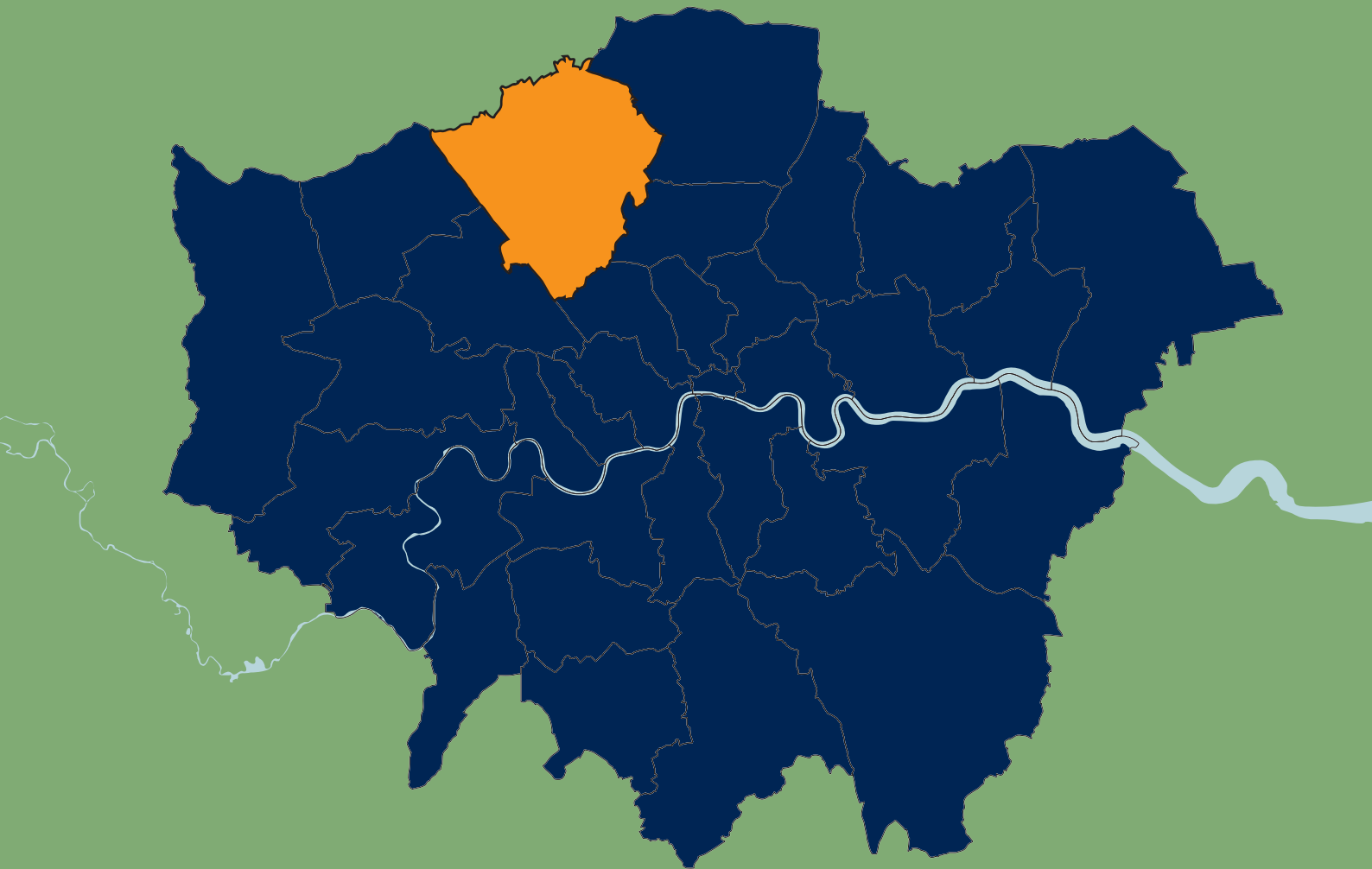


CPS London Borough Performance Assessments

Barnet Borough

Undertaken November 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 (HMCPIS) assessment of the performance of the Crown Prosecution Service (CPS) London in Barnet borough unit. It represents a more in-depth local assessment than the overall performance assessment of the North Sector of CPS London published in 2008.

Assessments

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

Inspection teams comprise legal and business management inspectors working closely together. HMCPIS also invites suitably informed members of the public to join the process as lay inspectors. They are unpaid volunteers who examine the way in which the CPS relates to the public through its dealings with victims and witnesses; 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's performance in each category.

Whilst borough performance assessments are not full inspections, significantly more evidence is collected and analysed than in area overall performance assessments. This enables HMCPIS 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 Barnet 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 BARNET 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.

Barnet borough has one office, at Colindale Police Station. It is part of the CPS London Harrow and Wood Green district, which is aligned to the Crown Court sitting at Harrow and Wood Green.

The borough is an integrated prosecution team (IPT) site. This means that borough staff are co-located with the police, deal directly with investigating officers rather than through the police criminal justice unit and undertake case-building functions that were previously the responsibility of police staff. The borough divides most of its work on functional lines between magistrates' courts and Crown Court work, but staff can generally be assigned to either type of case, subject to their level of experience and expertise.

As of November 2009 the borough had an average of 23.3 full time equivalent staff in post, and a budget of £1,109,388¹.

| Staff | Numbers at November 2009 |
|-------------------------------------|---------------------------------|
| Borough crown prosecutor | 1.0 |
| Business manager | 1.0 |
| Crown prosecutors | 6.3 |
| Associate prosecutors | 1.0* |
| Caseworkers | 5.2 |
| Administrative support staff | 8.8 |
| Total (full time equivalent) | 23.3 |

* Does not include associate prosecutors currently seconded to other units.

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 Barnet 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 | 1658 | 1647 | -0.7% |
| Decisions not resulting in a charge ² | 721 | 836 | 16.0% |
| Total pre-charge decision cases | 2379 | 2483 | 4.4% |
| Magistrates' court proceedings³ | | | |
| Magistrates' court prosecutions | 3285 | 3442 | 4.8% |
| Other proceedings | 10 | 3 | -70.0% |
| Total magistrates' court proceedings | 3295 | 3445 | 4.6% |
| Crown Court proceedings⁴ | | | |
| Cases sent or committed to the Crown Court for determination | 609 | 560 | -8.0% |
| Committals for sentence ⁵ | 68 | 68 | 0.0% |
| Appeals from the magistrates' court ⁵ | 55 | 59 | 7.3% |
| Total Crown Court proceedings | 732 | 687 | -6.1% |

Inspectors visited the borough in November 2009. The lay inspector was Davina James-Hanman of the London Domestic Violence Project. The role of the lay inspector is described in the introduction. She examined files that had been the subject of particular public interest considerations or complaints from members of the public and considered letters written by CPS staff to victims following the reduction or discontinuance of a charge. She also visited some courts and had the opportunity to speak to some of the witnesses after they had given evidence. This was a valuable contribution to the inspection process. The views and findings of the lay inspector have been included in the report as a whole, rather than separately. Her time was given on a purely voluntary basis and the Chief Inspector is grateful for her effort and assistance.

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

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

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

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

C SUMMARY OF JUDGEMENTS

Contextual factors and background

The CPS Barnet borough unit deals with a broad mix of casework in an ethnically diverse area. The borough has to deal with a substantial amount of domestic violence cases, which bring their own problems, particularly in securing the attendance of witnesses at court to give evidence. During 2008-09 the borough worked with other agencies to try to achieve Specialist Domestic Violence Court status, but the application failed, mainly because there was insufficient evidence of a shared strategic approach. This is being remedied and there is optimism about their prospects when the bid is resubmitted.

In 2008-09, HM Courts Service changed the arrangements for dealing with Crown Court cases arising in the borough. They are now heard at Wood Green instead of Harrow. At the same time, the borough was introducing new arrangements for case preparation in both the magistrates' court and the Crown Court, known as the optimum business model (OBM), as well as moving to CPS London's integrated prosecution team (IPT) arrangements with the police. The latter initiative ran smoothly in Barnet, partly because borough prosecutors had been co-located with their police colleagues for some years. OBM has considerable potential to improve case preparation but this is yet to be fully realised.

The borough has suffered in recent months from the secondment of a lawyer and two associate prosecutors to the CPS London traffic unit based in Sidcup and the City of London unit and the retirement of its most experienced lawyer. They have not been fully replaced, so that the majority of magistrates' court sessions in 2009-10 have been undertaken by agents.

Summary

The quality of decision-making is generally sound. The borough's lawyers applied the evidential stage in the Code for Crown Prosecutors (the Code) correctly in all but one of the cases in which they made the decision whether to charge a suspect. They quickly corrected a decision by CPS Direct (CPSD) that did not comply with the Code and we agreed with their decision in all the cases that they discontinued, although one should have been stopped sooner. One case should not have been charged, however, and had to be stopped by the judge part way through a trial.

