

CPS London Borough Performance Assessments

Ealing 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 Ealing borough unit. It represents a more in-depth local assessment than the overall performance assessment of the West 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 Ealing 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 EALING 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.

Ealing borough unit is co-located at Acton Police Station, and operates on the integrated prosecution team (IPT) model. It is part of the CPS London district which (since the restructure in 2009) is aligned to the Crown Court sitting at Isleworth and Kingston, and the London South Region.

Borough business comprises both magistrates' court and Crown Court work, and staff of appropriate skills and experience may deal with both types of casework.

As of December 2009 the borough had an average of 28.4 full-time equivalent staff in post, and a budget of £1,418,006¹.

Staff	Numbers at November 2009
Borough crown prosecutor	1
Business managers	1
Crown prosecutors	6.8
Associate prosecutors	4
Caseworkers	9
Administrative support staff	6.6
Total (full-time equivalent)	28.4

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

Details of Ealing 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	1,587	1,580	-0.4%
Decisions not resulting in a charge ²	1,106	1,270	+14.8%
Total pre-charge decision cases	2,693	2,850	+5.8%
Magistrates' court proceedings³			
Magistrates' court prosecutions	3,601	3,699	+2.7%
Other proceedings	12	6	-50.0%
Total magistrates' court proceedings	3,613	3,705	+2.5%
Crown Court proceedings⁴			
Cases sent or committed to the Crown Court for determination	695	872	+25.5%
Committals for sentence ⁵	83	94	+13.3%
Appeals from the magistrates' court ⁵	45	21	-53.3%
Total Crown Court proceedings	823	987	+19.9%

Inspectors visited the borough between 23 November and 2 December 2009. The lay inspector was Sally Jackson, who works for the Hidden Violence and Abuse Team in the Community Safety Unit of Portsmouth City Council. 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 efforts 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 Borough of Ealing, situated in West London is the third largest borough in London, by population. It has an ethnically diverse population with 41.3% of its residents being from a black or minority ethnic background, and many for whom English is not their first language. Some parts of the borough are relatively affluent with other areas suffering from deprivation.

During 2009, CPS Ealing underwent major upheaval due to the move to become an IPT and co-location with the police at Acton Police Station. There has been further disruption due to major reductions in staffing levels. This has been exacerbated by a staff preference exercise associated with the change programme across London, which was largely disadvantageous to the borough. As a result the borough has been unable to cover a significant number of commitments. The CPS London resourcing model does not seem to take into account the higher caseload Ealing has when compared with some neighbouring boroughs.

The cases selected for examination during the inspection were in the main completed during the transition to integration and co-location with the police. Although some of the problems that are identified in the report were still present on live cases examined on-site, we were aware that significant changes in personnel, processes and procedures had been implemented very recently. Many of these potential improvements could not be effectively evaluated during the inspection period and had not had time to affect performance in any meaningful way.

Summary

The core issue for the CPS in the borough of Ealing is the very significant staff reduction, in the months prior to our inspection, both in reduced numbers and experience, in a borough which has a higher than average caseload. The borough has had no control over the recruitment and allocation of staff although the BCP has made representations for the imbalance to be addressed. Plans had been agreed at district level to make some changes but these were then stopped because of a change in CPS London policy. Many of the casework issues that give cause for concern are a consequence of under resourcing. The borough has to be reactive, continually working in a fire-fighting environment. Work is inevitably prioritised but sometimes this causes duplication and a breakdown of systems in place to deal with casework preparation. This merely adds to the pressure.

It is a testament to both the staff and the managers that team spirit within the unit is noticeably strong. Many staff are clearly dedicated and professional and work significantly in excess of their contractual hours, staying late and attending on days off in order to complete essential tasks rather than pass them to similarly hard pressed colleagues. Although sickness levels are high this is in part due to staff who are on long term sick, whom the borough inherited as part of the preference exercise. Staff absence adversely affects the ability to address some of the performance issues. The reliance on goodwill to perform routine tasks severely tests the motivational skills of the BCP.

As fundamental changes in processes, IPT and co-location, happened just before the inspection our assessment of the direction of travel has been difficult to make. Moreover, the borough has of itself been proactive in identifying potential improvements in process and, where resources allow, has implemented changes which it feels meet particular challenges. Many of these innovations have not yet translated into improvements in outcomes although there are some grounds for cautious optimism. The key performance indicators in relation to charged cases were consistently poor throughout the year ending September 2009, but have shown some improvement in recent months.

The quality of decision-making at the pre-charge stage was variable. The decisions to charge the suspect did not accord with the evidential stage of the Code for Crown Prosecutors (the Code) in three (10.3%) of the cases in our file sample. Decisions to charge and the selection of charges were appropriate in the remainder of cases. Analysis of serious and sensitive casework is in the main detailed and thorough. The correctness of the initial decision, and proactivity in building strong cases pre-charge, are particularly important as the borough does not always review these decisions until very close to the trial. More emphasis on the details of ancillary orders that it may be necessary to seek would assist the handling of later stages of the case.

With limited exceptions the handling of routine casework is unsatisfactory despite the best endeavours of those working on the unit. In the magistrates' court, trial cases are progressed very effectively by the associate prosecutors at the first hearing. The file then enters the optimum business model (OBM) and in theory it should be prepared for trial in a systematic way. This does not happen, as there are insufficient resources available to carry out necessary tasks. Late files or missing items of evidence from the police are not always chased. Defence and court queries are left and are sometimes duplicated unnecessarily. Disclosure and ancillary applications are not timely. Properly recorded written reviews are rare. There is liaison with the witness care unit (WCU) three weeks before the trial but deficiencies often cannot be addressed until just before the trial. Where the evidence includes CCTV footage, it is frequently missing or not viewed until the day of the hearing.

The office commitments of in-house crown prosecutors mean they rarely attend court and are in danger of losing their advocacy skills. Associate prosecutors (staff who are not lawyers but have special training and are authorised to conduct certain categories of cases in the magistrates' court) within the borough are rightly well regarded. High coverage of the court by agents is an inevitable consequence of having insufficient lawyers. Some are conscientious and highly competent whilst others seem unable to record proceedings accurately, and a few have attracted adverse criticism from other agencies. Late receipt of files hampers preparation by the advocate.

File preparation and progression in the Crown Court also suffers from a lack of individual attention. However, serious cases in the main receive proper care from an allocated lawyer and this emphasises the gulf between those and the "volume" casework. There are systems in place to ensure tasks are completed properly at appropriate intervals but the resources available make the process ineffective. As with the magistrates' court work, paperwork appears rushed and badly prepared, as the appropriate follow-up action to the police may have been missed. Briefs to counsel, applications for ancillary orders (for example, to admit bad character or hearsay evidence) and compliance with directions are late and sometimes deficient. Advocacy in the Crown Court is sound.

In general disclosure is completed properly and, where time permits, with good attention to detail; however timeliness is an issue. The borough's management of the custody time limit regime is good but the borough needs to ensure that contingencies are in place to cover any future staff absence.

Although overall the treatment of victims and witnesses is fair, in the Crown Court the lack of available caseworkers means that it is not uncommon for a witness to have no contact with a CPS representative. This is unsatisfactory. In the magistrates' courts it is better although the quality is very dependent on the individual advocate. The relationship with the WCU, rather like the liaison between the police specialist unit and the lawyers, is good. There is clearly a mutual respect. Likewise there is good liaison between the BCP and other criminal justice agencies. Feedback on adverse outcomes, both internally to staff and to the police is sound. Work on cracked and ineffective trials is effective. But these positive findings are tempered by feedback from partners that progress on a number of other issues has been held back because the borough lacks resources.

The borough is working hard in an attempt to improve its casework outcomes. Inspectors found that there had been a good focus on checks and reviews to try and strengthen the operation of casework processes although these had not all borne fruit at the time of our assessment. Management and partnership working was assessed overall as good with staff performance internally being recognised and relationships with criminal justice partners already constructive but being developed further. There had also been regular engagement with local communities.

Many of the issues impacting on Ealing are outside their control and the reasons will need to be explored in our scrutiny of higher-level management. Performance needs to improve but it cannot do so if the environment is not conducive to good quality casework.

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

Aspects for improvement

We identified ten aspects for improvement:

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- 1 Managers need to monitor a sample of completed MG3s to ensure that there is sufficient analysis of evidential matters and that ancillary issues are properly considered (aspect 1).

 - 2 The borough needs to improve case progression by ensuring that all necessary actions are identified and dealt with in a timely manner. Arrangements need to be made to ensure staff coverage for case progression is constant and appropriate (aspect 2).

