interest in the two new CPS Areas. To minimise any divergence, it was agreed to set up the London Board, which would be overseen by the CPS Directors of Business and Legal. After several months, it became apparent that there were few issues or tensions and that the CCPs were working well on shared themes. A decision was made to continue with the meetings without the CPS Directors and the current London Board works well for pan-London matters. The meetings are held every two months and cover shared issues such as: advocacy; recruitment and retention; police, courts and defence matters; learning and development; the shared Victim Liaison Unit; and matters relating to CPS Direct. The meetings have resulted in a number of reviews taking place across various strands of work.

4.11 The 2017 CSPA score for leadership and managing change has increased by 13% to 44% from the 2016 survey and is now 2% below the CPS overall average of 46%. In the HMCPSI staff survey, 66% of staff felt they were adequately supported by their manager all or most of the time, with 12.4% of staff indicating that they were rarely or never supported. CPS London North has been given additional management resources to increase the manager to staff ratio and allow managers time to better support their staff.

4.12 The smarter working scheme has been welcomed and is having a positive effect on staff engagement. All those spoken to felt this flexibility provided for a better work-life balance, reduced commutes, made staff feel more respected and trusted, and improved productivity. Some managers indicated that the policy lacked clarity on certain aspects and that some staff would like to work at home more often, although it was accepted that staff needed to be at the office for some functions. In the 2017 CSPA, 93% of respondents were aware of the smarter working initiative.

4.13 The Area advocacy strategy is meeting a degree of resistance from some lawyers and is having some impact on engagement and morale across the Area. Whilst some lawyers welcome the move to learn or refresh skills, some would like further consultation and an appreciation that not all lawyers want to undertake advocacy in court. We are informed by senior managers that the initiative will help the Area with reskilling and upskilling as well as providing knowledge of what is required by all parties from review to presenting the case in court. Senior managers need to ensure that they address these concerns, otherwise those who are now engaged may become disconnected, which would adversely affect the engagement improvements in the Area.

4.14 Communication is effective across the offices despite some staff being based remotely. There is a dedicated Communications Manager who works to both London Areas. London North has re-introduced the London News Magazine, which brings together the headlines for the Area and is sent to all staff across the two London Areas. There is also a London Communications Plan 2018-20 to help the two Areas deliver local and national messages, integrated communications activities, and a range of newsletters encompassing a variety of messages including digital updates, well-being, hate crime, violence against women and girls, the outcome from local scrutiny panels, and staff changes.

4.15 Regular team, performance and engagement meetings are held in all units. The majority are held monthly, although most of the administrative teams have regular briefings as opposed to formal team meetings. There were some different approaches to recording the discussions in the meetings, which meant that in some units the manager would have to reiterate the discussion to members of staff who were not present at the meeting. In the HMCPSI staff survey, 81.4% of staff felt that they were kept informed of matters that impacted on them directly and 73.2% of staff felt that the exchange of information in meetings had led to some improved performance. There are still instances where e-mail is over-used; however, it was accepted that e-mail usage had increased with the introduction of smarter working. The Area is making good use of video link technology to ensure all team members can attend the meetings remotely, and is also currently considering set office days for teams so that most can attend team meetings face to face. Meetings amongst the advocacy teams are kept short and are held during downtime at court.

4.16 Consultation and inclusivity in the Area is good. Staff generally felt able to contribute their opinions, although there were some pockets of scepticism, namely: that the current staff inclusion wouldn't last; and that decisions had already been made before staff were consulted. Some staff felt there had been a lot of change and that they would like some time for projects to fully embed, instead of constant change. Three quarters of staff, 75.3%, in the HMCPSI survey felt they were given the opportunity to contribute to changes made in the Area.

A2: Senior managers work effectively and are influential with criminal justice partners.

Assessment: **GOOD**

4.17 The CCPs have both quickly established strong working relationships with key criminal justice partners across London. Key partners spoke highly of them, in particular mentioning their approachability, performance knowledge, partnership working and drive to make improvements in the Area.

4.18 There is a joint London Local Criminal Justice Board (LCJB) which covers all police boroughs and courts, chaired by a Metropolitan Police Assistant Commissioner. The LCJB meetings are held monthly and both CCPs attend. On splitting CPS London into the two Areas it was agreed that, because most representatives are pan-London, the LCJB would continue as one board at the strategic level, to address pan-London issues. By both attending the board, the CCPs maintain a joint CPS approach whilst representing their own London Areas in order to make prompt decisions. The LCJB has an annual planning day where priorities are set for the following year. The CPS funds an LCJB performance officer role that provides relevant performance data for the meetings to inform decision-making and progress.

4.19 Under the LCJB, there are a number of LCJB sub-groups. The sub-groups are based around themes, which include Domestic Abuse, Technology, Enforcement, Crown Court business, and magistrates' court business. The LCJB sub-groups meet monthly. Each sub-group is chaired by a member of the LCJB Chief Officer Group to ensure they have the ability to steer and hold others to account. Each is also attended by a CPS representative. Objectives and measures have been set for each sub-group.

4.20 There have been some longstanding issues in London, particularly around police file quality and disclosure. More recently, concerted efforts from the LCJB have made some good progress in addressing these. A Central Case Management Team has recently been introduced to quality assure police files and to facilitate CPS working with the police to improve the handling of disclosure.

4.21 Senior CPS managers attend other meetings with the police. CCPs meet with the Metropolitan Police Commissioner and Assistant Commissioner; CCPs and ABMs meet with the Police Head of Criminal Justice Unit; DCCPs hold regional meetings with police Area Borough Commanders on a monthly basis and also meet at Diamond and Gold groups to address specific issues. As well as the work around file quality and disclosure, the CPS has provided training on domestic abuse to the police. This has led to a reduction in cautions for domestic abuse offences and there is evidence of some limited improvement in the conviction rates in some boroughs. LCJB colleagues indicated that both CCPs are good

at highlighting national CPS issues and are keen to work with partners to improve joint performance outcomes. Inspectors were told that the two CCPs were fully engaged and brought an attitude of wanting to make progress and work in the interests of all partners.

4.22 There are regular strategic level meetings with Her Majesty's Courts and Tribunals Service (HMCTS). CCPs meet quarterly with each of the Resident Judges and every six months with the Senior Presiding Judge and the Senior District Judge (Chief Magistrate). The CCPs and ABMs also meet with HMCTS Head of Legal Operations and the Delivery Director. There is a London-wide Better Case Management (BCM) meeting which the CCPs attend. Work with the courts has led to a number of positive outcomes including: improved effective trial rates in both the Crown Court and the magistrates' courts; improved cracked trial rates; and substantial reductions in court sessions. There has also been work with HMCTS around court reform, including flexible and extended court sittings.

4.23 Both CCPs attend meetings with the Mayor's Office of Police and Crime. The CCPs also attend quarterly defence liaison meetings.

4.24 In the HMCPSI survey, 37.9% thought the Area had a good or excellent working relationship with the police and 40.2% thought partnership working with the courts was good or excellent. Around three quarters of staff, 75%, thought that partnership working was delivering results, although 60.9% of those staff were unable to provide examples of any improvement.

Strength

The Area has strong working relationships with key criminal justice partners and there is effective representation at meetings.

A3: The Area is committed to CPS values, equality and diversity policies and staff development to deliver improvement in staff engagement, effectiveness, well-being and morale.

Assessment: **FAIR**

4.25 The Area score for inclusion and fair treatment in the 2017 CSPTS was 65%, which is a decline of 1% on CPS London's 2016 score and below the CPS national average of 75%. In the HMCPSI staff survey, 55.7% of staff agreed that their line manager pro-actively encouraged staff to adhere to CPS values and equality and diversity policies all of the time and that 67% of managers would challenge inappropriate behaviour all or most of

the time. The CSPA score for 2017 highlighted that bullying and harassment is an issue in London North, with 23% of respondents saying that they had been subject to it – an increase of 5% on the 2016 figure, and significantly worse than the CPS average of 11%. Discrimination in the Area is also significant at 21%, against the CPS national figure of 13%; an increase of 3% on the 2016 figure.

4.26 The Area was aware that a culture had developed over a number of years of some unwanted behaviours that needed to be addressed, and there was concern that the figures had declined between 2016 and 2017. It is to the Area’s credit that they are taking these matters seriously and making a considerable investment in improving engagement. Following the 2017 CSPA, the Area immediately began working with its Human Resources (HR) Business Partner, analysing the data to determine which units were a priority and where action needed to be taken immediately.

Issue to address

The Area needs to address issues relating to inclusion and fair treatment, and bullying, developing an effective measurable plan to reduce these levels before the 2018 Civil Service People Survey.

4.27 Staff ‘Have Your Say’ meetings have already been held with most units and will continue quarterly. Individual meetings have taken place with some staff and units to determine the underlying issues and to generate ideas to improve engagement. The Area has been one of the first to introduce the CPS Respect Policy. It now has a clear understanding of many of the concerns. To address the issues there has been staff movement, and most teams have attended team building days and well-being events; these events will be ongoing and all units will participate. The Area realises that a change in culture and behaviour will take time. It is too early to say whether the work that has taken place will have the desired impact of improving morale and driving down unwanted behaviour in the Area, although many of the staff interviewed who had attended the events were positive about the experience and had made positive remarks about the experience to colleagues.

4.28 The 2017 CSPA Area score for Learning and Development is 49%, compared to the CPS average of 53%. This figure is an improvement on the 2016 score of 43%. The Area has staff dedicated to learning and development who facilitate the face-to-face and e-learning staff training requirements for both London Areas. They use individual requests, performance and development reviews and local training plans, and they manage the individual learning accounts. Since April 2018, the pan-London training team have pulled together an

ambitious overall London training plan, covering mandatory Civil Service Learning training, national and local priorities. Development needs are linked to the business plan and underpin the CPS four pillars.

4.29 London North uses managers to deliver training. The increase in the management cadre has catered for this approach. The Area recognises that many of the staff have been de-skilled in aspects of casework and advocacy. Locally, training has focused on domestic abuse, charging, reviews and disclosure. The Area has delivered bespoke training on attendance, grievance and investigations. Managers disseminate training on the themes identified from reviews, the Casework Quality Board, individual quality assessments, and management checks through feedback in team meetings; all themes are used to inform in-house training. A number of staff have also undertaken some court observations to assist them with advocacy requirements. Again, it is too early to tell if this training approach has delivered improvement in quality and outcomes.

4.30 In the 2017-18 Business Plan, the Area committed to develop and deliver an induction programme for all new starters, having identified that staff retention was an issue. The Area has appointed two legal managers in the magistrates' courts teams and a new starter team to manage the induction process; this is **Good Practice**. Staff turnover in the Area has decreased from 7.7% in 2016 to 5.7% in 2017-18; this is a significant improvement, and for the first time is better than the national average of 6.8%. In the 2017 CSPA, 81% of staff stated that they wanted to be working for the CPS for the next one to three years.

4.31 Secondees brought in to work in the Area have also provided some training. Some staff have been given the opportunity to deputise and shadow roles to see how they fit into the organisation and to give them the chance to experience the role as part of their own career progression. Although this is seen as positive, some staff reported that at times there were challenges fitting this in around work commitments.

4.32 In the HMCPSI survey, 70.1% of respondents said that they had taken the opportunity to use their individual learning account (ILA) and 18.6% said there was a good reason why it had not been used. ILAs have been applied to a wide variety of training opportunities, including the well-being events. In 2017-18 the Area spent £49,822 of ILA funding, which was 62.3% of the budget. The HMCPSI staff survey highlighted that 63.7% of staff felt they had adequate tools, training and technology to deliver a quality service.

4.33 After some improvement, sickness absence is now declining. In 2017-18 the average working days lost due to sickness stood at 8.2 days, a deterioration from 2016-17. Area performance remains worse than the national average and the CPS level of ambition of 7.2 days. Stress related sickness absence was high in 2017-18 at 36.6%, compared with 33.3%

nationally over the same period, and this is increasing. The Area has had the benefit of a number of HR business partners and HR officers for whom attendance has been one of the main priorities. The HR team work with the managers to examine sickness, disability related absence and stress, whilst also monitoring sickness and return to work processes. Managers have also been given coaching on managing sickness. Other Areas have visited London to see how it was reducing the working days lost; however, given the latest trends, London North will need to find other ways to improve, in particular on long-term absence. There were 14 attendance notices issued in 2017-18.

Issue to address

The Area needs to address the rising trend in sickness absence, with a particular focus on long-term absence.

4.34 There are some positive and improving indicators of engagement and commitment to the CPS and Area as a whole. In the 2017 CSPA, 73% of respondents indicated that their managers were considerate of their life outside work, 81% felt trusted to do their job and 93% said they were committed to the CPS purpose of delivering justice. In the same survey, just over a third (35%) of Area staff felt that poor performance was dealt with effectively: the same as the previous CPS London survey but 4% worse than the CPS national average. The Area deals with performance issues through a supportive, informal approach, offering additional personal support, training and in some instances moving staff to different roles. The introduction of additional managers has helped to facilitate this. We were given examples of managers working with individual members of staff on tasking days. This involves close monitoring throughout the day of an individual working through their task list and re-adjustment of targets to deal with tasks where necessary. This had delivered improvement in understanding and productivity. Managers and staff stated that it would not be common knowledge if action was taken on poor performance and some senior managers indicated that the more formal policies were not easy to progress. The Area had not issued any performance improvement notices in 2017-18.

4.35 Good performance has been recognised in the Area in a variety of ways. The CPS 'Simply Thanks' scheme has been widely used and the Area introduced 'North Star of the Month' to recognise individual staff, both operational delivery and legal. On the whole, managers are good at recognising and acknowledging good performance verbally at team meetings and through e-mails. The Area also used awards and highlighted good performance. The Area had made a concerted effort to thank operational delivery staff – for example, acknowledging the work undertaken by the pan-London Business Improvement and Change Team, who had managed the recent office move. London North also had three nominations and two winners at the national CPS Awards for Excellence.

5 Part B: Continuously improving

Overall score: Good

Performance expectation

The Area continuously improves how it works, deploying resources to work effectively and using efficient processes.

| Criteria | Score |
|---|-------|
| The Area's key performance data is analysed effectively and used to inform resource allocation, to robustly identify the Area's strengths and weaknesses and to drive improvement. | Good |
| Resources are systematically managed and deployed effectively. | Good |
| Joined up working is effective and delivers improvements in outcomes for users. | Fair |

Performance against the PART B Criteria

5.1 *The Area has a formal structure of performance meetings; this provides a sound framework in which performance data is scrutinised by all levels of management. There is a comprehensive programme of monitoring to drive improvement that covers the full range of the business. Each unit is held to account and most staff are kept up to date with information on the performance of the Area. Performance over the course of 2017-18 has improved in a number of key aspects, which is encouraging.*

5.2 *The Area's finances are managed in accordance with the national CPS Financial Control Framework and Checklist. Internal processes and checks are in place and are in line with the guidance to provide assurance of financial probity. Both London Areas have been allowed to recruit to a staffing level above that indicated by the National Resourcing Model. As a consequence, the Area has been able to reduce the ratio of line managers to staff, giving managers more time to support and supervise staff with the objective of improving performance outcomes. The Area has maximised its budget. The magistrates' courts unit has a team of lawyers based in Wales conducting review work, and has also recruited members of the Bar to work on short-term secondments.*

5.3 *The Area works closely with its criminal justice partners to improve performance and outcomes for users. However, there are some legacy issues in London, such as the poor quality of police files, that means it will take some time before a significant and*

sustained improvement is seen, even though work is in hand. The two London Areas and the Metropolitan Police Service (MPS) have jointly agreed a File Quality Improvement Plan, which contains targets for improvement and enables the measurement and management of progress, as well as a joint Disclosure Improvement Plan. In addition, the MPS has recently launched the Central Case Management Team, which will quality assure contested case files before submission to the CPS.

B1: The Area's key performance data is analysed effectively and used to inform resource allocation, to robustly identify the Area's strengths and weaknesses and to drive improvement.

Assessment: **GOOD**

5.4 The Area has a formal structure of performance meetings; this provides a sound framework in which performance data is scrutinised by all levels of management. These meetings identify issues and progress against which action is monitored and reported back. At a strategic level, the Area has a quarterly Performance Board. This is attended by: the Chief Crown Prosecutor (CCP); the Area Business Manager (ABM); the three Deputy Chief Crown Prosecutors (DCCP), who are each responsible for distinct parts of the Area business; and the six Senior District Crown Prosecutors (SDCP). This meeting is focused on the performance data and informed by reports provided by the SDCPs, highlighting aspects of performance that fall into the red or amber ratings or are declining against the CPS national high weighted measures. There are formal performance meetings at unit level. Additional operational meetings take place weekly and monthly, involving all levels of legal and operational delivery managers, and cover issues under the CPS national priorities. There is a feedback loop between the performance meeting at the strategic level and those held at unit level; this highlights aspects of performance where action is required, as well as regular updates on the outcomes of action taken.

5.5 The monthly Casework Quality Board (CQB), which is chaired by the CCP and attended by the DCCPs, focuses on driving up the quality of casework, and progress is monitored. There is a wide range of input including the issues arising from the individual quality assessment (IQA) process, themes picked up from the crown advocate liaison (CAL) reports and lessons learned from analyses of unsuccessful cases. Each business unit is held to account at the CQB and reports are prepared that update the Board about action taken in response to the results of the analysis. The Area has focused on ensuring that the IQA process is robust; feedback to individuals is seen as an opportunity to learn and improve their performance. Senior Area managers also undertake observations of CPS advocates in court as part of the IQA process and individual feedback is provided. Where themes are identified, action is taken to improve performance. There was evidence of

guidance being circulated to lawyers and agreed messages to take back to team briefings, where actions arising are noted and followed up at the next meeting.