The arrangements for making charging decisions have been changed with the introduction of CPS London Direct (CPSLD). Only three of the 31 cases in our file sample of completed cases were handled by CPSLD, but CPSLD is now estimated to decide whether to charge in about 80% of cases in which a charging decision is required during normal working hours. The borough deploys a lawyer to make charging decisions in the remainder on two days each week. It also makes specialist lawyers available to deal with sensitive case types, such as rape, when needed. Outcomes for cases in which CPS authority to charge was needed in 2008-09 were similar to the London average but worse than the national average. The outcomes in the 12 months to September 2009 show some deterioration, particularly in the Crown Court.

The overall proportion of magistrates' court cases resulting in a conviction in 2008-09 was comparable with national and London averages and remained so in the 12 months to September 2009. But Crown Court outcomes have declined sharply so far in 2009-10 and are now worse than the London average, which in turn is well below the national average.

Prosecutors making charging decisions do not routinely consider ancillary matters, such as the appropriateness of applications for special measures to enable witnesses to give their evidence effectively or to admit bad character or hearsay evidence. This contributes to late applications to court for the necessary permissions and creates an impression that cases are not reviewed between the entry of a not guilty plea and the trial, or are reviewed only at the last minute. We found evidence to support this impression in our file sample and during our observations at court.

In spite of clear evidence of weak case preparation, effective trial rates are close to the London average. In the magistrates' court, the number of hearings for a contested case was significantly better than London and national figures in 2008-09, although there has been some decline in the second quarter of 2009-10. The good performance is partly attributable to robust weekly case progression meetings, which normally consider cases about two weeks before the trials are due to start. They are attended by the borough's case progression officer, the court's case progression officer, a lawyer and the witness care unit manager. They identify problems that could delay the trial and task people with resolving them. This means that there is a lot of last minute activity, but without them more cases would have to be adjourned. There is a similar arrangement for Crown Court cases, but the court representative is available only by telephone.

Instructions to advocates in the Crown Court are poor. They are not tailored to the individual case and do not offer a useful briefing. The manager of the Crown Advocate Unit at Wood Green Crown Court now provides feedback with a view to improving the quality of instructions.

The standard of advocacy is variable. Most meet the national standards of advocacy, but two in the magistrates' court (one of them an agent) did not. The associate prosecutor is highly regarded, as are some other in-house advocates and one regular agent.

The borough has appropriate specialist prosecutors to deal with sensitive or difficult cases. The courts welcome their presence, which helps to make progress in these cases and achieve just outcomes.

Compliance with the prosecution's duties of disclosure is fair, but often late even at the initial disclosure stage. There were no cases in which the borough failed to disclose material that might have undermined the prosecution case or assisted the defence case, but we could not always find evidence that prosecutors had kept disclosure under continuous review.

The borough had a custody time limit (CTL) failure in August 2007. As a result a full CTL audit was completed and internal actions were raised. The borough has completed two peer reviews of the borough CTL system in 2009. The first review identified a series of discrepancies with minimum standards but the second review found a much improved picture. A sample of Crown Court CTL case files and magistrates' court CTL case files were examined, which indicated that CTL compliance is working well. However the borough has yet to adopt a prominent sticker system. CTL issues feature prominently in meetings and other communication between the BCP and borough staff.

The borough exceeded its proxy target in 2008-09 for the number of letters sent to victims to explain why a charge had been dropped or substantially altered, but failed to meet it in the first two quarters of 2009-10. Timeliness compared well with London and national averages, but there is considerable scope for improvement in the quality of the letters. There are strong links with the witness care unit, but the borough needs to find a way of responding to witness queries more quickly so that witnesses can have their concerns answered promptly.

Performance management on the borough needs to be strengthened and become more consistently embedded alongside a regularised meeting structure. Performance analysis with partners, particularly at prosecution team performance management meetings, needs to evolve a clearer understanding of where performance can be improved. Performance improvements need to be made with case outcomes, in ensuring an efficient OBM is in operation and increasing in-house advocacy levels.

The level of inter-agency cooperation is improving. The BCP has recently secured invitations to join a number of groups that will enable her to have a greater input into their approach to a range of offence types including anti-social behaviour, and safeguarding children.

The borough has limited responsibility for managing prosecution costs and non-ring fenced administration costs, which are controlled at district level. In 2008-09 the borough struggled to meet lawyer deployment targets in the magistrates' court. This further deteriorated dramatically in the first two quarters of 2009-10.

Whilst there have been obvious difficulties regarding in-house deployment, it remains difficult to fully reconcile such a significant deterioration in performance with the overall staffing position. The deployment of crown advocates is managed at district level where a dedicated advocacy unit has been established at the Crown Court. Systems to monitor sickness are in place and in 2008-09 the borough had one of the lowest sickness levels in London. The sickness levels have increased significantly in the first two quarters of 2009-10. Flexible working arrangements have not always aligned with the business need, particularly when unexpected absences occur and these arrangements are now affecting performance.

There have been unexpected staff shortages and higher than normal sickness levels which has meant that the focus of borough management has been very much on day-to-day operational issues. Whilst it is clear the borough is committed to engaging with partners the borough has struggled to evidence improvements in performance as a result of joint working. The borough also needs to build an effective communication strategy both internally and externally as an important vehicle for recognition, change and performance improvements.

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

We identified one strength and 14 aspects for improvement:

Strengths

- 1 The magistrates' court weekly case progression meetings (aspect 2).
-

Aspects for improvement

- 1 The quality of MG3s prepared by borough lawyers should be improved and the BCP should assess them all for a period until she is satisfied about the standards achieved by each lawyer, particularly that:
 - there is appropriate consideration of ancillary issues; and
 - action plans set out clearly what further work is required and give realistic target dates (aspect 1).
 - 2 The BCP should take steps to clear the current backlog of OBM work and find a way of providing more settled deployment to OBM with clear expectations of daily throughput (aspect 2).
 - 3 The BCP should continue to work with the court and defence practitioners to improve case management hearings so that unnecessary work can be reduced further (aspect 2).
 - 4 The borough should ensure that the deployment of an administrative officer at court brings the timeliness of recording of hearing outcomes and finalising of cases on CMS to 95% no later than 31 March 2010 (aspect 2).
 - 5 The BCP should strengthen Crown Court case preparation processes to ensure all directions and necessary applications are completed within the timescales directed (aspect 3).
 - 6 The BCP should ensure that instructions to the advocate contain as a minimum an analysis of the issues in the case and the lawyer's view on the acceptability of pleas (aspect 3).
 - 7 The borough should work with CPS London senior managers to enable it to cover a larger proportion of magistrates' court sessions with in-house lawyers (aspect 4).
-

-
- 8 In conjunction with the CPS London advocacy assessors, the BCP should introduce a system of structured advocacy monitoring in the magistrates' court, to include the performance of agents regularly used by the borough (aspect 4).
-
- 9 The BCP should instruct all advocates to introduce themselves to prosecution witnesses before trials and monitor compliance in conjunction with the Witness Service (aspect 4).
-
- 10 The BCP should delegate responsibility for analysing case outcomes and giving feedback to lawyers to the relevant specialists (aspect 5).
-
- 11 The borough should arrange with the police, the WCU and the magistrates' court to collect management information on potential applications for witness summonses from the point that the WCU anticipates that one may be needed until the court's decision whether to grant it and to use the results to create a protocol designed to speed up the process substantially (aspect 8).
-
- 12 The borough needs to develop a clear performance structure, in order to provide a focus on gaps in performance and evidence actions taken to improve performance (aspect 9).
-
- 13 The borough should develop a communications strategy to formalise communication, internally and externally (aspect 11).
-
- 14 The borough should develop a clear strategy on engagement to ensure appropriate community and partnership engagement which maximise the benefits to service delivery (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 | 2 – Fair |
| 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 | 18 – FAIR |

D DEFINING ASPECTS

1 PRE-CHARGE ADVICE AND DECISIONS

Assessment
2 – Fair

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

- The quality of decision-making is fair. We examined 29 cases that had been the subject of a pre-charge decision (PCD) where the decision was to authorise charge. Only 11 of them (37.9%) related to cases in which a borough lawyer made the decision. Of the rest 15 (51.7%) were handled by CPS Direct (CPSD) and three (10.3%) by CPS London Direct (CPSLD). The evidential stage of the Code for Crown Prosecutors test was applied correctly in 28 (96.6 %). In the one case, the prosecutor failed to identify clear deficiencies in the evidence. The case was eventually stopped by the judge. The only case in which we considered that the public interest stage had been wrongly applied related to a CPSD case in which the special considerations applying to youth offenders were not taken into account.
- The threshold test was applied correctly in five of the six cases where it was appropriate.
- Only 17 of the 26 relevant cases (65.4%) dealt appropriately with ancillary issues such as whether to make applications for special measures to help a witness to give evidence effectively or to admit hearsay or bad character evidence at a trial. Seven of the nine that failed to do so were handled by borough lawyers. The other two were dealt with by CPSLD. It is very important that such ancillary matters are identified as early as possible so that, if the defendant pleads not guilty, the advocate can inform the court of the steps needed to prepare for trial, the court can set appropriate timescales for the necessary applications to be made and a member of the paralegal staff or a lawyer can draft the applications as soon as possible. The failure to do this in such a significant number of cases contributes to the poor compliance with court directions that we describe further in Aspect 2.
- Potential restraint and confiscation issues are not always considered at the charging stage, although the police financial investigation officers regularly approach the recently appointed Proceeds of Crime Champion for advice.
- Similarly, the action plans set by prosecutors at the charging stage were satisfactory in only 13 out of 22 cases (59.1%). Five of the seven produced by borough lawyers were unsatisfactory. This also delays case preparation.
- The quality of MG3s (the record of charging decision) is variable. Overall, 13 were good, 14 were fair and two poor. Only two of the 11 prepared by borough lawyers were good.
- The most appropriate charge was selected in 27 of the 29 cases (93.1%). One of the exceptions was dealt with by the borough and the other by CPSD.
- The borough crown prosecutor (BCP) monitors MG3s when she allocates cases that require attention by a specialist lawyer or when a lawyer's work gives cause for concern. This approach needs to be extended so that good MG3s are prepared consistently.

