

CPS London Borough Performance Assessments

Barking and Dagenham Borough

Undertaken October 2009





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ABBREVIATIONS

Common abbreviations used in this report are set out below. Local abbreviations are explained in the report.

AP	Associate prosecutor
BCP	Borough crown prosecutor
BCU	Borough Command Unit (police)
CA	Crown advocate
CJSSS	Criminal Justice: Simple, Speedy, Summary
CJU	Criminal Justice Unit (police)
CMS	CPS computerised case management system
CPS	Crown Prosecution Service
CPSD	CPS Direct
CPSLD	CPS London Direct
CQA	Casework quality assurance
CTL	Custody time limit
DBM	District business manager
DCP	District crown prosecutor
DCV	Direct communication with victims
DGSP	Director's guidance on the streamlined process
HMCPSI	Her Majesty's Crown Prosecution Service Inspectorate
IPT	Integrated prosecution team
JDA	Judge directed acquittal
JOA	Judge ordered acquittal
MG3/3A	Forms sent by police on which the prosecutor records the charging decision and action points
NRFAC	Non-ring fenced administration costs
NWNJ	No Witness No Justice
OBM	Optimum business model
PCD	Pre-charge decision
PCMH	Plea and case management hearing
PTPM	Prosecution team performance management
WCU	Witness care unit
WMS	Witness management system

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A INTRODUCTION TO THE PERFORMANCE ASSESSMENT PROCESS

This report is the outcome of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPPI) assessment of the performance of the Crown Prosecution Service (CPS) London area's Barking and Dagenham borough unit. It represents a more in-depth local assessment than the overall performance assessment of the North and East Sector of CPS London published in 2008.

Assessments

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

Inspection teams comprise legal and business management inspectors working closely together. HMCPPI also invites suitably informed members of the public, nominated by national organisations, to join the process as lay inspectors. They are unpaid volunteers who examine the way in which the CPS relates to the public through its dealings with witness and victims; engagement with the community, including minority groups; handling of complaints; and the application of the public interest test contained in the Code for Crown Prosecutors.

The performance assessment has been arrived at by rating the Unit's performance within each category as either Excellent, Good, Fair or Poor in accordance with the criteria outlined in the Framework.

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

Whilst we comment on the borough's performance in managing its resources, this aspect has not been scored.

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

Whilst borough performance assessment are not full inspections, significantly more evidence is collected and analysed than in area overall performance assessments. This enables HMCPPI to give a more discerning picture of CPS London overall which recognises the substantial variations within the area. This assessment is designed to set out comprehensively the positive aspects of performance and those requiring improvement.

Our original intention had been to assess all 33 boroughs (including the City of London) in order to reflect the variations in performance which we expected across an area as diverse as London. This approach was endorsed by senior managers in CPS London. In the event, the findings from the early assessments showed a relatively narrow range of performance and consistency in the themes emerging and the aspects for improvement. Some of these were of serious concern and needed to be tackled urgently at a senior management level. CPS London senior management team confirmed that the boroughs that had been assessed were fairly representative of London as a whole and that to undertake further assessments

would be unlikely to add significantly to our findings. We therefore decided to confine the exercise to 20 borough performance assessments (including the pilot assessment of CPS Croydon Borough), drawn from five of the six CPS London districts, together with an assessment of the London Traffic Unit.

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

It is important to bear in mind that, despite the title of the report, this is a report about the performance of the CPS in Barking and Dagenham borough. That performance is influenced by a range of factors including matters which are responsibility of managers at district and area level. It should not be regarded purely as a critique of the borough unit and the staff who work in it. Both the credit and the responsibility for what we find in the boroughs – good and bad alike – must be shared with those middle and senior managers whose decisions and behaviours influence what happens on the front line of prosecutions.

Direction of travel

Where feasible we will indicate any changes in the unit performance from the year 2007-08 to date if this is ascertainable.

We have identified any strengths or aspects for improvement in performance within the text.

B DESCRIPTION AND CASELOAD OF CPS BARKING AND DAGENHAM BOROUGH

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

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

Barking and Dagenham borough has one office at Solar House in Stratford. It is part of the CPS London district which is aligned to the Crown Court sitting at Snaresbrook. At the time of our inspection the borough was not due to collocate with the police as an integrated prosecution team (IPT) for at least a year. However it was planning to move soon to CPS premises at The Cooperage in South London. Borough business consists of both magistrates' court and Crown Court work. Staff of appropriate skills and experience may deal with both types.

As of 20 August 2009 the borough had an average of 24.4 full-time equivalent staff in post and a budget of £1,454,000¹.

Staff	Numbers at September 2009
Borough crown prosecutor	0
Business manager	1.4
Crown prosecutors	5.0
Associate prosecutors	1.6
Caseworkers	6.4
Administrative support staff	10.0
Total (full time equivalent)	24.4

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

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

	2007	2008	Percentage change
Pre-charge work (all cases referred to the CPS by police for a decision as to charge)			
Decisions resulting in a charge	926	1,102	+19.0%
Decisions not resulting in a charge ²	501	716	+42.9%
Total pre-charge decision cases	1,427	1,818	+27.4%
Magistrates' court proceedings³			
Magistrates' court prosecutions	2,544	2,755	+8.3%
Other proceedings	3	0	—
Total magistrates' court proceedings	2,547	2,755	+8.2%
Crown Court proceedings⁴			
Cases sent or committed to the Crown Court for determination	478	470	-1.7%
Committals for sentence ⁵	67	62	-7.5%
Appeals from the magistrates' court ⁵	38	75	+97.4%
Total Crown Court proceedings	583	607	+4.1%

Inspectors visited the borough between 6 and 14 October 2009. The lay inspector was Ramesh Patel, a Cardiff City Councillor. The role of the lay inspector is described in the introduction. He examined files that had been the subject of particular public interest considerations or complaints from members of the public and considered letters written by CPS staff to victims following the reduction or discontinuance of a charge. He also visited some courts and assisted in interviews with Witness Service representatives. This was a valuable contribution to the inspection process. The views and findings of the lay inspector have been included in the report as a whole, rather than separately. His time was given on a purely voluntary basis and the Chief Inspector is grateful for his effort and assistance.

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

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

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

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

C SUMMARY OF JUDGEMENTS

Contextual factors and background

The London Borough of Barking and Dagenham is situated in East London. It has a very mixed population in terms of age and ethnicity. There is little organised or specialist crime by comparison with other London boroughs. However domestic violence accounts for about 40% of locally reported recordable crime and all types of hate crime are very high on the local agenda. Other priorities currently include domestic burglary.

CPS Barking and Dagenham borough was created in late 2007. Since then it has remained relatively stable except for a change in BCP in July 2009 and a reduction in resource, particularly at crown prosecutor level. A borough lawyer currently fills the BCP post on temporary promotion. This, combined with the temporary loss of another lawyer on long-term sick leave, meant that the borough was significantly below strength at the time of the inspection. The same was true of administrative staff in the first six months of 2009 but replacement temporary staff have been provided recently to ease the pressure.

Travel is a significant part of the daily routine for many staff and this can be aggravated by frequent public transport and traffic delays. Whilst the borough office is currently located in Stratford, which is in the adjacent London Borough of Newham, the local magistrates' court is some distance away in Barking town centre. The proposed move to CPS premises at The Cooperage will substantially increase this distance from the office to both the magistrates' court and the Crown Court at Snaresbrook. The charging centre and witness care unit based at Dagenham Police Station are located even further away. However the move should improve working conditions.

There are also issues in relation to the accommodation at Barking and Dagenham Magistrates' Court, where there is currently a lack of CPS IT. This impacts on the ability of the borough to manage its cases promptly and effectively. In particular it can affect compliance with direct communication with victim's (DCV) time limits, the ability to enter hearing and case outcomes on the case management system (CMS) and to access the details of linked cases without delay.

Summary

Despite a slight dip in the first quarter of 2009-10 and very variable pre-charge advice benefit realisation outcomes, performance in terms of successful outcomes overall has compared very well to the London and national averages. This is particularly significant in relation to violence against women and hate crime, where it performs well, given the nature and composition of the local population and the relative level of domestic violence by comparison with other boroughs.

This relatively strong performance is largely due to the commitment and experience of the lawyers, caseworkers and administrative staff, who support each other under difficult circumstances to ensure that as many cases as possible reach a successful outcome. These circumstances include the fact that the borough is significantly under strength in terms of lawyers and, until recently, administrative staff. The situation is very likely to get worse before it gets better with maternity and long-term sick leave having an impact.

The quality of legal decision-making is generally sound. The application of the full Code for Crown Prosecutors (Code) test at the pre-charge stage is good, but less so at the review stage. Timely reviews are invariably carried out post-charge but inherent evidential problems are not always identified, presumably because there is often insufficient time to consider all aspects of the case in detail. Although there is a degree of proactivity, which is reflected in the setting of sound action plans at the pre-charge stage and attempts to ensure that domestic violence policy is applied where possible, decisions to charge and to proceed subsequently are often not followed through with case handling of comparable quality. This, combined with the relatively poor levels of witness attendance, also contributes to the high level of late discontinuance identified in the file sample.