 - 3 Managers must ensure that CCTV evidence is received and reviewed by a lawyer in sufficient time to provide guidance to the trial advocate; for it to be considered for disclosure purposes; and for timely discontinuance to take place if the evidence suggests that is appropriate (aspect 2).

 - 4 Managers must ensure that:
 - all reviews are completed on the case management system to provide a complete audit trail and enable identification of who has conducted the assessment of the evidence;
 - they undertake regular monitoring of case management system usage to assure the accurate and comprehensive recording of actions and finalisations (aspect 2).

 - 5 The borough crown prosecutor should ensure that case preparation is both timely and that documentation meets acceptable standards (aspect 3).

 - 6 The borough must:
 - endeavour to reduce the numbers of agents deployed;
 - ensure that advocacy standards including the recording of cases are consistently met; and
 - ensure that all advocates have sufficient time to prepare thoroughly (aspect 4).

 - 7 The borough crown prosecutor should:
 - provide guidance to lawyers to ensure that instructions endorsed on disclosure schedules are clear and comply with the Disclosure Manual and that lawyers use the correct terms for the stages of disclosure; and
 - ensure that all disclosure actions are timely and comply with the prosecutors' obligations. (aspect 6).
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- 8 The borough needs to ensure that they have sufficient contingency arrangements to enable custody time limit tasks to be completed properly even during times of staff absence (aspect 7).
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- 9 Borough processes need to ensure that in all relevant cases victim personal statements are requested and victims' views sought before cases are discontinued (aspect 8).
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- 10 The borough needs to ensure that sufficient detail is provided at the earliest stage to allow for the timely completion of special measures applications. The outcome of applications should be communicated to the witness care unit as soon as possible (aspect 8).
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Summary of judgements

BOROUGH PERFORMANCE ASSESSMENT 2009	
Pre-charge advice and decisions	2 – Fair
Decision-making, preparation and progression in magistrates' court cases	0 – Poor
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	3 – Good
The service to victims and witnesses	2 – Fair
Managing performance to improve	3 – Good
Managing resources	Not scored
Management and partnership working	3 – Good
OVERALL ASSESSMENT	19 – FAIR

D DEFINING ASPECTS

1 PRE-CHARGE ADVICE AND DECISIONS

Assessment
2 - Fair

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

- Inspectors examined 37 finalised cases subject to a pre-charge decision (PCD) and where the advice was to charge the subject. The final decision to charge was taken by CPS Direct (CPSD) or by CPS London Direct (CPSLD) in 26 of those cases and by borough lawyers in the remaining 11. These tended to be the more complex, difficult cases.
- Where the full Code test was applied, there was full compliance with the evidential stage in 26 out of 29 cases (89.7%). Two out of 11 cases (18.2%) where pre-charge advice was given by the borough were non-compliant in this regard. The advice in the other non-compliant case was given by CPSD.
- Of the three cases that did not pass the evidential test overall, two involved a failure to assess properly the evidence. The third was a misapplication of the law. The public interest stage of the Code was correctly applied in each relevant case.
- The threshold test was correctly applied in seven out of the eight cases where it was invoked. The remaining case (charged by a CPSD lawyer) should have been charged under the full Code test. The reasons for applying the threshold test were fully noted in all eight relevant cases.
- The most appropriate charge was selected in 34 of the 37 cases (91.9%). The overall quality of the case analysis and MG3s (documents completed by the charging lawyer which authorise a charging decision) was variable. We found 56.8% were good and 32.4% were fair. Four (10.8%) were poor. The main fault was a lack of case analysis. Matters ancillary to the main charging decision were considered fully in only 26 out of 34 (76.5%) relevant cases. The need for applications to the court on matters such as bad character, hearsay and particularly special measures were frequently identified in general terms but there was often insufficient consideration of specific actions. This leads to late and weak applications later in the process.
- In one case advised by CPSLD the advice given on mode of trial was questionable. This was not corrected by the borough, the case being dealt with at the first hearing by way of a guilty plea.

Aspect for improvement

Managers need to monitor a sample of completed MG3s to ensure that there is sufficient analysis of evidential matters and that ancillary issues are properly considered.

- In the majority of cases, charging lawyers sought to add value to the investigation. Action plans met the required standard in 87.1% of the file sample. These are usually sound with realistic timescales and good guidance to the officers. There were no instances where officers were asked to provide unnecessary information or asked to do work that was not needed. Instructions to the prosecutor were satisfactory in 67.6% of all cases.
- Lawyers were aware of the need to consider asset recovery at the charging stage but none of the cases within the sample involved the need to consider further investigation in relation to asset recovery. Guidance has been issued to borough lawyers and the Proceeds of Crime Act (POCA) champion will either be allocated a potential asset recovery case or provide advice to his colleagues on request.

- The following table shows that borough performance in magistrates' court PCD cases is generally worse than London averages, except for the rate of discontinuance. Performance overall up to the end of September 2009 was deteriorating. Crown Court performance is better than the rest of London in all three CPS national indicators but still well below the national average. The borough has undergone significant changes in process and structure, which, it is expected, will bring about improvement in performance figures, and the latest data available gives limited grounds for optimism. However, the proportion of cases subject to PCD that result in convictions is still too low in both the magistrates' court and the Crown Court.

	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%	74.8%	80.1%	74.9%	74.1%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	12.5%	13.7%	14.7%	14.2%
Guilty plea rate	74.4%	69.8%	68.9%	73.6%	67.5%	67.3%
Attrition rate	19.2%	22.1%	24.1%	20.0%	23.8%	25.2%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	15.6%	11.7%	15.0%	12.7%
Guilty plea rate	72.9%	60.8%	59.0%	73.1%	61.0%	63.8%
Attrition rate	19.4%	27.3%	27.3%	19.5%	27.6%	27.3%

* 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

- Since the advent of CPSLD in the summer of 2009, the borough now only deploys one prosecutor at Acton Police Station five days per week. The police have indicated that this level of commitment is needed due to the relatively high proportion of cases that require a local charging decision. This is because Ealing has a high number of cases involving CCTV video evidence.
- The current appointment system works well with sufficient time being allocated depending on the complexity of the case. This is overseen by the BCP. Where a case is particularly complex, such as a recent familial child abuse, the lawyer was allocated to the case for several days to watch the video evidence, discuss the case at length with the officers and draft the charging advice.
- All the current borough lawyers are sufficiently experienced to undertake charging without supervision. If new, less experienced lawyers arrive, there is a recognised programme to provide support. The BCP has provided guidance sheets on a number of key topics including rape.
- Specialists deal with cases falling within their area of expertise, with three rape specialists working within the borough. Care is taken to ensure that serious and sensitive cases are allocated and remain with the same lawyer providing continuity. The BCP oversees this to ensure lawyers have a balanced workload. Whilst two cases within our sample were initially seen by one lawyer with another providing the final advice this is unusual and would only be caused by illness or other absence. The police expressed satisfaction with the quality and current availability of borough lawyers for these categories of cases.

- Our file sample contained some cases that were charged by the police when they should have been the subject of a PCD by a prosecutor. Any such non-compliance is identified by the associate prosecutors, reported to the BCP, and recorded on a log that is referred to police managers regularly. Otherwise, our file sample and observations suggested that the criteria for the allocation of cases between borough prosecutors and CPSLD was being appropriately applied.
- There is a system for monitoring the progress of cases where authority to charge is declined and further evidence requested, to ensure that they are returned to the CPS with actions completed by the police within a reasonable timescale. Borough lawyers set realistic timescales on action plans. The borough also monitors cases where a charge has been authorised to ensure that proceedings are instituted and cases are brought before a court without delay. Where delay is identified this is referred back to police managers.
- The borough has spent time training police evidential review officers. The information supplied by the police on sensitive casework is usually sufficient although there has been some difficulty in ensuring that police supervision is consistent and that it properly monitors file quality. This has not been assisted by the turnover of police personnel. Borough charging lawyers notify the BCP of file quality problems. Serious or recurrent problems are then referred to the police either when they occur, if it is an urgent matter, or are discussed at the prosecution team performance management (PTPM) meetings.
- The borough manager has established channels of communications to refer poor decisions back to CPSLD but this procedure should be more rigorously utilised to ensure improvement in the quality of the written charging advice (on form MG3). The need for improvement by the borough is indicated by the fact that not all CPSLD charging decisions in our file sample were supported by an MG3 of the required standard.
- Relationships between borough lawyers and police officers are generally good. Since the CPS moved to the police station there has been an improvement in lines of communication, both formal and informal, which has assisted in the building of complex cases pre-charge.
- All cases seen in the file sample had a hard copy MG3 attached to the inside file jacket and all except two, where advice had been given by CPSD, were entered onto the case management system (CMS).