Aspect for improvement

The quality of MG3s prepared by borough lawyers should be improved and the BCP should assess them all for a period until she is satisfied about the standards achieved by each lawyer, particularly that:

- there is appropriate consideration of ancillary issues; and
 - action plans set out clearly what further work is required and give realistic target dates.
-

- The borough is concerned about some charging decisions made by CPSLD, which they believe are contributing to a deteriorating attrition rate, particularly in the Crown Court. Individual cases are referred to a CPSLD manager and the BCP is compiling a systematic evidence log for discussion with CPSLD. It is important that these tensions should be resolved as soon as possible and do not distract attention from the need to improve borough MG3s.
 - The outcomes of magistrates' court cases subject to PCD in 2008-09 were not as good as national performance but very close to the London average. In the Crown Court, on the other hand, case outcomes were noticeably better than the London average, but still some way short of national performance. There has been a marked deterioration in the 12 months to September 2009, particularly in the Crown Court, where performance is now below the London average, which in turn has fallen more sharply than national performance.
 - This deterioration coincides with the introduction of CPSLD. But most weak MG3s that we saw were in cases in which borough lawyers made the charging decision.
 - All duty prosecutors have been fully trained, but the BCP has begun to monitor discontinuances in PCD cases to see whether any have specific development needs.
-

| | Performance 2008-09 | | | Performance 12 months to Sept. 2009 | | |
|----------------------------------|---------------------|------------|---------|-------------------------------------|------------|----------|
| | National | CPS London | Borough | National | CPS London | Borough* |
| Pre-charge decision cases | | | | | | |
| Conviction rate | 80.8% | 76.2% | 77.0% | 80.1% | 74.9% | 74.4% |
| Magistrates' court cases | | | | | | |
| Discontinuance rate | 13.1% | 13.6% | 12.9% | 13.7% | 14.7% | 13.9% |
| Guilty plea rate | 74.4% | 69.8% | 67.3% | 73.6% | 67.5% | 66.7% |
| Attrition rate | 19.2% | 22.1% | 22.1% | 20.0% | 23.8% | 24.1% |
| Crown Court cases | | | | | | |
| Discontinuance rate | 11.7% | 15.6% | 13.2% | 11.7% | 15.0% | 15.1% |
| Guilty plea rate | 72.9% | 60.8% | 66.9% | 73.1% | 61.0% | 61.2% |
| Attrition rate | 19.4% | 27.3% | 25.4% | 19.5% | 27.6% | 28.9% |

* 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

- Until May 2009, when CPSLD took over the provision of PCD in volume crime cases, the borough deployed a prosecutor for charging decisions in the police station every weekday between 9am and 5pm. About 80% of charging decisions previously made by the borough are now handled by CPSLD. The remaining 20%, which include the more complex and sensitive allegations, such as rape and serious violence, are handled by borough prosecutors, who were made available for the purpose on three days a week, although this has now been reduced by agreement to two days. If a decision is required urgently in custody cases on a day when a lawyer is not rostered for charging duty, a senior lawyer makes time to consider it.
- At the beginning, there was some confusion about which cases the police should refer to CPSLD. This has improved with experience, but occasionally CPSLD decline to deal with a case because they believe that it does not meet their criteria. In such cases the police criminal justice unit manager consults the BCP so that the matter can be resolved as quickly as possible. This now occurs less frequently.
- Sensitive cases are usually dealt with by the appropriate specialist. If they are not available and the matter is urgent, a senior lawyer takes responsibility for the decision. All 13 of the sensitive cases that we saw were dealt with by an appropriate specialist.
- The police deploy six (four full-time and two part-time) accredited Evidence Review Officers (EROs) to supervise the quality of files submitted for charging decisions. They generally filter cases effectively. The borough's charging ratio in 2008-09 was 2.39:1 compared with the London average of 2.06:1 and a national benchmark of 2:1. The quality of referrals was confirmed by the files that we saw: twenty-eight of the 29 cases referred for a charging decision contained sufficient information for the purpose.
- There are few breaches of the PCD scheme when the police charge a suspect without the necessary authority of a prosecutor. When they occur, they are usually flagged by an ERO so that a prosecutor can grant retrospective authority. The remainder are identified by the advocate who, if an associate prosecutor, seeks a crown prosecutor's authority to continue with the case.
- Every month, the BCP reviews cases with the police in which the case management system (CMS) shows that the police have not followed up the decision or advice given by a lawyer. The list often contains cases that the police have charged under a different reference number or which CPSLD or CPSD have assigned to the wrong borough. The CPS Crown Court case progression officer weeds the list so that the BCP and the head of the police CJU can focus on progressing those cases that are genuinely outstanding. At the time of our inspection there were 104 cases on the list.
- In the main, MG3s gave adequate instructions for the advocate at court. The necessary instructions to enable the case to be progressed at the first hearing were set out in 23 of the 29 cases (79.3%). Three of the six that did not were handled by borough lawyers, who dealt with only 11 of the 29 PCD cases (37.9%) in our file sample.
- The use of CMS to record charging decisions is good. The MG3 was completed on CMS in all cases in our file sample.

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 Sept. 2009 | | |
|------------------------------|---------------------|------------|---------|-------------------------------------|------------|---------|
| | National | CPS London | Borough | National | CPS London | Borough |
| Discontinuance and bindovers | 8.7% | 8.0% | 7.2% | 8.8% | 8.1% | 7.8% |
| No case to answer | 0.2% | 0.3% | 0.1% | 0.2% | 0.3% | 0.1% |
| Dismissed after trial | 2.0% | 2.4% | 3.6% | 2.1% | 2.6% | 3.7% |
| Discharged committals | 0.2% | 0.3% | 0.0% | 0.3% | 0.4% | 0.1% |
| Warrants | 1.6% | 3.0% | 2.2% | 1.5% | 2.7% | 2.3% |
| Overall conviction rate | 87.3% | 86.0% | 86.8% | 87.1% | 86.1% | 86.0% |

- The evidential and public interest stages of the full Code for Crown Prosecutors (the Code) test were applied correctly in 17 of the 18 relevant magistrates' court cases (94.4%) in our file sample. The subsequent decision to drop three cases before committal was in accordance with the Code.
- Full file reviews are not always carried out effectively or promptly. They met the required standard in 11 out of 18 cases (61.1%). There was a further or ad hoc review in four of the five relevant cases.
- When a defendant pleads not guilty, the case is returned to the optimum business model (OBM) team for a lawyer to consider what further work is necessary for the trial. The endorsements by the advocate at the plea hearing and the requests for action were satisfactory or better in all cases. Overall, case preparation was timely in 12 of the 18 cases (66.7%), although communications with other agencies was prompt in only nine of the relevant 17 cases (52.9%). The quality of communication was good in 15 of them (88.2%).
- All 13 cases that proceeded to trial did so on the most appropriate charge(s). There were no cases in the file sample in which the prosecution accepted pleas to different or fewer charges. There was one in which the defendant pleaded guilty on a particular basis, which was properly agreed and reduced to writing.
- The proportion of cases discontinued in 2008-09 (7.2%) was better than found nationally and across London but this masks deterioration to 7.8% in the 12 months to September 2009. The borough crown prosecutor (BCP) approves all proposals to discontinue whenever practicable, particularly in sensitive case. We agreed with all three decisions to stop cases in our file sample and all were stopped at the earliest opportunity. None could have been avoided by better case preparation.
- There was only one discharged committal in the borough for 2008-09, which is lower than the national and London averages (0.2% and 0.3% respectively). Whilst performance for the 12 months to the end of September 2009 suggests some decline (to 0.1%) within the borough, there was only one case (with three defendants) and the position is still better than the London and national averages.
- Overall, the proportion of magistrates' court cases that resulted in a successful outcome in 2008-09 (86.8%) was slightly better than the London average and only slightly worse than the national average. There has, however, been a slight deterioration in the 12 months to September 2009 to 86.0%, while the national and London averages have been stable.