5.6 The Area has a comprehensive programme of monitoring to drive improvement. It covers the full range of the business, including casework quality and compliance with processes. This, alongside analysis of data, has resulted in feedback to individuals, training and guidance for staff. It is followed up with monitoring at various levels to examine progress. The poor conviction rate in hate crime cases was identified as an issue, so the Area commissioned a review of all unsuccessful cases to identify trends and evaluate the effectiveness of the training. This continues to be monitored, with analysis of all finalised hate crime cases presented to the monthly CQB, feedback given to managers to discuss with individuals, and key messages taken back to the teams. In 2017-18, there was a modest increase of 1.6% to 78.3% in the hate crime conviction rate, although it remains below the national average.

5.7 As well as examining finalised cases to learn lessons, the crown advocate liaison (CAL) post holders conduct monitoring and operational analysis of cases in the Crown Court. Their weekly reports for unit managers capture the quality of preparation of cases and any issues raised by the court or counsel. This useful source of information identifies common issues and is **Good Practice**. The reports highlighted an issue with the quality of some indictments; this led to monitoring and training by managers, which delivered some improvement. The progress and improvement have been noted in the CAL reports.

5.8 The Area is working to verify the quality of some of the performance data. Legal managers were tasked to examine all cases which had been 'dropped at trial due to insufficient evidence' to see if action could have been taken earlier in the case to avoid the outcome, and also to ensure that the data recorded by the court was correct.

5.9 In the HMCPSI survey, 51.5% of staff agreed there are a number of mechanisms in place which allow the Area to learn lessons and that these have led to improvements, although only 6.2% of respondents felt that the Area was identifying lessons learned.

5.10 Over the course of 2017-18, London North has improved its performance in a number of key aspects. The conviction rate in the Crown Court has improved, as has the guilty plea rate. The effective trial rates in both the Crown Court and the magistrates' courts have both improved and are amongst the highest rates in the country. However, improvements have yet to be seen in other aspects of performance, such as the conviction rate in the magistrates' courts. The discontinuance rate has deteriorated since the CPS London split. In the 2017-18 Business Plan, the Area set a target to improve the conviction rate in domestic abuse cases, and whilst a small increase was achieved, it is still well below both the

target set by the Area and the national average. The Area also failed to improve the rape conviction rate, which fell below the rate achieved before the split. When viewed in the context of performance across the CPS, London North remains below the national average in the majority of the CPS high weighted measures; however, the improving trend of some aspects of performance is encouraging.

5.11 The Area has a wealth of performance information. Some is produced by the pan-London Business Centre, some by the performance staff in the Area's Business Support Unit and some by business management staff across the units. Performance data is accessible to all staff in both London North and London South via a Knowledge Information Management (KIM) performance portal. This includes a range of up to date themed reports including: high weighted measures; custody time limits; data quality; and the Resource Efficiency Model (REM). These appear to be primarily for managers. The reports use the usual traffic light approach to aid understanding for the reader. There are some variations in the detail of the reports and some managers would welcome greater analysis by the performance team.

5.12 Most staff were kept up to date with information on the performance of the Area and their unit through team meetings and briefing notes. In the HMCPSI survey, 62.8% of staff felt that there were mechanisms or regular forums in place for sharing performance information. However, only 34% of staff felt that the exchange of information led to improvement in performance, with a further 39.2% believing that it sometimes led to improvement. In addition, 48.4% felt that performance information was accessible and shared with them on a frequent basis and in an understandable format, with 35.1% feeling that this information was shared with them only sometimes. The Area has produced striking performance posters which are displayed in the office and set out clearly how the unit is performing against the CPS high weighted measures, the priorities for the next three months, and how close the unit is to achieving a better rating. This is **Good Practice**. Posting these on the Area KIM page would make this useful summary of performance accessible to all staff, regardless of their location.

5.13 The Area has been innovative in the way it has raised staff awareness of performance. Staff at different levels, both legal and administrative, were invited to become champions for particular high weighted performance measures. These champions raise staff awareness of the measures through a variety of media and engage a wider range of staff in the performance of the Area; this is **Good Practice**. Operational delivery staff have also been part of a group examining letters to victims, to give a non-legal perspective in an effort to drive up the quality of these letters.

5.14 The Area's emphasis on continuous improvement is demonstrated by the recent establishment of an Operational Delivery Board. This focuses on: improving business processes; ensuring compliance with Standard Operating Practices (SOPs); developing business processes for dealing with new tasks, such as Area-based charging; and monitoring aspects of performance where issues have been identified. This group reports directly to the Area Strategy Board. The effectiveness of this forum could not be assessed, given its recent creation.

5.15 The Area operates a number of mechanisms to assess performance and compliance in relation to both casework quality and processes. The Area has placed an emphasis on ensuring that IQA work is carried out robustly by legal managers through dip-sampling by the SDCPs. The learning from the IQA process is fed back to individuals, trends are identified and discussed at team meetings and, where appropriate, guidance or training is delivered. Whilst there was evidence of some improvement, some issues were ongoing. Unit managers also produce a monthly summary of cases with adverse outcomes. This draws out any lessons learned from the cases and notes any action taken. These are also considered by the CQB and managers discuss lessons learned with the staff involved. Operational delivery managers also undertake dip-sampling, compliance checks and monitoring exercises, which highlights issues such as completion of tasks on the case management system (CMS) in compliance with the SOP. This is being monitored by managers after guidance was re-issued to staff.

5.16 The pan-London Business Centre provides a unique opportunity for the two London Areas to share good practice and to pilot initiatives in one Area, learning from experience before implementation in the other. The performance posters are an example of sharing good practice.

5.17 Some work has been undertaken to benchmark the Area's performance against other CPS Areas with similarly sized caseloads, to provide a steer on targets and achievements. When the Area was asked to reduce the number of outstanding tasks on the CMS, performance was compared with that of similarly sized Areas.

B2: Resources are systematically managed and deployed effectively.

Assessment: **GOOD**

5.18 The Area has only been operational for just over one financial year, so it is difficult to demonstrate a track record of the Area's ability to operate within budget. In both the financial years 2015-16 and 2016-17, the CPS London Area operated within budget with an underspend of £419,439 and £158,975 respectively. In 2017-18, the Area budget was

£41,176,283 and it underspent by £378,834: a 0.9% underspend. The Area had predicted an overspend of 4.6% at the start of 2017-18, based on financial reports in London before the split. In the first year after the initial split of the CPS London budget between the two newly formed Areas, the budgets of London North and London South were subject to a number of changes, with budget amounts being transferred between each. This was a result of the operational funding requirements becoming clearer following the initial splitting of the budget.

5.19 The Area's finances are managed in accordance with the national CPS Financial Control Framework and Checklist. Internal processes and checks are in place and are in line with the guidance to provide assurance of financial probity. Financial delegation limits are subject to an annual review. The ABM has a monthly finance meeting with the Area Finance Manager and Senior Business Managers. The ABM also meets with the DCCPs on a monthly basis to discuss budget and staffing. The pan-London Business Centre financial staff undertake monthly dip-sampling on all items of expenditure and the results are available to the CCP and ABM. Spend on very high cost cases is monitored and staff are reminded regularly to notify such cases to their managers and the finance team.

5.20 After liaising with CPS Headquarters, both London Areas have been allowed to recruit to a level above that indicated by the National Resourcing Model (NRM). The effect for London North is that it can appoint up to 25 lawyers above the NRM level. Despite this extra resource commitment, the overall budget and spend for the Area has seen little change, because the Area has also seen a corresponding reduction in its prosecution spend under the Graduated Fees Scheme (GFS). This can be linked to a reduction in the caseload dealt with by the Area over the same period. While it is unclear what impact a future GFS increase could have on the Area's non-prosecution cost spend, the commitment of additional staff resources is an ongoing commitment and consequently the Area has built this into its forward staff resource plan.

5.21 Because of the additional resources and the increase in the number of managers, the Area has been able to reduce the ratio of line managers to staff. This gives managers more time to support and supervise staff, with the objective of improving performance outcomes. London North has one of the highest caseloads in the country in both the magistrates' courts and the Crown Court. Despite this, in 2017-18 the average number of cases completed by prosecutors was 224.6, compared to the national figure of 243.1. This had fallen substantially from the figure before the split, when the number of completed cases per prosecutor was 291. In contrast, the average number of contested cases dealt with per prosecutor was 38.6, which is substantially higher than the national average of 29.4. Whilst dealing with fewer cases overall than the national average, the contested cases involve more work as they need to be prepared for trial.

5.22 Staff planning and monitoring is good, with sound forward planning to cover periods where there will be a high demand for annual leave. The Area has developed a deployment matrix to ensure that court sessions are covered. The level of agent deployment is agreed at the London Board and the use of agents is monitored. In 2017-18, the Area managed to reduce its use of agents by an average of one agent per day. The Area has reduced the percentage of magistrates' court sessions covered by agents from 36.5% in CPS London before the split to 29.7% in CPS London North in 2017-18. However, in 2017-18 the Area had one of the highest spends on agent usage in the country. In recent months, Area managers examined court sessions in detail and have been able to negotiate a significant reduction in the number of magistrates' court sessions with Her Majesty's Courts and Tribunals Service, securing savings for both the CPS and the courts.

5.23 The savings target for crown advocates for 2017-18 was set jointly for London North and London South. The target of £3 million was met, with both Areas contributing similar amounts. However, because of a national change in the recording and collation of deployment of crown advocates, the CPS has not produced savings per crown advocate, by Area or nationally. It is therefore not possible to comment on how effectively crown advocates are used in either of the London Areas.

5.24 The Area has implemented a number of ways to maximise the staffing budget. The magistrates' courts unit has a team of lawyers based in Wales conducting review work. This was primarily to help with the high turnover of staff in London, and to help CPS Wales manage its staffing arrangements at the time. It has also provided the Area with savings on the cost of employing staff with the London salary weighting.

5.25 The Area has also recruited members of the Bar to work on short-term secondments. This has worked very well for both sides; the Area has gained experienced counsel from which CPS staff, who have limited experience of advocacy in the Crown Court, have been able to understand what the advocate needs in court. In turn, the recruited barristers have gained better understanding of the issues facing the CPS in preparing the case for court. This scheme is **Good Practice** and allows the CPS to adjust staffing levels as and when required, without having to commit to recruiting permanent staff. The Area undertook a cost comparison between a permanent member of staff and a secondee and found the costs to be similar.

5.26 Following the split of CPS London at the start of 2017-18, the two new Areas deployed a number of dedicated teams working across both Areas, providing both resilience and efficiency savings. These include a pan-London: Clerking team; Fees team; and Business Centre, as well as a collaborative approach to the Central Correspondence and Enquiry Team (CCET), a central team with a single point of contact. Responsibility for these teams is shared between London North and London South.

5.27 The CCET mainly deal with correspondence from defence, victims and witnesses, but they also deal with hard media coming into the Areas. They are responsible for controlling such media and linking it to the relevant cases. The CCET team for the Crown Court has since been formally split between the two Areas, and there are plans to divide the corresponding magistrates' courts team following the move of staff to the new office at Petty France, although the detail of the split has not yet been decided. The operation of the CCET has been acknowledged for helping control the receipt of hard media into both Areas, and the number of complaints received about not being able to contact CPS London is understood to have decreased. However, the unit has not been without issues since the split and Area managers will need to address these. Feedback included that staff are unclear if the division of work between the Areas has been equitable, with staff feeling torn between how to allocate their time. Senior managers are considering the structure of the team and how it will operate once it moves to Petty France.

5.28 The pan-London Clerking team is managed by London North. The operation of this team is currently under review to establish how effective deployment is between both Areas and whether dividing the team into two would be more effective.

5.29 The pan-London Business Centre's resources amount to 14 staff and managers, not including staff dedicated to fees control and payment. The finance and performance operational support for both Areas falls under the pan-London Business Centre, though the individual Areas also have staff dedicated to these roles. During the fieldwork, it became apparent that some duties are currently being duplicated by the pan-London Business Centre and dedicated Area staff. For example, the joint team produce financial and performance information which is then subject to further detailed analysis in the Area teams. This deployment and duplication is inefficient and does not provide the best value across both Areas.

Issue to address

The Area needs to review the functions of the pan-London Business Centre and those of dedicated Area staff to identify any duplication, in order to streamline the operation of both.

B3: Joined up working is effective and delivers improvements in outcomes for users.

Assessment: **FAIR**

5.30 The Area works closely with its criminal justice partners to improve performance and outcomes for users. Senior CPS managers work closely with the police, HMCTS and the judiciary through the LCJB and its sub-groups, as well as holding a number of bilateral meetings, to improve performance and the service to victims and witnesses. However, there are some legacy issues in London, such as the poor quality of police files, that mean it will take some time before a significant and sustained improvement is seen, even though work is in hand.

5.31 The pan-London performance team in the Business Centre produce a substantial amount of performance information, which is shared with partner agencies. Since the latter part of 2017, the LCJB performance officer role has been vacant. The CPS Business Centre has supplied the relevant data to inform the LCJB meetings and the data appears tailored to the specific sub-groups and meetings. The data comprises national data and a comparison of London North and London South data at borough level. There is some limited interpretation of the trends and comparison to national averages, but no in-depth analysis across the different measures.

5.32 As well as the LCJB and the thematic sub-groups, there are a number of operational sub-groups based on geographical areas, each covering a small number of boroughs. These sub-groups, known as Local Justice Areas (LJAs), are attended by all the criminal justice agencies. Legal manager representatives attend on behalf of the CPS. The LJAs report on the performance of their boroughs to the LCJB and its thematic sub-groups.

5.33 CPS London North and CPS London South are served by one police force, the Metropolitan Police Service (MPS), with the City of London Police aligned to CPS London South. After CPS London split into the two new Areas, the CPS and MPS acknowledged that the joint performance management arrangements between them needed refreshing to become more effective. A new structure of monthly meetings between borough-level police single points of contact (SPOC) and CPS Senior District Crown Prosecutors, for both Crown Court and magistrates' court units, was established. The focus of the monthly meetings is based on borough performance data.

5.34 The quality of police files received from the MPS has been a longstanding issue for the CPS. The police file quality dashboard shows that the MPS is firmly the worst nationally. This adversely affects the resources required to ensure case files are in a suitable form to progress at court. Liaison with the police to improve file quality has been continuing for

many years and the underlying reasons for poor quality have been identified routinely. The common themes include: poor or absent key witness statements; failure to provide body worn camera or CCTV footage; and poor understanding and handling of disclosure of unused material. Work has been ongoing with SPOCs to improve this situation.

5.35 The two London Areas and the MPS have jointly agreed a File Quality Improvement Plan, which contains clear and definitive targets for improvement and enables the partners to measure and manage progress against these targets. In addition, at the time of the fieldwork, the MPS launched the Central Case Management Team to quality assure case files before submission to the CPS. The team consists of about 40 police officers and 30 police staff acting as a gateway between the police and CPS, covering not guilty anticipated plea (NGAP) case files only. Because the Central Case Management Team were only established recently, it is still too early to assess their effectiveness in driving up police file quality. The lack of clarity about how individual boroughs would be held to account through the joint prosecution team performance management arrangements also needs to be addressed.

5.36 The management of disclosure of unused material has also been a major challenge in London for a substantial period, since before the collapse of some RASSO cases in December 2017 and January 2018, which received significant media attention. Managers across the Area are working at a strategic level with the police in relation to this, and to date this has resulted in the joint Disclosure Improvement Plan. The police have committed resources to improving performance in relation to disclosure through the new Central Case Management Team, who have been tasked with picking up disclosure issues as part of the check on police file quality overall. The CPS in both London Areas has provided disclosure training internally and to police staff, and informed the content of police training. Disclosure training, which included the handling of hard media, has been delivered by senior CPS legal managers to all police SPOCs to disseminate to all officers. Another recurring theme was the poor quality of the disclosure schedules sent to the CPS. A joint review by the CPS and the MPS identified that a technical issue between the police and CPS digital interfaces had contributed to this issue, and this has now been addressed.

5.37 CPS London North has also undertaken detailed work with the MPS on police file quality data and adverse case outcome reports. The data is being used to identify aspects of poor performance and interrogated at borough level to pinpoint where the concerns lie. This has led to specific pieces of work to identify the issues – for example, the low domestic abuse conviction rate led to an in-depth analysis of the file quality in domestic abuse cases, and a number of common themes were identified and fed back to the police locally. As yet, it is too early to say if this is making a difference.

5.38 The Area is represented consistently by staff at an appropriate level at prosecution team performance management (PTPM) meetings. However, these meetings could be more effective if the MPS were also represented by staff at the right level. Although the CPS representatives take a robust view in these meetings, there are several examples of the Area committing time and resources to help improve police performance through training or drafting guidance. For example, there is a continuing issue with the police incorrectly identifying guilty anticipated plea (GAP) and not guilty anticipated plea (NGAP) cases. A lawyer on the magistrates' courts review team has been tasked with examining specific types of cases to identify wrongly categorised cases and the results will be fed back to the police. The Area has also provided guidance to the police officers making the decision to categorise the file. All this work will take time to deliver improved outcomes.

5.39 Both of the London CPS Areas, the MPS and HMCTS have been working together to clear a backlog of outstanding warrants, some of which date back 20 years. The police are providing a schedule of cases for the CPS to review and decide whether it is in the public interest to continue the warrant or whether to withdraw it at court. This is an example of the agencies taking a pro-active stance and working together to clear historic backlogs.

5.40 At the operational level, the crown advocate liaison role provides an accessible presence in each of the Crown Court centres, dealing with issues as they arise. Details are fed back to CPS managers, who feed relevant information on to staff. This role is appreciated by HMCTS staff and the judiciary; it is an effective means by which to resolve issues quickly.