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

Assessment
0 - Poor

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%	8.6%	8.8%	8.1%	9.1%
No case to answer	0.2%	0.3%	0.3%	0.2%	0.3%	0.5%
Dismissed after trial	2.0%	2.4%	3.0%	2.1%	2.6%	2.7%
Discharged committals	0.2%	0.3%	1.2%	0.3%	0.4%	0.9%
Warrants	1.6%	3.0%	3.0%	1.5%	2.7%	2.8%
Overall conviction rate	87.3%	86.0%	83.9%	87.1%	86.1%	84.0%

- In our file examination, the evidential stage of the full Code test was applied correctly in 17 out of 18 (94.4%) cases that involved a PCD. The public interest stage of the test was applied correctly in all 17 relevant cases. The correct level of charge was selected in 17 out of 18 PCD cases, and this level of performance was confirmed in our court observations.
- None of the cases in the file sample involved the acceptance of alternative pleas, but two cases observed had pleas accepted at trial. In one the prosecutor opened the case on a "full facts" basis and in the second the defence offered a plea on a limited basis. In this case the prosecutor consulted the officer and the victim and obtained authorisation from the reviewing lawyer. The course adopted was reasonable. Representatives of other agencies largely confirmed the soundness of the approach to acceptance of pleas.
- We found that full file reviews were conducted in only eight out of 20 relevant cases (40.0%). The reviews that were completed only reached the required standard in three of the eight. Where reviews occurred, some were comprehensive illustrating that the lawyer had reassessed the evidence. Others simply adopted the pre-charge advice without showing any further input from the reviewer. Few cases showed signs of a review proactively pursuing further lines of enquiry.
- There were no linked cases in the file sample. However, the borough has no structured arrangements for identifying links to other cases. This only happens on an ad hoc basis. Where a link becomes apparent during a court hearing additional paperwork has to be faxed to assist the prosecutor.
- There were five cases that were discontinued before trial. All were rightly terminated as they did not pass the evidential stage of the Code test. Three of the five involved a change of circumstances since the charging decision had been made. The remaining two were cases that did not pass the Code test at the pre-charge stage and where there had been no change in circumstances. The discontinuance was timely in four out of five of the cases. None of the cases could have been saved by the prosecutor taking additional action. The charging lawyer was not responsible for the decision to end the case in any of the five files. There were no adverse outcome reports on any of the files although the BCP reviews all these cases and if appropriate they are referred to the police immediately or via the PTPM meetings.

- There were 46 discharged committals in 2008-09 (i.e. cases which should have proceeded to the Crown Court but did not because the prosecution were not ready). This was 1.2% of the magistrates' court caseload and 6.1% of all cases adjourned for committal. This proportion was significantly higher than the London and national averages. However, in the 12 months to the end of September 2009, the number has reduced to 11, (0.9% of caseload and 4.4% of cases adjourned for committal). Following the implementation of IPT specific work has been done to address the level of discharged committals, with none recorded in the two months prior to the inspection.
- The borough conviction rate is below national levels and the average level for London as a whole.

2B Cases are prepared and progressed effectively

Trial rates

	Performance 2008-09		
	National	CPS London	Borough
Effective	43.4%	47.3%	43.4%
Cracked	38.0%	34.8%	41.4%
Ineffective	18.6%	17.9%	15.3%
Vacated	21.5%	16.3%	16.4%

- The borough case progression system, which is based on the OBM was inadequately resourced at and before the time of our inspection, leading to continuous fire-fighting. This was compounded by the upheaval caused by the transition to IPT, the relocation and loss of key staff, and the changes to police supervisory staff. There is very limited rotation amongst staff and the lack of contingency for staff absence is a significant risk.
- As a result, the borough processes cases without the ability to manage them proactively. The system as it is operating at the present time means that actions necessary to prepare a case are completed late, usually out of time, and quite often only within a few days before trial. Applications were completed on time in just 9.1% of cases. Compliance with directions was only achieved in time in 21.4% cases.

Aspect for improvement

The borough needs to improve case progression by ensuring that all necessary actions are identified and dealt with in a timely manner. Arrangements need to be made to ensure staff coverage for case progression is constant and appropriate.

- The borough has proactive associate prosecutors who robustly progress cases at the first hearing. Following a not guilty plea these prosecutors, under the supervision of a lawyer, complete a document that directs the police as to the file requirements for a trial. Frequently nothing else happens on the file until three weeks before the first trial date when joint case progression meetings are held. Sometimes CCTV footage is received very late, but even if it is received in good time it is frequently not viewed by a lawyer until the day of trial. This is a significant weakness given that the borough has a particularly high number of cases involving such evidence.

Aspect for improvement

Managers must ensure that CCTV evidence is received and reviewed by a lawyer in sufficient time to provide guidance to the trial advocate; for it to be considered for disclosure purposes; and for timely discontinuance to take place if the evidence suggests that is appropriate.

- Disclosure is routinely provided late, sometimes only just before or on the day of trial. Letters from the court and the defence are often not dealt with until the case progression meeting three weeks before trial rather than when received. This generates additional correspondence and frustration within other agencies and amongst borough staff. Individuals work hard to rectify problems that should have been identified much earlier.
- Case progression meetings are attended by the OBM manager, the reviewing lawyer and the witness care unit manager. There is no police representative. This is usually the first time the case has been reviewed since the trial was fixed. It is often at this stage that witness issues are identified and special measures considered. The court case progression officer has daily contact with CPS via email and telephone. Relationships are good.
- Criminal Justice: Simple, Speedy, Summary (CJSSS) has brought some improvements as most of the cases in the file sample were concluded after two hearings even where a not guilty plea is entered. However, the Director's Guidance on the Streamlined Process (DGSP) appears to have increased the number of cases that are initially contested only for a late guilty plea to be entered (42%). This is because defendants are less inclined to enter a guilty plea until they see the full extent of the case against them. In turn this places more pressure on those involved in case progression for trials.
- The borough's effective trial rate for 2008-09 of 43.4% matched exactly the national average. However, effective, cracked and vacated trial rates fluctuated widely and continue to do so.
- The use of CMS to support effective review, provide an audit trail, and for case finalisation is very poor. Many of the reviews were not entered onto the case management system and until recently there was no IT facility at court. Almost 30% of finalisations on magistrates' court cases were found to be wrong.

Aspect for improvement

Managers must ensure that:

- all reviews are completed on the case management system to provide a complete audit trail and enable identification of who has conducted the assessment of the evidence;
 - they undertake regular monitoring of case management system usage to assure the accurate and comprehensive recording of actions and finalisations.
-

- The poor assessment to a significant extent reflects the poor outcomes that flow from weakness in preparation and progression.

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%	17.3%	11.7%	15.3%	14.8%
Judge directed acquittals	1.0%	1.1%	1.9%	0.9%	1.3%	0.8%
Acquittals after trial	5.5%	8.5%	8.6%	5.6%	9.0%	13.3%
Warrants	1.1%	1.6%	1.3%	1.1%	1.7%	1.3%
Overall conviction rate	80.8%	73.1%	70.9%	80.7%	72.7%	69.8%

- The evidential and public interest stages of the full Code test at committal review stage (in either way cases) or service of the prosecution case (for indictable only cases) accorded with the Code in all cases within the file sample. Cases proceeded to Crown Court on the most appropriate charges in all 16 cases in the file sample. However there was a properly recorded full file review in only 12 of the 16 (75%) cases. Other significant events and changes to the conduct of Crown Court cases were not always recorded adequately. Ad hoc reviews were often brief, hand written and late. This appears to be due to time pressures and workload levels but it adds to the risk of poor decision-making and limits the ability of reviewing lawyers to be as proactive in the management of cases as they would otherwise be.
- There were no cases in the file sample where a defendant had a linked case. The borough endeavours to identify such cases in an ad hoc way rather than systematically and would allocate cases to the same reviewing lawyer if they became aware of a connection.
- The indictment was drafted correctly in 13 out of 16 (81.3%) cases. Amendments were accurate and timely. Ancillary orders at sentence were appropriately identified and requested on the cases examined.
- In two judge directed acquittals in the file sample, the reasons could not have been foreseen. Four judge ordered acquittals (JOAs) were discontinued at the appropriate time although in one of these further effort may have saved the case. In all four JOAs the decision to terminate the case accorded with the Code, and in each one there had been a change in circumstances since charge.
- Lawyers are familiar with the criteria for referral of cases to the area complex casework centre and the BCP consults the manager of the unit in borderline cases before authorising the transfer of appropriate cases.
- CPS London collates its restraint and confiscation orders centrally and the volume and value targets are set an 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 police financial investigators work with the lawyer and joint training has been undertaken. Lawyers were aware of the need to consider asset recovery at the charging stage.