2B Cases are prepared and progressed effectively

Trial rates

| | Performance 2008-09 | | |
|-------------|---------------------|------------|---------|
| | National | CPS London | Borough |
| Effective | 43.4% | 47.3% | 47.7% |
| Cracked | 38.0% | 34.8% | 33.4% |
| Ineffective | 18.6% | 17.9% | 18.8% |
| Vacated | 21.5% | 16.3% | 14.2% |

- The OBM has been implemented on the borough, but it is not operating as effectively as it should. It consists of a case progression officer (CPO), a lawyer and an administrator, who prepare the majority of cases for trial in the magistrates' court. The CPO is dedicated full-time to the OBM team, and is widely respected by her colleagues and staff in other agencies. But the lawyer and administrator roles are rostered for varying periods and there was some evidence that lawyers in particular sometimes dealt with other work, instead of spending the whole day on OBM cases. This contributes to backlogs in case preparation, including late reviews of cases and late applications to court. We discovered that some work could wait for up to two weeks before being dealt with by a lawyer. Whilst court directions were complied with on time in eight out of 11 relevant cases (72.7%), none of the four necessary applications to court was made in time.
- The BCP now monitors lawyers' daily throughput to identify those who dispose of the work most efficiently. It would be helpful to take steps to clear the backlogs so that lawyers assigned to OBM duties would feel less overwhelmed and so be able to handle work as it arises rather than, as at present, constantly having to re-prioritise tasks. Some boroughs ensure that lawyers are assigned to OBM duties for a week or more at a time, which can assist the completion of tasks that may require information from other agencies that cannot be obtained during a single day assignment. We accept that the proportion of lawyers who work part-time or on compressed hours makes this challenging in Barnet, but greater continuity of lawyer involvement with OBM would be helpful.

Aspect for improvement

The BCP should take steps to clear the current backlog of OBM work and find a way of providing more settled deployment to OBM with clear expectations of daily throughput.

- Criminal Justice: Simple Speedy Summary (CJSSS) has been implemented in the borough and the first hearings of cases are generally effective. Until the summer, the court did not always complete the case management form, which gives directions and timescales for preparation of cases where the defendant pleads not guilty. The BCP raised the matter with the court and the form is now routinely completed. This is important because the court's directions provide the basis for managing case preparation by both the prosecution and the defence. The advocate at the first hearing progressed cases appropriately in all 18 magistrates' court files that we examined. It is apparent, however, that more could be done to cut down unnecessary work; for example, the defence decline to make formal admissions about what ought to be uncontroversial evidence, such as continuity statements, and prosecutors no longer press the point as often as they should. These are routinely made in Crown Court cases.

Aspect for improvement

The BCP should continue to work with the court and defence practitioners to improve case management hearings so that unnecessary work can be reduced further.

- The effective trial rate compares favourably with London and national performance. The cracked trial rate also compares well with performance elsewhere and the ineffective trial rate is only slightly worse than London and national averages. The vacated trial rate is significantly better than national performance. To some extent, this reflects the effectiveness of the case progression arrangements that exist with the court. The borough's CPO meets the court's CPO weekly to consider cases listed for trial two weeks ahead. She is accompanied by a lawyer and the Witness Care Unit manager, which helps to make decisions about how to progress cases. Although court directions are routinely missed, these meetings and the willingness of the court to list cases for mention ensures that cases receive attention, albeit often at the last minute, so that a high proportion of trials can go ahead on time.
-

Strength

The magistrates' court weekly case progression meetings.

- Much of the decision-making is sound, but lack of timely full reviews and poor preparation leads to cases not being ready for trial or their not being as strong as possible. We were told that it was common for cases to be listed for mention because directions had not been complied with and that in some necessary steps, including applications for special measures, had not been taken by the trial date. We saw a number of examples of this ourselves during our court observations.
 - The number of hearings in both guilty plea (2.0 in 2008-09) and contested cases (3.6 in 2008-09) compare favourably with London and national performance. Whilst the number of hearings in guilty plea case has improved still further in the first two quarters of 2009-10, there has been some worsening in contested case to 3.8, with 4.1 in the second quarter.
 - The borough's use of the case management system (CMS) is better than the London average and close to national performance. The proportion of hearing outcomes and case finalisations recorded within 24 hours was 70.8% in 2008-09 compared with the London average of 59.9%. Performance has continued to improve in the first two quarters of 2009-10 to 75.4%. An administrative officer has recently been deployed to work at the magistrates' court to record case outcomes during the day of the hearing. It is important that the borough makes full use of this facility. Prompt recording of hearing outcomes helps to provide a full audit trail of actions and can save appreciable time in finding case files for future actions or providing information to victims and witnesses. Further, the borough needs to ensure that case outcomes are recorded accurately. Two of the 18 cases (11.1%) in our file sample were finalised inaccurately.
-

Aspect for improvement

The borough should ensure that the deployment of an administrative officer at court brings the timeliness of recording of hearing outcomes and finalising of cases on CMS to 95% no later than 31 March 2010.

- Whilst this aspect is rated as fair overall, if the borough deals with the issues that we have highlighted, particularly ensuring that the OBM team is properly and consistently staffed and its outputs managed, it could quickly raise its performance in magistrates' court cases to good.

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 Sept. 2009 | | |
|---------------------------|---------------------|------------|---------|-------------------------------------|------------|---------|
| | National | CPS London | Borough | National | CPS London | Borough |
| Judge ordered acquittals | 11.6% | 15.7% | 13.2% | 11.7% | 15.3% | 15.0% |
| Judge directed acquittals | 1.0% | 1.1% | 0.5% | 0.9% | 1.3% | 1.2% |
| Acquittals after trial | 5.5% | 8.5% | 10.5% | 5.6% | 9.0% | 12.0% |
| Warrants | 1.1% | 1.6% | 1.3% | 1.1% | 1.7% | 1.0% |
| Overall conviction rate | 80.8% | 73.1% | 74.5% | 80.7% | 72.7% | 70.9% |

- The application of the evidential stage of the full Code for Crown Prosecutors (the Code) test was in accordance with the Code in 12 of the 13 Crown Court cases (92.3%) in our file sample. The public interest stage was correctly applied in all 12 relevant cases. There was a full file review in 10 of the 13 cases (76.9%) and an ad hoc review where necessary in only four of the seven relevant cases.
- Prosecutors are aware of the procedures for referring cases to the London Complex Casework Centre. The borough crown prosecutor (BCP) is responsible for authorising such referrals, and submitted one recently. Flying Squad cases are usually referred to the Complex Casework Centre.
- As is the case in magistrates' court work, prosecutors do not always identify at an early stage what is required to ensure a successful outcome, nor do they put in hand the necessary work promptly. Overall, proactive case management was good in only three cases. It was fair in eight and poor in one.
- The charges selected at committal review and reflected in the indictment were correct in 12 of the 13 cases (92.3%), but the one was corrected later. The head of the Crown Advocate Unit at Wood Green Crown Court provides feedback to the borough about amendments made by his staff.
- The proportion of cases that resulted in a judge ordered acquittal (JOA) in 2008-09 at 13.2% was better than for CPS London overall (15.7%) but worse than the national average (11.6%). The rate declined significantly for the 12 months to 30 September 2009 when it was 15.0% compared with 11.7% nationally and 15.3% for London as a whole.
- We examined two cases that resulted in a JOA and two where the judge directed an acquittal (JDA). One of the JOA could not have been avoided and every available step necessary to compel the witness to give evidence was tried. The other should have been discontinued much earlier. One of the JDAs was foreseeable before the trial started and the case should have been discontinued by the prosecution at the committal stage.
- Overall, the proportion of Crown Court cases that resulted in a successful outcome in 2008-09 (74.5%) was slightly better than that for London as a whole (73.1%) but significantly lower than the national average of 80.8%. The rate has declined significantly in the 12 months to September 2009 to 70.9%.

- CPS London collates its restraint and confiscation orders centrally and the volume and value targets are set at area level. For 2008-09, London obtained a total of 491 confiscation orders, with a combined value of £38,513,344, exceeding the value target figure by £18,868,344; in the same period, 352 restraint orders were achieved against a target of 98 orders. The borough has only recently appointed a POCA lead. He does not yet have a specific role description, although the police financial investigation officers are familiar with his role and regularly consult him about cases in which a restraint order may be appropriate.

3B Cases are prepared and progressed effectively

Trial rates

| | Performance 2008-09 | | |
|-------------|---------------------|------------|---|
| | National | CPS London | All Wood Green Crown Court cases ⁶ |
| Effective | 47.1% | 54.7% | 62.1% |
| Cracked | 40.8% | 30.0% | 31.0% |
| Ineffective | 12.1% | 15.2% | 7.0% |

- In late 2008, as part of a national pilot based on the magistrates' court optimum business model, the borough established a Crown Court team consisting of a lawyer and a case progression office to improve the preparation of all but the most complex or sensitive cases (which continue to be handled by a specifically allocated lawyer) that are expected to reach the Crown Court. It is also designed to weed out weak cases as early as possible. It is too early to assess fully its impact on performance, but there is clearly scope for it to reduce the effort currently devoted to cases that are likely to fail.
- Crown Court cases that are adjourned in the magistrates' court for the preparation of case papers are monitored by the dedicated case progression officer (CPO). She is an experienced caseworker. As soon as it becomes clear that there will be committal proceedings or that an indictable-only case has been sent to the Crown Court, she writes to the police asking them to submit the evidence and other material that the MG3 and her experience say is likely to be needed. As soon as possible after this, a lawyer also considers the case to identify any other material that the police should obtain. In our file sample, the necessary action to progress the case effectively at the plea and case management hearing (PCMH) had been taken in all 13 cases.
- The CPO also manages cases after the PCMH. She meets the police to ensure that any necessary work has been carried out in time and liaises with the Crown Court's own CPO at Wood Green. In spite of this, the directions given at the PCMH were complied with on time in only two out of the 12 relevant cases (16.7%) and only two out of 10 necessary applications for special measures or to use bad character or hearsay evidence were made within the statutory time limits.