6 Part C: High quality casework

Overall score: Fair

Performance expectation

The Area delivers justice through excellent, timely legal decisions, casework preparation and presentation, leading to improved outcomes.

| Criteria | Score |
|--|-------|
| Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; are properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction. (Magistrates' courts) | Fair |
| Case preparation and progression is effective and timely. (Magistrates' courts) | Fair |
| Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; are properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction. (Crown Court) | Fair |
| Case preparation and progression is effective and timely. (Crown Court) | Fair |

Performance against the PART C Criteria

6.1 *Casework quality has been a longstanding challenge for CPS London, in part because of police file quality, but also because of the lack of experience and capability of some staff. Only a third of cases fully complied with the National File Standard at the time of submission to the CPS. Performance in the magistrates' courts was slightly better than the findings for Crown Court casework. Under the Transforming Summary Justice initiative, effective case progression relies on the correct identification of plea at the charging stage. There were a number of cases where the anticipated plea was incorrectly identified by the police and the Area failed to identify weak police charged cases at an early stage, which was a particular issue for cases heading for the Crown Court, and resulted in significant wasted resources.*

6.2 *A good quality review is essential to ensure that the reviewing lawyer has a grip of the case. A quarter of the cases in both the Crown Court and the magistrates' courts had no review at all. In those cases where it did take place, the review was generally timely. The observations in the magistrates' courts confirmed that there are recurring problems that impact on the effectiveness of the first hearing, although criminal justice partners confirmed that in-house CPS prosecutors were generally able and prepared to make decisions and progress cases. The Crown Court Better Case Management initiative is not yet completely embedded and the Area needs to be more pro-active. The handling and management of unused material has received significant media attention and the issues around police performance make it more challenging for lawyers to comply with their obligations. The Area has taken steps to improve casework quality; a number of mechanisms are in place with a focus on delivering positive and constructive feedback.*

6.3 *In accordance with the Director's Guidance on Charging², some cases may be charged by the police without reference to the CPS, or as directed by CPS Direct or Area-based lawyers. In assessing Area performance in this aspect, including compliance with the Code for Crown Prosecutors³, we only consider those cases where the charge is directed by an Area lawyer. However, in order to give a full picture, we comment on the quality of all charged cases, regardless of how initiated. The file sample consisted of 150 cases; 74 of these cases were concluded in the magistrates' courts and 76 in the Crown Court. The Code was correctly applied at the charging stage in 139 of these cases (92.7%) and correctly applied by Area lawyers in all the relevant cases.*

C1: Reviews and decisions – Magistrates' courts

Assessment: **FAIR**

6.4 There were 38 police charged cases in the magistrates' courts file sample. The police decision to charge complied with the Code in 35 of these (92.1%). Of the remaining three cases, the CPS discontinued two of the cases promptly but allowed the third to proceed, which resulted in a finding of no case to answer at a trial in the Youth Court after four hearings.

6.5 The decision to charge was made by CPS Direct (CPSD) in 36 cases in the magistrates' courts files. All but one were compliant with the Code (97.2%). The one case which was not compliant, in relation to the charge of affray, is detailed in the case study.

² www.cps.gov.uk/legal-guidance/charging-directors-guidance-2013-fifth-edition-may-2013-revised-arrangements

³ www.cps.gov.uk/publication/code-crown-prosecutors

The case involved an allegation of domestic abuse, whereby the defendant's mother informed NHS Direct that the defendant had a knife and had caused damage to her home. NHS Direct in turn called the police. The case was wrongly charged on the threshold test by CPS Direct as affray as well as a charge of criminal damage. There is no full Code test on the file. The complainant initially made an undated statement but subsequently made a withdrawal statement stating that she was unwilling to attend court. There were previous incidents that suggested the defendant posed a risk. He was also subject to a suspended sentence. The review by the Area was not timely, but before that review, an early hearing was observed by a Senior District Crown Prosecutor (SDCP), where there was an offer to plead to the criminal damage charge. The SDCP thought rightly that the affray 'is not really made out'. Instead of accepting a plea to the criminal damage charge at that stage, the matter was adjourned to seek the complainant's views. The matter was then reviewed formally for the first time by the allocated lawyer and stopped. The review note stated that the affray was not made out and that the criminal damage charge did not justify a witness summons for the complainant.

6.6 The Director's Guidance on Charging requires the CPS to review all police charged cases in accordance with the Code before the first hearing. However, the CPS process provides for differing standards of review, depending on the plea that is anticipated. An anticipated not guilty plea (NGAP) file should receive a full Code review by a lawyer five days before the hearing, whereas an anticipated guilty plea (GAP) file will often only be considered by the court advocate, usually an Associate Prosecutor, on the day of the hearing as part of their court preparation. As a consequence, the Area is failing to identify weak police charged cases at an early stage. This was a particular issue for cases heading for the Crown Court, resulting in significant wasted resource. The file examination included three cases where the police had charged the defendants with offences despite a lack of evidence. All three cases would have been stopped before the first magistrates' court hearing if they had been reviewed in accordance with the Code.

6.7 In the magistrates' courts file sample, the police fully complied with the National File Standard in 25 relevant cases (34.7%), 31 cases partially complied (43.1%) and in 16 (22.2%) there was no compliance. The main failings were inadequate or missing key statements in 13 cases (27.7%), the lack of a Victim Personal Statement in 13 cases (27.7%), and file overbuild in 12 cases (25.5%). Submission of the police file was timely in 61 of the 74 relevant cases (82.4%).

6.8 The CPS uses the National Case File Monitoring process and records failings in file quality on the case management system (CMS). Prosecutors stated that this system was

now working better than it had when it was first introduced. It was not uncommon for inadequate files to contain Notices of Proposed Discontinuance, which prosecutors used as a tool to extract significant casework material from the police. Prosecutors confirmed that the police were more likely to respond and deal with a discontinuance notice than an action plan or an escalation of the case.

6.9 The Metropolitan Police Service is committed to driving up the quality of police files. This is demonstrated by the recent investment in a new Central Case Management Team, designed to check file quality before submission to the CPS. It is too early to know how successful this team will be in driving up police file quality, although they rejected very nearly all of the files submitted by police officers in the first week of operation. The team do not consider custody cases which are charged directly to court or look at guilty anticipated plea cases, so they will not directly affect many of the problems highlighted in this part.

Issue to address

The Area should continue to influence the police to improve the quality of police files by having an effective mechanism to hold the police to account, monitor file quality, share data and escalate issues.

6.10 An incorrectly anticipated guilty plea influences the composition of the initial details of the prosecution case (IDPC). This adversely affects the defence representative's ability to properly take instructions or advise their client, and can reduce the prospect of an early guilty plea. In the file sample, the plea was incorrectly identified by the police in 10 of the 38 relevant police charged cases in the magistrates' courts (26.3%). The issue was more significant in the Crown Court casework. Senior managers are aware that incorrect identification is a particular problem for the Area and, at the time of the fieldwork, some limited additional review resources had been allocated to look at particular types of offence flagged as guilty anticipated plea (GAP) to check whether the classification is accurate. The results will be fed back to the police. In view of the apparent scale of this issue, the Area needs to find actions to deal with this problem alongside its police partners, and thus make better use of its resources and provide a better service to the public.

Issue to address

The Area should continue to influence the police to ensure that the identification of the anticipated plea is improved, to facilitate the timely review of cases and effective case progression.

6.12 A timely proportionate review is critical if a case is to proceed at the first hearing. In the file examination, there was a proper and proportionate initial review recorded in 42 out of 59 cases (71.2%). In 14 cases (23.7%), there was no review. In the court observations conducted during the fieldwork, 13 of the 14 applicable cases had a review (92.9%).

6.13 When a review was completed, timeliness was good, with 42 of the 45 relevant cases (93.3%) reviewed in sufficient time to enable papers to be prepared for the court and the defence. However, there was very little evidence in the file sample of any constructive engagement with the defence before the first hearing, even where these details were known. This was supported in the cases observed at court: there was no reference to any engagement with the defence. This needs to be addressed if the potential benefits of Transforming Summary Justice (TSJ) are to be realised.

Issue to address

The importance of constructive defence engagement should be emphasised and clear instructions given that reviews must include engagement with the defence when details are known.

6.14 Legal reviews should include a prosecution strategy to maximise the prospects of successful outcomes. The file examination revealed a mixed picture, with examples of both good and poor analysis. The Code was applied correctly post-charge in 71 out of 74 relevant magistrates' court cases (95.9%). One case was charged incorrectly by the police to the Youth Court and was poorly handled throughout by both the police and the CPS; it should not have been allowed to proceed to trial.

6.15 The other two cases that failed to meet the Code test at the post-charge stage both involved domestic abuse. The Area has the worst conviction rate nationally for domestic abuse cases: 66.2% for the year 2017-18.

6.16 Until recently, domestic abuse casework in the magistrates' courts was dealt with by a specialist team of prosecutors. The Area made a decision to mainstream all domestic abuse work and disbanded the specialist team. The rationale for this change of approach includes the impending return of charging to the Area, the need to build resilience and the expectation that a significant number of the cases that will be referred to the Area for a charging decision will involve domestic abuse.

6.17 There are several strands of work ongoing which seek to address the high numbers of unsuccessful cases, and training has been delivered to prosecutors to improve their knowledge and understanding of the CPS guidance for domestic abuse cases. Legal reviews and decisions must comply with the Code and follow the CPS guidance for domestic abuse cases. The following case study demonstrates an example where it did not.

The complainant, who was pregnant at the time of the alleged assault, was head-butted by the defendant. By the time that charging decision had been made, it was clear she was not prepared to support the case, so the decision was made on the basis that the case could proceed without her evidence. The evidence consisted of statements from the complainant's mother and sister; both gave slightly different accounts of the lead-up to the assault but agreed that the complainant was head-butted by the defendant, causing her nose to bleed. The matter was reviewed before the first hearing by an Area lawyer, who was in agreement with the charging lawyer that there was sufficient evidence to proceed without the complainant. After the first hearing, the matter was reviewed by a different lawyer, who concluded that in the absence of the complainant, there was insufficient evidence to proceed, even though the evidence had not changed. This lawyer discontinued the case without any reference to or discussion with the police or the victim. The decision that this was going to be an evidence-led (victimless) prosecution was made appropriately at an early stage and there was no change in the circumstances, so it was wrong to later discontinue the case.

6.18 Reviews and decisions are quality assured by managers. Unsuccessful outcomes and wasted costs are analysed alongside the individual quality assessment (IQA) process. Senior managers dip-sample work and, whilst there was some acceptance that the processes could be more robust, there was a focus on the delivery of positive and constructive feedback. Operational managers informed us that, since the formation of CPS London North, they felt there had been a cultural shift that encouraged open discussion to reach the right solution. Whilst all staff and managers are responsible and accountable, we were told that there is no longer a 'blame culture', which had been perceived to exist in the past. The increase in the number of legal managers and the resultant reduction in the numbers of prosecutors managed has enabled managers to invest more time in the IQA process, both in the office and at court. Prosecutors with differing levels of experience stated that they found the IQA process useful to enable them to develop their skills.

6.19 In the HMCPSI staff survey, 52.6% of Area prosecutors stated that they met with their manager at least quarterly to discuss performance, and another 21.1% stated that they had meetings on a more sporadic basis. In addition, 45.5% felt that there are mechanisms for learning lessons and 27.3% reported some or a few mechanisms being in place.

6.20 The police fully complied with their disclosure obligations in 50 of the 74 cases examined (67.6%). The main police failing was the lack of any disclosure schedules. There were 44 magistrates' court cases where the overall quality of the handling of unused material by the CPS was assessed; seven were assessed as good (15.9%), 26 as fair (59.1%) and 11 as poor (25%). In addition, compliance with disclosure duties was not always timely. CPS lawyers properly completed disclosure record sheets in 26.8% of cases. There were no instances of the Area failing to disclose unused material which undermined the prosecution case or assisted the defence.

6.21 Senior managers accept that there is still much work to be done, both internally with prosecutors and externally with the police, to improve the disclosure regime. A significant amount of training had been undertaken in this regard. Prosecutors on the review team informed us of fundamental misunderstandings by the police – for example, an officer who was surprised to find that the body worn video from all officers who attended an incident, not just the officer in the case, needed to be included in the file either as evidence or by way of unused material. The Area has been working with the police to deliver joint training on disclosure.

6.22 The number of hearings per case is a marker for efficient and effective throughput. The average number of hearings per contested case in the Area magistrates' courts for 2017-18 is 2.87, against a national average of 2.86. Similarly, at 1.73, the number of hearings per guilty plea is worse than the national average of 1.67. Performance has improved for both measures since the split.

C2: Case preparation and progression is effective and timely – Magistrates' courts

Assessment: **FAIR**

6.23 The Area magistrates' courts unit's legal review team is primarily based in Wales. The driver for this was the challenge of resourcing the prosecutor grades. This initiative has enabled the recruitment of an experienced and stable work force to deliver the work remotely and to facilitate timely review within the TSJ timescales.

6.24 In the file sample, the first hearing was effective and complied with the expectations of the TSJ initiative in 52 of the 74 magistrates' court cases (70.3%). When issues around the effectiveness of the first hearing occurred, they were primarily occasioned by the defence (54.5%) and the police (36.4%).

6.25 The observations in the magistrates' courts confirmed that there are recurring problems that impact on the effectiveness of the first hearing. These problems include

the non-attendance of the defendant and the provision of inadequate police files, which can often lack key information such as witness availability or CCTV evidence. There was also an issue with the process for completing the preparation for effective trial (PET) form. This is a formal record of the contested issues and sets out the court directions to deal with them. There is no agreed process around the format and completion of the PET form, which can cause delays in court. It also wastes resources because the PET form completed by the reviewing lawyer in the office is often not the one relied on in court.

6.26 In-house prosecutors cover all remand and TSJ courts, with agent usage restricted to trial courts to accord with a CPS commitment to the other criminal justice agencies. Criminal justice partners confirmed that in-house CPS prosecutors were generally able and prepared to make decisions and progress cases. Senior CPS managers advised us that they were working to instil a culture where lawyers feel empowered to take decisions at court, and that they had invested a good deal of time during the induction process with newly appointed crown prosecutors to encourage and develop the necessary confidence. In contrast, a view was expressed by a number of stakeholders that external agents could not make decisions; this often resulted in wasted court time, where cases were stood down for instructions to be taken or even adjourned to another day. In the file examination in a case involving an allegation of domestic abuse, the defence offered a plea at court which should have been accepted; instead it was adjourned and eventually resulted in an unsuccessful outcome as a consequence.

6.27 Magistrates' court advocates are generally good at ensuring that hearing record sheets are completed accurately and that they contain sufficient instructions to progress the case. The file examination revealed that this had been done fully in 55 cases (74.3%) and partially in 15 (20.3%). There were four cases (5.4%) out of 74 when this had not been done at all. The extensive use of the 'prosecutor app' by the magistrates' court advocates helps to make sure that the information is uploaded onto the case management system (CMS) in a timely manner in the majority of cases.

6.28 The results of our file examination reveal that the CPS fully exercised sound judgement and grip in 25 out of 55 relevant magistrates' court files (45.5%), but that they failed to do so at all in 11 of the cases (20%). District Judges expressed the view that problems arose, particularly after the first hearing, when files were not reviewed until just before the trial date. They gave examples which included: the late provision of CCTV and other media; too many applications by the defence for outstanding disclosure; and late discontinuance of cases, all of which wasted court time. This lack of grip is reflected in the poor compliance with court directions which was found in the file examination; there was timely compliance in only 13 out of 28 relevant cases (46.4%).

6.29 Whilst there were examples of good case management in the file examination, there were also examples of weak case management. It is important to note that failure by the CPS to grip cases effectively impacts not only on CPS resources but also on those of their criminal justice partners, defendants and the victims and witnesses. The case study demonstrates where a failure to grip the case resulted in wasted resources for the CPS, Her Majesty's Courts and Tribunals Service, and the police, including the scene of crime officer attending court on two separate occasions. There was also an effect on the youth defendant and the defence team.

A 16 year old youth was charged by the police with taking a motorcycle without the owner's consent on the basis of a thumb print found on a panel detached from the stolen vehicle. No statement was provided by the scene of crime officer (SOCO), but his examination report stated that there was no point taking DNA from the handle bars because the vehicle had been accessible to anyone for some time. The file was incorrectly flagged as a guilty anticipated plea case and was not reviewed fully by the CPS before the first hearing. A Senior Crown Prosecutor dealt with the case at the first hearing and raised concerns about the evidence. The court made a direction that the CPS confirm by a specific date whether the matter was to proceed. The matter was reviewed on four separate occasions by the allocated lawyer but was allowed to proceed to trial even though no further evidence was ever provided by the police. At the fourth listing, after hearing evidence from the SOCO, the District Judge ordered that there was no case to answer and dismissed the case.

6.30 The number of cases completed in London North in 2017-18 was 39,091. There were 5,937 contested cases, which represented 15.2% of the total caseload, compared to the national average of 10.8% across the same period. The conviction rate for cases in the magistrates' courts in CPS London North for 2017-18 is 77.9%, which is worse than the national average of 84.8%. Across the same period, the guilty plea at first hearing rate is 77.1% compared to a national rate of 76.7%, and the dropped at third or subsequent hearing rate is 26.8% compared to 28.4% nationally. The Area is performing better than the national average in respect of both these measures.

6.31 The effective trial rate for the Area for 2017-18 is 51.7%: 5% better the national average of 46.7%. At 28.1%, the rate of unsuccessful outcomes due to victim issues in the magistrates' courts for the same period is also better than the national average of 30.4%. In contrast, the cracked trial rate due to prosecution reasons, at 19.1%, is worse than the national average of 18.1% and the cracked and ineffective rate due to prosecution reasons, at 24%, is also worse than the national average of 22.1%. The CPS London North Business plan for 2017-18 contained an objective for the Area to reduce cracked and ineffective trials due to prosecution reasons in the magistrates' courts to less than 20%. There are strategic and operational meetings with the courts to consider performance and drive improvement.