Witness care has improved recently but problems remain, some of which could be improved by enhancing the quality of communication with the witness care unit based at Dagenham and the Witness Service at court. DCV has also improved although compliance with the Prosecutors' Pledge is difficult given the operating environment.

The quality of advocacy is sound with some exceptions, which could be dealt with by enhanced mentoring and further training. However the borough is now relying more heavily on agents to conduct trials in the magistrates' court due to lack of lawyer resource, which may impact further on outcomes in due course. It may also place more pressure on the stretched case progression systems.

Case progression systems appear to have improved recently and the optimum business model (OBM) process is now fully resourced and operational. However there is a lack of genuinely proactive case progression in both magistrates' court and Crown Court cases. All partner agencies are under resource pressure and the OBM team does not have the capacity to chase files which are awaited from the police more than once before the eve of the summary trial date. This places a premium on the accuracy of the initial short form documentation submitted by the police under the streamlined process and the fullness of advice given by the CPS advocate at the first hearing as to the main documents required in the trial file. This must specify exactly what material is required for the trial to be effective.

There is a relatively high proportion of effective trials in both the Crown Court and magistrates' court. However this is due more to the ability of staff to resolve outstanding issues on the eve of trial than the effectiveness of joint and internal case progression systems. As a result headline performance tends to mask problems which need to be addressed in concert with partners. For example compliance with court directions is often late and statutory time limits for the filing of evidentiary applications are rarely met.

Whilst the duties of initial and continuing disclosure of unused material are complied with in the main, case progression problems also have an impact and the time available to spend on disclosure issues is reduced further by the frequently late receipt of schedules of unused material from the police. As a result lawyers sometimes only have time to do the minimum necessary with the result that disclosable items are not always served and some items are served unnecessarily. The police are not always chased for responses to defence statements.

Barking and Dagenham has not had a reported custody time limit failure since it was created and has adopted the London area system, which it supplements with a local protocol with HM Courts Service, and case 'ownership' in custody cases. However some staff are not fully conversant with the relevant law and procedure; this is not helped by the outdated material posted on the office wall. Importantly the borough cannot always demonstrate that applications to extend are quality assured by a lawyer.

Joint performance is consistently addressed with partners and there has been robust communication on difficult issues, particularly in relation to file building and delays at the pre-charge stage. Generally partners complimented the borough on its approach and contribution. However it is significant that at present there are no case progression meetings with either Snaresbrook Crown Court or Barking and Dagenham Magistrates' Court, although the CPS meets with police partners weekly to consider cases coming into the court trial list.

Internal performance is also managed with a degree of success. The operation of the casework quality assurance scheme is generally sound and staff are properly appraised with individual performance issues (both positive and negative) addressed robustly. However some performance related systems are not working well. In particular CMS is not always used to the best advantage and the accuracy of some data on it is an issue, to the extent that performance in relation to discontinuance might not be as good as appears from the headline data.

In light of all these issues strong leadership is therefore essential and in recent years this has been of great benefit. Effective engagement with partners and a growing profile in the community has been the subject of positive comment by stakeholders, although resource issues and competing priorities have served to push this down the agenda recently.

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

Aspects for improvement

We identified 13 aspects for improvement:

-
- 1 Prosecutors need to improve the consistency with which they address ancillary issues including special measures, evidential applications and asset recovery at the pre-charge stage (aspect 1).

 - 2 The content of the written charging advice needs to improve. Better and more accurate instructions to advocates are required, particularly in relation to mode of trial (aspect 1).

 - 3 The borough needs to improve case progression by ensuring that all necessary actions are identified at the earliest opportunity and by working with partners to improve the timeliness of trial file delivery (aspect 2).

 - 4 Prosecutors need to improve the quality of post-charge review in Crown Court cases (aspect 3).

 - 5 The borough should improve case management proactivity and the management of case progression with its criminal justice partners (aspect 3).

 - 6 The borough needs to improve the identification and flagging of sensitive cases (aspect 5).

 - 7 The borough should review its application of CPS policy on domestic violence cases to achieve greater consistency of approach and reduce last minute discontinuances (aspect 5).

 - 8 The borough needs to ensure that schedules of unused material are provided in good time following a plea of not guilty in the magistrates' court and it needs to do more to ensure timely and effective compliance with the prosecution's obligations of continuing disclosure (aspect 6).

 - 9 The borough needs to improve the operation of its custody time limit system by ensuring that all relevant documentation is current and accurate, that advocates are properly prepared and understand the relevant law and procedure, and that all applications to extend time limits are checked and signed off by a lawyer (aspect 7).

 - 10 The borough needs to work closely with the police and witness care unit to increase the number of victim personal statements currently obtained. Consideration should also be given to having weekly face-to-face meetings between the CPS and witness care unit staff as well as organising joint training activities (aspect 8).

 - 11 The frequency of full borough team meetings should be increased (aspect 11).

12 The borough should introduce and maintain a staff training plan and training records (aspect 11).

13 The borough should consider how best to involve itself further in community projects and engagements, particularly those focussing on domestic violence (aspect 11).

Summary of judgements

BOROUGH PERFORMANCE ASSESSMENT 2009	
Pre-charge advice and decisions	2 - Fair
Decision-making, preparation and progression in magistrates' court cases	2 - Fair
Decision-making, preparation and progression in Crown Court cases	0 - Poor
The prosecution of cases at court	2 - Fair
Serious violent and sexual offences, and hate crimes	3 - Good
Disclosure	2 - Fair
Custody time limits	2 - Fair
The service to victims and witnesses	2 - Fair
Managing performance to improve	2 - Fair
Managing resources	Not scored
Management and partnership working	2 - Fair
OVERALL ASSESSMENT	19 - FAIR

D DEFINING ASPECTS

1 PRE-CHARGE ADVICE AND DECISIONS

Assessment
2 - Fair

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

- Inspectors examined 29 finalised cases which had been subject to a pre-charge decision (PCD) and where the advice was to charge the suspect. The decision to authorise charge was correct in all cases. The evidential stage of the full Code test was used in 21 out of the 29 (72.4%) and the threshold test was applied in the remaining eight.
- There were sound reasons for refusing police bail in all cases where the decision to charge was by application of the threshold test but in one the borough lawyer correctly refused to apply the threshold test when requested, because bail was appropriate: advice was given to charge the suspect on the full Code test. The reasons for applying the threshold test were fully noted in all eight relevant cases.
- However in five of the eight (62.5%) there was in fact enough material available to charge using the evidential stage of the full Code test. One of these involved charging advice by a borough lawyer.
- The most appropriate charge was selected in 24 out of 29 cases (82.8%) with CPS Direct (CPSD) achieving nine out of ten and Barking and Dagenham lawyers 15 out of 19 (78.9%). In one of the cases where the correct charge was advised the police charged the suspect with the wrong offence. This was identified at the review stage.
- Matters ancillary to the charging decision (such as the need to apply for special measures or for bad character or hearsay evidence to be admitted) were properly considered in only 19 out of 29 relevant cases (65.5%). Some borough lawyers draft the relevant application(s) at the pre-charge stage.
- Three cases of acquisitive crime in the file sample had potential for further investigation regarding asset recovery but the prosecutor did not refer to this in the charging advice. It is rare for borough prosecutors to advise on asset recovery unless specifically requested to do so by the police and such requests are themselves uncommon.

Aspect for improvement

Prosecutors need to improve the consistency with which they address ancillary issues including special measures, evidential applications and asset recovery at the pre-charge stage.

- Quality of the written charging advice in the file sample, and case analysis in particular, was variable; overall in 15 relevant cases it was good, but only fair in 14. The quality of CPSD charging advice was better than that provided by Barking and Dagenham's prosecutors with six out of ten rated good, compared with nine out of 19 (47.4%). Not all charging advices include a full analysis of the case, for example a suspect was charged with theft (among other offences) when an essential element of the offence was missing.
- Sufficient instructions to the advocate were given in only 12 out of 29 cases (41.4%). Only six out of the 19 (31.6%) where the advice had been given by borough lawyers were adequate in this regard. As a result the effectiveness of associate prosecutors is hampered because they rely on full and accurate instructions for the first hearing.

- In the file sample inspectors saw two examples of questionable decisions relating to mode of trial. Further examples were seen in our court observations and this was confirmed by interviewees who reported a lack of certainty in mode of trial submissions by advocates.

Aspect for improvement

The content of the written charging advice needs to improve. Better and more accurate instructions to advocates are required, particularly in relation to mode of trial.

- Where further evidence was required action plans attached to the charging advice were sufficiently clear and appropriate for the case, with realistic deadlines, in 15 out of 19 relevant cases (78.9%). Borough lawyers achieved this in nine out of ten cases whilst CPSD colleagues did so in only six out of ten.
- Performance in 2008-09 shows Barking and Dagenham performed better than the national average in all three benefits realisation measures for the statutory charging arrangements in the magistrates' court and against Crown Court discontinuance. The proportion of PCD cases which ended in conviction came within the good range of performance overall during the same period.
- However inspectors have significant concerns about the reliability of the results entered onto CMS which form the finalisation data and it may well be that the discontinuance rates are actually higher than represented by these statistics.