Aspect for improvement

The BCP should strengthen Crown Court case preparation processes to ensure all directions and necessary applications are completed within the timescales directed.

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.

- At the time of our visit, the borough was not handling any cases of sufficient complexity to require oversight by a Case Management Panel. Most such cases are likely to be transferred to the London Complex Casework Centre.
- The quality of instructions to the advocate was poor in 12 of the 13 Crown Court cases (92.3%) and only fair in the other. It is important that the advocate is given a clear explanation of the lawyer's reasons for proceeding on the charges selected and how he or she believes that they can be proved. The manager of the Crown Advocacy Unit at Wood Green now provides feedback on the quality of instructions.

Aspect for improvement

The BCP should ensure that instructions to the advocate contain as a minimum an analysis of the issues in the case and the lawyer's view on the acceptability of pleas.

- The cracked and ineffective trial data for Wood Green Crown Court is not broken down to borough level. For 2008-09, the effective trial rate was 62.1%, much better than for London as a whole (54.7%) and the national average (47.1%). The cracked trial rate (31.0%) was close to the London average (30.0%) and better than the national figure of 40.8%. There were four cracked trials in our file sample, one of which could have been avoided by the prosecution discontinuing the case earlier. The ineffective trial rate was correspondingly low at 7.0%, the best in London by some distance. These excellent figures are partly achieved by the court's robust arrangements for pre-trial hearings. Where it appears likely that one of the parties will not be ready in time, the court arranges a hearing a few weeks before the provisional trial date so that steps can be taken to ensure that the case is ready, or, if that is not possible, to arrange another trial date further into the future. Only one of the 13 Crown Court cases in our file sample resulted in an ineffective trial that was attributable to the prosecution.
- The use of the case management system to provide an audit trail of actions was good in four cases and fair in the other nine.
- Our assessment has to balance mainly sound decision-making, initial fair proactive case management, and sound selection of charges against poor timeliness and quality of later case preparation, which has led to criticism at the Crown Court and relatively poor case outcomes. It is the weight that attaches to these last three which tips the balance for this aspect to Poor.

4 THE PROSECUTION OF CASES AT COURTAssessment
2 – Fair**4A Advocates are active at court in ensuring cases progress and hearings are effective; advocacy and case presentation are of a high standard**

- Most in-house advocates in the magistrates' court are experienced and competent. One we saw at court fell short of the CPS National Standards of Advocacy in some respects, but the two newly qualified advocates, including the associate prosecutor (AP), are already competent. The AP conducts most remand hearings and is widely respected. The borough's domestic violence specialist usually prosecutes the weekly domestic violence court to which all defendants on bail are remanded.
- Borough cases in the Crown Court are handled by the Wood Green Crown Court Advocacy Unit and by counsel. The head of the Crown Court Advocacy Unit used to work in the borough and provides helpful feedback designed to improve future case preparation.
- Prosecution advocates generally display a good knowledge of their cases and are usually able to deal with any issues raised by the court. We reported in aspects 2 and 3 that progress is nearly always made at the first hearing in the magistrates' court and its equivalent – the plea and case management hearing – in the Crown Court. But, particularly in the magistrates' court, many cases are prepared late. Our observations showed that a significant number of cases are listed for mention at the defence request in the magistrates' court, for example to obtain disclosure of unused material.
- The borough has been disadvantaged by using a high proportion of agents to prosecute cases in the first two quarters of 2009-10. This followed the loss of two lawyers and two APs for a variety of reasons. In the first quarter of 2009-10, borough in-house advocates conducted only 13.2% of its magistrates' court sessions, rising to 43.2% in the second quarter. This compares with a London average of 76.0% and a national average of 85.6% in the first two quarters of 2009-10. Modest assistance has been provided by a neighbouring borough.
- The position on in-house court coverage will not improve significantly until the absent or seconded prosecutors return or are replaced. Whilst this is scheduled to occur in January 2010, this is not certain.

Aspect for improvement

The borough should work with CPS London senior managers to enable it to cover a larger proportion of magistrates' court sessions with in-house lawyers.

- We received mixed views about the quality of agents. One was widely praised, but others were inevitably less familiar with files than in-house lawyers resulting in less assistance to the court. We saw one at court who did not meet the CPS National Standards of Advocacy and was unfamiliar with the case and did not appear to have demonstrated the necessary witness care. Earlier in 2009 another was removed from the list of those used by the borough following complaints from the court, which the borough crown prosecutor (BCP) confirmed by observing the advocate herself. To help with their preparation, the borough now arranges for agents to receive files earlier for trials likely to last more than half a day.

- There was some evidence of advocacy monitoring by managers. The CPS London advocacy trainer had observed all in-house advocates about a year ago. We received mixed evidence of the extent to which she fed back her findings to the advocates concerned. The BCP also attends court and uses any spare time there to visit other courtrooms to gain an impression of advocates' performance. CPS London now has two advocacy assessors. The BCP believes that they currently concentrate on Crown Court cases. There is, however, also a need to focus on advocacy quality in the magistrates' court.

Aspect for improvement

In conjunction with the CPS London advocacy assessors, the BCP should introduce a system of structured advocacy monitoring in the magistrates' court, to include the performance of agents regularly used by the borough.

- Advocates in the magistrates' court, particularly agents, do not always introduce themselves to witnesses before a trial starts, although some always comply. We saw an example of this during our court observations. The period immediately before trial can be demanding, and advocates are not helped by the court's practice of moving cases between courtrooms at the last minute, or over the lunch adjournment. But it is very important that all advocates should introduce themselves to witnesses they are due to call in order to put them at ease and to answer any questions they may have about what will happen in court.

Aspect for improvement

The BCP should instruct all advocates to introduce themselves to prosecution witnesses before trials and monitor compliance in conjunction with the Witness Service

- There is tension between the borough and the magistrates' court about so-called Gateway trials. These are traffic cases that are prosecuted at a limited number of London court centres by a special CPS unit based in Sidcup. In common with other similar court centres, there was a backlog of these cases which led to the court listing more than could be completed in a day in the expectation that they could transfer some of them to courtrooms in which borough advocates were appearing and which finished their work early. This meant that borough prosecutors were kept at court instead of returning to their office to prepare cases due for trial later. The borough no longer supports this approach. Whilst the matter has been resolved for now (an extra traffic court has been created and the backlog has reduced) it is likely to re-emerge at some point. CPS London therefore needs to work with HM Courts Service to find a solution that will apply to all Gateway cases. We do not set out an aspect for improvement in this assessment, but deal with the matter in more detail in our report on the CPS London traffic unit.

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

| Performance 2008-09 | | | Performance 12 months to September 2009 | | |
|---------------------|------------|---------|---|------------|---------|
| National | CPS London | Borough | National | CPS London | Borough |
| 71.9% | 62.0% | 58.0% | 71.7% | 60.5% | 58.8% |

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

| Performance 2008-09 | | | Performance 12 months to September 2009 | | |
|---------------------|------------|---------|---|------------|---------|
| National | CPS London | Borough | National | CPS London | Borough |
| 82.0% | 77.2% | 83.3% | 81.7% | 75.4% | 75.6% |

- The borough is making determined efforts to ensure that cases involving sexual offences, domestic violence and hate crimes are consistently identified and flagged on files and the case management system (CMS). Nine of the 11 such cases (81.2%) in our file sample were correctly identified and flagged. The borough undertakes regular sample data checks to ascertain if cases are being missed. It does not, however, compare its list of flagged cases with records kept by the police, which would help to ensure that both agencies have identified all relevant cases.
- The borough has appropriate specialists and the borough crown prosecutor (BCP) allocates relevant cases to them. Some do not work full time, however, so that other prosecutors sometimes have to deal with urgent decisions about their cases. The BCP is consulted about proposals to stop sensitive cases, which acts as a safeguard against inappropriate decisions. She also attends Sapphire meetings with the police to ensure that pending cases are fully prepared and lessons learned from finalised cases.
- We examined 16 cases involving allegations of serious violence, sexual offences, domestic violence and hate crimes. All complied with the Code for Crown Prosecutors tests, but in five of the six (83.3%) domestic violence cases dealt with at the charging stage the lawyer did not consider whether potential additional evidence could be sought. In one case the charge did not reflect the seriousness of the offending, but the pleas entered in all other cases were appropriate.
- Overall successful outcomes in cases involving violence against women (58.0%) in 2008-09 were below those for London as a whole (62.0%), which in turn are well below the national average (71.9%). The position has been broadly static for the 12 months to September 2009, but both the police and magistrates' courts report a better performance in domestic violence cases in recent months. This is associated with a more robust stance on seeking witness summonses for complainants and asking the court for permission to read their statements under the hearsay rules. Some applications for witness summonses are made or considered by the court at a late stage. We comment on this in aspect 8.
- The borough is working with other agencies to secure Specialist Domestic Violence Court status. Whilst it has not previously had any contact with the Local Safeguarding Children Board, the BCP has recently accepted an invitation to join it.