6.32 The Area had no custody time limit failures in the magistrates' courts throughout 2017-18. The inspection team carried out checks on a small sample of magistrates' court cases and found that they had been managed appropriately. All expiry dates had been correctly calculated, there was evidence of validating the calculation, and most had a check following each court appearance. All expiry dates were entered correctly in the diaries. In one case, a pre-emptive extension application had been prepared. It had been served on the court in good time and contained a suitable chronology, showing that the Crown had asked the court to bring forward the trial date.

6.33 There had been some concern raised about how the prosecutors on the review teams had been managing their tasks. It was suggested that some lawyers had been prioritising work based on the hearing date instead of the task list. Training has been delivered and prosecutors told inspectors that they understood how they should manage and prioritise their tasks, but that there were challenges in doing this. The process checks conducted during the fieldwork show that there were 3,179 outstanding tasks for the magistrates' court units, 42.4% of which were escalated (red) tasks. There were 390 outstanding file review tasks and 38.2% of these were escalated at the time of our checks.

C3: Reviews and decisions – Crown Court

Assessment: **FAIR**

6.34 In the file sample, the Code was applied correctly at the charging stage in 54 out of 58 relevant Crown Court cases (93.1%). There were 18 police charged cases, and the Code was applied correctly at that stage in 15 (83.3%). Where it was not, in one case the police had charged possession of an offensive weapon (a crossbow) assuming it was offensive per se, and there was no evidence of intent. In the second case, the police charged possession of a bladed article, where the crucial element of possession was absent. In the final case, the police charged the offence of going equipped, where the explanation from one suspect was accepted and no action was taken, and the same explanation by the defendant was rejected and resulted in an arrest. The Code was applied correctly by Area lawyers at the charging stage in all 13 relevant cases (100%). Inspectors assessed 15.4% of Area charging decisions as excellent, 30.8% good, 38.4% fair and 15.4% poor. The two excellent examples involved a homicide and a serious sexual offence.

6.35 In the remaining 45 cases, the charging decision was taken by CPS Direct (CPSD) and the Code was applied correctly in 41 cases (91.1%). In the four cases where it was not, two cases were discontinued at a later review by the Area, although only one was timely, where it was not possible to prove what was alleged to have been stolen. The other two cases proceeded to trial and were stopped by the Judge following a submission by the defence.

6.36 The charging decision included a proper case analysis and case strategy in 23 relevant cases (39.7%). There was partial compliance in a further 25 cases (43.1%), but in 10 cases the case analysis and strategy was lacking (17.2%). This causes additional work later in the case and undermines case progression. In contrast, rape and serious sexual offences (RASSO) were dealt with well and were generally good on case analysis, whereas cases involving domestic abuse or a hate crime were not as thorough on the case analysis and the strategy to prosecute the case effectively.

6.37 The Code was applied correctly in 72 out of 76 cases where it was applied post-charge (94.7%). There were also files where the Code was applied correctly but the decision-making throughout the life of the case was poor. It was noted there were particular issues with identification of the defendant and attributing items to the defendant that could support the prosecution case. The case study describes one case where the Code was not applied correctly.

An allegation of a serious assault involved two brothers, but there was no evidence of identification of one of the defendants or other evidence in support, beyond being the brother of the defendant who was identified and convicted. The case was wrongly charged on the threshold test and no full Code test was ever undertaken. Counsel raised the issue of lack of evidence, which was not properly considered, and the matter was allowed to proceed to trial. There was no grip on the case from the outset and there was a failure to consider the case as a whole to address disclosure properly. Despite a poorly prepared file, a conviction was secured against one defendant.

6.38 We were told that there had been an issue where low level offending was being sent to the Crown Court instead of being dealt with in the more appropriate forum of the magistrates' courts. A more robust approach to review by the magistrates' court teams appears to have addressed this. Managers have also encouraged some lawyers to attend court to observe what happens in terms of decision-making and case strategy. Although this is resource-intensive, it is important in helping lawyers, who are primarily office-based, to understand how their cases are prosecuted and how the case plays out in reality to inform future judgements and strategy.

6.39 Overall, the police fully complied with the National File Standard in 20 relevant cases (29.4%), 25 cases partially complied (36.8%) and in 23 (33.8%) there was no compliance. This is worse than the findings for magistrates' court cases; it shows that substantial work needs to be done with police partners, and that the existing escalation process is not as effective as it should be.

6.40 The main failing in the file sample was the absence of witness statements. A common issue raised by staff was the drip feeding of material requested from the police, which was not addressed when escalated. There are issues with the digital interface between the police system and the CPS case management system (CMS), with officers believing material transfers immediately when uploaded, whereas in reality it can take up to 36 hours to transfer. The maximum file size is also a challenge in view of the cases dealt with by the Area. When material arrives, it is not always in an orderly fashion, which can be time consuming for the lawyers, who can spend a disproportionate amount of time organising the material, rather than reviewing the evidence and formulating a strategy in a timely manner. We were, however, told by some staff that the poor housekeeping of police files had improved recently.

6.41 Escalation has not proved to be very effective. This could be because of the number of layers involved in the process. The Area intends to use proposed discontinuance as a mechanism to focus police input, but is mindful of the more serious and sensitive nature of Crown Court casework and the impact on victims of stopping certain cases. Equally, it is unfair on a victim to pursue a case and raise expectations when the material necessary to prosecute the case effectively will never be forthcoming from the police. The police file was submitted in a timely fashion in only 42 of the 76 relevant cases (55.3%) in the file sample.

6.42 Poor police file quality has been a significant ongoing problem in the Area since it was CPS London, the Metropolitan Police Service (MPS) having the poorest file quality monitoring figures nationally. Steps have been taken to secure engagement from the MPS to improve this. The CPS has managed to influence their thinking and, during the fieldwork phase, the police launched a Central Case Management Team. The police have also signed a Joint CPS/Police File Quality Improvement Plan to be taken forward through the joint Prosecution Team Performance Management and Local Justice Area meetings. In addition, a number of officers have attended CPS offices to learn how CMS and the CPS processes work and thereby increase their understanding of file submissions.

6.43 A number of police charged cases, including allegations involving the theft of a ring valued at £24,000, aggravated vehicle taking and smuggling knives into a prison, were not in accordance with the Director's Guidance. There was no evidence on the files that this was fed back to the police. Additionally, the police Manual of Guidance Form 3 (MG3) correctly identified whether a guilty plea or not guilty plea was anticipated in only six (33.3%) of the 18 cases identified. The case study shows the impact of this.

Two of the cases that were wrongly charged by the police were also then wrongly identified as GAP cases. They were therefore subject to only a brief review by an Associate Prosecutor at court on very limited information. Following a not guilty plea, the cases were allowed to proceed and rightly stopped when subsequently reviewed by a lawyer. In one case, the lawyer rightly asked for further information, which was not forthcoming, before stopping the case. The poor decisions by the police led to unnecessary work by the CPS and a waste of resources that could have been applied elsewhere.

6.44 The overall quality of service provided by the police was excellent in one case (1.3%) from a specialist team, good in 11 cases (14.5%), fair in 38 (50%) and poor in 26 (34.2%).

6.45 A good quality review is essential to ensure that the reviewing lawyer has a grip of the case. A proper and proportionate initial review took place in 41 out of 48 relevant cases (85.4%). A more significant issue is that in 19 cases (28.4%) no review was carried out at all. This prevents the Area getting a grip at an early stage, either to build a stronger case as part of the prosecution strategy or to weed out weak cases and identify ones that have been wrongly charged by the police or CPSD. In those cases where it did take place, it was timely in 39 (81.3%).

Issue to address

The Area must ensure that quality reviews in Crown Court cases are undertaken in a timely manner, set out a clear case analysis and trial strategy, and facilitate effective grip.

6.46 Casework quality has been a longstanding challenge for CPS London, in part because of police file quality, but also because of the lack of experience and capability of some of the staff. The Area has taken steps to address this. At the strategic level, a legal lead has been appointed and monthly Casework Quality Board (CQB) meetings are held. Learning points are taken forward from these meetings alongside learning from the two pan-London Local Scrutiny and Involvement Panels.

6.47 The CQB actively monitors themes and deploys counter measures, which are identified from adverse outcome reporting. Once an issue is identified, action is taken. The legal lead drafted and circulated desk top guidance in relation to self-defence and identification that was raised at this forum. Additional desk top guidance on reviewing drugs offences and child abuse was created at the specific request of the team, as well as

guidance on joint enterprise, conspiracy and using DNA evidence. In advance of the launch of digital charging in the Area, a training pack for the legal module has been created to address themes that have been identified as potential risks. The creation of desk top guidance to supplement the national legal guidance and offer some practical ideas to assist prosecutors is **Good Practice**.

6.48 At the operational level, the Area has a number of quality assurance mechanisms in place and is able to identify the issues and themes, learn lessons from casework to feed back in, and drive improvement, with managers being accountable. The individual quality assessments are robust and properly identify themes for the team and training needs for individuals. The Area holds a high number of Case Management Panels (CMP), both pre and post-charge. These go beyond the criteria detailed on the national Casework Hub and include cases where it is felt management oversight is required or would add value. In the RASSO unit, the lawyers complete a high risk log monthly, which is used to assess if a CMP is needed. As a consequence of discussions about approach and case strategy, lawyers are more confident about their cases. The learning from the CMPs is fed up to the Casework Quality Board and also cascaded down to the teams. The extended use of case management panels to identify learning is **Good Practice**.

6.49 In addition, the Area has conducted RASSO reviews and circulates learning as advocacy messages or disclosure actions. The high weighted measures champions amongst the staff take responsibility for and focus on measures, making them relevant for staff. This has led to improvement in some of the measures. The reduction in management spans of control since the London split has given managers more time to work with the teams to drive improvement, to have more involvement at court, and to work with the police.

6.50 The handling and management of unused material has received significant media attention; it remains a challenge for the police and CPS nationally. In CPS London North, the issues around police performance make it more challenging for lawyers to comply with their obligations in relation to the handling of the disclosure of unused material. Notwithstanding this, the Area needs to improve its performance. In the file sample, the police complied with their disclosure obligations fully in 32 of the 76 Crown Court cases (42.1%) examined. They partially met the obligations in a further 21 cases (27.6%) and failed to comply in 23 (30.3%). The main issues were the lack of a schedule and the poor quality of the description of the items. There were also cases where items were listed erroneously and the wrong schedules were provided. The programme of work to improve file quality should assist in this regard, as should the joint CPS/Police Disclosure Plan which is now in place. The CPS has also been involved in training police in some of the boroughs.

6.51 Prosecutors complied with the duty of initial disclosure in 41 cases (65.1%), partially met the obligations in a further 17 cases (27%) and failed to do so in five (7.9%) of the 63 relevant cases. Continuing disclosure was fully complied with in 30 of the 49 relevant cases (61.2%) and partially complied with in a further 14 cases (28.6%), with no compliance in five cases (10.2%). Overall, disclosure duties were complied with in a timely manner in 35 of the 61 relevant cases (57.4%). There were no cases where there was a complete failure to disclose undermining or assisting material to the defence. There is, however, an issue in relation to the quality of decision-making. The Area needs to improve in relation to when a defence statement is received and forwarded to the police; further assistance is needed to help the police deal with this aspect better.

6.52 Sensitive material was dealt with appropriately in five of the ten relevant cases (50%) and partially dealt with in three cases. This needs to improve, as does the timeliness of disclosure. There were only seven cases in the file sample where third party issues arose; six (85.7%) were handled correctly. Where disclosure provisions are triggered, there should be a disclosure record sheet (DRS), which provides a decision-making audit trail. The DRS was completed correctly with actions and decisions in 32 of the 63 relevant cases (50.8%), with a further 18 cases (28.6%) where it was partially completed to meet the obligations but 13 cases (20.6%) where it was not completed at all. The importance of DRSs has been emphasised by managers, and weekly and monthly dip checks of casework ensure they are used. The overall quality of handling unused material in Crown Court cases was excellent in one case (1.6%), involving a homicide, good in 20 (31.7%), fair in 31 (49.2%) and poor in 11 (17.5%).

6.53 There have been two reviews conducted on RASSO cases during the calendar year: one to re-review cases and one stocktake audit. The reports were considered by the CQB as well as managers. A number of issues relating to the handling and disclosure of unused material were identified. In response, a disclosure 'round up' was circulated to the RASSO team. This detailed a useful table showing the rationale for actions required in relation to disclosure of unused material. It also emphasised a number of actions to be taken on individual cases to drive improvement and highlighted the need to hold a CMP where there was an issue with the communications material.

6.54 The national pilot of the disclosure management document (DMD) in RASSO units and Complex Casework Units, which was launched in March ahead of roll out in the Crown Court units, should promote the effective handling and management of unused material and issues. The Area has also introduced its use in complex cases in the Crown Court units, but this introduction was subsequent to the period of the files inspectors examined. The DMD is examined as part of the review at the CMPs, but it is felt that it is too early to say if it is having the desired impact.

6.55 A decision was taken in the Area that IQAs would focus on disclosure. The issues arising from the assessments are discussed at team meetings, and individual feedback has been provided where gaps in disclosure are identified. We were told that there has been a change of culture in the Area in relation to disclosure. The joint protocol agreement with the police that was signed in March makes it clear: what is expected of the police; that lawyers are applying the CPIA more rigorously, with more communications between lawyers and police where the schedule needs improvement; that cases are less likely to be charged if disclosure is not dealt with at the outset; and, in relation to third party material, that cases are generally trial ready at the point of charge. Again, these changes post-date the files examined.

C4: Case preparation and progression is effective and timely – Crown Court

Assessment: Fair

6.56 The Crown Court Better Case Management (BCM) initiative is not yet completely embedded; the Area needs to be more pro-active. There are differences between the court centres in terms of case management – for example, the approach to the ownership of case management forms. Some courts complete them, whereas others expect individual parties to take responsibility. There are crown advocate liaisons (CAL) and paralegal managers at each court who conduct BCM checks on cases prior to the hearing, although there is some inconsistency in the approaches at the various Crown Court centres.

6.57 The Area has improved its performance by 1% in relation to guilty pleas at the first hearing since the London split. It was 37.7% for the year 2017-18, which follows the improving national trend, although the Area still remains below the national average of 41.1%. The number of hearings per contested case has improved since the split, achieving a rate of 5.19 for 2017-18, but the Area remains above the national average of 4.91. The Area has also improved performance in relation to hearings per guilty plea case, achieving 3.65 in the year 2017-18, but has again remained worse than the national average of 3.49. The number of hearings per case is an indicator of efficient and effective throughput.

6.58 In line with BCM, cases should be listed for a Plea and Trial Preparation Hearing (PTPH) and then move to a trial listing. By exception, cases may need to be listed again to resolve issues before trial. At Snaresbrook Crown Court, all cases are listed for a pre-trial review a couple of weeks before trial. This was a decision taken by the court in an effort to ensure trials are effective, although the Area has the highest effective trial rate nationally. This action means that significant additional resource is expended in preparing for and attending the hearings, which is not catered for as part of Area resources. It also increases

the number of hearings per case, which is a court measure that the Area falls behind on in comparison to the national average. It is not within the gift of the Area to change this, although efforts have been made to influence this decision to bring it in line with the expectations for BCM. To date this has not been successful, though there is an agreement to collect data in order to evaluate the impact and effectiveness of the additional hearings.

Issue to address

The Area should continue to influence partners to ensure that case progression in the Crown Court adheres to the expectations of BCM.

6.59 London has another unique challenge: there are currently significant difficulties for the defence in obtaining appointments with clients in custody, and the video link meeting prior to the PTPH is not a satisfactory alternative to a conference. The consequence of this is reluctance on the part of defendants to enter a plea without giving instructions first, which hinders the ability to be effective at the PTPH, requiring a further hearing for arraignment on the indictment. This was observed during the reality checks in the Crown Court and subject to comments by the judiciary during the PTPHs observed but not apparent in the file sample. In contrast, one case in the file sample, involving a homicide in the context of gang violence, took only six months from offence to conviction; this is impressive but brings its own challenges for the police in collating and acting on intelligence to pursue all relevant lines of enquiry. Although the caseload volume has decreased, cases are now listed for trial quicker and are more likely to be effective, which can itself be testing, and gives staff the perception that there has been no reduction in caseload.

6.60 The file examination showed that the prosecutor prepared the case effectively in accordance with BCM to ensure progress in court at the initial hearing in 53 of the 67 cases (79.1%). The first hearing was effective, in line with the expectations for BCM, resolving all outstanding issues in 54 of the 76 applicable cases (71.1%). The issues hindering the effectiveness of BCM were primarily occasioned by the police, but these were not always identified by the prosecutor and raised with the police for remedial action.

6.61 In the file sample, some cases were well managed and progressed throughout, but others were allowed to drift, which then allowed some of the judiciary to take over case management – prevailing over the role of the prosecutor or allowing the court to ignore BCM, and requiring both the police and the CPS to undertake work unnecessarily.

The defendant was charged with aggravated burglary. The case hinged on identification. After the PTPH, counsel was instructed to discontinue the case at a mention hearing, but the Judge declined to do so. There then followed a long debate with several prosecutors being consulted. It was then decided to proceed with the case after all, but the jury acquitted without much trouble. It did not give the message that the CPS were in control.

6.62 The files examined as part of the BCM reality check during the fieldwork reflected the findings in the file sample. The court observations revealed a mixed picture; not all the advocates were robust and cases did not always progress in line with the principles of BCM. In a number of cases, the defendant wished to be represented but was not, because of the industrial action taken by the Bar at the time of the fieldwork. In some instances, pleas were not entered but the stages for service were set and an additional hearing required for the arraignment. A couple of cases were not completely ready but the stages for service and a trial date were still set. At Snaresbrook Crown Court, the practice of listing a case for a pre-trial review (PTR) and the trial was in operation. In one case, the PTR was listed seven weeks ahead of the trial for the convenience of counsel, considerably ahead of the court's usual practice and probably premature.