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough*
Pre-charge decision cases						
Conviction rate	80.8%	76.2%	81.6%	80.5%	75.5%	81.1%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	6.0%	13.3%	14.1%	7.0%
Guilty plea rate	74.4%	69.8%	77.5%	74.2%	68.8%	75.0%
Attrition rate	19.2%	22.1%	14.6%	19.5%	23.0%	15.5%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	11.7%	11.8%	15.7%	11.0%
Guilty plea rate	72.9%	60.8%	66.4%	73.0%	61.1%	64.2%
Attrition rate	19.4%	27.3%	25.2%	19.5%	27.6%	25.5%

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

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

- In general pre-charge advice is timely and there has been considerable joint work in the last year to reduce the average length of delay at the pre-charge stage to an acceptable level.
- Since the creation of CPS London Direct (CPSLD) in March 2009 the CPS presence at the Dagenham Police Station charging centre has gradually reduced from five days to one day per week. This is now only a 'surgery' where the duty prosecutor provides face-to-face advice on sensitive and complex cases, in addition to those involving CCTV evidence. The appointment system works relatively well but some appointments are unrealistically short given the length of some video interviews.
- At the time of our inspection the borough had three operational charging lawyers all of whom have significant experience and are capable of dealing with all but the most specialised charging decisions, which are dealt with by the BCP.
- The creation of CPSLD caused some administrative confusion for police managers, especially since it was followed by the partial redeployment of the CPS charging centre manager. This is now largely resolved and the BCP reports that all police requests for pre-charge advice have been referred to the correct charging location since July 2009.
- The BCP has clear channels of communication with CPSLD and CPSD and these have been vigorously utilised in the past. However the borough needs to ensure that the previous monitoring of threshold test decisions is reinstated to allow robust feedback, especially in cases where there was enough evidence to charge on the full Code test.
- In bail cases the police generally supply sufficient material for the charging lawyer to make a sound decision against the full Code test when possible to do so and only a small proportion require further work before a decision can be made. However a problem may be developing in relation to the perceived need for enhanced evidence to be provided in all domestic violence cases under the terms of the local service level agreement (SLA). Many suspects may be charged on the basis of the material available in the hours following arrest. The CPS will need to ensure that partners are clear about the application of the SLA and that a consistent and joint approach to file preparation is taken in domestic violence cases.
- Problems in relation to file preparation, whether to do with timeliness or content, are usually fed back to police managers who in turn convey this to evidential review officers. Action is usually taken to prevent the recurrence of any serious file preparation problems.
- Conversely the direct links between borough lawyers and police supervisors have diminished since the former were largely withdrawn from the charging centre. Therefore formal feedback is now less frequently supplemented by the prompt informal feedback which was the natural by-product of prosecutors and police managers sharing premises five days per week.
- Charging lawyers generally show a combination of realism and robustness in pressing cases forward, sometimes without waiting for all the evidence to become available. There is also a strong element of proactivity at the pre-charge stage.
- CMS is used for the creation of almost all charging advice by lawyers with all but one of the 17 relevant cases having the charging advice on it. All 12 CPSD charging advices were present on the system.

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

Assessment
2 - Fair

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

Case outcomes in the magistrates' court

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough
Discontinuance and bindovers	8.7%	8.0%	5.8%	8.7%	8.0%	6.1%
No case to answer	0.2%	0.3%	0.3%	0.2%	0.3%	0.2%
Dismissed after trial	2.0%	2.4%	2.6%	2.1%	2.5%	2.8%
Discharged committals	0.2%	0.3%	0.04%	0.2%	0.3%	0.1%
Warrants	1.6%	3.0%	3.3%	1.6%	2.9%	2.9%
Overall conviction rate	87.3%	86.0%	88.0%	87.3%	85.9%	87.9%

- Timely full file reviews were carried out on all relevant magistrates' court cases in the file sample. The evidential stage of the full Code test was applied correctly in 13 out of 14 relevant cases (92.9%), on receipt of the full evidential file from the police. The public interest stage was correctly applied in all relevant cases. In the one which should not have been allowed to continue it was clear from the day after charge that the complainant would refuse to give evidence against the defendant and there was no other evidence on which the prosecution could rely.
- The required standard of review was met in only ten out of 15 cases (66.7%). There was proactive case management to a good standard in only five out of 15 relevant cases and in two it was poor. The better reviews demonstrate that the lawyer has applied their mind afresh to the individual characteristics of the case. Others simply adopt the pre-charge advice without full consideration of the issues. Additional ad hoc reviews were carried out in five out of six relevant cases but decisions to discontinue are not always explained fully.
- Inspectors identified three cases in the file sample which were charged by the police without advice from the CPS and in all the initial review by the associate prosecutor involved the correct application of the full Code test before the first hearing. However inspectors also identified a case in court which should normally have been subject to pre-charge advice where the police had charged the defendant under the emergency provisions, which allow them to charge without reference to CPS advice when it is unobtainable. A number of conditions apply including the requirement that the case must be referred to a crown prosecutor as soon as is practicable for authority to proceed with the prosecution. The borough failed to ensure that any such review took place by a suitably qualified lawyer in advance of the first hearing where the defendant was remanded in custody.
- All cases in the sample proceeded on the appropriate charges and there were none where alternative pleas were accepted.
- There is no evidence that the borough proactively identifies linkages between cases. Inspectors observed a case in court where the defendant was produced from custody on a possession with intent to supply drugs charge when he was on police bail to appear on a separate, but similar, charge the following day. The link was brought to the prosecutor's attention by the defence but there was no attempt to have both cases dealt with together, or to plan an appropriate strategy for linking them in future.

- Only one of the five discontinuances in the file sample might have been avoided by earlier and better preparation, as could one out of three cases (33.3%) which failed on a submission of no case to answer. However all eight adverse outcomes were reasonably foreseeable and the six where nothing could be done to improve the chances of conviction should have been discontinued earlier.
- Outcomes in 2008-09 were slightly better than the national average and significantly better than that for London. There is only slight variation in the year to June 2009 which is a sign of consistency. All types of outcome are equivalent to, or better than, London and national performance except acquittals after trial. However we identified a trend for adverse outcomes to be registered wrongly on CMS, sometimes as acquittals after trial. Therefore the apparently exemplary discontinuance rate might be higher in practice.

2B Cases are prepared and progressed effectively

Trial rates

	Performance 2008-09		
	National	CPS London	Borough
Effective	43.4%	47.3%	51.3%
Cracked	38.0%	34.8%	32.5%
Ineffective	18.6%	17.9%	16.3%
Vacated	21.5%	16.3%	9.5%

- The OBM system processes cases without the ability to manage them proactively. In the file sample there was timely completion of all directions between first hearing and trial in only three out of nine (33.3%) relevant cases and all aspects of case preparation were timely in only five out of 15 (33.3%).
- The OBM is now appropriately resourced and cases are being reviewed three weeks before trial, however problems are still caused by a number of factors. It is common for witness dates to avoid, disclosure schedules and other relevant material to be unavailable when the defendant pleads not guilty in cases charged by the police, even when the case was always likely to be contested. An upgraded trial file is generally requested promptly but the request does not always specify all the correct items, possibly due to the lack of proper review referred to above. There is however insufficient resource to chase the request more than once until it is too late to stop an ineffective trial hearing.
- There is a need to improve joint case progression. The borough holds weekly case progression meetings with the police but they are not fully effective. The magistrates' court case progression officer communicates by email listing cases for mention when issues are apparently unresolved. Inspectors observed such a case in court where the defence successfully applied to vacate a trial because the prosecution had failed to supply an essential exhibit and initial disclosure items one week before the trial date. This issue had not been identified at the case progression meeting.
- Cases generally proceed at the first hearing, although the lack of relevant papers in some of those accepted by the CPS on the basis of the limited papers provided under the streamlined process arrangements makes the giving of directions somewhat academic. Few cases are listed for case management hearing unless an issue is raised by either party.

Aspect for improvement

The borough needs to improve case progression by ensuring that all necessary actions are identified at the earliest opportunity and by working with partners to improve the timeliness of trial file delivery.

- Discharged committals are rare and all staff are aware of the need to avoid them. There were 11 in 2007-08 and only one in 2008-09. In the file sample only one case involved an adjourned committal hearing (although papers are usually served on the day of hearing). In another case the lawyer prepared the committal package because there was no caseworker support on the day. The borough management team has been proactive in monitoring and maintaining performance in this respect.
- These problems around case preparation and progression do not prevent Barking and Dagenham having an effective trial rate which is significantly better than national and London-wide performance. The file examination revealed that this is because staff work hard to rescue cases at the last minute by remedying problems which should have been identified much earlier.
- CMS usage in magistrates' court cases is satisfactory, rated as good in 17 out of the 18 cases in the file sample. Fourteen out of 18 (77.8%) were correctly finalised, the four which were not were adverse outcomes where the incorrect category of outcome had been recorded, although this would have altered the overall attrition rate.