- Hate crime case outcomes in 2008-09 (83.3%) were notably better than the London average (77.2%) and slightly better than the national average (82.0%). The data for the 12 months to September 2009, however, suggest some deterioration, although the relatively small number of cases means that performance over a short period can be misleading.
- The borough specialists do not have a role in monitoring performance or providing feedback on lessons learnt or case outcomes. This function is undertaken by the BCP. Whilst retaining an overview, she should consider delegating it to the relevant specialists so as to spread the management burden and to provide them with a development opportunity.

Aspect for improvement

The BCP should delegate responsibility for analysing case outcomes and giving feedback to lawyers to the relevant specialists.

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

- There was compliance with the duty to provide initial disclosure in 23 out of 28 cases (82.1%) in our file sample. No cases involved the failure to disclose material that might have undermined the prosecution case or assisted the defence case. In a number of cases, prosecutors simply disclosed all the material even where it did not undermine the prosecution or assist the defence.
- Initial disclosure was not provided at all in two cases in which the duty arose. It was timely in 22 out of the 26 remaining cases (84.6%). The schedules are generally submitted by the police in good time, but delays occur when the prosecutor asks for copies of items that need to be disclosed to the defence. We saw examples of cases listed for mention in the magistrates' court because disclosure had not been completed. Some of these were resolved at court. There was evidence that on occasion the material is handed over just before the trial starts, although in many cases it does not result in an adjournment. It was not always clear whether the police had submitted the material late or it had been caught up in the backlogs on the optimum business model team.
- The duty to keep disclosure under continuing review was not complied with in eight out of 13 relevant cases (61.5%), although none of them resulted in a failure to disclose undermining or assisting material.
- Similarly, the use of the disclosure record sheet to provide a chronological audit trail of disclosure decisions needs to be improved. It was properly completed in only eight of the 28 cases (28.6%). The disclosure record sheet is an important document that helps the advocate to show the court whether the prosecution has fulfilled its disclosure obligations fully and promptly.
- There were three cases in our file sample containing material that the police considered to be sensitive. In two of them the material was not sensitive and should, with appropriate redacting, have been placed on the non-sensitive schedule.
- There were no cases in our file sample requiring consideration of public interest immunity. Where such issues arise, the case must be referred to the district crown prosecutor based at Harrow who has the necessary delegated authority to deal with it.
- In November, the acting Chief Crown Prosecutor for London issued revised guidance on disclosure to all boroughs. The borough crown prosecutor has circulated it to all staff and arranged for them to receive an oral briefing about it and it was also discussed at a team meeting. There has, however, been no joint training with the police for some time. The BCP is also monitoring disclosure performance personally so that she can focus action to improve it on the right issues or individuals.

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.
- The borough had a CTL failure in August 2007 and as a result additional measures were introduced to prevent a recurrence. The borough has completed two peer reviews of its CTL system. The first was completed in February 2009 and found many discrepancies with the London CTL minimum standard. The review examined a number of magistrates' court and Crown Court files which identified a number of failings. The second peer review in July 2009 found that improvements had been made to the system, but of the five files examined in the review, none were fully compliant with standards.
- A sample of Crown Court CTL case files and magistrates' court CTL case files were examined during our inspection, which indicated that CTL compliance is working adequately. Expiry dates on all files were correctly calculated. In general the endorsements on the files were clear and the CTL status was clearly shown after each hearing. All files gave a clear indication that they had been monitored. None of the files carried a prominent CTL sticker although the front of each file had an appropriate CTL stamp which indicated the CTL commencement date, review date and expiry date. Crown Court outer file jackets did not identify the case as one that attracted a CTL.
- Only one case required an application to extend custody time limits. All the required letters regarding the extension were sent out in good time and were prepared and signed by a lawyer. Although the chronology was clear there was little explanation regarding the reasons for requesting an extension to the CTL. Nonetheless the court accepted that the prosecution had acted with due diligence and extended the CTL.
- The borough has an agreed system of CTL management with the magistrates' court but the borough crown prosecutor (BCP) acknowledges that it does not work in practice. There was no indication from any of the files examined that these dates were agreed in court. In the Crown Court, enquiries concerning CTLs tend to be made in open court by the judge.
- CTLs are managed and monitored by the paralegal business manager. In accordance with London protocols, CTLs are managed and recorded on the case management system and in a written diary. Both these systems complied with guidelines. The borough does not have its own CTL champion and relies on the district CTL champion as well as the CPS communication gateway to keep staff up-to-date with changes to procedures and to provide guidance and mentoring. Relevant staff have received CTL training and CTL issues feature prominently in meetings and other communication between the BCP and borough staff.

8 THE SERVICE TO VICTIMS AND WITNESSESAssessment
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**

- The borough met its 2008-09 proxy target of 195 direct communication with victims (DCV) letters, sending out 200 (102.6%) over the year. This slipped to 80.0% in the second quarter of 2009-10. Further improvement is needed since other inspection work has found that DCV proxy targets do understate the requirement for DCV letters in order to comply with the scheme. As a result of our other inspection work, the CPS suspended the proxy target in October 2009 pending a reevaluation of how it should be assessed.
- Performance in respect of timeliness in 2008-09 was significantly better than the London average with 87.5% of communications with vulnerable and intimidated victims occurring within one working day compared with London performance of 65.9%, and 95.5% sent to other victims within five working days compared with London's average of 83.1%.
- The table below shows performance against target in respect of DCV compliance.

| | Performance 2008-09 | | Performance second quarter 2009-10 | |
|--|---------------------|------------|------------------------------------|------------|
| | Borough | CPS London | Borough | CPS London |
| DCV compliance (volume target 100%) | 102.6% | 91.1% | 80.0% | 90.4% |
| Vulnerable and intimidated victims (timeliness target 95%) | 87.5% | 65.9% | 87.5% | 78.9% |
| Other victims (timeliness target 95%) | 95.5% | 83.1% | 100.0% | 87.0% |

- We examined six cases where the DCV scheme applied and a letter was sent in five (83.3%). Compliance was good in two, fair in two but poor in two (including the one where no letter was sent). In one, the letter to the victim was inaccurate and gave a misleading impression of the (valid) reasons why the case could not proceed. Our lay inspector examined three, all of which were unsatisfactory in at least one respect. The borough crown prosecutor (BCP) sees many DCV letters. She writes those in sensitive cases in which she has approved the proposal to discontinue herself and sees others when preparing her casework quality assurance reports for CPS London headquarters. She is generally satisfied with their standard although she checks selected examples before they are sent.
- The needs of witnesses are not always fully considered at the pre-charge decision stage. We noted in aspect one that only 17 out of 26 cases (65.4%) dealt satisfactorily with ancillary issues such as the need for special measures to help witnesses to give their evidence effectively. We were also told that applications for special measures were sometimes made only a few days before the trial or even on the day of trial. We saw one case at court in which the application had not been made at all in spite of a request from the witness and there was no indication on the case management system that one had been prepared. Earlier consideration of these matters would enable vulnerable or intimidated witnesses to be told well before the trial about the conditions in which they will be allowed to give evidence.

- The witness care unit (WCU) keeps witnesses informed about the progress and result of their case. Mostly this is done promptly, but any late inputting of the hearing outcome or result on CMS delays transmission of the information to the WCU. Witnesses are, however, generally warned for court timeously following a not guilty plea. The WCU warns the borough promptly of any difficulties in securing a witness's attendance, but borough lawyers do not always consider how to respond to the problem quickly. This is especially significant where a witness summons may be needed and is one of a number of factors contributing to late consideration of them by the court. We were, however, told of examples of officers taking too long to carry out the necessary risk assessment in domestic violence cases and of the court taking up to two weeks before considering the application. These factors mean that there can be little time left to serve the summons before the hearing. Sometimes the court refuses an adjournment and the case is lost.
- Overall, the witness attendance rate in 2008-09 was 75.1%, the second lowest in London. The WCU believes that the data does not reflect the true position, which should be around or just above the London average of 83.1%. The WCU manager has taken steps to improve the accuracy of recording and the figure for the first two quarters of 2009-10 is now 81.9%, marginally better than the London average of 81.4% for the same period.
- Where a number of factors contribute to a problem in this way, it is tempting for each agency to blame others. In such circumstances, it is important that they all agree to collect evidence on a consistent basis showing how much and how often delay occurs at each stage and use the results to create a protocol to improve performance.

Aspect for improvement

The borough should arrange with the police, the WCU and the magistrates' court to collect management information on potential applications for witness summonses from the point that the WCU anticipates that one may be needed until the court's decision whether to grant it and to use the results to create a protocol designed to speed up the process substantially.

