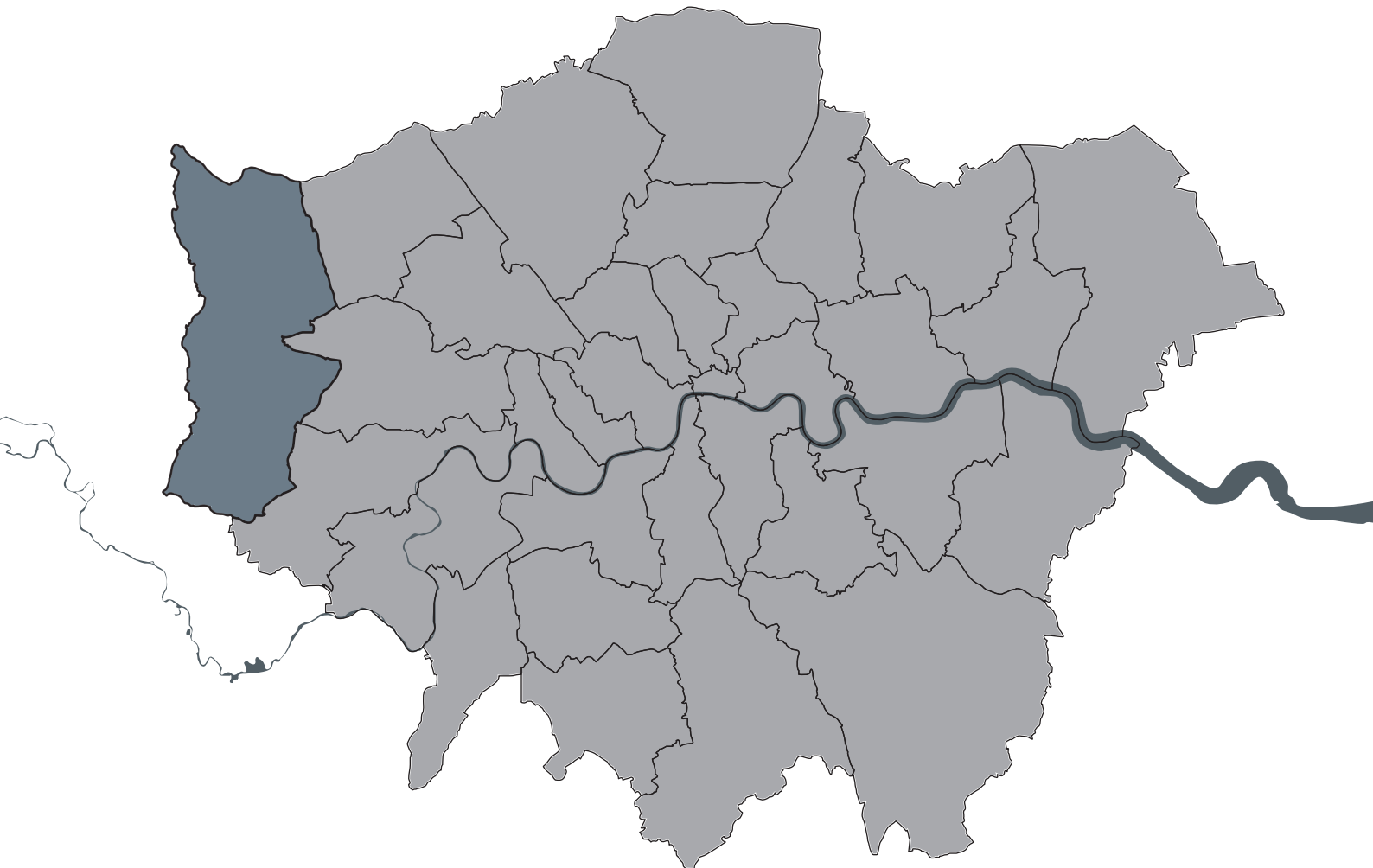


CPS London Borough Performance Assessments

Hillingdon/Heathrow Borough

Executive Summary



This is the executive summary of the report by Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) on the performance assessment of the Crown Prosecution Service (CPS) London, Hillingdon/Heathrow borough.

The borough performance assessment (BPA) process provides a benchmark for the performance of the CPS London borough units in ten key aspects of work. Each of the aspects is assessed as being Excellent, Good, Fair or Poor. The borough is then assessed on its overall performance in the light of these markings. The BPA also evaluates the management of resources at borough level.

The overall performance assessment of CPS London, Hillingdon/Heathrow borough was **FAIR**.