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

Assessment
0 - Poor

3A Decision-making is of a high quality, and case handling is proactive to ensure that the prosecution maintains the initiative throughout the case

Case outcomes in the Crown Court

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough
Judge ordered acquittals	11.6%	15.7%	10.3%	11.8%	15.9%	10.1%
Judge directed acquittals	1.0%	1.1%	0.6%	1.0%	1.3%	0.4%
Acquittals after trial	5.5%	8.5%	9.6%	5.5%	8.6%	12.0%
Warrants	1.1%	1.6%	2.3%	1.1%	1.6%	1.3%
Overall conviction rate	80.8%	73.1%	77.2%	80.6%	72.7%	76.3%

- The application of the evidential stage of the full Code test at committal or service of prosecution case was correct in 12 out of 14 cases (85.7%) in the file sample. Errors involved the failure to take account of all the elements it would be necessary to prove to obtain a conviction and the failure to view at the committal review stage CCTV evidence that turned out to support the defendants' account in an affray case. The public interest stage was applied correctly in all relevant cases.
- There were ad hoc reviews following a significant change in circumstance or following receipt of further material in four out of six relevant cases (66.7%).
- The procedure for referring cases to the CPS London complex casework centre is made available generically to all London staff via an electronic folder. Prosecutors and caseworkers are aware of the procedures for referring cases to the centre and the BCP is responsible for authorising such referrals. Currently Barking and Dagenham has no cases which have been referred.
- There was a timely review on receipt of the trial file in 13 out of 14 cases (92.9%) in the Crown Court file sample but overall the quality is variable, with only 81.8% of cases proceeding on the most appropriate charges; a trend which was borne out in our observations at Snaresbrook Crown Court. The required standard of review was met in only 11 out of 14 cases (78.6%). Although there are examples of proactivity prosecutors do not always add value to Crown Court cases.
- Insufficient steps are taken to ensure that all linked cases are handled properly, particularly when one of them is being handled outside the borough, although inspectors did see evidence of actions on other linked cases being coordinated.
- In 11 out of 14 relevant cases (78.6%) in the file sample the indictment was drafted correctly. In the other three it was subsequently amended appropriately. Inspectors identified two further cases which had basic errors at the plea and case management stage of proceedings which were amended in court.
- There were no file sample cases in which alternative pleas were accepted.
- Asset recovery issues are not always considered although there is a Proceeds of Crime Act champion who has obtained a confiscation order in the range of £300,000 recently. He is available to advise colleagues and has good links with local police financial investigators.

- None of the cases in the file sample included consideration of issues ancillary to sentence although this may have been appropriate in three of them.
- Appropriate action was taken to save the case in only two of the four adverse outcomes in the sample which were capable of saving. Two others were correctly discontinued on public interest grounds. Only one out of seven (14.3%) discontinuances was timely overall but in two cases this was due to errors at the pre-committal review stage. In one the discontinuance of a handling stolen goods matter, for reasons which had existed for some time, was unnecessarily delayed until the trial date (nearly two years after the offence).

Aspect for improvement

Prosecutors need to improve the quality of post-charge review in Crown Court cases.

- The successful outcome performance in the year to 30 June 2009 was within the poor range of performance although better than CPS London overall. A decline in overall performance since 2008-09 is primarily explained by a 25% increase in the proportion of cases which ended in acquittal after full trial, although the increase in this category of unsuccessful outcome may be due to misrecording. There has been a slight improvement in adverse outcomes over the same period but this may again be due to misrecording.

3B Cases are prepared and progressed effectively

Trial rates

	Performance 2008-09		
	National	CPS London	All Snaresbrook Crown Court cases ⁶
Effective	47.1%	54.7%	50.4%
Cracked	40.8%	30.0%	33.3%
Ineffective	12.1%	15.2%	16.3%

- Given that nearly all Crown Court cases have received pre-charge advice the police files are often in a better state than those provided for magistrates' court trials. There are sound joint systems to ensure that case papers are usually served on time and, where these fail, the commitment of staff generally fills the gap.
- However post-committal (and service of case) case progression is weak. The borough has four Crown Court caseworkers and a dedicated case progression officer. Communication is mainly by email and there are no case progression meetings with the police or Snaresbrook Crown Court, although the case progression officer attends some plea and case management hearings (PCMHS). Whilst the quality of communications with partner agencies is generally good all aspects of case preparation were timely in only one out of seven relevant cases (14.3%), with the level of proactivity being fair in three and poor in three. There are systems for escalating overdue requests for further material from the police but they are not always effective.
- As in the magistrates' court there are significant delays in the preparation of Crown Court trials. There was compliance with statutory time limits in only three out of seven relevant cases (42.9%) and post-PCMHS directions were all met in only one out of four relevant cases.

⁶ Crown Court trial data is not disaggregated to borough level, therefore this table reflects the composite performance of all those CPS London boroughs that commit cases to that Crown Court.

Aspect for improvement

The borough should improve case management proactivity and the management of case progression with its criminal justice partners.

- There are currently no cases which fall within the relevant criteria for the case management panel although lawyers are aware of the referral criteria.
- Advocates are generally allocated in a timely manner with few returns from the local advocacy unit based at Snaresbrook. There is an in-house crown advocate who appears regularly at Snaresbrook Crown Court to present PCMHs.
- The quality of instructions to counsel is weak. In the file sample only two were of good quality and five were poor. The most common shortcoming was a lack of case analysis. Inspectors noted in court that advocates are sometimes put at a disadvantage by a lack of firm instructions although cases invariably proceed on the day.
- The ineffective trial rate (16.4%) was higher than the national and London averages in 2008-09. The cracked and effective trial data for Snaresbrook Crown Court is not disaggregated to borough level.

The effective trial rate in 2008-09 was 50.4%, which is better than the national average although not as good as that for CPS London overall. The cracked trial rate, at 33.3%, is worse than that for London overall (30.0%) but better than the national average of 40.8%.

- CMS usage was good in 57.0% of the file sample cases with the remainder fair. Most actions were apparent from the system and items such as disclosure record sheets are created on it. However only 88.6% of cases were correctly finalised; in our file sample two judge ordered acquittals were wrongly finalised as jury acquittals.

4 THE PROSECUTION OF CASES AT COURT

Assessment

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

- Most borough advocates are sufficiently skilled and experienced for the types of hearings they conduct. A small proportion are insufficiently experienced or prepared to deal with all issues that can arise in initial hearings in both the Crown Court and magistrates' court. Some lack the foresight or robustness to resist unrealistic directions by the court. The BCP has identified the need to improve performance in this respect. The agents observed by inspectors were suitably experienced and properly versed in CPS policy.
- Advocates work well to progress cases at first hearing despite the hurdles presented by a lack of relevant information, particularly in streamlined process cases. Ten out of 14 Crown Court cases (71.4%) progressed at the first hearing and 16 out of 18 magistrates' court (88.9%) in the file sample. However there were 13 unnecessary adjournments in eight out of 32 cases but only five of these were attributable to the prosecution. There were also very few unnecessary adjournments in our court observations.
- Court file endorsements are generally sound although some were missing from files in the sample and some failed to reflect all relevant matters considered in complex hearings. This is reflected in the file examination which revealed that fewer than half had good endorsements. The less good endorsements do not always include important information such as the precise reason for an adjournment. Some are barely legible and a few are missing entirely. In a small borough advocates and other staff can sometimes clarify matters later but this is not always possible. The OBM system is particularly dependant on accurate endorsement.
- The standard of in-house advocacy generally meets the national advocacy standards with all but two out of eight observed being fully competent and the remaining two needing some mentoring to bring them up to the same standard. The quality of trial advocacy in the magistrates' court is sound with good preparation by advocates. The standard of preparation for other types of hearing is less effective.
- There is a weakness in relation to witness care at Barking and Dagenham Magistrates' Court which is housed in an old building. In particular the distance from the Witness Service room to two of the trial courts can prevent the prosecutor making contact with witnesses who attend after court has sat, so court staff and the Witness Service are sometimes asked to make the link.
- There are no IT points and this hampers performance in relation to complying with DCV requirements, case progression and linking cases. Action is being taken in relation to all these issues, most notably the joint initiative to move all domestic violence trials to Havering Magistrates' Court.

5 SERIOUS VIOLENT AND SEXUAL OFFENCES, AND HATE CRIMESAssessment
3 - Good**5A The borough ensures that serious violent and sexual offences, and hate crime cases are dealt with to a high standard***Violence against women: successful outcomes (convictions) as a percentage of completed cases*

Performance 2008-09			Performance 12 months to June 2009		
National	CPS London	Borough	National	CPS London	Borough
71.9%	62.0%	78.2%	71.8%	61.0%	74.6%

Hate crime: successful outcomes (convictions) as a percentage of completed cases

Performance 2008-09			Performance 12 months to June 2009		
National	CPS London	Borough	National	CPS London	Borough
82.0%	77.2%	80.6%	81.9%	75.5%	79.7%

- In only 12 out of 16 relevant cases (75.0%) was the file jacket and CMS flagged appropriately. This will hamper the ability to deal with sensitive cases appropriately.