- The borough's successful outcome levels are poor and have declined slightly, and are worse than both the national average and the performance for CPS London overall.

3B Cases are prepared and progressed effectively

Trial rates

	Performance 2008-09		
	National	CPS London	All Isleworth and Kingston Crown Court cases ⁶
Effective	47.1%	54.7%	50.4%
Cracked	40.8%	30.0%	35.6%
Ineffective	12.1%	15.2%	14.0%

- Weaknesses in file preparation and poor timeliness have led to criticism at the Crown Court and relatively poor case outcomes. Prosecutors are not always proactive in the way they manage and progress cases. Much of the work is reactive. In routine case preparation, correspondence and applications are frequently late. Court observations revealed that judicial criticism on case preparation was not uncommon. Inspectors observed that the prescribed systems were not always followed due to the quantity of work and the staff available; checks were not always timely and some were missed entirely.
- When it is determined that a case should be tried at the Crown Court a lawyer checks the file request sheet completed by the associate prosecutor after the magistrates' court hearing, to ensure that all the necessary paperwork has been requested. This task is subject to a daily rota and the lawyer concerned may not be allocated the case later. In theory there is then a system in place to chase missing evidence at specific time intervals, but often there is insufficient staff available to do this. We observed that staff were often reactive in dealing with case progression rather than following the set process. There is little contingency for absence.
- To reduce the level of discharged committals, the borough has recently focussed on the preparation of committals, which is undertaken by allocated lawyers and caseworkers. This includes the preparation of indictments by borough lawyers who would also normally check the brief. Conversely, in cases sent to the Crown Court the prosecution papers are sometimes served late. With the limited resources available there is an inevitable prioritising of serious casework and committal preparation, leaving other tasks poorly prepared.
- The quality of instructions to counsel is variable. In the file sample, five were assessed as good, six were fair and five were poor. The most common shortcoming was a lack of, and in some cases any, case analysis. Inspectors noted that some cases reached the Crown Court in a very poor state, which leaves the advocate unsighted; this attracted judicial criticism.
- In only a third of cases was there timely compliance with directions after the plea and case management hearing. Actual compliance with directions was better but only occurred in 54% of cases. Applications were made and served in accordance with statutory time limits in just 25% of cases. We found that all aspects of case preparation were timely in 43.8% of cases. Communication affecting the progress of cases was not endorsed on the file in 40% of cases.

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

- Two ineffective trials in the file sample could have been prevented by better case preparation. In one case an appropriate written basis of plea was accepted to a large number of offences with the remainder rightly being discontinued. The defence offer of pleas was made just before trial and CPS action could not have prevented the trial from being listed. All the offences were entered onto CMS as being convictions.

Aspect for improvement

The borough crown prosecutor should ensure that case preparation is both timely and that documentation meets acceptable standards.

- At the time of the inspection, the borough had no cases that fell within the relevant criteria for a case management panel.
- The cracked and ineffective trial data for Isleworth Crown Court is not disaggregated at borough level. However, the rates of effective and cracked trials are worse than London and national averages.

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**

- Magistrates' court cases, including youth cases, are dealt with at Ealing and Acton Magistrates' Courts. All prosecutors have received training in domestic violence and youth cases. It was not possible to observe CPS in-house lawyers, as, with the exception of the youth court specialist, they are currently not appearing in court. This is due to inadequate staffing levels and is dealt with in more detail in aspect 10. It is particularly unfortunate as they were previously well regarded by court users, and their continued absence is bound to impact on personal development and the maintenance of their legal skills.
- The borough depends heavily on its well-trained associate prosecutors (APs) who each undertake five or six court sessions per week, and who regularly cover 35% of sittings against the London target of 23%. They invariably cover first hearings and are given time to prepare them properly with assistance from an in-house lawyer. They were without exception well prepared and are all held in high esteem by criminal justice partners who commented favourably on their capabilities. Court observations confirmed that their advocacy met and exceeded the national advocacy standards.
- APs engage well with other court users and are robust in progressing court business. Endorsements are legible and comprehensive serving as a tool for future case progression.
- There is an over-reliance on agents, especially in contested hearings. Many are sound and fully prepare their cases. The two we observed were competent. However, we received a number of adverse comments about some from other criminal justice practitioners. These comments related to all aspects of the prosecutor's role and included lack of preparation, advocacy skills, engagement with witnesses and completion of paperwork. All the endorsements rated poor in the file sample had been completed by agents. Some were illegible and many lacked sufficient detail, and most were not initialled. As the case progression system is particularly dependent on the accuracy of endorsement, this is having an adverse effect and places additional pressure on an already stretched system.
- Some agents may appear insufficiently prepared because they are receiving the files, some of which may contain complex legal issues, on the morning of the court with no prior notice of what a list will contain. Sometimes this also causes unnecessary delays to the court list.
- The borough has recently introduced two measures that may address some of these concerns. Since October 2009 an administrator is available in the court building to enter results immediately after the hearing. This allows instant clarification to be sought from the advocate concerned and contributes to early case progression. Early indications are that this is having a positive effect. Secondly in November the allocation of agents became a borough rather than central responsibility. It is hoped that local feedback will identify who should be engaged. However authorisation to engage agents is usually received very close to the hearing, which limits who the borough can retain. If agents continue to be deployed there must be a proper monitoring regime to ensure that the advocacy standards are met consistently.

Aspect for improvement

The borough must:

- endeavour to reduce the numbers of agents deployed;
 - ensure that advocacy standards including the recording of cases are consistently met; and
 - ensure that all advocates have sufficient time to prepare thoroughly.
-

- Compliance with the Prosecutors' Pledge, Victims' Code of Practice and Witness Charter was generally good in the magistrates' court. Partner agencies commented that most prosecutors engaged with witnesses at court and responded positively to enquiries and requests for assistance at court. Adverse comments received were directed towards the failure of some agents to explain properly issues to witnesses, on some occasions relying entirely on the Witness Service to fulfil obligations that the advocate should complete. In the Crown Court the lack of caseworker coverage makes witness interaction very rare, placing an unacceptable reliance on the Witness Service.
- Endorsement notes are variable and often not of a good standard. Some are untidy, misfiled and contribute to poor case finalisations. In failed cases there was no evidence of failed case reports or even a brief explanatory note as to the cause of the adverse outcome. In the absence of a caseworker in court this becomes all the more necessary.
- In the Crown Court, both crown advocates and external counsel observed met the national standards of advocacy, and displayed the right skills and had the necessary experience for the cases they were handling. Most cases in the Crown Court are dealt with by CPS crown advocates based in the local advocacy unit at Isleworth Crown Court. Where necessary, the borough has proper systems in place for the selection of external counsel.

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%	54.2 %	71.7%	60.5%	60.6%

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%	76.7%	81.7%	75.4%	82.9%

- In general, serious and sexual cases receive greater attention from the allocated lawyer. Consequently the preparation of these cases is of a higher standard, and this is reflected in better outcomes overall. However, outcomes are still affected (albeit to a lesser degree) by the case progression and witness care problems that generally beset the borough.
- Serious violence, sexual offences and hate crime was properly flagged on CMS in 83.3% of our file sample.
- Care is taken to ensure that charging advice and subsequent conduct of the case is allocated to a lawyer with sufficient experience and specialist skills. Our file sample contained a case of serious violence where the victim received life-changing injuries. This file was charged by a borough lawyer who retained conduct throughout. It was exceptionally well handled and the lawyer was rightly complimented by the family. Another case required close liaison with other agencies to ensure that the victim in a very violent assault remained in the country to give evidence. In two other difficult cases, one involving a disability hate crime, the community prosecutor⁷ dealt with the charging decision and ensured continuity by conducting the subsequent trial. Both these cases were dealt with to a very high standard and the continuity of prosecutor was of help to the victim.
- Counsel is not always selected by the reviewing lawyer and in one file sample case there was a lack of control over who had conduct of the case. The brief frequently changed hands through the preliminary hearings and three trials providing no continuity for a vulnerable victim. However, this was exceptional and most other cases demonstrate a better level of liaison and communication between the reviewing lawyer and allocated counsel.
- There are currently three rape specialists, and all six serious sexual cases in the file sample were dealt with by one of them. However, lack of resource prevents full continuity of lawyer at all times, to the extent that, in two, more than one lawyer was involved at the pre-charge stage. Nonetheless, the quality of the initial charging advice ensured that there was no prejudice to the quality of the final decision. There is also an adequate number of domestic violence specialists within the borough.