The table below provides a breakdown of the assessed level of performance against the ten aspects:

Aspect	Score	Assessment
Pre-charge advice and decisions	2	Fair
Decision-making, preparation and progression in magistrates' court cases	2	Fair
Decision-making, preparation and progression in Crown Court cases	2	Fair
The prosecution of cases at court	2	Fair
Serious violent and sexual offences, and hate crimes	2	Fair
Disclosure	3	Good
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	2	Fair
OVERALL ASSESSMENT	23	Fair

Description and caseload

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 CPS 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 more senior 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 and 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.

Hillingdon/Heathrow borough has one office at Harrow. It is part of the CPS London district which is aligned to the Crown Court sitting at Isleworth and Kingston. At the time of the assessment, some residual casework was dealt with at Harrow Crown Court.

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 November 2009 the borough had an average of 27.9 full-time equivalent staff in post, and a budget of £1,401,166¹ in 2008-09.

Staff	Numbers at September 2009
Borough crown prosecutor	1.0
Business managers	1.0
Crown prosecutors	9.0
Associate prosecutors	2.0
Caseworkers	3.8
Administrative support staff	11.1
Total (full-time equivalent)	27.9

Details of Hillingdon/Heathrow borough 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	2120	1830	-13.7%
Decisions not resulting in a charge ²	791	620	-21.6%
Total pre-charge decision cases	2911	2450	-15.8%
Magistrates' court proceedings³			
Magistrates' court prosecutions	3801	3103	-18.4%
Other proceedings	11	1	-90.9%
Total magistrates' court proceedings	3812	3104	-18.6%
Crown Court proceedings⁴			
Cases sent or committed to the Crown Court for determination	669	902	34.8%
Committals for sentence ⁵	130	99	-23.8%
Appeals from the magistrates' court ⁵	47	52	10.6%
Total Crown Court proceedings	846	1053	24.5%

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

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.

The inspection team

Inspection teams comprise legal and business management inspectors working closely together. HMCPSI 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. In this assessment Sally Jackson, who manages the Hidden Violence and Abuse team in the Community Safety Team of Portsmouth City Council, was the lay inspector. Her views and findings have been included in the report as a whole. Her time was given on a purely voluntary basis and the Chief Inspector is grateful for her effort and assistance.

Summary of judgements

Contextual factors and background

The CPS Hillingdon/Heathrow borough unit has enjoyed a period of relative stability in the past 12 months or so in terms of its management, but long-term illness and other factors have led to the loss of some staff, mostly affecting the borough's Crown Court casework. This is particularly significant because Crown Court work, which tends to be the more serious casework and most resource intensive in terms of preparation and management, has increased by 34.8% over the same period. Although magistrates' court work has reduced, the reduction is much less and does not compensate for the increase in Crown Court work.

This change has coincided largely with implementation of recent initiatives such as the optimum business model (OBM), the Director's Guidance on the Streamlined Process (DGSP), and the inception of centralised provision of charging advice at CPS London Direct (CPSLD), which have all provided challenges in respect of working to new processes, especially in relation to pre-charge advice and the preparation of magistrates' court cases. The borough is currently planning for a move to integrated prosecution team (IPT) working. This will involve co-location with the police, dealing directly with investigating officers and undertaking case building functions which were previously the responsibility of police staff in the criminal justice unit. It will also involve a move from the current office location (at Harrow) to Uxbridge police station. This will carry the benefit of locating staff directly next to the Uxbridge Magistrates' Court, but it will make travel arrangements for some more difficult.

The borough is unique in London, in that it deals not only with the casework emanating from Hillingdon borough command unit, but also the more specialised type of work which tends to arise from police based at Heathrow Airport. This includes the prosecution of offences involving immigration and trafficking offences, as well as airport bye-laws. Borough lawyers have developed a particular expertise in these matters.

Summary

Borough lawyers continue to provide charging advice to the police at Hillingdon and Heathrow, although borough coverage has reduced to three days (sometimes four) per week since the introduction of CPSLD which handles, through a telephone service, volume crime cases requiring a decision whether or not to charge during ordinary working hours. Borough decision-making is sound, and accorded with the Code for Crown Prosecutors in 27 out of 28 cases where a charge was advised. Ancillary issues were considered at charging in all 26 relevant cases, although many were not explored in any detail. MG3s (records of the charging decision) were completed to an acceptable level. Despite all this, the borough is not realising the benefits of charging in terms of case outcomes, and performance is worsening.

The overall proportion of magistrates' court cases resulting in a conviction for the 12 months to September 2009 (84.2%) does not compare favourably with the national and London averages (87.1% and 86.1% respectively) although the quality of decision-making and review is generally good. Prosecutors are reasonably proactive in progressing cases, although outstanding enquiries have not always been closely followed up. Implementation of the OBM has brought with it new case progression systems which are beginning to show improvements.