Aspect for improvement

The borough needs to improve the identification and flagging of sensitive cases.

- All cases involving serious violence, sexual offences and hate crime are nominally allocated to a reviewing lawyer with relevant experience and skills, although pressure of work means that not all cases receive the attention they deserve. This is partly because of the absence of one of the more senior lawyers and the previous BCP has yet to be permanently replaced. Domestic violence cases in the magistrates' court are dealt with by the OBM system unless the defendant is in custody or there is some specific reason for individual allocation.
- The overall picture in relation to legal decision-making is variable. The evidential and public interest stages of the full Code test were correctly applied in all 14 relevant cases in the file sample at the pre-charge stage and in 18 out of 19 (94.7%) at the review stage. The case that was wrongly allowed to continue was a child abuse allegation where the prosecution was never able to prove an essential element of the offence. In all 19 relevant cases reviews were timely before committal and service of the prosecution case.
- Prosecutors generally analyse cases well and provide useful advice on investigation and case building. In 11 out of 13 relevant cases (84.6%) the pre-charge action plan was sufficient and some added real value by identifying evidential issues early. In 15 out of 19 cases (78.9%) the review was of sufficient quality with the level of proactivity employed being graded as good in eight cases, fair in eight and poor in three.
- However some decisions in the file sample are questionable. In a domestic violence case the prosecution proceeded even where one of the elements of a charged offence could not be proved on the evidence available. In an historic abuse case the decision to discontinue, though justifiable and prompt, contradicted entirely the carefully considered decision by another specialist lawyer to charge a few weeks earlier, causing the complainant understandable distress.

- All lawyers are trained in domestic violence prosecution. Two are rape specialists and one is trained as a hate crime coordinator (although all disability hate crime cases are referred to a specialist outside the borough). Fatal road traffic cases are referred to the CPS London traffic unit. Specialists do not currently have the time to assist in formal performance management although they all interact to ensure that skills and experience are shared in the unit. The BCP has monitored performance well and ensures that good practice is disseminated.
- The appropriate charges were pursued in all but one case in the file sample where the level of charge unduly limited the court's sentencing powers.
- The decision to discontinue was correct in all nine relevant cases and in only two of these (22.2%) could more have been done to save the case.
- Discontinuance was timely in only one out of nine cases (11.1%) relating to serious violence, sexual and hate crimes (including domestic violence). Inspectors gained the impression that while the principles behind CPS domestic violence policy are clearly embedded there is a lack of clarity over the detail. For example decisions to proceed with an unwilling complainant do not always take into account the contents of the police risk assessment. Also the decision is sometimes taken to apply for a summons without considering the further implications should the witness fail to attend the trial or refuse to support the allegation from the witness box. Therefore weak cases are sometimes pursued to the doors of the court, and sometimes to trial, without any real prospect of success unless the borough is prepared to follow up the summons with a warrant, or to turn an unwilling complainant 'hostile'. This approach explains why all five domestic violence cases that were discontinued should have been dropped earlier.

Aspect for improvement

The borough should review its application of CPS policy on domestic violence cases to achieve greater consistency of approach and reduce last minute discontinuances.

- With the above caveat CPS policies on prosecuting rape and violence against women are applied at charging and subsequent stages, with appropriate care being taken before deciding that cases have to be dropped. In court inspectors observed a domestic violence trial which was handled well by one of the less experienced prosecutors.
- Significant joint work has been done to improve the quality of evidential and expedited files, especially in the field of domestic violence which accounts for a higher proportion of caseload than most other boroughs. All such cases are now subject to a service level agreement between the police and CPS locally which lists the types of enhanced evidence that are technically required for a charging decision. Whilst the file examination showed the system to be working well, the borough will need to reassure partners that the principles embedded in the SLA do not conflict with those in the Director's guidance on Statutory Charging or the streamlined process. Overall decisions are robust and CPS policy is well applied; enhanced evidence was considered by charging lawyers in six out of ten relevant cases, often in a post-charge action plan.
- Though declining in the 12 months to June 2009 borough performance in relation to violence against women was better than national and London averages in 2008-09 and remains so into 2009-10. It was one of only three boroughs in London to achieve a 'green' rating for 2008-09 with the second lowest attrition rate. It was also rated green for attrition in relation to domestic violence, rape and sexual offences over the same period. Hate crime performance has also declined slightly in the 12 months to June 2009 but still remains better than the London average.
- The BCP has contact with the local safeguarding children panel chair although he does not sit on the board. There are plans to formalise links.

6 DISCLOSURE

Assessment

2 - Fair**6A There is compliance with the prosecution's duties of disclosure**

- The file sample showed compliance with the initial duty of disclosure in 21 out of 27 relevant cases (77.8%). Failures included the disclosure of items that do not meet the test for initial disclosure, particularly crime reports. In one magistrates' court case there was a failure to disclose an item that could have undermined the prosecution or assisted the defence. The case was eventually discontinued for other reasons.
- In one case, charged by CPSD, there was also a failure to comply with the common law duty of disclosure. The charging advice was that the complainant's retraction statement need not be disclosed until after the first bail application. There is no record that it was disclosed before the hearing although again the case was eventually discontinued for other reasons.
- Initial disclosure was timely in 21 out of 27 (77.8%) relevant cases in that it was served in time for the defence to respond before the trial date if appropriate, even if this was in breach of the standard local court direction to serve within 14 days of first hearing. Inspectors noted during court observations that one case was vacated for want of initial disclosure, the schedule of unused material having been supplied to the CPS less than two weeks before trial.
- This appears to be a common problem where the schedules do not accompany the streamlined process file in advance of the first hearing. Other examples of this were seen in the file sample. In one case the schedule of nonsensitive unused material was not only sent late: it was sent to the complainant's address in error.
- Continuing disclosure was a relevant issue in nine cases but full compliance was apparent in only four; in one there were insufficient records to tell whether there was compliance. The problem in the two noncompliant Crown Court cases was the failure to chase the police for a response to the defence statement in time to comply with deadlines. In both magistrates' court cases there was a failure to serve documentation which could undermine the prosecution case or assist the defence. In one documentation relating to previous complaints, which were held on the CPS file, were never reviewed or served despite a defence request. The defendant was acquitted at trial. In the other the complainant's retraction statement was never entered on a schedule of unused material or served. The case was eventually discontinued.

Aspect for improvement

The borough needs to ensure that schedules of unused material are provided in good time following a plea of not guilty in the magistrates' court and it needs to do more to ensure timely and effective compliance with the prosecution's obligations of continuing disclosure.

- Disclosure record sheets were prepared in all but one of the relevant cases in the file sample but were complete and up-to-date in only 14 out of 26 relevant cases (53.8%). The reasoning behind any decision is rarely noted.
- Schedules of unused material usually contain adequate descriptions of the items referred to. However in two cases the descriptions were insufficient. In one the lawyer correctly returned it for better detail to be supplied, however in the other the lawyer endorsed the entry relating to a crime report as "clearly not disclosable" despite the fact that the description was insufficient and he had not seen the item itself. Given the nature of the case the item could well have had a bearing on its outcome.

- Sensitive material was handled correctly in both relevant cases. Third party disclosure issues were also correctly handled in all three relevant cases.
- There were no public interest immunity issues in the file sample. These are dealt with at district level in any event, with support from regional level in the temporary absence of a district crown prosecutor, and all lawyers are aware of the need to refer them through the BCP as appropriate.
- Following an internal audit in May 2009, which identified many of the issues which were found during out file examination, some steps have been taken to improve performance. In particular the results of the audit were circulated and the case progression manager has been charged with monitoring magistrates' court performance, although it appears that she may not have the time to do this effectively. There are limited alternative arrangements for disclosure training.