- There were very few victim personal statements, which record the impact of a crime on the victim. None of the six relevant Crown Court cases in our file sample had such a statement and only three out of seven (42.9%) in the magistrates' court files examined. Lawyers told us that they are not generally taken by the police unless specifically requested. Magistrates and court staff recalled seeing only a few.

9 MANAGING PERFORMANCE TO IMPROVE

Assessment

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

- The assessment of qualitative casework issues is primarily undertaken by the borough crown prosecutor (BCP) through the national casework quality assurance (CQA) scheme, a review of the adverse outcome reports, and reviews of cases that require no further action. Dip sampling of MG3s (the record of charging decisions) is also carried out by the BCP, which has identified issues of performance internally as well as within CPS London Direct (CPSLD), which were addressed. The BCP assesses a range of cases and uses the information to elicit trends or particular issues of concern and raises these at meetings as well as giving any necessary feedback to the lawyer or individual concerned. The introduction of the optimum business model (OBM) and cases charged through the CPSLD initiative have reduced levels of case ownership for magistrates' court work which in turn has resulted in less one-to-one feedback to individual lawyers, although the BCP has tried to compensate for this by choosing more serious cases which have individual lawyer ownership. In 2008-09 the borough achieved a 117% compliance rate for CQA volume compared to a London average of 84.8%.
- There were six CQA forms examined during the inspection, none of which contained issues for improvement. Our findings elsewhere suggest that the quality of casework is not as consistently high as this would suggest, and in particular does not reflect our findings in respect of case preparation. The BCP will wish to ensure that the assessments are both robust and objective.
- There is no routine monitoring of in-house advocates. Advocacy assessments were undertaken by the London Area advocacy trainers in late 2008 with feedback being provided to prosecutors on a one-to-one basis as well as a written assessment. The BCP does not undertake any formalised system of monitoring in-house advocates or agents, although she does regularly attend court and observes both in-house lawyers, associate prosecutors and agents and provides feedback on a one-to-one basis. In addition, the court will contact the BCP immediately if there are any concerns and she will attend court to observe advocacy standards. Feedback is also given from other court users to the BCP through a variety of methods. This feedback identified a lack of preparation by agents, which has prompted the borough to prepare trial packs for longer trials, which are sent out in good time. External evidence from criminal justice partners suggests that advocacy is mainly of a competent standard but the general preference is that both the court and police would like to see more in-house advocacy even though agents generally do a sound job.
- Due to staff shortages, a fire-fighting approach has often been used. The borough has therefore had to deal with matters as they arise, and as such responds to pressing issues rather than having a proactive approach to reviewing the effectiveness of operational systems. Key performance challenges for the unit have been the effectiveness of the OBM and balancing lawyer and associate prosecutor deployment to the courts. Weaknesses, particularly internal communication and lack of proactivity through the prosecution team performance management (PTPM) process impact adversely on the effectiveness of the borough performance structure. The borough has been co-located with the police for some time and is already an established integrated prosecution team site and therefore that performance structure should be firmly established. The district business manager and district crown prosecutor monitor performance at the district level and have the ability to adjust resources within the district where there is a clear business need, although instances are rare.

- Performance data which links into the CPS key performance indicators is provided to borough managers from the CPS London Performance unit, and reviewed as part of the district management team meetings. Performance data is provided for all boroughs, districts, and other operational units within CPS London, and allows for data to be compared. Boroughs contribute to the quarterly report submitted by the district to CPS London. Performance is rated against the key performance indicators using a traffic light system. The BCP has regular performance meetings with the district crown prosecutor (when the post is occupied) and actions for improvement are agreed upon. Performance is discussed at team meetings although these have not been regular and not all staff are familiar with the current performance of the borough.
- Most individuals believed that their performance appraisals contained pertinent objectives to their role and position although most were unaware of how they contributed to the district or area plan.

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

- The BCP is committed to joint working and attends various external meetings that address a number of performance issues. These meetings include: the borough criminal justice group which has formed subgroups to address various performance areas; PTPM; court user group; court liaison group; Sapphire meetings which discuss issues concerning serious sexual assault; and the domestic violence steering group.
- PTPM meetings have not been effective or regular. Minutes of meetings are sparse; few, if any, actions are raised and adverse cases are not discussed or reviewed. The BCP and police concede that productivity at these meetings needs to improve, although the relationship between the two organisations is strong. Critical analysis and clear understanding of performance issues needs to evolve before both agencies will be able to evidence improvements in performance driven by the PTPM process.
- The BCP chairs a separate Sapphire meeting with police to discuss sexual offence cases. The meeting focuses on upcoming cases and how the prosecution team can ensure successful outcomes as well as ensuring the needs of witnesses and victims are addressed.
- There is generally good sharing of performance information with the police, however data from the court has not been fully reliable although it has recently improved.
- Joint performance meetings between HM Courts Service, the police and CPS to address reasons for cracked and ineffective trials have only recently become effective in addressing performance.

Aspect for improvement

The borough needs to develop a clear performance structure, in order to provide a focus on gaps in performance and evidence actions taken to improve performance.

10 MANAGING RESOURCES

Assessment

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

- Financial management of the non-ring fenced administrative costs (NRFAC) budget (comprising mainly staffing and general costs) and programme costs budget (comprising largely 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.
- The allocation of staffing resources to the borough is proportionate to the Activity Based Costing (ABC) allocation used by CPS London. In 2008-09, the borough's budget for NRFAC was £1,280,642 of which only 87.3% was spent. In 2009-10, the borough's budget for NRFAC has, as at November 2009, decreased to £1,109,388. The borough forecasts that it will overspend by just over 0.2%. Whilst this represents a decrease in budget, some funding responsibilities have been taken away from the borough. Casework fluctuations and district integrated prosecution team rollout also add to the complexity of the ABC allocation, which is adjusted accordingly throughout the financial year.
- Borough staffing resource issues are managed by the district crown prosecutor⁷ and district business manager (DBM) and regular reviews take place with the borough crown prosecutor (BCP) to ensure the staffing resources are deployed efficiently and in accordance with the ABC share. However, because of the limited responsibility for financial management of staffing levels and budgets at borough level, responsibility tends to be restricted to ensuring financial propriety, including accuracy of fees submissions and timely payment of very high cost cases.
- In August 2009 the borough had 23.3 full time equivalent (FTE) staff. Although the borough is up to its full time equivalent strength there is limited contingency for staff absence, which presents a risk to the effective delivery of business. The borough has a concentration of varied working patterns of different grade staff allowing little flexibility if any absences occur. This has had an impact on the effectiveness of the delivery of the core business.
- The BCP sets clear expectations for the deployment of lawyers and associate prosecutors (APs). For lawyers, this includes delivering pre-charge decisions at the police station, magistrates' court advocacy and also deployment in the optimum business model (OBM) unit. Lawyers are expected to be flexible in accommodating those with particular working conditions and to take account of the fluctuating court sessions. The borough has struggled to meet the lawyer deployment target in the magistrates' court, and this continues to be a difficulty due to the impact of working patterns, the secondment of two APs to the CPS London Traffic Unit and the City of London unit, the loss of experienced lawyers and fitting in with court listing. In particular, it is a common practice for the courts to require borough CPS lawyers to prosecute traffic cases in the local magistrates' court, when traffic cases are moved between courtrooms. The BCP estimates that, at its peak, this practice accounted for 20% of the borough lawyer's court time. The listing arrangements with the courts are being addressed by the BCP in order to provide a balance of efficient use of lawyer and AP resources whilst recognising the courts' commitments to their own performance targets. Some improvements have resulted although continued dialogue is necessary.

7 There has been a vacancy for a DCP for several months.

- In 2008-09 the borough achieved a 78.4% deployment rate of in-house prosecutors at the magistrates' court, which was below both the London target of 90.0% and the London average of 87.9%. The AP deployment in 2008-09 was good at 22.6%, slightly below the target of 23.0% but better than the London average of 20.5%. The performance in the first two quarters of 2009-10 has dramatically deteriorated: in-house coverage dropped to just 28.2% compared to a London average of 76%; AP deployment dropped to 7.6% compared to a London average of 22.4%; and agent usage increased from 21.6% in 2008-09 to 71.7% in 2009-10 to date. Whilst the difficulties in deployment outlined above have obviously adversely affected in-house coverage, the borough is only 0.3 FTE lawyers below its ABC allocation. Although the BCP has decided to keep the OBM fully staffed, such a significant deterioration in the level of in-house deployment to the magistrates' courts needs to be addressed.
- The deployment of crown advocates is controlled and managed at district level and a dedicated crown advocacy unit has been established at Wood Green Crown Court.
- The borough had an average of 5.2 days sickness absence per person in 2008-09, which was one of the best in London which had an average of 9.3 days. The sickness rate has significantly increased in the first two quarters of 2009-10 to 9.7 days. The reasons for this have been identified and are being managed. Back to work interviews are conducted and appropriate occupational health and wellbeing referrals are made. The DBM also has a proactive involvement in analysing the level and types of sickness on borough and district level and will advise the BCP in consultation with Human Resources where appropriate to do so.
- Managers are sympathetic to requests for flexible working to enable staff to achieve their individual work/life balance and various working patterns exist. However, due to the number of staff employed on flexible conditions, managers often struggle to meet the business need particularly when unexpected absences occur. It is often difficult to re-negotiate agreed flexible working conditions because of contractual reasons, even if the business need changes. This challenge has been recognised by CPS London and work is ongoing to address some of the major difficulties flexible working poses.