6.63 The advocacy IQAs concentrate on the PTPHs in order to learn and improve. In addition in March, as part of the advocacy messages, the BCM guide was circulated as a reminder of the principles to be applied and adhered to. Expectations were made clear in terms of advocates needing to challenge and identify the issues and the witness requirements, ensuring witness requirements are endorsed on the hearing record sheets and ensuring appropriate trials are given a fixed date. Lawyers are also being supported by managers and given confidence to make decisions at court, which is another cultural shift for staff who were worried they would not be supported if they made a decision at court and were wrong, leading to resistance to making decisions.

6.64 The Area has a CAL position at each Crown Court centre; this provides for a permanent crown advocate as a point of contact to liaise with the Resident Judge and resolve issues in an efficient and timely manner. It has nearly eradicated the practice whereby lawyers and managers are requested to attend court to explain their actions and decisions. Feedback is complimentary about the service provided by the CALs and the number of issues raised has reduced. The CALs also provide weekly reports on the state of preparation of cases for PTPH, the quality of indictments, remedial action taken on the cases, and conversations with counsel about particular cases. The reports also capture any improvement – for example, the improvement in the completion of the Direct Defence Engagement forms – and are considered by senior managers looking to learn lessons.

6.65 The IQAs conducted by managers identified the quality of indictments as an issue. Training was delivered and additional monitoring by legal managers introduced. Performance in relation to quality and accuracy has improved. The weekly reports from each Crown Court centre continue to include any issues relating to indictments, and these have reduced.

6.66 In relation to Judges' orders, the CPS measure indicates a high level of compliance by the Area in the year 2017-18: 93.3% compared to the national average of 91.1%. However, the examination of the files showed performance was well below this level. There was full compliance with Judges' Orders made at PTPH in only 28 of the 65 relevant cases (43.1%), partial compliance in 26 cases (40%) and no compliance in a further 11 cases (16.9%). In the file sample, there was a number of instances where the prosecution sought extensions for compliance with Judges' Orders where key evidence was outstanding. Obtaining and providing footage from body worn videos and CCTV to the defence was seldom timely.

6.67 Hearing record sheets were completed accurately and uploaded onto the case management system (CMS) in a timely manner in 43 relevant cases (56.6%). There was partial compliance in 27 cases (35.5%) and no compliance in six cases (7.9%).

6.68 Of the 76 relevant cases in the file sample, two (2.6%) were graded as excellent for the value added by the CPS. These involved a homicide and a serious sexual assault: some of the most sensitive casework the Area handles. In 24 cases (31.6%) it was good, in 39 (51.3%) it was fair and in 11 cases (14.5%) it was poor. Thirty cases (40%) were fully gripped, 33 partially (44%), and there was no grip in 12 cases (16%). This includes aspects such as preparing and serving applications, complying with Judges' Orders, responding to communications, and reviewing cases where necessary. This performance is comparable with cases dealt with in the magistrates' courts. In contrast, the timeliness of discontinuing cases was worse; it was timely in only nine of the 18 relevant cases (50%).

A case involving the possession of a crossbow, where there was no evidence of intent, was allowed to proceed. At the PTPH, the matter was listed for an application to dismiss on the basis that the weapon was not offensive per se. After consulting with the police, the case was stopped prior to the hearing to dismiss.

6.69 In ten cases, there was a decision to accept a plea or a basis of plea. Nine of these were sound (90%). In three of the four applicable cases (25%), however, the basis of plea was not in writing and signed by the prosecution and the defence, hindering a full and effective audit trail and the ability to provide full and accurate information to the victim.

6.70 The number of cases completed in London North in 2017-18 was 7,635, which is the second highest in the country. There were 2,085 contested cases: 27.3% of the total caseload, compared to the national average of 19.8% across the same period. This represents the highest volume and contested proportion of caseload nationally. The level of convictions in CPS London North has remained below the national average since the split of CPS London, although before the split there was a steady decline, whereas in 2017-18 there was an improving trend. It currently stands at 73.8%, compared to 79.9% nationally for the same period. The national trend has improved by 0.2%, whereas the Area has improved by 2%. The rate of unsuccessful outcomes due to victim issues over the same period is 22.7%, which is worse than nationally (21.1%).

6.71 The conviction rate for rape has declined in the in the year 2017-18. It currently stands at 52.1% compared to 58.3% nationally. It is thought that the conviction rate has decreased due to the issues relating to unused material and, in particular, the availability and content of telephone downloads. A number of cases were stopped at the start of the year as undermining material came to light. The RASSO caseload has also decreased. It is thought that this is because of the firm stance that is now being taken at charge, and the fact the police are taking longer to make sure the case is right before it is submitted to the CPS for charge. The overall conviction rate for sexual offences has steadily increased since the split to 75.2% in the year 2017-18, but remains lower than the national rate of 80.4%. There have been two reviews of RASSO casework identifying how to deliver improvement. In addition, a number of secondees from the self-employed Bar are deployed in the RASSO unit, which has benefitted from the shared learning of different perspectives. The RASSO rotation policy has caused some issues, but because of the previous high turnover of staff, this is far less than in other CPS Areas visited during the Area Assurance Programme.

6.72 The overall Crown Court cracked and ineffective trial rate due to prosecution reasons has improved since the split, from 13.8% to 11.6% for the year 2017-18, which is 0.3% worse than the national average. The Crown Court cracked rate due to prosecution reasons has also improved and is now 6.6% better than the national average of 7.2%. The effective trial rate before the split was better than the national average and the Area continued to improve, with a rate of 60.6% for the year 2017-18 – significantly above the national average of 50.4%, and the highest figure nationally.

6.73 There are both strategic and operational meetings with the courts to consider performance and drive improvement. There is also a London-wide BCM meeting, attended by the Chief Crown Prosecutor (CCP), other senior legal managers and the judiciary, and each Crown Court centre has a local court user group and local implementation teams when required. In addition, there are CALs located at each Crown Court to address more immediate issues.

6.74 Efforts have been made to keep any custody time limit (CTL) failures to a minimum, although the Area had one failure in October 2017. As a consequence of this failure, the Area recognised that there were lessons to be learned and implemented a number of remedial actions, which included additional training. In addition, the Area conducted a CTL audit in December 2017 that followed up on the recommendations of a previous audit whereby legal managers in London North and London South peer reviewed files for the other Area. The audit showed that there had been some progress on issues from the previous audit but made further recommendations for improvement. The process checks conducted on-site on the operation of the CTL regime confirmed that there were no issues with the system.

6.75 There are some issues related to compliance with the Standard Operating Practice (SOP) and task management. The Area has delivered training recently and has worked to reduce CMS tasks. Managers are encouraging a cultural shift on the basis that improving task management will improve case management. There are weekly checks on task lists, analysis of performance in relation to Judges' Orders, and dip checks on DCS to check the correct documents have been uploaded. There is a sense of progress and audits highlight aspects for improvement. The process checks conducted during the fieldwork show that there were 1,846 outstanding tasks in June for the Crown Court units: 47.1% of these were escalated (red) tasks, the oldest outstanding task dated back to 13 December 2017, and 17.7% were overdue. In the RASSO unit, there were 281 outstanding tasks in June: 51.6% of these were red, the oldest outstanding task (to finalise a case) was dated 8 August 2017, and 15.3% were overdue. In the file sample, there were a number of examples where cases had been wrongly finalised.



7 Part D: Public Confidence

Overall score: Fair

Performance expectation

The service to victims and witnesses is central to the work of the Area. It ensures that decisions are appropriately explained and its interaction with victims and witnesses takes account of their needs, is open and direct, and shows empathy. The Area works with and learns from local communities to build confidence in the criminal justice system.

| Criteria | Score |
|--|-------|
| Communications with victims under all applicable initiatives, Codes or policies (including consulting victims on discontinuance or pleas, letters under the Victim Communication and Liaison scheme , communications with bereaved families, and the Victims' Right to Review scheme) occur where required, and are timely and of a high standard. | Fair |
| The views and interests of the victim, witnesses and public are reflected and protected by the appropriate use of remand or bail conditions, Victim Personal Statements and ancillary orders at sentencing. | Fair |
| The Area is responsive to community groups, victims and witnesses, complainants, other stakeholders and the public and uses their feedback robustly to identify strengths and weaknesses and to improve service delivery. | Fair |

Performance against the PART D Criteria

7.1 *The Inclusion and Community Engagement Manager (ICEM), communications team and Area managers work closely to build effective community engagement. The ICEM attends the Casework Quality Board to link community feedback with casework discussions. The communications team produces monthly reports for the Area Strategy Board which describe internal and external communication activity. Steps have also been taken to improve the Area's visibility with the external media on issues of concern. There are two local scrutiny and involvement panels (LSIPs), one of which focuses on hate crime and the other on violence against women and girls. The panels are effective, identify good practice and actions to improve that are followed up, and have produced improved outcomes for victims.*

7.2 *The prosecutor took all necessary steps to secure victim and witness engagement in the court process in 84.9% of cases examined, and special measures were sought in almost all appropriate cases, three quarters of which were timely. Staff cited the lack of resources or proper file reviews and police file quality as obstacles to being able to offer an excellent service to victims and witnesses. The Victim Liaison Unit (VLU) covers four CPS Areas including London North, which presents a challenge when delivering a local service. There is patchy performance by prosecutors in notifying the VLU when a letter is required and in the quality of the information provided. The quality of the letters was variable: some showed a lack of empathy, some contained inaccurate information, and some had explanations that were too brief. Considerable work has been undertaken to quality assure the letters sent, and guidance and training has been delivered. The Area has worked to increase the number of cases where the appropriate hate crime uplift in sentencing is sought by prosecutors and performance has been improving.*

D1: Communications with victims under all applicable initiatives, Codes or policies (including consulting victims on discontinuance or pleas, letters under the Victim Communication and Liaison scheme, communications with bereaved families, and the Victims' Right to Review scheme) occur where required, and are timely and of a high standard.

Assessment: **FAIR**

7.3 In the file sample, the prosecutor took all necessary steps to secure victim and witness engagement in the court process in 73 of the 86 applicable cases (84.9%). There were fewer efforts to engage victims and witnesses in cases that were complex or sensitive, with all necessary steps being taken in 40 of the 47 sensitive cases (83%), compared to 37 of the 43 non-sensitive cases (87.2%). Unsurprisingly, there was a higher proportion of successful outcomes in cases where everything had been done to engage the victim; this increase in the proportion of successful outcomes was much higher in the magistrates' courts than in the Crown Court.

7.4 Special measures were sought in almost all appropriate cases (95.9%). The two cases where the right measures were not sought were both allegations involving domestic abuse. One was finalised in the magistrates' courts and the other in the Crown Court. Special measures applications were timely in 37 of the 47 relevant cases (78.7%). The timeliness of applications was better in magistrates' court cases, and slightly better in those cases that fell into a sensitive category than where they did not.

7.5 Just over half (56.7%) of the staff who responded to the HMCPSI survey thought the Area provided a good or excellent service to victims and witnesses, but nearly a third

(28.9%) rated the Area's service as only average, with 11.3% describing it as poor. Staff cited the lack of resources or proper file reviews and police file quality as obstacles to an excellent service.

7.6 The timeliness of communications with victims under the Victim Communication and Liaison (VCL) scheme is monitored by the Victim Liaison Unit (VLU). There is still work to be done to ensure that all victims receive VCL letters and that they are sent on time. In 2017-18, in cases where victims and witnesses are entitled to an enhanced service because of the nature of the offence, letters were timely 72.8% of the time. CPS London North is some way behind the national average of 80.9%, and performance is worse than that of CPS London before the split into two Areas.

7.7 The VLU covers four CPS Areas: London North, London South, South East, and Thames and Chiltern. The staff are not organised by Area within the unit, so may be covering work from any of the four. There is a challenge in delivering a local service when the model used is regional. The VLU manager produces a monthly report of compliance for the Area, which is also broken down to show performance for the units within London North. The report shows how many of the required letters have been sent, and the length and reason for any delay. Performance is compared to both the national data and the previous month, but the report would be even more useful if longer term comparisons and trends were included, such as a rolling year to date.

7.8 Late identification of the need for a letter accounted for nearly three-quarters (71.8%) of the delayed letters in February 2018, but staff absences in the VLU meant that by April, the most significant cause was a delay within the VLU itself (61.2%). Timeliness was improving until the dip in April; the figures from the Area for May and June show that timely compliance is rising again.

7.9 In the file sample, letters were sent on time in 16 of the 29 applicable cases (55.2%) and sent late in four (13.8%), making a total of 69% where a letter was sent. In the remaining nine cases (31%), there was no evidence of any letter being sent. Compliance was markedly better in magistrates' court cases, where only one letter of the 11 required was not done (9.1%), than in cases finalised in the Crown Court, where eight of the 18 required letters were not done (44.4%). Where a case is discontinued at court, the hearing record sheet (HRS) ought to alert the VLU to the need for a victim letter. The file sample showed better compliance with providing timely and accurate HRSs in magistrates' court cases than in the Crown Court, and this may help to explain why in Crown Court cases, there was a higher proportion of letters not sent. The VLU's monthly performance reports also showed much lower compliance in the Crown Court unit than in the magistrates' courts and Rape and Serious Sexual Offences (RASSO) units.

7.10 The Area runs daily reports of cases concluding in an adverse outcome in order to check when VCL letters are required, but this is not yet leading to all cases having a timely letter. Where the victim is entitled to the one-day enhanced service, the letter is much more likely to miss the target date if it has been identified by the daily report, because this is created the next day: the day the letter is due. In some cases, the requirement to write to the victim arises after substantial changes to the charges, rather than the entire case being stopped. In these circumstances, the adverse case report will not assist. The Area needs to do more work to ensure that all prosecutors notify the VLU when a letter is required, whatever the reason for it.

7.11 The prosecutor should write a paragraph explaining the decision to the victim, which the VLU then adds to the letter, using the relevant national template. In some sensitive cases, the prosecutor may write the whole letter. There is variable performance by prosecutors in notifying the VLU when a letter is required and in the quality of the information and paragraph provided. The quality of the letters was weak in the file sample, with only nine of the 20 relevant cases (45%) fully meeting the requirements, four cases (20%) partially meeting the expected standard, and seven (35%) failing to comply. In the letters that did not comply, there was a lack of empathy, inaccurate information, and explanations that were too brief. In one case, the charges were discontinued for evidential reasons, but the victim was wrongly told that it was a decision on public interest grounds. One letter failed to notify the victim of their right to have the decision to stop the case reviewed, which may have been because the VLU used the wrong template letter.

7.12 Considerable work has been undertaken to quality assure the letters sent by the VLU. Guidance and training have been delivered as a result of this work or as part of a national programme. Despite this, the quality of letters still needs to improve. In addition, the pan-London local scrutiny and involvement panels (LSIPs) review letters, VLU managers and a VCL panel of administrative staff provide structured quality assurance, and managers outside the VLU dip-sample letters. Feedback is given to individuals in and out of the VLU when issues are identified. The VCL panel was instigated by the ICEM in January 2018, and involves non-legal staff meeting monthly to look at VCL letters and provide feedback to deliver improvement; this is **Good Practice**.

7.13 National training on writing letters to victims and the Victims' Code has been delivered to some of the Area's prosecutors, and more is planned. VLU staff received

training in February on how to make letters more empathetic, ensure they are written in plain English, and check grammar and spelling. The introduction of quarterly training is intended to address any new issues identified by quality assurance and to provide refresher training where needed. The independent sexual violence advocates recently delivered training to staff in the RASSO unit on the contents of letters sent to vulnerable victims. The work to date has led to reports of better quality in some instances, but the number of letters sent and the quality of those letters are still in need of further improvement.

Issue to address

The Area should ensure that the work to identify the letters that should be sent to victims drives measurable improvement in both the number and quality of letters.

7.14 Other training delivered to staff dealing with victims and witnesses includes training paralegal staff on the speaking to witnesses at court (STWAC) initiative. Feedback has been given to staff where the HRS does not include reference to STWAC. There were very few instances of hearing records that did not address this in the file sample.

7.15 All cases in both London Areas involving a fatality – including murder, manslaughter and fatal road traffic cases, sit on the homicide team: the pan-London unit overseen by London North. We were told of the excellent service the team provided to bereaved families; stakeholders spoke of empathy, concern and professionalism.

D2: The views and interests of the victim, witnesses and public are reflected and protected by the appropriate use of remand or bail conditions, Victim Personal Statements and ancillary orders at sentencing.

Assessment: **FAIR**

7.16 The CPS record of the charging decision made full reference to all relevant applications and ancillary matters – for example, consideration of special measures and restraining orders – in 62 of the 94 relevant cases (66%). Issues with the quality of police files mean that the relevant information may not be available to prosecutors at the time of charging. Area-based charging decisions were much weaker in this respect than those delivered by CPS Direct. There was a small difference in the quality between sensitive and non-sensitive cases, with the latter being handled better.

7.17 The police could do more to ensure that the first file submission includes a Victim Personal Statement (VPS) and the Area needs to challenge the police to do better. Of the 95 cases where the police file fell below the agreed standard, 22 (23.2%) were primarily because of the absence of a VPS.

7.18 Of the cases where the police did not comply with their duties of disclosure of unused material, none was a failing primarily connected to victims or witnesses. There was, however, one case where a caution for an offence against a witness was recorded on the wrong schedule. This was not challenged by the prosecutor, nor was disclosure made at the required stage.

7.19 The prosecutor took account of the rights, interests and needs of victims and witnesses, including consulting them where appropriate, in 77 of the 90 applicable cases (85.6%) in the file sample. There was very little difference in performance between the magistrates' courts and the Crown Court, or between sensitive and non-sensitive cases.

7.20 Prosecutors' decisions on acceptance of plea were correct in all but one of the 14 applicable cases (92.9%) in the file sample, and in the reality checks at court during the fieldwork, an offer of pleas was correctly rejected in the one relevant case. An agreed basis of plea was properly recorded and signed by the defence and prosecution in only one of the eight applicable cases (12.5%). It was encouraging, therefore, to note in the court observations the prosecutor asking for more detail of the plea being offered and for it to be put in writing.