7 The community prosecutor scheme, introduced in Spring 2009, involved the appointment of a senior prosecutor in each CPS area/ borough to enter into a dialogue with the local community and police, so that the CPS could become more responsive to local issues and priorities.

- The Code for Crown Prosecutors and national policies are applied properly in specialist and sensitive cases, at both charge and review. There were no relevant Code test failures in our file sample. Rape cases are referred for a second opinion in accordance with CPS national policy, and prosecutors look to strengthen domestic violence cases with enhanced evidence (i.e. by seeking additional evidence where possible to support that of the complainant) and by use of summons in appropriate cases. Lawyers do their best to work proactively with the police to build stronger cases in all types of specialist case.
- However, shortcomings in case progression, including failure to record actions and review, late applications and tardy disclosure still hamper specialist cases. Despite individual case ownership (except for domestic violence cases where most in the magistrates' court are dealt with under the OBM system), case progression is no better than in non-specialist cases.
- There are also problems with witness care in specialist cases, particularly in the Crown Court where the lack of caseworker coverage reduces significantly the opportunity for any CPS representative to have meaningful contact with victims: there is too great a reliance on the Witness Service to fulfil this role, and the requirements of the Prosecutors' Pledge are not being met. The significance of this point is amplified by the demographic make up of the borough, and the disinclination of a high proportion of victims to engage fully with the criminal justice process.
- Team meetings are sometimes used to provide a forum for specialist lawyers to raise issues that are causing cases to fail. The BCP, who is also the rape coordinator, liaises frequently with the police Sapphire team regarding rape prosecutions, to identify lessons to be learned within both agencies. CPS issues are disseminated within the team, although the specialists have no formal role in relation to performance monitoring.
- The file sample confirmed that defendants are charged with appropriate offences allowing the court sufficient sentencing powers to reflect the seriousness of the offending. The file examination also indicated that sensitive cases were discontinued appropriately and without undue delay. Where there was a need to obtain a second opinion or an authorisation to change or amend charges, this was sought properly from sufficiently experienced lawyers.
- The borough has been proactive in promoting the CPS Violence against Women strategy. The establishment of a specialist domestic violence court is being negotiated with inter-agency support. All the associate prosecutors are trained to deal with domestic violence cases, and one has become a specialist and usually prosecutes the domestic violence first hearing court. During the inspection a domestic violence trial court was witnessed. The agent prosecutor firmly negotiated acceptable guilty pleas, which were then referred back to a borough lawyer for agreement. After one of these cases we observed good liaison with the victim who appreciated the care she received.
- There is clear evidence that the BCP prepares documentary reviews on all adverse outcomes involving sensitive cases, and that robust feedback is given to police managers with a view to improving performance and learning lessons. However, these reviews are not usually evident on the file.
- Whilst borough outcomes in relation to specialist casework (in the table above) are appreciably below national performance, there has been a significant improvement over the last two quarters, which reflects the increased focus on this type of case by the borough managers in general, and borough lawyers individually.
- In 2008-09, the rate of successful outcomes in domestic violence cases fluctuated widely, although the overall performance for the year at 53.8% did not compare favourably with the average for London of 61.9%.

- Hate crime outcomes have improved to the extent that they are slightly better than national performance and considerably better than CPS London performance.
- The rate of successful outcomes in rape cases in 2008-09 and in other sexual offences is comparable to the London averages.
- There is no routine liaison between the local safeguarding children board and the borough although there have been efforts to engage in order to establish closer links. The community prosecutor and the domestic violence lead attend meetings that aim to address performance and raise public confidence. They have been proactive in providing reassurance to vulnerable sections of the community.

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

- The prosecution complied with the duty of initial disclosure in 29 out of 31 (93.5%) relevant cases where there was sufficient documentation to make a reliable finding; some paperwork having been removed due to filing and storage arrangements. Compliance was demonstrated in 14 out of 16 magistrates' court cases and in all Crown Court cases. One of the failures involved sending disclosure relating to a co-defendant who had previously pleaded guilty. This was pointed out by the defence several times before the correct documentation was served. In the second case there were numerous errors in the completion of the schedule although this did not in the event affect the fairness of the proceedings.
- We examined a further sample of live cases, which confirmed that compliance with initial disclosure was generally sound. However timeliness, particularly in the magistrates' court, is poor. Initial disclosure was carried out in a timely way in only 31.3% in the magistrates' court cases, and 75.0% of Crown Court cases.
- The prosecution complied with the duty of continuing disclosure in eight of the 11 (72.7%) relevant cases. Continuing disclosure was handled correctly in one of the two cases seen in the magistrates' court. In the Crown Court continuing disclosure was dealt with properly in seven out of nine cases (77.8%). In both there was an inadequate response to a defence statement and poor handling of schedules. In neither case was there any impact on the fairness of the proceedings.
- Disclosure schedules and materials are usually stored tidily in a separate disclosure folder. Disclosure record sheets (DRSs) were attached to 12 of 16 (75.0%) of magistrates' court files. They are usually completed although on occasion dates and initials are missing. Some are signed by administrators but accurately reflect the actions of the lawyer who has completed the initial disclosure schedule. In the Crown Court the DRS was completed properly in only five out of 14 (35.7%) cases.
- Although disclosure was handled in accordance with the disclosure manual in the majority of cases, we observed some inconsistencies in the approach taken by individual lawyers in the endorsement of schedules. Although lawyers clearly deal with disclosure properly and in accordance with current legislation there is tendency to refer to "primary" and "secondary" disclosure (terms which are no longer in use) rather than the correct terms, "initial" and "continuing" disclosure.

Aspect for improvement

The borough crown prosecutor should:

- provide guidance to lawyers to ensure that instructions endorsed on disclosure schedules are clear and comply with the Disclosure Manual and that lawyers use the correct terms for the stages of disclosure; and
 - ensure that all disclosure actions are timely and comply with the prosecutor's obligations.
-

- Sensitive material was dealt with properly in four out of six relevant cases. In one, sensitive material was inappropriately recorded on the file jacket and in the second a bundle of sensitive documents was attached to the correspondence file rather than being retained securely, and the schedules identifying such documents were incorrectly completed. Third party material was requested when appropriate and dealt with well.

- There were no cases within the file sample that gave rise to an issue of public interest immunity (PII). The borough is aware that such issues should be referred to the district crown prosecutor (DCP) to make a decision as to whether an application to the court is appropriate. The log and secure storage of PII material is maintained at district level.
- However, in one case that came to our attention during the fieldwork (it was not part of the file sample), evidence produced by the police on the day of trial was potentially subject to PII. This change of circumstances led to an ad hoc review, and the proper conclusion by a CPS crown advocate at court that it was no longer in the public interest to continue the case. No evidence was offered and the need for a formal PII application did not arise. It is of concern that such evidence was produced so late, and the borough should seek to obtain a full explanation from the police. Two further matters are of specific concern. First, the borough was not aware of developments at court until after the case was discontinued, and secondly, the decision to deal with the case in this way was taken without referral to the DCP. The BCP has indicated that these issues will be addressed in an adverse outcome report so that lessons may be learnt jointly with the police.
- Borough lawyers are involved in the training of probationary and more senior officers and a key topic is disclosure as the CPS seek to raise the standard of the disclosure details it receives from the police. Where issues of disclosure give rise to an adverse outcome this is fed back to senior police managers but this is dependant on the borough being notified of all relevant issues.

7 CUSTODY TIME LIMITS

Assessment
3 - Good

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.
- There has been one CTL failure in 2009 although the circumstances were unusual. It arose from some misleading information from a criminal justice partner. The borough subsequently conducted a thorough review and no longer relies on third party information. A full report was prepared and submitted to CPS headquarters in accordance with CPS directives.
- This failure has been used by managers to raise the profile of CTLs and ensure that staff of all grades are aware of their responsibilities to make certain that actions are completed accurately and in good time. Monitoring regularly takes place and improvements have been identified and implemented. Some of these innovations are recent and, whilst on the face of it, they appear sound they depend on staff being available to carry out the requisite tasks. Currently there is some contingency to cover absence but there is also a reluctance amongst some administrative staff to take on the additional responsibility.

Aspect for improvement

The borough needs to ensure that they have sufficient contingency arrangements to enable custody time limit tasks to be completed properly even during times of staff absence.