7 CUSTODY TIME LIMITS

Assessment
2 - Fair

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

- In September 2008 CPS London issued a notice to all staff to ensure that the national custody time limits (CTL) guidance was adopted in all boroughs. This was done in the light of the high number of CTL failures in London and HMCPSP's impending assessments of London boroughs. The London Management Team then instructed all boroughs to adopt the London CTL system. This is compliant, for the most part, with the national standard. However managers need to be aware of the disparity and ensure that national requirements are also met.
- Barking and Dagenham supplements the area system, for example in allocating all custody cases to lawyers, so that there is a level of personal responsibility and accountability even in magistrates' court cases.
- In general terms the borough operates the system well. Some of the 'live' cases examined by inspectors were complicated in terms of the number of charges, linked cases and two involved applications to extend. These were found to be compliant with the area system, having correctly calculated expiry dates and with appropriate applications to extend. The diaries and white boards which display current CTL cases were also up-to-date and accurate. The two managers responsible for the system clearly understand it and comply with it diligently. As a result the borough has not had a reported CTL failure since it was created as a unit in late 2007.
- However a number of concerns still arise. The finalised file sample involved ten cases where the defendant had been remanded in custody; the correct expiry dates had been calculated in only eight. In one the date was wrongly calculated and in the other no date was calculated. Inspectors noted that the process map posted on the office wall was out-of-date and incorrect in at least one regard. The 'ready reckoner' posted there related to 2006 cases. The applications to extend in the sample of live cases were prepared and signed off by caseworkers which is in breach of the national guidelines; there was no clear evidence that a lawyer had checked them.
- A protocol has been agreed with the local magistrates' court to ensure that expiry dates are agreed and mentioned at each hearing where a defendant is remanded in custody. However inspectors noted during the court observations that expiry dates are not always agreed in court, that not all advocates carry ready reckoners with them and that on occasion the wrong expiry date is agreed. The files are rarely endorsed to confirm that the expiry date was agreed in open court.

Aspect for improvement

The borough needs to improve the operation of its custody time limit system by ensuring that all relevant documentation is current and accurate, that advocates are properly prepared and understand the relevant law and procedure, and that all applications to extend time limits are checked and signed off by a lawyer.

8 THE SERVICE TO VICTIMS AND WITNESSES

Assessment

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

- Compliance with the DCV policy and Victims' Code is monitored closely at borough, district and regional level on a monthly basis and also as part of the quarterly performance reporting regime. Within Barking and Dagenham compliance is discussed at prosecution team performance management (PTPM) meetings and also internal team meetings. In addition all borough staff have related personal objectives.
- The borough exceeded the proxy targets set in 2008-09 and the first quarter of 2009-10 for the number of letters to be sent under the DCV scheme at 111.3% and 168.5% respectively. However further improvement is needed since other inspection work has found that DCV proxy targets understate the requirement for letters in order to comply with the scheme. This was confirmed by our file examination. We looked at 14 files where the DCV scheme was engaged and in nine of these (64.3%) compliance with the scheme was poor. No letter was sent in eight cases and in the ninth it was not clear if the letter had been sent, but was in any case poorly worded. In the other five cases two of the letters examined were excellent, two were good and one fair.
- Performance in respect of timeliness in 2008-09 and the first quarter of 2009-10 was better than the London average: for letters being sent within one day to vulnerable and intimidated victims this improved from 75.0% to 100% (compared to the London averages of 65.9% and 83.5% respectively), and for letters being sent within five working days for other victims improved from 87.1% to 100% (London 83.1% and 87.5%).
- In a clear majority of cases the needs of victims and witnesses are being considered at the review stage, although this could be improved upon. There is evidence that the borough is not always identifying cases where the victims and witnesses require special measures that have been missed by the police at pre-charge stage. From our file sample special measures were not considered at the pre-charge stage in four out of 29 cases (13.8%). In addition victim personal statements, which record the victim's view of the crime's impact, were not always being requested or chased when they were referred to in the pre-charge advice. Also from our file sample none of the ten relevant magistrates' court cases and only three of the seven relevant Crown Court cases had a statement on file.
- Although there is a system for ensuring that special measures are in place for appropriate witnesses applications are not always made on a timely and consistent basis. A particular problem has been the lack of completion of the reverse of the MG11 (key witness statement form) by the officer concerned, although as the unit is not based in a police station copies rather than the originals are often provided, where the back of the form may not have been reproduced. In addition the MG2 (special measures assessment form) does not always specify the appropriate type of measure to be requested. Officers are also raising the expectations of certain witnesses that either they will not need to attend court or that special measures will be provided when they are not appropriate. The BCP has recently raised these issues with the police at magistrates' court case progression meetings. However CPS lawyers could be more proactive in identifying witnesses requiring special measures.
- Almost all witnesses are supported and kept informed through the life of the case by the witness care unit (WCU), which is staffed by police administrators and one CPS officer. Witness Care Officers (WCOs) undertake an initial needs assessment when first contacting witnesses after a not guilty plea and are required to make contact within 24 hours under the No Witness No Justice (NWNJ) requirements. There is an effective process in place (from completion of a proforma on the front of each file) for identifying who is responsible for maintaining contact with domestic violence

victims/witnesses. Police officers often continue to be the main contacts for such victims/witnesses rather than WCOs. The WCU has also been proactive in producing its own materials for sending to victims and witnesses. There is sufficient communication and support between the CPS and victims/witnesses at the magistrates' court before the trial.

- Witness attendance has been poor at 81.3% for 2008-09 (compared to CPS London at 83.1% and target of 90.0%). However witness absence causes fewer cracked or ineffective trials in the magistrates' court when compared to the London average: the percentage of cracked trials for 2008-09 due to witness absence was 5.8% (compared to 14.4% for London) and for ineffective trials due to the absence of civilian witnesses 5.1% (13.6%). Witness attendance for the first quarter of 2009-10 has continued to be poor at 82.5% (London average 82.2%).
- The exchange of information between the CPS and WCU could be improved and is not always supportive of the WCU role. As CPS staff are not based in a police station regular face-to-face communication occurs only in the monthly PTPM meetings. In addition to this the CPS sends through a list of all Crown and magistrates' court hearings on a weekly basis to the unit. The lists of witnesses attending court (LWACs) are faxed to the WCU rather than emailed. The unit has expressed concerns regarding the accuracy of information provided by the CPS, however some of these are likely to be due to misunderstandings between the two teams (for example in discontinuances the WCU are not always aware where they can find the reasons for discontinuing a case before de-warning witnesses). LWACs are also currently faxed to the Witness Service rather than more efficiently and reliably by email.

Aspect for improvement

The borough needs to work closely with the police and witness care unit to increase the number of victim personal statements currently obtained. Consideration should also be given to having weekly face-to-face meetings between the CPS and witness care unit staff as well as organising joint training activities.

- There is limited evidence that performance against the Victims' Code and NWNJ primary and secondary measures are monitored effectively. Joint ownership and performance management of the WCU could be improved upon. Currently it only monitors overall ineffective and cracked trials data. The unit is primarily the responsibility of the police with only one member of staff from the CPS. Standard performance information relating to London-wide primary and secondary measures is produced on a monthly basis. Work is being undertaken by CPS London and its police partners to provide data at the borough level for each WCU.
- The borough has struggled to ensure a consistent and high level of service is provided to victims and witnesses. The paralegal business manager is currently fulfilling the role of DCV coordinator and the BCP the role of community prosecutor. Further emphasis needs to be placed on the overall service to victims and witnesses to ensure all strands of service are drawn together and that more consistent levels of service are offered.

9 MANAGING PERFORMANCE TO IMPROVE

Assessment

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

- Most aspects of casework are monitored effectively and this drives improvement on a regular basis. The borough is aware that there are issues in relation to some legal decision-making and case progression. The casework quality assurance (CQA) scheme is in place which requires one form be completed per lawyer every month. CQA assessments are relatively robust and lessons are disseminated orally and by email. For the financial year 2008-09, although not meeting target, improvement was shown in the last two quarters to achieve an overall score of 89.6% (compared to the CPS London average of 84.8%), which improved further during the first quarter of 2009-10 to 111.1%. If any areas of concern are identified by the BCP as a result of this assurance work these are fed back to the team.
- Adverse case analysis is undertaken for both magistrates' court and Crown Court work and this information is circulated internally and externally to other criminal justice partners as part of the PTPM meetings. The inspection team observed that these reports were of variable quality and accuracy. Adverse outcome reports were found on file in two out of 15 relevant cases (13.3%) in our sample, however both of these were of poor quality. The number of cases with an adverse outcome is also likely to be understated due to the problem of incorrect finalisations (to which we refer below).
- There is only some ad hoc and informal monitoring of advocates. The BCP attends the magistrates' court on at least a weekly basis and is able to observe lawyers in court and provide any feedback. The Crown Court advocacy manager also conducts at least one advocacy assessment per prosecutor per year and is assisted by the area advocacy trainer. Feedback is provided to the prosecutor either verbally or in writing but advocacy forms are not completed. Caseworkers and members of the judiciary will also feed back any comments on an exception basis.
- In terms of improving performance results there has only been limited success. For the financial year 2008-09 there were improvements in compliance with Victims' Code, associate prosecutor usage and sickness. However performance worsened for CMS usage and witness attendance and has also remained poor for Crown Court charging, non-ring fenced costs and prosecution costs. These results must be set against reduced budget and staffing levels and increased caseload. The borough has consequently adopted a hands on approach to dealing with matters as they arise rather than a more proactive review of the effectiveness of operational systems. To ease pressure on the OBM two temporary workers have been recruited to assist the administrative function, also administrators have been sending requests to the police for more information on a particular file rather than relying solely on lawyers to do this. The Criminal Justice: Simple, Speedy, Summary (CJSSS) and Directors' Guidance: Streamlined Process initiatives have only been partially successful. The average number of adjournments per contested case has remained above target for 2008-09 at 4.2 (compared to a target of 4.0). There is evidence that on occasions the police are not always applying the streamlined process correctly which is something the BCP will attempt to address with the police. The borough has also undertaken work to improve the DCV scheme, with some success.
- Managers have timely access to performance data. Monthly performance data, which links into the CPS key performance indicators, is provided to borough management from the CPS London Performance Unit and reviewed as part of the district management team meetings. Performance indicators are rated using a 'traffic light' system. Staff are made aware of targets and progress in achieving them mainly by email. Performance is also discussed at unit team meetings, however these are held infrequently. There are separate meetings held for lawyers, caseworkers and administrative staff on an ad hoc basis where performance data may also be discussed.