7.21 There were no issues arising from the file sample or the court observations regarding bail or making appropriate applications for ancillary orders on sentence.

7.22 The Area has worked to increase the number of cases where the appropriate hate crime uplift in sentencing is sought by prosecutors, and properly recorded on the hearing record as having been applied by the court. The rate of application of the uplift, which has been increasing, is highlighted at team and management meetings, and is included in the performance posters. Monitoring is carried out, and refresher training has been delivered as part of improving hate crime casework generally under the strands of the hate crime action plan. The outcome letters to victims and witnesses explain about the uplift where the information is available on the hearing record sheet or court record, which the hate crime Local Scrutiny and Involvement Panel (LSIP) highlighted as good practice. In one case, the Area applied successfully for a double uplift to recognise both the racist and homophobic elements of the offending, and has since publicised this to staff and others. The request for the double uplift was a result of feedback from the Hate Crime LSIP in an earlier case where it had not been sought.

Strength

The Area has worked to increase the number of cases where the appropriate hate crime uplift in sentencing is sought by prosecutors.

7.23 In 2017-18, the Area had a witness attendance rate of 85%, which is slightly worse than the national average of 86.7%. However, over the same period, the Area's rate of cases failing due to victim and witness issues was better, at 27%, than the national average of 28.5%. The Area's performance is better in both aspects than that of CPS London for the previous year.

7.24 There was very positive feedback from stakeholders about the service provided to victims and witnesses at Crown Court centres in the Area. In sensitive cases in all courts, however, there were mixed reports about the degree to which the prosecutors interacted with Independent Domestic Violence Advocates and Independent Sexual Violence Advocates. Lack of time to prepare trial lists and volume of work were cited as affecting the support victims and witnesses received in the magistrates' courts. The quality of communication with young witnesses by the various parts of the criminal justice system, including the CPS, is in need of improvement.

D3: The Area is responsive to community groups, victims and witnesses, complainants, other stakeholders and the public and uses their feedback robustly to identify strengths and weaknesses and to improve service delivery.

Assessment: **FAIR**

7.25 The ICEM, communications team and Area managers work closely to build community engagement. The Area's ICEM had been in post for about seven months at the time of the inspection. The ICEM attends the Casework Quality Board to link community feedback with casework discussions. External community engagement has been primarily via the LSIPs, although there have been some overtures to harder-to-reach groups, such as traveller communities and refugee groups.

7.26 A meeting was held in March 2018 with members of the Muslim community, after disquiet about a recent case concerning events outside a local mosque. The Chief Crown Prosecutor, one of the Deputy Chief Crown Prosecutors and the ICEM attended. The meeting notes record that the discussion resulted in a greater understanding of the Area's conduct of the case. The ICEM has built on that meeting to increase the membership of the LSIP.

7.27 The communications team produces monthly reports for the Area Strategy Board which describe internal and external communication activity. The Communication Manager is pro-active in seeking out media interest cases by attending team briefings and engaging with the hate crime steering group. Steps have also been taken to improve the Area's visibility with the external media on issues of concern such as the increase in the number of acid attacks, which has generated a specific strategy document, as well as modern slavery and human trafficking.

7.28 In the HMCPSI survey, 65% of those who responded thought generally the Area worked well with the Witness Care Units (WCU) and agencies such as Victim Support. There has been a great deal of liaison with the WCUs, including regular meetings to discuss themes arising, and feedback on individual cases. The extent to which the messages get back to front line staff is less clear, however, and as a result, there is limited improvement in some aspects. One example is the failure to respond efficiently to WCU communications, which has been raised repeatedly in the WCU meetings and in team briefings to Area staff, but the lack of response is still being escalated to senior managers. The reality checks conducted in June showed that about a quarter (25.2%) of the Area's 258 outstanding tasks to check WCU communications were overdue.

7.29 One of the Crown Court centres within the Area held a training session to improve witness care at the court. A report by the Resident Judge was later passed to the Area, highlighting aspects where the service by the CPS could improve. These included supporting child witnesses better and providing the court with accurate information about the vulnerability of victims or witnesses, so that decisions about when and how soon to list the trial are fully informed. Other stakeholders reported that the Area is usually responsive to feedback on the service to victims and witnesses at court, but that there is room to improve its response to rape victims.

7.30 There are two local scrutiny and involvement panels (LSIPs): one focuses on hate crime (HC), the other on violence against women and girls (VAWG). Two newsletters are produced for the most recent HC and VAWG LSIP meetings; they are badged as CPS London North and CPS London South but are almost identical. There is robust discussion at the LSIPs, and good practice and actions to improve – such as feedback on the quality of VCL letters – are identified and followed up. One of the panels has assisted in delivering training to the Area's prosecutors to build empathetic engagement with victims and witnesses. Feedback from panel members reported that the Area is responsive to comments, good and bad, and that the Area's commitment to engagement has improved community confidence. The LSIPs consider individual cases as well as wider issues, and reports are taken back to management meetings. In one meeting, the consideration of casework was supported by a review of the cases by a very senior barrister, who also

attended the meeting to help inform discussions. On another occasion, the discussions prompted the Area to apply for a double hate crime sentencing uplift: the first time the Area has done so.

7.31 There was a pan-London stakeholder strategy for 2017-18, which identified the different boards and sub-groups within the Local Criminal Justice Board (LCJB), the police, Her Majesty's Courts and Tribunals Service, and the wider community with which both London Areas planned to engage, and assessed the level of engagement that was appropriate. The method of communication, frequency of engagement or meetings, and who was to lead on behalf of the CPS were set out, but the strategy did not include any measures for determining whether engagement had been successful or any mechanism to pull together themes that might arise. The strategy has not been revisited or updated since.

7.32 The strategy identified the LCJB boards and sub-groups as the key delivery mechanism for partnership working. The main purpose of engaging with other stakeholders is to improve HC and VAWG outcomes, primarily through the LSIPs and VAWG groups, as well as furthering the Areas' advocacy strategy through the defence community and the self-employed Bar. Effective stakeholder engagement also occurs through a Child Abuse and Sexual Offences reference group, which brings representatives of the police and the Area's specialist teams together with other stakeholders such as the National Health Service and Victim Support services, to discuss casework and policy matters relating to rape and serious sexual offences.

7.33 As envisaged by the stakeholder strategy, meetings are held with criminal justice partners and focus on improving public confidence. They include regular meetings of the victim and witness and domestic abuse delivery boards of the LCJB, and meetings with police teams dealing with specialist work such as RASSO, child sexual exploitation and female genital mutilation. There are regular performance meetings with the police at force level.

7.34 The Areas also produced a delivery action plan for work experience placements in 2017, which used data from the Human Resources diversity and inclusion team to identify those who are under-represented or with protected characteristics under the Equality Act 2010: age, disability, race, sexual orientation and gender reassignment. The action plan was comprehensive in its provision of information to those managing the placements and included a workbook for those undertaking the work experience. However, like the stakeholder strategy, there is nothing to indicate what action has resulted, any lessons learned or good practice identified as a result of implementation.

7.35 The log of community engagement, which at the time of the fieldwork listed only a few items for 2018-19, does not include the engagement carried out with or via partners; nor does it identify feedback for casework or other parts of the business. There is no evidence to show that correspondence with Members of Parliament is used to identify good practice or lessons to be learned, and the parliamentary correspondence log does not include information about the subject of the letter, unless it is also recorded as a complaint on behalf of a constituent on a separate log.

7.36 Complaints and requests under the Victims' Right to Review scheme (VRR) are logged by the pan-London communications team and allocated to the appropriate manager for a review and response. The team track the timeliness of responses and send out reminders 48 hours before the response is due to be sent to the complainant or victim. This is having a significant impact on the timeliness of replies.

7.37 The Area has a very low rate of decisions found to be incorrect through the VRR process. Only 0.9% of VRR appeals revealed a flawed decision to stop the case, compared with the national rate of 6.1% and the CPS London rate of 7.9% before the split. The Area's timeliness of replies to complaints, where 81.7% were sent within 20 days, is better than the national average of 77.8% and shows a significant improvement since the split of CPS London into two Areas, when timeliness was at 49.1%.

7.38 In 2017-18, 20.2% of complaints were upheld partly or in full at stage 1, which makes London North one of the top performing CPS Areas. Again, this compares favourably with CPS London's performance before the split, when 28.9% of complaints were upheld. In 2017-18, the level of complaints amounted to 0.4% of the Area's finalised cases, which is slightly worse than the national average of 0.3%, although reports showed that performance was improving towards the end of the year, and anecdotal evidence suggests this trend is continuing.

7.39 Each unit compiles monthly reports of the VRRs and complaints, with any good practice and lessons to be learned identified. These are robust, although they do not identify trends or recurring issues, which limits their effectiveness. It is apparent that these reports and other victim and witness issues are considered routinely in the Area's various management meetings, and that the Area takes seriously its responsibility to build public confidence, but there is more to do to ensure that the Area captures learning and good practice from all its dealings with victims, witnesses and the community.

8 Part E: Efficiency and value for money

Not scored.

Performance expectation

The Area ensures it delivers the maximum benefit for users and stakeholders with the resources available. It has the right people doing the right things at the right time for the right cost, and delivering the right outcome. It is focused on ensuring that successful outcomes and quality service delivery are achieved through proper governance, casework quality, effective use of resources, and efficient and effective processes that avoid unnecessary, duplicated or additional work.

8.2 The Area has only been operational for just over a financial year, so it is difficult to demonstrate a track record of the Area's ability to operate within budget. In 2017-18, the Area budget was £41,176,283 and it underspent by £378,834: a 0.9% underspend. Both London Areas have been allowed to recruit to a level above that indicated by the National Resourcing Model (NRM), after liaising with CPS Headquarters. The impact for London North is that it can appoint up to 25 lawyers above the NRM level. Although there is now an additional resource commitment, the overall budget and spend have seen little change because the Area has also seen a corresponding reduction in its prosecution spend under the Graduated Fees Scheme (GFS).

8.3 The Area has implemented a number of ways to maximise its budget. The magistrates' courts unit has a team of lawyers based in Wales conducting review work. This was primarily to help with the high turnover of staff in London, as well as to help CPS Wales manage their staffing arrangements at the time. It has also provided the Area with savings on the cost of employing more expensive staff in London. The drivers for this were the challenge of resourcing the prosecutor grades and high turnover. This initiative has enabled the recruitment of an experienced and stable work force to deliver the work remotely and to facilitate timely review within the TSJ timescales.

8.4 The Area has also recruited members of the Bar to work on short-term secondments, which has worked very well. The Area has gained experienced counsel, from whom CPS staff have been able to understand what is needed by the advocate in court. In turn, the secondees have been able to better understand the issues facing the CPS in preparing the case for court. This scheme allows adjustments in staffing levels as and when required without having to commit to recruiting permanent staff. The Area undertook a cost comparison between a permanent member of staff and a secondee and found the costs to be similar.

8.5 Staff planning and monitoring is good, with sound forward planning to cover periods where there will be high demand for annual leave. The Area has developed a deployment matrix to ensure that court sessions are covered. In 2017-18, the Area managed to reduce its use of agents by an average of one agent per day. The Area has reduced the percentage of magistrates' court sessions covered by agents from 36.5% in CPS London before the split to 29.7% in London North in 2017-18 – though the Area had one of the highest spends on agent usage in the country.

8.6 In recent months, Area managers examined court sessions in detail and have been able to negotiate a significant reduction in the number of magistrates' court sessions with Her Majesty's Courts and Tribunals Service, securing savings for both the CPS and the courts.

8.7 Following the split of CPS London at the start of 2017-18, the two new Areas deployed a number of dedicated teams working across both Areas: a Clerking team, Fees team and Business Centre. The Central Correspondence and Enquiry Team (CCET) is also a central team with a single point of contact. These functions provide both resilience and efficiency savings. The pan-London Business Centre also provides a unique opportunity for the two London Areas to share good practice – for example, by piloting initiatives in one Area so the other can learn from the experience before implementation.

8.8 In contrast, there is also some duplication of work. The pan-London Business Centre's resources amount to 14 staff and managers, not including staff dedicated to fees control and payment. The finance and performance operational support for both Areas falls under the pan-London Business Centre, but the individual Areas also have staff dedicated to these roles. During the fieldwork it became apparent that some duties are duplicated by the pan-London Business Centre and the dedicated Area staff. For example, the joint team produce financial and performance information which is then subject to further detailed analysis in the Area teams. This deployment and duplication is inefficient and does not offer the best value across both Areas.

8.9 The Victim Liaison Unit (VLU) covers four CPS Areas including London North. This should provide economies of scale, but it also presents a challenge when delivering a local service, resulting in variable performance in the Area.

8.10 The Area's emphasis on continuous improvement is demonstrated by the recent establishment of an Operational Delivery Board. There is a focus on: improving business processes; ensuring compliance with Standard Operating Practices (SOPs); developing business processes for dealing with new tasks, such as Area-based charging; and monitoring aspects of performance where issues have been identified. Operational delivery

managers also undertake dip-sampling, compliance checks and monitoring exercises to ensure compliance with processes.

8.11 Over the course of 2017-18, CPS London North has improved its performance in a number of key aspects compared to CPS London's performance before the split. The conviction rate in the Crown Court has increased, as has the guilty plea rate. The effective trial rates in both the Crown Court and the magistrates' courts have improved since the split and are amongst the highest rates in the country. However, improvements have yet to be seen in other aspects of performance, although the improving performance is encouraging.

8.12 The Area has faced substantial challenges and is aware that there is some way to go, particularly in relation to achieving high quality casework, before outstanding outcomes are realised. Under the Transforming Summary Justice initiative, effective case progression relies on the correct identification of plea at the charging stage. There were a number of cases where the anticipated plea was incorrectly identified by the police and the Area failed to identify weak police charged cases at an early stage. This was a particular issue for cases heading for the Crown Court, resulting in significant wasted resources. The observations in the magistrates' courts confirmed that there are recurring problems that impact on the effectiveness of the first hearing. Failure by the Area to grip cases effectively affects not only CPS resources but also their criminal justice partners, defendants, victims and witnesses. The Area has a comprehensive programme of monitoring to drive improvement. It covers the full range of the business, including casework quality.

8.13 At Snaresbrook Crown Court, all cases are listed for a pre-trial review a couple of weeks before trial. This was a decision taken by the court in an effort to ensure trials are effective, although the Area has the highest effective trial rate nationally. It does not meet the expectations of Better Case Management (BCM) and means that significant additional resources are expended in preparing for and attending the hearings, which are not catered for as part of Area resources. It also increases the number of hearings per case.

8.14 Poor police file quality is a significant ongoing problem in the Area. This leads to re-work, additional costs and wasted resources, as well as file housekeeping issues, and ultimately leads to unsuccessful outcomes and a poor service for victims and witnesses. The two London Areas and the MPS have jointly agreed a File Quality Improvement Plan, which contains clear and definitive targets for improvement. During the fieldwork, the MPS launched the Central Case Management Team to quality assure case files before submission to the CPS. Managers across the Area are working at a strategic level with the police in relation to this, which resulted in the joint Disclosure Improvement Plan.

8.15 In the 2017-18 Business Plan, the Area committed to a clear induction programme for all new starters, having recognised that staff retention was an issue. The Area has appointed two Level D managers in the magistrates' court teams and a new starter team to manage the induction process and help retain new staff. Staff turnover in the Area has decreased from 7.7% in CPS London before the split to 5.7% in 2017-18; this is a significant improvement, and for the first time is better than the national average.

8.16 The office moves from Drummond Gate and Rose Court to one floor in Petty France, which were in progress during the inspection, have been handled well. The move itself was seamless: everything worked from day one with no technical hitches, and therefore no adverse impact on the delivery of work.