- Since September 2009, lawyers have been asked to provide a monthly assurance sheet that identifies all their cases where CTLs are running. This indicates what has happened on the case, relevant hearings, and any necessary applications that are imminent. This allows the manager to have an awareness of potential CTL issues and ensure that the due diligence test would be satisfied if an application is required.
- In the file sample relevant dates were written somewhere on the file jacket, but they were not always immediately apparent particularly on the Crown Court wallet. One file was confusing because of poor endorsement and incorrectly filed correspondence that did not relate to the correct defendant. There were no incorrect calculations on the files examined in the sample or on-site.
- There was good evidence from the file sample that the expiry date is not only agreed in court but also announced, in accordance with an agreement reached between the borough and the magistrates' courts. This was confirmed by observations of custodial remands where agreement and announcements occurred in every case.
- Following the CTL failure, systems have been upgraded to include additional markers, which we saw on live files. This is a particularly useful safeguard when a complex case needs several CTL updates.
- There was one Crown Court case in which an application to extend the time limit had been made. The documentation was correctly prepared with a chronology of case progress included. Two extensions were granted unopposed.

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's performance officer is responsible for identifying cases that should have a direct communication with victims (DCV) letter. To overcome the lack of IT at the magistrates' courts the borough has developed an expedited system to ensure that DCV letters are produced as quickly as possible after the case has been discontinued or an acceptable plea has been entered to a lesser charge. This involves the faxing of a draft letter from the lawyer to the performance officer. To ensure that all cases requiring a letter are identified the performance officer is also responsible for carrying out daily checks using adverse case reports and a series of filter reports on CMS.
- The borough missed its 2008-09 proxy target of 351 DCV letters, sending out 264 (75.2%) over the year. Since then the borough has improved its processes there has been a marked improvement in the identification of cases where letters are required, and in the first two quarters of 2009-10 the borough has exceeded its target. However, the value of the proxy target has been called into question by a recent HMCPSI audit report that found that DCV proxy targets understate the requirement for DCV letters. As a result of this work the CPS suspended the proxy target in October 2009 pending a re-evaluation. In the file sample letters were sent in 89.5% of relevant cases.
- DCV performance information is readily available at borough level. Performance is monitored on a monthly basis and forms part of the quarterly district performance reporting regime.
- The lay inspector examined 42 letters sent to victims. They were generally well drafted, although a small number used legal language which would be difficult for the recipient to understand. All the letters seen within the file sample were similarly assessed as fair or good.
- The timeliness of letters has continued to improve, and is better than the London average (although not as good as the 95% target). This is mainly due to the focus and priority that the borough has afforded to the DCV scheme. The majority of letters were timely, although in two cases letters were sent a month after the case had been discontinued.
- 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%)	75.2%	91.1%	112.9%	96.1%
Vulnerable and intimidated victims (timeliness target 95%)	85.7%	65.9%	92.9%	81.2%
Other victims (timeliness target 95%)	91.4%	83.1%	94.8%	87.3%

- There was evidence that the needs of victims and witnesses are considered in general terms in the majority of cases at the initial review, and at charging, although the implementation of the Director's Guidance on the Streamlined Process (DGSP) has meant that not all relevant papers are present at the point of charging. Whilst witness issues are considered as part of the initial charging processes, there was evidence that in some cases lawyers could take a more proactive and detailed approach.

- Whilst ancillary issues (which include consideration of the need for special measures) were considered in 26 of 34 relevant pre-charge cases dealt with by borough lawyers, in cases which had been dealt with by CPSLD they were considered in only three out of seven cases. This performance has an overall detrimental impact on the borough figure.
- Victim personal statements (VPSs), which record the victim's view of the impact that the crime has had, were seen in only four out of 25 relevant cases. In two serious cases a further VPS was requested; these were comprehensive and allowed the prosecution to fully outline to the sentencing judge the impact that the crime had. File examination also highlighted that the victim was consulted in two cases where the case had been discontinued, not consulted in three.

Aspect for improvement

Borough processes need to ensure that in all relevant cases victim personal statements are requested and victims' views are sought before cases are discontinued.

- Until the implementation of DGSP, borough lawyers were more able to ensure that special measures applications were routinely considered and lodged before expiry of the deadline, where possible. More recently such information is rarely provided in time to allow for timely special measures applications, although to date they have always been granted. The matter of poorly completed MG11s (key witness statement form) and MG2s (special measures assessment form) is regularly raised at PTPM meetings with the police and there is evidence that there has been an improvement in completion. The process is also improving as police gatekeeping arrangements have been strengthened. There was evidence that the results of special measures applications were not always effectively communicated to the witness care unit (WCU); this delays the ability of the unit to inform the witness of the outcome.

Aspect for improvement

The borough needs to ensure that sufficient detail is provided at the earliest stage to allow for the timely completion of special measures applications. The outcome of applications should be communicated to the witness care unit as soon as possible.

- WCU processes are effective in ensuring that witnesses are kept informed at relevant points during the progress of the case. Witness needs assessments, normally carried out by police officers when taking statements, are not always endorsed on the back of the statement. Full needs assessments are carried out by the WCU once a not guilty plea has been entered and the witness management system is used to capture this. The lack of witness details on the reverse of the MG11 can sometimes cause delays and in some instances this makes it impossible for the WCU to meet the 24 hour target as required by the No Witness No Justice (NWNJ) scheme. In an attempt to address some of the identified problems, the WCU manager and CPS lawyers now attend police probationer training events to highlight the importance of victim and witness issues.
- Witness interviews carried out during the inspection indicated that the service provided was well received and rated by witnesses as effective. Witness satisfaction rates (as measured by WAVES) is 84%, which is 4% better than the all-London result. There is no system in place to assess whether the borough WCU is meeting minimum requirements as police performance information is not disaggregated to the borough level, although examination indicated that processes used were effective and that witnesses were kept informed of progress.

- Witnesses are warned to attend court by the WCU; there are processes in place to ensure that the lists of witnesses to attend court (LWACs) are provided by the CPS to the WCU to facilitate the warning. Witness attendance rates in the borough are below the London average. In 2008-09 78.6% of witnesses attended, compared the London average of 83.1% and target of 90%. Over the current year 2009-10 rates have slightly improved with a year-to-date figure of 81.7% and an improving trend (second quarter attendance was 83.3%). The nature of the local population brings challenges; there is a large transient population in some parts of the borough as well as significant cultural challenges with some victims and witnesses being very reluctant to attend trials. The CPS is working under the auspices of the local criminal justice board within the local community to change perceptions of the criminal justice system. In relevant cases witness summonses are applied for; there is evidence in some domestic violence cases that this results in witnesses attending, even though they indicated to WCU officers that they would not.
- All witness queries received by the borough should be answered within 48 hours of receipt. Due to staffing constraints this target is often missed. Prior to co-location, there had been a formal escalation route to chase up outstanding queries; the witness care officer (WCO) goes to see the lawyer or caseworker dealing with the case. Since co-location the close proximity of the WCU and CPS has improved communications and allowed for face-to-face interaction, which has resulted in a better service for victims and witnesses.
- There is limited evidence that performance against the Victims' Code and NWNJ primary and secondary measures are monitored effectively. The WCU manager has asked the London police team (Emerald) for disaggregated figures, but to date has not been able to see actual local performance. Joint ownership and understanding of local performance of the WCU is something that could be improved. Apart from the CPS having one WCO in the WCU team, there was very little awareness of WCU performance around key outcomes.
- Whilst there may be little understanding of the outcomes, there is input at the strategic and working level that is used to drive improvement. The WCU manager attends case progression meetings and also plays an active part in the trial issues group. There is a commitment within the borough to improve the service offered to victims and witnesses, although clearer local WCU performance data would help identify key aspects for improvement.