- At the borough level there have been problems with correct finalisation codes in the magistrates and Crown Court entries on CMS. This was confirmed by our file sample where seven out of 25 (28.0%) examined had been finalised incorrectly. The majority of these errors were incorrect categorisation of adverse outcomes as acquittals after full trial. CPS Headquarters guidance is not being followed and checks to ensure that all performance information data is correct need to be improved.
- Performance appraisals are used to improve operational and personal performance. Objectives set for staff are based upon district priorities with some limited adaptation to meet local needs. A mid and year end review has been conducted for the majority of staff for 2008-09. Staff did not fully recognise the benefits of the appraisal system.

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

- The CPS is represented at the right level at most joint meetings and makes meaningful contributions. PTPM meetings are chaired by the BCP and have been effective and constructive in improving operational performance. The BCP is also the chair of the Borough Criminal Justice Group (BCJG). Performance against the key London Criminal Justice Board (LCJB) drivers is reviewed at these meetings.
- There is generally good sharing of performance information between agencies although it may not always be accurate or timely. Relevant and comprehensive prosecution team performance and adverse outcome reports are provided to the police for the PTPM meetings on a monthly basis. Trial effectiveness data and performance against the key LCJB indicators are also exchanged between the agencies for the BCJG meetings.
- PTPM has led to improved working relationships between partner agencies and improved outcomes. Meetings are attended by appropriate police and CPS management staff and also include the WCU manager. Relevant performance is discussed as well as operational issues impacting on it. Actions from recent PTPM meetings include tackling the issue of double registering unique reference numbers on files, which has subsequently been resolved successfully.
- There is some regular joint monitoring of the effectiveness of hearings and trials. There are monthly cracked and ineffective trial (CIT) meetings between the police, CPS and courts. These meetings have contributed to ineffective trials falling from 16.3% in 2008-09 (compared to the CPS London average of 17.9%) to 14.2% for the first quarter of 2009-10 (London average 17.4%). CIT forms are usually completed by court staff and agreed by prosecutors. Copies are provided to the BCP who reviews the data in CIT meetings at Barking and Dagenham Magistrates' Court. Case progression meetings for magistrates' court cases occur weekly between the CPS and police but are not attended by representatives from the court. There are no case progression meetings for Crown Court cases, however there is regular communication with court representatives by email detailing lists of trial-ready cases.
- The criminal justice agencies in Barking and Dagenham are aware of most shortcomings and are taking steps to address them. Interagency processes are understood and there is cooperation to balance stakeholder expectations and improve performance. However involvement by the courts has been limited and there is still further work to do to improve the effectiveness of the CJSSS and streamlined process initiatives.

10 MANAGING RESOURCES

Assessment

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

- Financial management of the non-ring fenced administrative costs (NRFAC) budget (mainly staffing and general costs) and programme cost budget (mainly prosecution costs) rests at regional and district level. At borough level there is limited responsibility for financial management of these budgets. For accounting purposes spend is forecast and expenditure allocated to borough level cost centres, but in reality these are monitored at the district level and overseen and authorised by the region. Financial delegation within the region is limited, spend is authorised at that level and strict controls are exercised.
- In the borough financial management is very limited and mainly involves ensuring financial propriety. The fee log completed by caseworkers at Snaresbrook Crown Court is managed by the paralegal business and Crown Court managers and sent to the Fees Unit. Very high cost cases are maintained and updated by the paralegal business manager on a monthly basis by liaising with caseworkers and referring to data on CMS. The information is then forwarded to the Fees Unit.
- For the financial year 2008-09 Baring and Dagenham had an overspend of £2,497 for NRFAC, with the original budget allocation based on the activity based costing model. For the financial year 2009-10, as at July, the borough had a full year NRFAC revised budget of £1,116,600 with a forecast outturn of £1,562,200 (a projected overspend of £445,600). The majority of this overspend is due to the notional inclusion of the staffing costs for the local advocacy unit at Snaresbrook Crown Court.
- Staff numbers have been reduced in an effort to balance current resources in line with relative workloads in the unit and across the district, however this should be considered in the context of an increasing caseload. Magistrates' court cases have increased by 9.1% and Crown Court cases by 14.9% from 2007-08 to 2008-09. Individual caseloads have therefore increased significantly, particularly for lawyers. Staffing on the borough equates to 24.4 full-time members as at August 2009. A lawyer from the unit has been acting as BCP without any backfill for the vacated position. Two temporary staff have been recruited to ease the burden on the administrative function.
- The borough management team has limited ability to influence staffing levels and overall staff structures. Although the activity based costing allocation has been completed for 2009-10, a further exercise is being conducted at area level which may lead to a reallocation of resources across the London boroughs. The report detailing the results of the exercise was imminent at the time of our assessment.
- Sickness absence levels improved in 2008-09 compared with 2007-08. There was an average of 4.2 days sick absence per person in 2008-09 compared to the CPS London average of 9.3 days. For the first quarter of 2009-10 the level has increased to 6.7 days compared to the London average of 8.8. Sickness absence is monitored effectively by borough management.
- Clear expectations are set for the deployment of lawyers and associate prosecutors (APs). For lawyers, dependent on their roles, this includes delivering pre-charge decisions, magistrates' court advocacy sessions and deployment in the OBM unit. Currently lawyers in the magistrates' court team are expected to undertake six half day sessions per week. There is one crown advocate whose time is spent in the Crown Court and magistrates' court, as well as deployment in the OBM unit and charging centre.

- The usage of APs has been maximised with the assistance of the courts. The previous BCP negotiated with the courts to list committals and the sending of indictable cases (to be dealt with by APs) on specific days and in specific courtrooms to maximise their deployment. There are currently only two part-time APs who are expected to cover five half day magistrates' court sessions per week. For 2008-09 AP coverage hit the target of 23.0% (the average for CPS London was 20.5%). For the first quarter of 2009-10 this has decreased to 19.8% because of leave commitments, below both target (25.0%) and lower than the London average of 21.8%. For operational reasons performance is likely to worsen further during the second half of the current financial year.
- The deployment of in-house prosecutors at the magistrates' court has fallen significantly in the first quarter of 2009-10. In 2008-09 in-house usage was 96.6% (compared to 87.9% for London overall). However for the first quarter of 2009-10 this has dropped to 67.5% (compared to 77.6%). This was due to the loss of two in-house lawyers in March 2009 (one on secondment and another on long-term sick leave). The systems for selection of suitable counsel should mitigate the impact of increased agent usage.
- The reduction in staffing numbers has placed more pressure on the borough to balance flexible working with the business needs. A significant number of staff are on flexible working conditions which includes condensed and reduced hours.

11 MANAGEMENT AND PARTNERSHIP WORKINGAssessment
2 - Fair**11A Borough management has a clear understanding of what needs to be delivered to meet London, national and criminal justice system priorities, underpinned by effective planning and management**

- There is a partial understanding at borough level of what key priorities are and how they should be delivered. Although formal business planning is limited at borough level the strategy and direction is set through delivery of the district business plan, which reflects the priorities in the London Area Delivery Plan. The district plan sets out the targets and measures each borough should strive to implement during the current financial year. Team and individual objectives link into the district business plan although it is not regularly considered or progress reviewed at borough unit level. Local priorities outside the district plan centre on tackling the high incidence of domestic violence and gang related youth crime in Barking and Dagenham.
- Managers understand their responsibility for implementing management decisions and act corporately. Resourcing has been problematic and as a result they have adopted a very hands on approach to ensuring work of all levels is delivered. This has included recruiting two temporary staff to assist the administrative function and increasing the use of agents following the loss of two lawyers in March 2009.
- Communications are not always effective and team meetings seem to be occurring less regularly since summer 2009. Full unit team meetings occur on a quarterly basis, however at the time of the inspection in mid October 2009 none had been held since June. These are supplemented by separate lawyer, caseworker and administrative staff meetings which take place on a very ad hoc basis. All regular team meetings are minuted. There is no formal communication strategy for internal or external communication.

Aspect for improvement

The frequency of full borough team meetings should be increased.