Annexes

Annex A: Area performance data

Annex B: File sample composition and file examination findings

Annex C: Inspection framework

Annex D: Standard glossary



A Area performance data

| Outcome | National | | | London North | | | Variance 2015-16 (London) to 2017-18 (London North) |
|----------------------------|----------|---------|---------|--------------|---------|---------|---|
| | 2015-16 | 2016-17 | 2017-18 | 2015-16 | 2016-17 | 2017-18 | |
| Magistrates' courts | | | | | | | |
| Successful outcomes | 83.8% | 84.7% | 84.8% | 1.0 | 77.9% | 77.9% | -0.2 |
| Discontinuance | 10.3% | 9.6% | 9.4% | -0.9 | 13.2% | 13.8% | 1.5 |
| Crown Court | | | | | | | |
| Successful outcomes | 79.2% | 78.8% | 79.9% | 0.7 | 70.7% | 73.8% | 3.1 |
| Judge ordered acquittals | 12.2% | 11.6% | 11.0% | -1.2 | 16.4% | 14.4% | -2.0 |
| Charging volumes | | | | | | | |
| Pre-charge decisions | 276,696 | 265,275 | 263,466 | -4.8% | 49,303 | 46,533 | N/A |
| Magistrates' courts | | | | | | | |
| Guilty plea | 71.2% | 72.5% | 72.9% | 1.7 | 61.8% | 61.8% | 0.0 |
| Attrition | 21.8% | 20.5% | 20.0% | -1.8 | 27.8% | 27.3% | -0.5 |
| Crown Court | | | | | | | |
| Guilty plea | 71.4% | 70.2% | 70.7% | -0.7 | 58.2% | 60.9% | 2.7 |
| Attrition | 20.6% | 21.0% | 20.1% | -0.5 | 28.9% | 25.7% | -3.2 |

Note Shaded figures apply to London area pre-split

| Staffing and caseload changes | | | | | | | |
|--|---------|---------|---------|--------------------------------|---------|--------------------------------|--|
| | 2014-15 | 2015-16 | 2016-17 | Variance 2015-16 to 2016-17 | 2017-18 | Variance 2016-17 to 2017-18 | 2 year average variance 2015-16 to 2017-18 |
| Areas and CPS Direct Plus Principal Offence Category | | | | | | | |
| Staff in post | 4,983.7 | 4,585.1 | 4,513.6 | -1.6% | 4,475.0 | -0.9% | -2.4% |
| Prosecutors in post | 2,240.3 | 2,110.7 | 2,113.0 | 0.1% | 2,162.8 | 2.4% | 2.5% |
| Administrators in post | 2,743.4 | 2,474.4 | 2,400.6 | -3.0% | 2,312.2 | -3.7% | -6.6% |
| Magistrates' courts | | | | | | | |
| Completed cases | 557,887 | 534,121 | 495,235 | -7.3% | 447,978 | -9.5% | -16.1% |
| Contested cases | 54,167 | 59,964 | 55,323 | -7.7% | 48,226 | -12.8% | -19.6% |
| Contested cases as a proportion of completed cases | 9.7% | 11.2% | 11.2% | -0.1 | 10.8% | -0.4 | -0.5 |
| <i>Contested cases with conviction</i> | 33,075 | 37,513 | 35,685 | -4.9% | 32,110 | -10.0% | -14.4% |
| Proportion of contested cases resulting in conviction | 61.1% | 62.6% | 64.5% | 1.9 | 66.6% | 2.1 | 4.0 |
| Contested cases per prosecutor** | 24.2 | 28.4 | 26.2 | -2.2 | 22.3 | -3.9 | -6.1 |
| Crown Court | | | | | | | |
| Completed cases | 98,505 | 96,338 | 85,881 | -10.9% | 77,812 | -9.4% | -19.2% |
| Contested cases | 16,847 | 17,351 | 17,028 | -1.9% | 15,414 | -9.5% | -11.2% |
| Contested cases as a proportion of completed cases | 17.1% | 18.0% | 19.8% | 1.8 | 19.8% | 0.0 | 1.8 |
| <i>Contested cases with conviction</i> | 9,568 | 9,862 | 9,675 | -1.9% | 9,131 | -5.6% | -7.4% |
| Proportion of contested cases resulting in conviction | 56.8% | 56.8% | 56.8% | 0.0 | 59.2% | 2.4 | 2.4 |
| Contested cases per prosecutor** | 7.5 | 8.2 | 8.1 | 0.1 | 7.1 | -0.9 | -1.1 |

** Contested cases figure includes Mixed Plea cases.

| Staffing and caseload changes | | | | | | | |
|--|---------|---------|---------|--------------------------------|---------|--------------------------------|--|
| | 2014-15 | 2015-16 | 2016-17 | Variance 2015-16 to 2016-17 | 2017-18 | Variance 2016-17 to 2017-18 | 2 year average variance 2015-16 to 2017-18 |
| London North | | | | | | | |
| Staff in post | 850.5 | 810.7 | 818.5 | 1.0% | 418.3 | | |
| Prosecutors in post | 332.4 | 340.5 | 357.3 | 4.9% | 208.1 | | |
| Administrators in post | 518.1 | 470.2 | 461.3 | -1.9% | 210.3 | | |
| <i>Magistrates' courts</i> | | | | | | | |
| Completed cases | 91,814 | 91,147 | 86,520 | -5.1% | 39,091 | | |
| Contested cases | 14,481 | 15,841 | 13,540 | -14.5% | 5,937 | | |
| Contested cases as a proportion of completed cases | 15.8% | 17.4% | 15.6% | -1.7 | 15.2% | -0.5 | -2.2 |
| <i>Contested cases with conviction</i> | 8,347 | 9,344 | 8,336 | -10.8% | 3,886 | | |
| Proportion of contested cases resulting in conviction | 57.6% | 59.0% | 61.6% | 2.6 | 65.5% | 3.9 | 6.5 |
| Contested cases per prosecutor** | 43.6 | 46.5 | 37.9 | -8.6 | 28.5 | -9.4 | -18.0 |
| <i>Crown Court</i> | | | | | | | |
| Completed cases | 18,962 | 18,970 | 17,433 | -8.1% | 7,635 | | |
| Contested cases | 5,042 | 5,241 | 4,889 | -6.7% | 2,085 | | |
| Contested cases as a proportion of completed cases | 26.6% | 27.6% | 28.0% | 3.1 | 27.3% | -0.7 | -0.3 |
| <i>Contested cases with conviction</i> | 3,036 | 3,037 | 2,847 | -6.3% | 1,294 | | |
| Proportion of contested cases resulting in conviction | 60.2% | 57.9% | 58.2% | 1.5 | 62.1% | 3.8 | 4.1 |
| Contested cases per prosecutor** | 15.2 | 15.4 | 13.7 | -1.7 | 10.0 | -3.7 | -5.4 |

Note Shaded figures apply to London area pre-split; ** Contested cases figure includes Mixed Plea cases.

| Efficiency, costs and quality | National | | | | | London North | | | | | Comparison to national average 2017-18 | |
|--|----------|---------|---------|---------|---------|--------------|---------|---------|-------|-------------|--|--|
| | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 2018 | | | |
| Efficiency | | | | | | | | | | | | |
| Completed cases per administrator (FTE) | 239.3 | 254.8 | 242.1 | 227.4 | 213.8 | 234.2 | 225.3 | 222.2 | 222.2 | Worse than | | |
| Completed cases per prosecutor (FTE) | 293.0 | 298.7 | 275.0 | 243.1 | 333.3 | 323.4 | 291.0 | 224.6 | 224.6 | Worse than | | |
| In-house magistrates (court sessions) | 72.4% | 70.5% | 69.4% | 73.0% | 63.5% | 57.7% | 63.5% | 70.3% | 70.3% | Worse than | | |
| Associate Prosecutor magistrates' court sessions | 27.0% | 25.1% | 24.5% | 23.7% | 24.6% | 23.4% | 26.5% | 16.3% | 16.3% | Worse than | | |
| Cases dropped 3rd or subsequent hearings (MC) | 34.1% | 30.5% | 29.6% | 28.4% | 37.0% | 32.4% | 31.6% | 26.8% | 26.8% | Better than | | |
| Average sessions per AP per week | 5.59 | 6.50 | 6.72 | 6.31 | 6.54 | 7.44 | 7.63 | 5.90 | 5.90 | Worse than | | |
| Hearings per case GP MC cases | 1.87 | 1.80 | 1.69 | 1.67 | 1.96 | 1.94 | 1.86 | 1.73 | 1.73 | Worse than | | |
| Hearings per case GP CC cases | 3.84 | 3.97 | 3.65 | 3.49 | 4.47 | 4.67 | 4.22 | 3.65 | 3.65 | Worse than | | |
| Percentage of MC GPs at First Hearing | 70.8% | 70.7% | 70.0% | 76.7% | 73.0% | 73.1% | 71.4% | 77.1% | 77.1% | Better than | | |
| Percentage of CC GPs at First Hearing | 33.1% | 31.8% | 39.9% | 41.1% | 22.3% | 19.7% | 32.2% | 37.7% | 37.7% | Worse than | | |
| Savings per CA | £65,389 | £65,550 | £63,193 | | £47,502 | £52,281 | £53,010 | | | | | |

Note Shaded figures apply to London area pre-split

| Efficiency | National | | | | | London North | | | | | Comparison to national average 2017-18 | |
|--|----------|---------|---------|---------|---------|--------------|---------|---------|---------|------------|--|--|
| | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 2018 | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 2018 | | |
| Cost | | | | | | | | | | | | |
| Prosecution cost per defendant (Crown Court) | £1,080 | £1,124 | £1,223 | £0 | £0 | £1,383 | £1,437 | £1,578 | £0 | £0 | | |
| Overall spend per completed case | £588 | £602 | £657 | £712 | £712 | £726 | £718 | £781 | £873 | Worse than | | |
| Overall spend per total staff FTE | £77,404 | £82,767 | £84,641 | £83,652 | £83,652 | £94,585 | £97,495 | £99,189 | £97,525 | Worse than | | |
| Outcomes | | | | | | | | | | | | |
| Magistrates' court successful outcomes | 84.2% | 83.8% | 84.7% | 84.8% | 84.8% | 80.8% | 78.1% | 77.9% | 77.9% | Worse than | | |
| Crown Court successful outcomes | 79.4% | 79.2% | 78.8% | 79.9% | 79.9% | 72.3% | 70.7% | 71.8% | 73.8% | Worse than | | |
| Magistrates' court discontinuances | 10.5% | 10.3% | 9.6% | 9.4% | 9.4% | 10.2% | 12.3% | 13.2% | 13.8% | Worse than | | |
| Crown Court Judge ordered acquittals | 12.5% | 12.2% | 11.6% | 11.0% | 11.0% | 16.0% | 16.4% | 14.9% | 14.4% | Worse than | | |

Note Shaded figures apply to London area pre-split



B File sample composition and file examination findings

| Questions | Answers | | | | | | |
|--|-------------------|---------------|------------------|----------------|-----------------|--------------------|---------------|
| Pre-charge decision by police | | | | | | | |
| The police decision to charge was compliant with the Code for Crown Prosecutors | Yes 89.3% | No 10.7% | Total 100% | | | | |
| The police decision to charge was compliant with Director's Guidance | Yes 78.6% | No 21.4% | Total 100% | | | | |
| The police MG3 correctly identified whether a guilty or not guilty plea was anticipated | Yes 60.7% | No 39.3% | Total 100% | | | | |
| Pre-charge decision by CPS | | | | | | | |
| The CPS decision to charge was compliant with the Code for Crown Prosecutors | Yes 94.7% | No 5.3% | Total 100% | | | | |
| The MG3 included proper case analysis and case strategy | FM 37.2% | PM 51.1% | NM 11.7% | Total 100% | | | |
| The MG3 made reference to all relevant applications and ancillary matters | FM 66.0% | PM 28.7% | NM 5.3% | Total 100% | | | |
| There were appropriate instructions and guidance to the court prosecutor contained in either the MG3 or the PET or PTPH created with the MG3 | FM 58.5% | PM 35.1% | NM 6.4% | Total 100% | | | |
| The CPS MG3 correctly identified whether a guilty or not guilty plea was anticipated | Yes 92.5% | No 7.5% | Total 100.0% | | | | |
| The action plan met a satisfactory standard | FM 54.4% | PM 33.3% | NM 12.2% | Total 100% | | | |
| Rate the overall quality of the MG3 | Excellent 2.1% | Good 27.7% | Fair 53.2% | Poor 17.0% | Total 100.0% | | |
| Code compliance after charge | | | | | | | |
| The police file submission complied with the National File Standard for the type of case | FM 32.1% | PM 40.0% | NM 27.9% | Total 100% | | | |
| The main failing in the police file was in relation to: | VPS 23.2% | MG5 3.2% | D preconcs 0% | MG11S 30.5% | Other 25.3% | Overbuild 17.9% | Total 100% |
| Police file submission was timely | Yes 68.7% | No 31.3% | Total 100% | | | | |

| | | | | | | |
|---|-----------------|-------------|-------------------|------------------|-------------------|---------------|
| All Code decisions after charge complied with the Code for Crown Prosecutors | Yes 95.3% | No 4.7% | Total 100% | | | |
| Initial case review and preparation for the first hearing | | | | | | |
| The case received a proper and proportionate initial case review where appropriate | Yes 65.9% | No 7.9% | Not done 26.2% | Total 100% | | |
| The initial case review was carried out in a timely manner | Yes 87.1% | No 12.9% | Total 100% | | | |
| The prosecutor prepared the case effectively in accordance with TSJ/BCM to ensure progress in court at the initial hearing(s) | Yes 82.0% | No 18.0% | Total 100% | | | |
| The prosecutor identified and raised with the police any lack of compliance with TSJ/BCM | Yes 80.9% | No 19.1% | Total 100% | | | |
| The first hearing was effective, complied with TSJ/BCM expectations (where appropriate) and resolved all outstanding issues | Yes 70.7% | No 29.3% | Total 100% | | | |
| Any issues with the effectiveness of the TSJ/BCM hearing were primarily occasioned by: | Police 47.7% | CPS 9.1% | Court 0% | Defence 43.2% | Probation 0.0% | Total 100% |
| Case progression after first hearing | | | | | | |
| The lawyer or team exercised sound judgement and grip on the case | FM 42.3% | PM 40.0% | NM 17.7% | Total 100% | | |
| There was timely compliance with court directions or Judges' Orders | FM 44.1% | PM 36.6% | NM 19.4% | Total 100% | | |
| Any decision to discontinue was made and put into effect in a timely manner | Yes 58.8% | No 41.2% | Total 100% | | | |
| The decision to accept pleas or a basis of plea was sound | Yes 92.9% | No 7.1% | Total 100% | | | |
| Any basis of plea was in writing and signed by the prosecution and defence | Yes 12.5% | No 62.5% | NK 25.0% | Total 100% | | |

| | | | | | | | |
|--|--------------------------------|------------------------------|---------------------------|-------------------------|------------------------|---------------|---------------|
| Hearing record sheets were completed accurately, contained sufficient instructions to progress the case and were uploaded to CMS in a timely manner | FM 65.3% | PM 28.0% | NM 6.7% | Total 100% | | | |
| Disclosure | | | | | | | |
| The police complied with their disclosure obligations | FM 54.7% | PM 19.3% | PM 19.3% | PM 19.3% | | | |
| The main failing in the police disclosure was in relation to: | Listing items wrongly 11.8% | Poor descr of items 17.6% | Lack of schedule 54.4% | Wrong schedules 8.8% | Witness preconcs 0% | Other 7.4% | Total 100% |
| The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedules (but not including timeliness of disclosure) | FM 70.1% | PM 21.5% | NM 8.4% | Total 100% | | | |
| The prosecutor complied with the duty of continuing disclosure (but not including timeliness of disclosure) | FM 60.4% | PM 28.3% | NM 11.3% | Total 100% | | | |
| The failure to comply with the duty of disclosure was a complete failure to disclose undermining or assisting material (late disclosure is not a complete failure) | Yes 0% | No 100.0% | Total 100% | | | | |
| The prosecution complied with its duty of disclosure in a timely manner | Yes 63.0% | No 37.0% | Total 100% | | | | |
| Sensitive unused material was dealt with appropriately | FM 54.5% | PM 27.3% | NM 18.2% | Total 100% | | | |
| Third party material was dealt with appropriately | FM 75.0% | PM 12.5% | NM 12.5% | Total 100% | | | |
| The DRS was properly completed with actions and decisions taken on disclosure | FM 41.3% | PM 24.0% | NM 34.6% | Total 100% | | | |
| Rate the overall quality of handling of unused material by CPS | Excellent 0.9% | Good 25.2% | Fair 53.3% | Poor 20.6% | Total 100% | | |

| Victims and witnesses | | | | | |
|---|-----------|-------|----------|-------|-------|
| Where appropriate, the prosecutor took all necessary steps to secure victim engagement in the court process | FM | PM | NM | Total | |
| | 84.9% | 11.6% | 3.5% | 100% | |
| The prosecutor took account of the rights, interests and needs of victims and witnesses, including consulting with them where appropriate | FM | PM | NM | Total | |
| | 85.6% | 11.1% | 9.3% | 100% | |
| The appropriate special measures were applied for | Yes | No | Total | | |
| | 95.9% | 4.1% | 100% | | |
| The application was timely | Yes | No | Total | | |
| | 78.7% | 21.3% | 100% | | |
| There was a timely VCL when required | Yes | No | Not done | Total | |
| | 55.2% | 13.8% | 31.0% | 100% | |
| The VCL was of a high standard | FM | PM | NM | Total | |
| | 45.0% | 20.0% | 35.0% | 100% | |
| Police service quality | | | | | |
| Rate the overall quality of the service from the police | Excellent | Good | Fair | Poor | Total |
| | 0.7% | 12.7% | 56.0% | 30.7% | 100% |
| CPS service quality | | | | | |
| Rate the overall value added by CPS | Excellent | Good | Fair | Poor | Total |
| | 1.3% | 22.0% | 61.3% | 15.3% | 100% |

C Inspection framework

Area Assurance Programme (AAP) Inspection Framework

Introduction

The framework is split into five sections: The success of CPS people, Continuous improvement, Delivering high quality casework, Ensuring public confidence and Efficiency and value for money. Each section has a performance expectation and a number of criteria against which evidence will be gathered. Sub-criteria have been identified for each section, which can be used as a guide to help assess performance.

The framework aligns significantly with the current CPS priorities and considers other key initiatives such as Standard Operating Practices (SOPs), Transforming Summary Justice (TSJ) and Better Case Management (BCM).

Overall, inspectors are looking to see that the CPS delivers the maximum benefit for users and stakeholders with the resources available. This means the right people doing the right things at the right time for the right cost, and delivering the right outcome. The focus will be on ensuring that successful outcomes and quality service delivery are achieved through proper governance, casework quality, effective use of resources, and efficient and effective processes that avoid unnecessary, duplicated or additional work.

A – The success of CPS people

Performance expectation

The Area is led and managed effectively to ensure it has the right people equipped with the appropriate tools and skills for the job to deliver a high quality service. This is achieved by ensuring all staff have the right technology, systems and skills, to enable decisions to be made fairly, at the right time and at an appropriate level.

Criteria

- 1 **Senior management demonstrates effective leadership and engages with staff to identify and utilise opportunities to deliver a quality service.**
 - 1.1 Senior managers act as role models, demonstrating commitment to CPS values and equality and diversity policies.
 - 1.2 Senior managers have effective engagement with staff on strategic and operational matters.