9 MANAGING PERFORMANCE TO IMPROVEAssessment
3 - Good**9A There is an effective and proportionate approach to managing performance locally at individual, unit and borough level**

- The BCP undertakes a number of monthly checks. As well as undertaking casework quality assurance (CQA) checks for each lawyer and associate prosecutor, a number of ad hoc checks are carried out including an assessment of the quality of MG3s, a scrutiny of all failed cases, and a dip sample of cases involving domestic violence to ensure that they have been charged in line with the Code and CPS policy. The sample of CQA forms examined during the inspection were fully completed and had been used to identify individual training needs and trends. Feedback is given individually where required and general reminders are issued at team meetings. Lawyers and associate prosecutors were fully aware of the CQA scheme and all had received feedback where appropriate; in some instances personal development objectives related to learning issues identified by CQA assessment.
- Due to the limited resources within the borough very little in-house advocacy is undertaken. In the past the BCP would monitor advocates when they were eligible for promotion or when they were newly appointed. Associate prosecutors were also observed on an ad hoc basis when their powers were extended. Now no formal advocacy monitoring is undertaken, and the BCP uses informal links with the magistrates' courts to gain feedback on advocates; in the past this has led to the BCP attending court to observe prosecuting agents and has resulted, in some instances, of agents not being used again.
- The borough undertook a series of system reviews to ensure that the move to IPT was effective. The borough has worked to improve its focus and performance on compliance and timeliness with the DCV scheme. The implementation of a revised system to deal with a lack of IT facilities at court has been effective. Additionally, the borough has worked with police partners (through PTPM meetings) to improve the quality and timeliness of file receipt. The integration that came about with IPT has been used positively to improve relationships and allows for face-to-face contact, which has resulted in a more joined up approach. However, further improvement without increased resources will be problematic.
- Additionally, since the move to IPT the borough has had to radically consider its systems and processes and the subsequent reduction in staffing levels. For example, the effective resourcing of the OBM for magistrates' court work has been a real challenge. The lack of lawyers and the high caseload relative to other boroughs have resulted in problems with timely case progression, and effective management of the supporting operational systems. The borough has tried to overcome the problems by adopting a systematic approach to staffing the team using associate prosecutors to progress witness issues. Additionally, other key functions across the borough, for example, Crown Court case preparation, charging advice and case progression functions, have been allocated on a weekly and daily basis to ensure optimum utilisation of staff, in an attempt to manage the borough's caseload effectively, with very limited lawyer resources. The processes and systems in place to manage the borough's workload could be effective, but the level of resources and the operational priorities are such that the borough is struggling to do anything more than fire-fight and react to situations as they occur.
- Borough managers have tried to drive process and system improvement and there is some evidence that performance results have improved across the borough. There has been a small improvement in the successful outcome rates for magistrates' court cases, and outcomes for hate crimes and violence against women cases between 2008-09 and the first two quarters of 2009-10. The majority of key measures relating to charging performance initially deteriorated in the first two quarters of 2009-10, but are now showing signs of improvement. However, work needs to be done to improve performance in Crown Court cases. The borough's performance needs to be seen in the context of decreasing staff numbers.

- Borough managers receive regular performance data and information from the CPS London Performance Unit; the BCP also has access to the London databank and can commission ad hoc and tailored local reports. Local performance data is rated using a 'traffic light' system and any aspects of performance that are of significant concern are highlighted and reports requested at district level. Performance results were communicated to staff via the regular team meetings.
- There needs to be an improvement in the usage of CMS across the borough and at all grades. The file examination highlighted that ten out of 40 cases (25%) were incorrectly finalised. Checks undertaken by the BCP identified the problems and more recently additional checks have been put in place to ensure that the correct procedures were being followed and right codes used. It is too early to say whether these additional checks are resulting in any improvement.
- The majority of borough staff received timely performance appraisal reports and have a current set of objectives. The current year's objectives are based on the district priorities, with local adaptation to tailor objectives to specific local priorities or to address personal weaknesses. Due to the long-term sickness of one of the borough's managers there were delays in completing the appraisals for some administrative staff, although current work objectives have been set. Expectations have been set for the standards of file endorsements, completion of disclosure logs, and the quality expected when giving charging decisions and form part of the monitoring undertaken by the BCP. They have been communicated and support staff objectives.

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

- The BCP meets weekly with the police CJU chief inspector, monthly with the two borough detective chief inspectors and once every two months with the police Borough Commander. Joint performance is integral to these meetings and there is also a monthly PTPM meeting where joint prosecution team performance is discussed with the police and the WCU manager. The BCP is also the vice chair of the borough criminal justice group (BCJG) which meets quarterly. The BCP uses adverse case reports and PTPM data to identify weaknesses across the criminal justice processes. The meetings are an effective medium to discuss improvement and to set improvement actions for implementation.
- Joint data is produced for PTPM meetings, adverse case reports form the basis of discussion for trial issues group meetings and also for discussion with the police on operational effectiveness.
- PTPM processes are clearly established within the borough. Frequent changes to police personnel have meant that building relationships and ensuring that there is continuity of awareness can be made more difficult. The BCP has worked effectively to increase the awareness of issues at the senior level within the borough; working with the police Borough Commander has resulted in an improved focus on prosecution team matters and had a direct link to improving file quality and timeliness. More recently (October and November 2009) there has been a marked improvement in the key performance indicators for cases that are subject to pre-charge advice and decisions; the BCP's view was that this resulted from improved action by the police and the benefits derived from co-location.
- Case progression meetings between the CPS, police case progression officers and also the WCU manager, take place three weeks prior to the trial date, but do not include a representative from the magistrates' courts. With the difficulties the borough is facing in progressing cases effectively it was very apparent that the earlier involvement of the magistrates' courts would be beneficial. Whilst there are effective links with the court case progression manager, much liaison takes place at a very late stage, due to the lateness of case preparation within the OBM team. The borough has a trial issues group, which is a joint HM Courts Service, police and CPS performance monitoring group that uses the cracked and ineffective trial forms to examine the reasons for failure and to allocate improvement action.

- The BCP works effectively with partners to raise standards and improve performance. There are effective relationships with the police, which have been helped by the move to co-location, although the frequency of change in some police posts adds to the challenge. There is an open and frank approach adopted with partners and there is an awareness by others that the resource constraints within the CPS are having a negative impact on outcomes. Partners clearly understand the issues and are sympathetic to the problems but the overall performance of the CPS is a matter that is impacting on performance of all the criminal justice agencies. Whilst the BCP is proactive and working tirelessly to identify improvement activity and take responsibility to address weaknesses this is not translating into improved outcomes; however, we are satisfied that as much is being achieved as is possible within present resource constraints.

10 MANAGING RESOURCES

Assessment

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

- Financial management of the non-ring fenced administration costs (NRFAC) budget (comprising mainly staffing and general costs), and programme costs budget, (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.
- For the financial year 2008-09, Ealing had an underspend of £42,938 for non-ring fenced running costs. The borough had no control over the recruitment and allocation of staff and as such this underspend is not reflective of budgetary performance at borough level.
- Since May 2009 the number of lawyers in the borough has reduced by four full-time posts. Additionally there has also been a reduction in administrative staff. This has reduced the borough's capacity to meet its commitments. An area decision shortly before our inspection to stop any staff moves across London cut across action agreed by the DCP to rebalance lawyer staff across the district. The resource issue therefore remained unresolved.
- Clear expectations have been set for the deployment of borough staff. Lawyers are allocated core tasks on a daily basis within the office. Apart from one of the borough lawyers covering mainly youth court trials borough lawyers have undertaken very limited amounts of advocacy with a consequential reduction in in-house coverage of the courts. In 2008-09 it was 92% (compared to 87.9% average for London overall). For the first two quarters of 2009-10 this coverage had fallen to 59.8%, with only 49.5% coverage in October 2009 as compared to the London average of 77.2%.
- The borough has four associate prosecutors (APs), and has worked to maximise listing potential for AP usage. As well as ensuring that APs are fully utilised to cover courts, they are rota'd to the OBM team to address witness issues and work on progressing magistrates' court cases. In 2008-09 AP coverage was above target at 33.4% (target 23%, London average 20.5%). Performance has remained consistently high in the first two quarters of 2009-10 with 35.2% of sessions being covered.
- There is one borough lawyer who has rights of audience as a crown advocate. Due to the creation of crown advocacy units at each Crown Court centre and the pressures of borough based work the opportunity for the borough lawyer to undertake crown advocacy work has been limited to a total of two days of Crown Court advocacy since March 2009; this was at very short notice and to cover absences at the crown advocacy unit.
- The sickness absence rate on the borough is recorded as being 12.8 days in 2008-09 and 14.3 days for the rolling year to the end of September 2009. As part of the preference exercise the borough inherited a number of staff who had been on long-term sick and their inclusion has adversely affected its figures. There is an effective process to manage sickness at borough level; the BCP and other managers follow CPS systems. There are management processes at the district level to ensure that relevant triggers are identified and action taken.
- A small number of staff have flexible working arrangements, which include compressed hours and part-time working. As part of the preference exercise the borough inherited some staff with already agreed arrangements. This made it difficult in the context of already stretched resources to balance business needs with the flexible working arrangements; in the main the BCP believed that the right balance was adopted.