- Managers have some understanding of key risks although there is no formal planned approach to risk management and no risk register is maintained. However a more formal approach to risk management is adopted for change initiatives such as the implementation of the OBM. As part of better planning arrangements a more formalised approach to risk management overall could be introduced to improve this aspect.
- There is no staff training plan reflecting the needs of the borough unit although staff training and development is usually linked into business need. Training has included domestic violence, statutory charging and the Proactive Prosecutor Programme course for all lawyers. Specialist training is also provided, for example the BCP and another lawyer are to undertake training on rape. Requirements are identified primarily through the appraisal process and satisfying the business needs of the borough. As Barking and Dagenham is a small unit it is essential that staff receive a broad level of training to allow a greater degree of flexibility. No formal training records are maintained by either the borough or district.

Aspect for improvement

The borough should introduce and maintain a staff training plan and training records.

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

- Managers have open and collaborative relationships with most key stakeholders and any differences of view are managed professionally. There is evidence of effective working at the prosecution team level and also at the BCJG level.
- At the operational level the majority of staff are working effectively with their criminal justice colleagues. There is generally cooperation and shared ownership for delivery of day-to-day criminal justice business. Although there have been efforts to improve links between police and CPS staff (such as joint training events), not being an IPT site (or having any immediate prospect of becoming one) has had a perceived drawback upon relations between CPS staff and police and WCU staff. A reduction in the borough's presence at the charging centre (to one prosecutor per week) has reduced the opportunity for informal contact between the police and CPS. As a result there is greater reliance on more formalised periodic contact at a higher level. There is also an overreliance on email communication between the CPS and court representatives at both the magistrates and Crown Court. Joint performance meetings are effective and supported by key performance targets. At BCJG level focus is on the key LCJB targets and local delivery of key nationally driven initiatives.
- Joint initiatives such as CJSSS and the streamlined process have been implemented and are 'business as usual'. These were introduced largely successfully, confirmed by the post-implementation review of CJSSS in March 2008, although problems may be emerging in relation to the application of the streamlined process in certain types of case. For other prosecution team initiatives the new charging arrangements seem to be working well, with the bulk of charging decisions now handled through CPSLD and only charging advice relating to a limited category of cases being provided at borough level.
- However the introduction of conditional cautioning has been much less successful. The number and types of conditional caution given by the borough unit is much lower than the CPS London average. In 2008-09 only ten conditional cautions were issued in Barking and Dagenham. Although NWNJ was envisaged as a joint initiative the burden for meeting all the requirements and management of the WCU has fallen largely on the police, with limited input from the CPS. A recent initiative between the CPS and courts is the introduction of a domestic violence implementation team where all contested domestic violence cases will be referred to Havering Magistrates' Court for trial. It is still too early to judge whether this has been a success.
- Engagement with the community and local organisations has tended to be ad hoc rather than adopting a planned strategic approach. The current BCP has continued to take on the role of community prosecutor and he has worked successfully to gain a local community profile. However staffing constraints and competing priorities have meant that the borough has not been able to fully focus on community engagement. It is involved in the BCJG Community Engagement subgroup and has been represented at the Inside Justice week in a series of events planned in conjunction with other criminal justice partners. Other events have included council organised meetings to tackle drugs and abuse of the elderly. The borough has attended regularly the local domestic violence and hate crime steering group but further work is needed to increase the exposure of the CPS in the community, particularly tackling the high incidence of domestic violence.

Aspect for improvement

The borough should consider how best to involve itself further in community projects and engagements, particularly those focussing on domestic violence.

- A complaints log is maintained which indicates that very few complaints are received. An examination of the log did not reveal any recurring issues or raise any concerns over the handling of complaints. However the file examination revealed a series of complaints on a single case, including a letter from the local Member of Parliament, which were not dealt with effectively or promptly.

11C Managers act as role models for the ethics, values and aims of the London-wide service and the CPS, and demonstrate a commitment to equality and diversity policies

- Staff performance is generally recognised by managers and good performance is acknowledged. This was evident in communication to individuals and discussions with staff. The previous BCP highlighted any examples of good performance at the start of team meetings. Good performance is also recognised and praised in performance and development reviews and through team bonding events.
- Managers and staff treat each other with respect and understand behaviours expected of them. This includes compliance with the CPS dignity at work and code of conduct policies. The current BCP hopes to continue to adopt the ethos of “Respect, Reputation and Resolve” introduced by the previous post holder. Morale was found to be generally satisfactory despite the strain created by reduced staffing levels. Staff felt able to raise any concerns with management and the BCP operates an open door policy. No substantiated complaints have been made by staff about their treatment from managers.
- The make up of staff in the office could better reflect the local community. However borough management did not think that this has had a detrimental effect on its operation. Management is not able to adopt a proactive approach in trying to remedy this situation as they are not able to make decisions regarding staffing.

ANNEXES

A PERFORMANCE DATA

Aspect 1: Pre-charge decision-making

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough
Pre-charge decision cases	80.8%	76.2%	81.6%	80.5%	75.5%	81.1%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	6.0%	13.3%	14.1%	7.0%
Guilty plea rate	74.4%	69.8%	77.5%	74.2%	68.8%	75.0%
Attrition rate	19.2%	22.1%	14.6%	19.5%	23.0%	15.5%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	11.7%	11.8%	15.7%	11.0%
Guilty plea rate	72.9%	60.8%	66.4%	73.0%	61.1%	64.2%
Attrition rate	19.4%	27.3%	25.2%	19.5%	27.6%	25.5%

Aspect 2: Ensuring successful outcomes in the magistrates' court

Successful outcomes (convictions) as a percentage of completed magistrates' court cases

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough
	87.3%	86.0%	88.0%	87.3%	85.9%	87.9%

Trial rates

	Performance 2008-09		
	National	CPS London	Borough
Effective	43.4%	47.3%	51.3%
Cracked	38.0%	34.8%	32.5%
Ineffective	18.6%	17.9%	16.3%
Vacated	21.5%	16.3%	9.5%

Aspect 3: Ensuring successful outcomes in the Crown Court

Successful outcomes (convictions) as a percentage of completed Crown Court cases

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough
	80.8%	73.1%	77.2%	80.6%	72.7%	76.3%

Trial rates

	Performance 2008-09		
	National	CPS London	All Snaresbrook Crown Court cases
Effective	47.1%	54.7%	50.4%
Cracked	40.8%	30.0%	33.3%
Ineffective	12.1%	15.2%	16.4%

Aspect 5: Serious violent and sexual offences, and hate crimes*Violence against women: successful outcomes (convictions) as a percentage of completed cases*

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough
	71.9%	62.0%	78.2%	71.8%	61.0%	74.6%

Hate crime: successful outcomes (convictions) as a percentage of completed cases

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough
	82.0%	77.2%	80.6%	81.9%	75.5%	79.7%

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

	CPS London outturn 2008-09	Borough outturn 2008-09
	99.1%	100.2%

Staff deployment

	National performance 2008-09	CPS London target 2008-09	CPS London performance 2008-09	Borough performance 2008-09
In-house deployment in magistrates' court	85.5%	90.0%	87.9%	96.6%
Associate prosecutor deployment (as % of magistrates' court sessions)	24.8%	23.0%	20.5%	23.0%
Crown advocates. Counsel fee savings against target	110.0%	£4,200,000	99.3%	127.9% (district performance)
Sickness absence (per employee per year)	8.7 days	N/A	9.3 days	4.2 days

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

Police

Superintendent N Hancock

HM Courts Service

Mr S Hill, Crown Court Manager

Ms S Gaffney, List Officer

Crown Court

His Honour Judge Radford, Honorary Recorder, Snaresbrook Crown Court

Magistrates' court

District Judge Woolard

Mr D Johnson, Bench Chair

Ms S McKiernan

Defence representatives

Ms D Feely

Mr A Canaii

C LONDON BOROUGH SCORING MODEL

London borough assessments will be scored using the following model. Points will be allocated to each aspect on the basis of:

Aspect rating	Points to be allocated
Excellent	4
Good	3
Fair	2
Poor	0

They will then be added and assessed against the following ranges:

Excellent	32 points and above
Good	24 to 31 points
Fair	16 to 23 points
Poor	15 points and below

Additional limiters

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

- Any borough with three or more Poor aspect ratings will automatically be reduced to the next range e.g. a borough scoring 22 points, but with three Poor aspect scores, will automatically be reduced to Poor.
- A borough will need to achieve at least two Good ratings in the first four aspects⁷ of the framework to be scored as Good overall e.g. one scoring 25 points, but with only one Good aspect in the first four, will be reduced to Fair.

⁷ Pre-charge advice and decisions; Decision-making, preparation and progression in magistrates' court cases; Decision-making, preparation and progression in Crown Court cases; and The prosecution of cases at court.

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HM Crown Prosecution Service Inspectorate

London Office:

26 – 28 Old Queen Street

London SW1H 9HP

Tel. 020 7210 1197

Fax. 020 7210 1186

York Office:

United House, Piccadilly

York, North Yorkshire, YO1 9PQ

Tel. 01904 54 5490

Fax. 01904 54 5492

Website:

www.hmcp.si.gov.uk

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