- 1.3 Senior managers effectively communicate the vision, values and direction of the CPS.
 - 1.4 All managers motivate staff, build effective teams, and challenge inappropriate behaviour.
 - 1.5 All managers understand and take responsibility for implementing senior management decisions.
 - 1.6 Regular and open dialogue occurs through team meetings, with feedback to senior managers of relevant information.
 - 1.7 Senior managers take time to make themselves available to staff at key points in the business calendar or during change processes.
- 2 Senior managers work effectively and are influential with criminal justice partners.**
- 2.1 Senior managers promote an open and constructive approach with criminal justice colleagues.
 - 2.2 The Area works effectively with Local Criminal Justice Boards (or similar where applicable).
- 3 The Area is committed to CPS values, equality and diversity policies and staff development to deliver improvement in staff engagement, effectiveness, well-being and morale.**
- 3.1 The Area has integrated equality into all relevant strategies and plans, including the Area training plan, and there is equality of access to training.
 - 3.2 The Area is implementing a plan to improve staff engagement levels, which is delivering results.
 - 3.3 Sickness absence reduction targets have been set and actions taken to meet them.
 - 3.4 Good performance is identified and rewarded, and poor performance tackled appropriately.

B – Continuously improving

Performance expectation

The Area continuously improves how it works, deploying resources to work effectively and using efficient processes.

Criteria

- 1 **The Area's key performance data is analysed effectively and used to inform resource allocation, to robustly identify the Area's strengths and weaknesses and to drive improvement.**
 - 1.1 There is regular and robust analysis of performance by the Area Management Team, which is based on reliable and timely performance data and other relevant information.
 - 1.2 Analysis of performance informs decision-making and resource allocation, leads to remedial action being taken where appropriate, and contributes to improving performance.
 - 1.3 There is effective benchmarking of performance across the Area against other Areas, national performance and CPS levels of ambition, which informs decision-making and resource allocation.
 - 1.4 Performance information is disseminated in a readily understood format to staff.
 - 1.5 Area quality assurance and performance monitoring measures identify aspects for improvement and good practice, which are shared with staff and which drive improvements in service delivery. Teams are held to account for their performance.
 - 1.6 Teams are held to account for their performance.
 - 1.7 Senior managers assess performance robustly, using regular reality checks (such as dip-samples, reviews of failed cases and court observations) to inform their understanding of front-end delivery levels.
 - 1.8 The Area Performance Review process is applied robustly and openly and used to improve performance.

2 Resources are systematically managed and deployed effectively.

- 2.1 The Area's budget is systematically controlled through appropriate delegation, proper monitoring, and accurate knowledge of committed expenditure.
- 2.2 The Area's budgetary allocation and planning support strategic and operational delivery.
- 2.3 The Area has an effective and transparent system of allocating funds to budget holders. There are clear financial delegation limits, which are understood by staff.
- 2.4 Area managers are effective in negotiating financial matters with CPS Headquarters and partners.
- 2.5 The Area has effective systems for assessing the most appropriate staffing structure and staffing levels across the Area, which are used to ensure that work is conducted by staff at the right level.
- 2.6 The balance between usage of in-house prosecutors and agents represents a good use of resources.

3 Joined up working is effective and delivers improvements in outcomes for users.

- 3.1 There are effective arrangements for joint performance management with criminal justice partners, which include robust quality assurance processes.
- 3.2 Relevant performance information, areas for improvement and good practice are shared between criminal justice partners and used to identify strengths and weaknesses.
- 3.3 Joint improvement strategies are implemented, actions are followed up and improvement results.

C – High quality casework

Performance expectation

The Area delivers justice through excellent, timely legal decision, casework preparation and presentation, leading to improved outcomes.

Criteria

Magistrates' court casework

- 1 **Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; are properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction.**
 - a The Area checks that all files received from the police comply with the National File Standard and the principles of Transforming Summary Justice (TSJ). Unresolved issues are escalated when appropriate.
 - b The Area feeds back effectively to the police where they do not comply with the Code for Crown Prosecutors or the Director's Guidance on Charging.
 - c The Area ensures that there is a timely and proportionate review in all cases requiring one, and that it is appropriately recorded.
 - d Reviews and decisions: comply with the Code and any relevant policy or guidance; include a prosecution case theory or trial strategy to maximise the prospects of a successful outcome; and identify when ancillary orders or additional information may be requested at sentencing.
 - e Reviews and decisions are robustly quality assured.
 - f The Area complies with its duties of disclosure in relation to unused material.
 - g Disclosure is robustly quality assured, aspects for improvement are identified, and performance improves as a result.

- 2 **Case preparation and progression is effective and timely.**
 - 2.1 Area systems support the effective progression of cases, including compliance with Criminal Procedure Rules and Standard Operating Practices (SOPs).
 - 2.2 The Area ensures that cases progress at the first magistrates' court hearing in accordance with TSJ principles.
 - 2.3 The Area ensures that the numbers of effective trials and successful outcomes are increasing through effective case preparation and progression.

-
- 2.4 The Area has an effective system for the management and monitoring of custody time limits.custody time limits.
 - 2.5 CMS task lists and reports are used robustly to manage, monitor and improve case progression.

Crown Court casework

- 3 **Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; are properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction.**
 - 3.1 The Area checks that all files received from the police comply with the National File Standard and the principles of Better Case Management (BCM). Unresolved issues are escalated when appropriate.
 - 3.2 The Area feeds back effectively to the police where they do not comply with the Code for Crown Prosecutors or the Director's Guidance.
 - 3.3 The Area ensures that there is a timely and proportionate review in all cases requiring one, and that it is appropriately recorded.
 - 3.4 Reviews and decisions: comply with the Code and any relevant policy or guidance; include a prosecution case theory or trial strategy to maximise the prospects of a successful outcome; and identify when ancillary orders or additional information may be requested at sentencing.
 - 3.5 Reviews and decisions are robustly quality assured.
 - 3.6 The Area complies with its duties of disclosure in relation to unused material.
 - 3.7 Disclosure is robustly quality assured, aspects for improvement are identified, and performance improves as a result.

- 4 **Case preparation and progression is effective and timely.**
 - 4.1 Area systems support the effective progression of cases, including compliance with Criminal Procedure Rules and Standard Operating Practices (SOPs).
 - 4.2 The Area ensures that cases progress in the Crown Court in accordance with BCM principles.

-
- 4.3 The Area ensures that the numbers of effective trials and successful outcomes are increasing through effective case preparation and progression.
 - 4.4 The Area has an effective system for the management and monitoring of custody time limits.
 - 4.5 CMS task lists and reports are used robustly to manage, monitor and improve case progression.

D – Public confidence

Performance expectation

The service to victims and witnesses is central to the work of the Area. It ensures that decisions are appropriately explained and its interaction with victims and witnesses takes account of their needs, is open and direct, and shows empathy. The Area works with and learns from local communities to build confidence in the criminal justice system.

Criteria

- 1 **Communications with victims under all applicable initiatives, Codes or policies (including consulting victims on discontinuance or pleas, letters under the Victim Communication and Liaison scheme, communications with bereaved families, and the Victims' Right to Review scheme) occur where required, and are timely and of a high standard.**
 - 1.1 The needs of victims and witnesses are fully considered and there is timely and appropriate liaison and support throughout the prosecution process.
 - 1.2 The Area ensures compliance with the requirement to consult victims in appropriate cases, including discontinuance and acceptance of pleas.
 - 1.3 The Area ensures that communications with victims and bereaved families are sent where required and are of a high standard, with reference to sources of support or additional rights (including the Victims' Right to Review scheme) where appropriate.
 - 1.4 Area training plans give appropriate priority to training on victim and witness issues and relevant policies and guidance.

- 2 The views and interests of the victim, witnesses and public are reflected and protected by the appropriate use of remand or bail conditions, Victim Personal Statements and ancillary orders at sentencing.**
 - 2.1 The Area ensures that victim and witness issues are considered at pre-charge stage, and clear instructions are provided to advocates for all hearings.
 - 2.2 The Area ensures that applications to refuse bail, seek bail conditions or appeal the grant of bail are appropriate and proportionate, and are effective in protecting the victim and the public.
 - 2.3 The Area ensures that the opportunity to make a Victim Personal Statement has been provided in applicable cases, and that prosecutors take the necessary steps to present it to the court in the way that the victim chooses, as far as possible.
 - 2.4 Area processes ensure that the right ancillary orders are sought at sentencing or other disposal to protect the victim, witnesses or public.

- 3 The Area is responsive to community groups, victims and witnesses, complainants, other stakeholders and the public and uses their feedback robustly to identify strengths and weaknesses and to improve service delivery.**
 - 3.1 Senior managers are committed to engaging with and securing the confidence of victims and witnesses, other stakeholders and the public.
 - 3.2 The needs of victims and witnesses are identified, addressed and incorporated into the core business of the Area.
 - 3.3 The Area prioritises engagement with stakeholders or community groups at the greatest risk of exclusion and discrimination.
 - 3.4 Complaints, Victims' Right to Review communications, and other feedback from stakeholders, community groups and the public are used to identify aspects for improvement.
 - 3.5 Actions identified from feedback are implemented effectively and followed up robustly.
 - 3.6 The Area can demonstrate improvement in service delivery, engagement or community confidence as a result of actions taken on feedback received.
 - 3.7 The Area engages effectively with WCU, victim and witness support agencies, and other criminal justice partners to deliver improvements in victim and witness care at court.

E – Efficiency and value for money

Performance expectation

The Area ensures it delivers the maximum benefit for users and stakeholders with the resources available. It has the right people doing the right things at the right time for the right cost, and delivering the right outcome. It is focused on ensuring that successful outcomes and quality service delivery are achieved through proper governance, casework quality, effective use of resources, and efficient and effective processes that avoid unnecessary, duplicated or additional work.

Criteria

- 1.1 Area managers actively promote the concept of value for money throughout the Area.
- 1.2 Effective and efficient case progression is avoiding duplication and minimising waste by ensuring that only appropriate cases are brought to court in an expedient manner.
- 1.3 High quality casework is maximising the likelihood of a successful result.
- 1.4 Partnership working is delivering positive results in outcomes for users.
- 1.5 Through effective management, the Area makes best uses of its resources to optimise their effectiveness and deliver successful outcomes.



D Standard glossary

Area Assurance Programme (AAP)

A rolling programme of inspections of CPS Areas.

Area Business Manager (ABM)

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

Agent

Agents are lawyers who are not employed by the CPS but who are booked to prosecute cases in court on its behalf, usually on a daily basis. They are not empowered to take decisions under the Code for Crown Prosecutors and have to take instructions from CPS lawyers in this regard.

Area Performance Review (APR)

A review of key performance indicators to assess an Area's performance, which is used to drive improvement.

Associate Prosecutor

In-house CPS Associate Prosecutors are not qualified solicitors or barristers but have received training to enable them to present cases within their rights of audience in the magistrates' courts.

Barrister/Counsel

Members of the Independent Bar who are instructed by the CPS to prosecute cases at court.

Better Case Management (BCM)

The single national process for case management of Crown Court matters, led by Her Majesty's Courts and Tribunals Service and involving the CPS and police. The aim is to deal with cases more efficiently.

Case management system (CMS)

IT system for case management used by the CPS. Through links with police systems, CMS receives electronic case material.

Casework Quality Standards

These standards set out the benchmarks of quality the CPS seeks to deliver in prosecuting crime for the public. They cover treatment of victims and witnesses, legal decision-making, casework preparation and advocacy.

Chief Crown Prosecutor (CCP)

The most senior legal manager at CPS Area level and the person who is held to account for its assurance controls and performance.

Charging decision

The process by which the police and the CPS decide whether there is sufficient evidence for a suspect to be prosecuted. The process is governed by the Director's Guidance on Charging, which came into effect in May 2013.

Code for Crown Prosecutors ('the Code')

This public document sets out the framework for prosecution decision-making. It provides the authority for crown prosecutors to decide how cases are dealt with and what needs to be considered. Cases should only proceed if there is sufficient evidence to provide a realistic prospect of conviction and if the prosecution is required in the public interest.

CPS Direct (CPSD)

The CPS Area which takes the majority of CPS decisions as to charge. Lawyers are available on a single national telephone number at all times so that advice can be obtained at any time.

Complex Casework Unit (CCU)

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

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.

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 trial where the defendant offers acceptable pleas or the prosecution offers no evidence on the trial date. A cracked trial requires no further trial time but, as a consequence, the time allocated has been wasted and witnesses have been unnecessarily inconvenienced, affecting confidence in the system.

Criminal Procedure Rules (CPR)

Determine the way a criminal 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.

Digital Case System (DCS)

A digital system of storing and serving a digital case rather than using paper. Used for Crown Court cases.

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. There are various regimes and the type of case determines which one applies.

Discontinuance

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

Director of Public Prosecutions (DPP)

A Senior Civil Servant who is the head of the CPS.

Effective trial

A trial that goes ahead as a contested hearing on the date that it is listed.

Either way offence

Offences of middle-range seriousness which can be heard either in the magistrates' courts 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.

Guilty anticipated plea (GAP)

Where the defendant is expected to admit the offence at court, based on an assessment of the available evidence.

Hate crime

An offence aggravated by hostility based on race, disability, gender identity or sexual orientation.

Hearing record sheet (HRS)

A CPS electronic record of events at court. If completed correctly, it acts as a continual log of court proceedings and court orders.

Ineffective trial

A trial that does not go ahead on the trial date because of action or inaction by one or more of the prosecution, the defence or the court, requiring a further listing for trial.

Initial details of the prosecution case (IDPC)

The material the prosecution is obliged to serve on the court and the defendant before the first hearing. The documents to be included vary depending on the type of case and anticipated plea, but always include the charge sheet and the police report (MG5).

Individual quality assessment (IQA)

The CPS scheme to assess the performance of individuals and compliance with the CPS's Casework Quality Standards.

Local Criminal Justice Board (LCJB)

Brings together the chief officers of all the criminal justice agencies and partnerships in order to co-ordinate delivery of the criminal justice system.

National File Standard(NFS)

A document detailing what must be included in the police file for particular types of cases. The latest version was published in May 2015.

Not guilty anticipated plea (NGAP)

Where the defendant is expected to deny the offence at court, based on an assessment of the available evidence.

Offer no evidence (ONE)

Where the prosecution offer no evidence in relation to an offence for which the defendant has been arraigned. This results in a finding of not guilty.

Paralegal officer/assistant

A member of CPS staff who deals with or manages day-to-day conduct of a prosecution case under the supervision of a crown prosecutor and, in the Crown Court, attends court to assist the advocate.

Plea and Trial Preparation Hearing (PTPH) (form)

A first hearing before the Crown Court, at which cases should be effectively managed and listed for trial. The PTPH form should be completed as far as possible before the PTPH and completed at that hearing. This is part of the BCM initiative.

Pre-charge decision (PCD)

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 on Charging.

Prosecution team performance management (PTPM)

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

Rape and serious sexual offences (RASSO)

Includes rape, sexual assault, sexual activity offences, abuse of children through prostitution or pornography, and trafficking for sexual exploitation.

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

The process whereby an Area lawyer 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.

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.

Standard Operating Practice (SOP)

National processes that apply consistency to business practices. They provide a set procedure for all Areas to adhere to. Examples of SOPs are the TSJ SOP, the BCM SOP and the CTL SOP.

Streamlined disclosure

A process introduced as part of the TSJ programme. The main principle is that an unused material report is to be available for the defence at the first hearing in magistrates' courts cases. In GAP cases, a standardised form of written confirmation is to be provided to the defence, which confirms that the prosecution understand their common law duties. In NGAP cases, there is to be early provision of unused material. An unused material report, called the Streamlined Disclosure Certificate (SDC), replaces the MG6 series and is served as soon as a not guilty plea is entered.

Transforming Summary Justice (TSJ)

An initiative led by Her Majesty's Courts and Tribunals Service and involving both the CPS and the police, designed to deliver justice in summary cases in the most efficient way by reducing the number of court hearings and the volume of case papers.

Unsuccessful outcome

Cases which result in an acquittal or are discontinued.

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 (see disclosure).

Violence against women and girls (VAWG)

The umbrella under which rape and serious sexual assaults sit for work undertaken internationally, across Government, across the agencies and within the CPS.

Victim Communication and Liaison scheme (VCL)

A CPS scheme under which victims are informed of decisions to discontinue or alter substantially any charges. The CPS must notify the victim of a decision to discontinue or substantially alter a charge within one working day for vulnerable or intimidated victims and within five working days for all other victims. In some case categories, the victim will be offered a meeting to explain these decisions. Formerly known as Direct Communication with Victims (DCV).

Victims' Code

A statutory code of practice for the treatment of victims of crime, with which all criminal justice agencies must comply. Its aim is to improve victims' contact with the criminal justice agencies by providing them with the support and information they need. It was published in October 2013 and updated in 2015.

Victim personal statement (VPS)

Gives victims a voice in the criminal justice process by helping others to understand how a crime has affected the victim. If a defendant is found guilty, the court will take the VPS into account, along with all the other evidence, when deciding on an appropriate sentence.

Victim Liaison Unit (VLU)

A dedicated team of CPS staff in every Area, responsible for: all direct communication with victims; administering the Victims' Right to Review scheme; complaints; and overseeing the service to bereaved families.

Victims' Right to Review scheme (VRR)

Under this scheme, victims can seek a review of CPS decisions: not to charge; to discontinue (or withdraw in the magistrates' courts) all charges, thereby ending all proceedings; to offer no evidence in all proceedings; and to leave all charges in the proceedings to 'lie on file' (this is the term used in circumstances where the CPS makes a decision not to proceed and requests that the charges be allowed to 'lie on the file' marked 'not to be proceeded with without the leave of this Court or the Court of Appeal').

Vulnerable and intimidated witness

Witnesses who may be vulnerable or intimidated for the purposes of special measures assistance include all child witnesses (under 18) and any witness whose quality of evidence is likely to be diminished because they: are suffering from a mental disorder (as defined by the Mental Health Act 1983); have a significant impairment of intelligence and social functioning; have a physical disability; or are suffering from a physical disorder. Complainants to sexual offences are automatically defined as intimidated witnesses unless they wish to opt out.

Witness care unit (WCU)

Unit responsible for managing the care of victims and prosecution witnesses from charge until 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 may have a combination of police and CPS staff (joint units) but most no longer have CPS staff.

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