- Whilst the borough staffing levels are substantially reduced there has been a significant increase in the number of hours some borough staff are working. It was not uncommon for staff to be working until very late in the evening to attempt to clear the daily workload. Whilst we were on-site there were examples of staff working until 8pm to clear their workload; it is not uncommon for some staff to come in at weekends and on days off as they feel that they cannot leave their work for other very over-stretched colleagues. The reduced levels of staffing in the Ealing borough unit is creating a long hours culture and making staff feel guilty when they are legitimately not at work. Any future resourcing plans that CPS London or the district develops need to address this unsatisfactory trend.

11 MANAGEMENT AND PARTNERSHIP WORKING

Assessment

3 - Good**11A Borough management has a clear understanding of what needs to be delivered to meet London, national and criminal justice system priorities, underpinned by effective planning and management**

- There are a number of quality management systems in place to assess casework standards, and as outlined earlier in this report these are used to identify improvement actions, but lawyers are fire-fighting and reactive in servicing local needs.
- The majority of staff are aware of the key priorities and objectives and how these fit with delivering local needs. There is no formal business plan at borough level, as a district plan outlines the targets and priorities for the boroughs. Planning for change within the borough is complemented by the involvement of local implementation teams (LITs); this approach helps borough staff understand how London-wide change impacts on them. The LIT approach was used in planning the move to the IPT and co-location with the police. While it had some success in raising local awareness, staff expressed a view that the training necessary as a result of the change had not been effective. A number of changes to borough processes and systems have taken some time to settle in and resulted in duplication of work, inefficiency of process and confusion. Borough managers have worked hard to resolve some of these issues, and there is evidence that things have settled down, despite transitional difficulties.
- Borough managers act corporately and understand their responsibilities for implementing management decisions. The BCP has challenged, at the district level, some of the decisions made about staffing at Ealing; this challenge has been professional and constructive. Staff morale is high. There is a sense of team spirit that comes from working together to tackle difficulty.
- There are regular full unit team meetings held in the borough. The BCP has chosen to sit in the open plan office and as with the whole team adopts a very 'hands-on' approach to ensuring that work is delivered. Team meetings are an effective forum to communicate a variety of issues; they form part of an overall strategy to create an inclusive and well-motivated team. Team meetings have been preceded by team lunches in the office; staff were very praiseworthy of the approach and those on the team who had recently moved to the borough were very keen to impress on inspectors that it was a positive experience.
- Area and district communication is not as effective as it needs to be. The geographical changes at district level have impacted regular district level meetings with the DCP. Regular meetings at the district level would be helpful to allow managers to share borough and district issues, discuss corporate matters and share best practice. Additionally, such meetings would be helpful in ensuring that area and local priorities are understood and where necessary challenged in a constructive manner.
- The management of risk is a function at the district level. Key risks identified by the BCP are communicated to the district business manager. In the main the risks identified in Ealing have related to the lack of resources and the impact that this had had on servicing the courts with in-house advocates and the impacts on case progression. No borough risk register is maintained.
- Specific training needs are contained within individual performance development plans. Training needs are linked to business needs. The BCP sees training as a key priority and even with the current resource constraints has ensured that staff are released to undertake training. To make the best use of resources training that can be delivered as a group within the office has been utilised, this has been especially effective for custody time limit training.

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

- Working relationships with criminal justice system partners are constructive and have been developed by the BCP. The focus of the meetings and the aim of the partnership approach of the BCP is to improve the levels of service offered to partners and to the public. The relationship with the police has been effective and has resulted in improvement to process and systems. The BCP plays an active part in the BCJG and is vice chair. Participation in the BCJG and at BCJG organised events has been used to foster relationships with the magistrates' courts as well as raising the profile of the CPS within the borough. A specially organised mock trial was attended by over 400 members of the local Somali community; the BCP and the community prosecutor played a key role and the event was seen as a real success in starting the process of understanding within the community.
- The integration of the CPS into the police station at Acton has improved the working relationship at all levels. Co-location with the police and the WCU has served to foster good partnership working. There is a much more active integration of functions with staff from all parties coming together to address problems. This is very much the approach that is being adopted on files where there appear to be difficulties. Solutions are developed together, for example, witness issues identified at pre-trial check meetings will be discussed and solutions identified, all partners are benefiting from this approach, although limited resource makes the effectiveness of this less than perfect, as it cannot feasibly stretch to all cases.
- Joint initiatives have been implemented; the borough rolled out DGSP and at BCJG there has been a joint approach to working to gain accreditation for a specialist domestic violence court. DGSP caused some tensions as it fundamentally changed the processes of evidence being supplied by the police. The BCP has worked to good effect with the Chief Inspector CJU and also the Borough Commander to ensure that there is a common understanding of needs and actions to address the tensions. The implementation of NWNJ, which created the joint approach to witness care, has very much fallen to the police; there has been very limited input from the CPS. There is only one member of the WCU who is a CPS staff member, this has not led to a joint approach and there could be a more effective joint approach adopted.
- Engagement with the local community has been a regular occurrence with the BCP undertaking much of the work. In the past the CPS has worked with the BCJG to target engagement activity to increase overall awareness of the criminal justice system and improve confidence. The appointment of a dedicated community prosecutor has allowed the borough to focus its activity on a much more managed and measured way. The BCP feels that the community prosecutor gives the CPS a very good conduit into community activity with the dedicated resources allowing for a one point of contact and ability to service a rising demand for community related work. However, the advantages are at the cost of valuable resources.

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

- Staff performance is recognised and good performance is acknowledged. There was evidence that good performance was celebrated at team meetings. Staff interviews highlighted that managers gave feedback of good performance and that there was an ethos of praise and thanks. There is a very strong team spirit on the borough.
- Managers and staff understand the behaviours expected of them. There have been no substantiated complaints raised by staff. The BCP would challenge any inappropriate behaviour, but there has been no need to do this to date. Staff were aware of the CPS dignity at work policy and CPS code of conduct.
- The make up of the staff in the borough mainly reflects the make up of the local community. It is difficult for the borough to influence this as most decisions regarding staff recruitment and borough teams are taken at district 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%	74.8%	80.1%	74.9%	74.1%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	12.5%	13.7%	14.7%	14.2%
Guilty plea rate	74.4%	69.8%	68.9%	73.6%	67.5%	67.3%
Attrition rate	19.2%	22.1%	24.1%	20.0%	23.8%	25.2%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	15.6%	11.7%	15.0%	12.7%
Guilty plea rate	72.9%	60.8%	59.0%	73.1%	61.0%	63.8%
Attrition rate	19.4%	27.3%	27.3%	19.5%	27.6%	27.3%

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%	83.9%	87.1%	86.1%	84.0%

Trial rates

	Performance 2008-09		
	National	CPS London	Borough
Effective	43.4%	47.3%	43.4%
Cracked	38.0%	34.8%	41.4%
Ineffective	18.6%	17.9%	15.3%
Vacated	21.5%	16.3%	16.4%

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%	70.9%	80.7%	72.7%	69.8%

Trial rates

	Performance 2008-09		
	National	CPS London	All Isleworth & Kingston Crown Court cases
Effective	47.1%	54.7%	50.4%
Cracked	40.8%	30.0%	35.6%
Ineffective	12.1%	15.2%	14.0%

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%	54.2%	71.7%	60.5%	60.6%

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%	76.7%	81.7%	75.4%	82.9%

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%	97.2%

Staff deployment

	National performance 2008-09	CPS London target 2008-09	CPS London performance 2008-09	Borough performance 2008-09
In-house deployment in magistrates' court	85.3%	90.0%	87.9%	92.0%
Associate prosecutor deployment (as % of magistrates' court sessions)	24.5%	23.0%	20.5%	33.4%
Crown advocates. Counsel fee savings against target	110.0%	£4,200,000	99.3%	36.4% (district performance)
Sickness absence (per employee per year)	8.7 days	N/A	9.3 days	12.8 days

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

Police

Chief Superintendent S Taylor
Superintendent I Jenkins
Chief Inspector J Carroll
Ms C Ebsworth, WCU manager

HM Courts Service

Crown Court
HHJ McGregor Johnson
Mr M Taylor

Magistrates' court

District Judge Day
Ms A McLaughlin JP
Mr J Vantyegehem
Mr C McIntyre
Ms K Verghis

Witness Service

Ms M Ambrose

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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HM Crown Prosecution Service Inspectorate

London Office:

26 – 28 Old Queen Street

London SW1H 9HP

Tel. 020 7210 1197

Fax. 020 7210 1186

York Office:

United House, Piccadilly

York, North Yorkshire, YO1 9PQ

Tel. 01904 54 5490

Fax. 01904 54 5492

Website:

www.hmcp.si.gov.uk

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