11 MANAGEMENT AND PARTNERSHIP WORKING

Assessment

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**

- Strategy and priorities are primarily set at district and area level. Boroughs do not produce business plans but rely on updates against the Area Delivery Action Plan to demonstrate progress against key objectives. Whilst the borough activities contribute to the plan the borough does not have a specific action plan of its own to deliver these and borough managers rely on an understanding of what needs to be delivered. This means that they become focused on the delivery of the day-to-day service, the best use of resources and operational activities. Borough performance against common targets is discussed at borough and district level and adjustments and actions are raised accordingly. Formal business planning is therefore limited, and the borough focus for achieving its contribution to the Area business plan and other local criminal justice agency plans is delivered through internal meetings, external meetings with its criminal justice system partners and by performance management.
- The borough crown prosecutor (BCP) and other managers understand their responsibility for implementing policy and delivering targets set in the Area Delivery Action Plan. The key priorities for the BCP are centred on addressing current performance issues, increasing in-house advocacy and ensuring the optimum business model (OBM) is effective.
- Team meetings have been infrequent and have lacked consistency. There has also been a lack of consistent agenda items and minutes have been poor. The borough should ensure that meetings, whether planned or ad hoc are supported by adequate minutes accessible to all staff, particularly those unable to attend. The borough also needs to develop a formal communication strategy for internal or external communication.
- Borough managers have not developed a formal planned approach to risk management as part of the daily management of services, but risks to business delivery are recognised and considered on a day-to-day operational basis. Overall, a more formal approach to risk management should be adopted, particularly as part of the planning around core business delivery. These risks should be considered as part of the communication structure that needs to be developed within the borough. Health and safety risks at the integrated prosecution team site and at Hendon Magistrates' Court have been identified and addressed.
- The BCP recognises that there is a need for a more formalised training plan to reflect the needs of individuals and the business.

Aspect for improvement

The borough should develop a communications strategy to formalise communication, internally and externally.

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

- The BCP and other borough staff are developing an open and constructive approach with their criminal justice partners. Liaison is generally supportive with relationships being improved and strengthened, and goodwill demonstrated between the criminal justice agencies and other stakeholders.

- At the strategic level, the borough participates in joint working with court user groups, through the prosecution team performance management process and the borough criminal justice group, where CJS business and overarching Public Service Agreement targets are discussed. In addition, the BCP attends meetings with the resident judge, the deputy justices' clerk, the administrative manager at the magistrates' court, and domestic violence and serious sexual crime forums. Some of these groups are more effective at improving performance than others and overall groups could be more effective. The BCP has recently been invited to attend the local Safeguarding Children Board meeting and Safer Neighbourhood meetings. At an operational level, borough staff place particular emphasis on regular informal contact between key CJS partners to provide a sense of shared ownership for delivery of day-to-day criminal justice business.
- Many of the initiatives that the borough has implemented have been joint initiatives such as Criminal Justice: Simple Speedy Summary Justice and the Director's guidance on the streamlined process, statutory charging and No Witness No Justice. Other CPS-driven initiatives such as OBM and conditional cautioning have been prescribed from the centre and adopted by the borough. As a consequence, borough based initiatives have been limited.
- There were 35 conditional cautions made in 2008-09, which is above average for a borough of this size and demonstrates the borough's willingness to consider wider methods of disposal other than prosecution.
- The borough does not have an appointed borough community prosecutor to engage proactively with the community and in general community engagement has been limited. In addition to the groups mentioned above, the BCP has also been invited to join the community engagement steering group.

Aspect for improvement

The borough should develop a clear strategy on engagement to ensure appropriate community and partnership engagement which maximise the benefits to service delivery.

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

- Good performance is recognised through the casework quality assurance feedback process and face-to-face discussions and in e-mails but, as with communication in general, staff on the borough could benefit from a more formal channel of feedback. Team meetings could be used to recognise the achievements of the team or individual staff members. Discussions with staff indicated that, in general, there was a lack of recognition of good performance, there was poor communication generally and morale overall was low. In our own observations, it was apparent that the borough relied on key individuals for progressing day-to-day operations. Team performance should be developed alongside a clear communication strategy.
- No substantiated complaints have been made by staff about their treatment by managers.
- The make-up of staff in the borough office generally reflects the local community served, but there is no ability to control this aspect at borough level. Diversity and recruitment is managed at a London-wide level.

ANNEXES

A PERFORMANCE DATA

Aspect 1: Pre-charge decision-making

| | Performance 2008-09 | | | Performance 12 months to Sept. 2009 | | |
|----------------------------------|---------------------|------------|---------|-------------------------------------|------------|---------|
| | National | CPS London | Borough | National | CPS London | Borough |
| Pre-charge decision cases | | | | | | |
| | 80.8% | 76.2% | 77.0% | 80.1% | 74.9% | 74.4% |
| Magistrates' court cases | | | | | | |
| Discontinuance rate | 13.1% | 13.6% | 12.9% | 13.7% | 14.7% | 13.9% |
| Guilty plea rate | 74.4% | 69.8% | 67.3% | 73.6% | 67.5% | 66.7% |
| Attrition rate | 19.2% | 22.1% | 22.1% | 20.0% | 23.8% | 24.1% |
| Crown Court cases | | | | | | |
| Discontinuance rate | 11.7% | 15.6% | 13.2% | 11.7% | 15.0% | 15.1% |
| Guilty plea rate | 72.9% | 60.8% | 66.9% | 73.1% | 61.0% | 61.2% |
| Attrition rate | 19.4% | 27.3% | 25.4% | 19.5% | 27.6% | 28.9% |

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 Sept. 2009 | | |
|--|---------------------|------------|---------|-------------------------------------|------------|---------|
| | National | CPS London | Borough | National | CPS London | Borough |
| | 87.3% | 86.0% | 86.8% | 87.1% | 86.1% | 86.0% |

Trial rates

| | Performance 2008-09 | | |
|-------------|---------------------|------------|---------|
| | National | CPS London | Borough |
| Effective | 43.4% | 47.3% | 47.7% |
| Cracked | 38.0% | 34.8% | 33.4% |
| Ineffective | 18.6% | 17.9% | 18.8% |
| Vacated | 21.5% | 16.3% | 14.2% |

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 Sept. 2009 | | |
|--|---------------------|------------|---------|-------------------------------------|------------|---------|
| | National | CPS London | Borough | National | CPS London | Borough |
| | 80.8% | 73.1% | 74.5% | 80.7% | 72.7% | 70.9% |

Trial rates

| | Performance 2008-09 | | |
|-------------|---------------------|------------|----------------------------------|
| | National | CPS London | All Wood Green Crown Court cases |
| Effective | 47.1% | 54.7% | 62.1% |
| Cracked | 40.8% | 30.0% | 31.0% |
| Ineffective | 12.1% | 15.2% | 7.0% |

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 Sept. 2009 | | |
|--|---------------------|------------|---------|-------------------------------------|------------|---------|
| | National | CPS London | Borough | National | CPS London | Borough |
| | 71.9% | 62.0% | 58.0% | 71.7% | 60.5% | 58.8% |

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

| | Performance 2008-09 | | | Performance 12 months to Sept. 2009 | | |
|--|---------------------|------------|---------|-------------------------------------|------------|---------|
| | National | CPS London | Borough | National | CPS London | Borough |
| | 82.0% | 77.2% | 83.3% | 81.7% | 75.4% | 75.6% |

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% | 87.3% |

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 | 85.3% | 90.0% | 87.9% | 78.4% |
| Associate prosecutor deployment (as % of magistrates' court sessions) | 24.5% | 23.0% | 20.5% | 22.6% |
| Crown advocates. Counsel fee savings against target | 110.0% | £4,200,000 | 99.3% | 122.2% (district performance) |
| Sickness absence (per employee per year) | 8.7 days | N/A | 9.3 days | 5.2 days |

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

Police

Chief Superintendent Basu, Barnet Police
Mr A Milligan, Head of Criminal Justice Unit, Barnet Police
Mr P Hurst, Witness Care Unit Manager, Barnet Police

HM Courts Service

Crown Court

His Honour Judge Lyons, Wood Green Crown Court
Mr P Joseph, Crown Court Manager Wood Green

Magistrates' court

District Judge Daber
Dr M Cohen JP, Chair of the Hendon Bench
Mr C Lewison JP, Deputy Chair, Hendon Bench
Mr J Vantghem, Clerk to the Justices' North and West London
Mr R Allen, Deputy Justices' Clerk, Brent and Barnet
Mr P Cunningham, Legal Team Manager Hendon Magistrates' Court

Victim Support

Mr S Okafor, Witness Service Manager, Wood Green Crown Court
Mr S Bernard, Witness Service Manager, Hendon Magistrates' Court

Community Groups

Ms A Clark, Domestic Violence Coordinator, London Borough of Barnet

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 aspects⁸ 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.

⁸ 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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