Crown Court performance is better. It compares favourably with that of London as a whole although is worse than national performance. The overall proportion of Crown Court cases resulting in a conviction for the 12 months to September 2009 declined sharply to 75.5% and was worse than the national rate of 80.7% but better than the London rate of 72.7%. There is a positive approach to case progression although some aspects, such as compliance with orders and directions, could still be improved. The proportion of borough cases that involve an ineffective or cracked trial compares favourably with the London and national averages.

The quality of advocacy is positive overall, although targeted monitoring could bring improvements. Good use is made of the borough's own advocates and court listing arrangements assist the deployment of associate prosecutors (CPS staff who are not lawyers but who are authorised to conduct certain cases in the magistrates' court after special training). Instructions to counsel are of variable quality and would benefit from greater discussion and analysis of case issues.

The borough's conviction rates in respect of serious violent and sexual offences and violence against women are poor compared with the national and London averages although the borough has appropriate procedures for dealing with such cases. There is a weekly specialist domestic violence court which deals with remand and sentencing cases. Weekly surgeries are held for consultation with the police in rape and child protection cases. The overall conviction rate in all hate crimes at 83.0% is better than the London average of 77.2%.

The borough handles the disclosure of unused material to the defence well, although timeliness of initial disclosure has recently suffered because of police file building arrangements following introduction of the DGSP. There are some regularly occurring problems with the preparation of police schedules which should be addressed more effectively. Disclosure performance is specifically monitored on a quarterly basis.

Cases which are subject to a custody time limit (CTL) are also handled well and are monitored in accordance with the CPS London area guidance. CTLs are calculated correctly, agreed in court and endorsed on the file jacket. The file sample revealed one error of calculation based on a misreading of file endorsements. A manual diary system for magistrates' court and Crown Court cases supports monitoring on the case management system and there are regular audits of CTL cases.

Borough performance for the number of letters sent to victims to explain why a charge is altered or dropped is good. The overall quality of the letters is good though there are some errors indicative of a lack of proper checking. The needs of victims and witnesses are considered at pre-charge stage, although not always in detail. Hillingdon and Heathrow each have a separate witness care unit, both of which are staffed only by police employees.

Performance management processes are embedded. The BCP monitors casework quality through the casework quality assurance scheme and adverse case reports. Advocacy monitoring is undertaken formally by the London central advocacy monitoring team although the BCP does her own informal monitoring. Performance information is considered in internal meetings and discussed with partners.

The borough has limited responsibility for resource management. The recent London staffing preference exercise has resulted in a reduction of borough staff at the managerial and administrative levels. This has impacted particularly on Crown Court work but lawyer numbers have allowed a high rate of in-house court coverage. Deployment of associate prosecutors has been assisted by the co-operation of the magistrates' court in listing appropriate courts. Daily business needs which have been affected by the reduction in staff and the high sickness rate require some rebalancing of borough flexible working arrangements.

Borough managers understand their roles and carry out their responsibilities effectively, including covering work absences of colleagues to minimise disruption to borough performance. The BCP maintains a deliberately visible presence in the office and staff morale is good despite pressures brought about by reduction in staff numbers. The BCP has worked hard to improve relationships with partner agencies and success in this respect has helped in the successful implementation of recent joint initiatives. It will also help in the move towards IPT which, experience suggests, will bring many challenges.

Inspectors identified eight aspects for improvement:

-
- 1 Borough managers should take steps to ensure that MG3s refer in detail to the reasons for charging decisions and provide full consideration of ancillary issues (aspect 1).

 - 2 The borough needs to work with the police to improve the timeliness of file delivery (aspect 2).

 - 3 The borough crown prosecutor should ensure that current systems for recording case outcomes enable greater accuracy of case finalisations; regular monitoring should be undertaken to ensure that records of casework actions and events are accurate and complete (aspect 2).

 - 4 The borough crown prosecutor should ensure a proper standard of brief to Crown Court advocates (aspect 3).

 - 5 The borough needs to work with the police to improve:
 - the timely preparation of case papers in respect of cases to be committed and sent to the Crown Court; and
 - the timeliness of case preparation and case management, including compliance with directions of the court (aspect 3).

 - 6 Letters to victims under the direct communication with victims scheme should be checked for quality assurance purposes before (rather than after) they are sent (aspect 8).

 - 7 The borough crown prosecutor should ensure that all staff have a current appraisal report, clear objectives for the current year and that mid year reviews are carried out for all staff on the borough (aspect 9).

 - 8 The borough needs to ensure that the relationship with the joint WCUs is enhanced and further developed as part of the NWNJ initiative and that links with Hillingdon BCU are strengthened (aspect 11).

Background to London borough assessments

HMCPSI's original intention had been to assess all 33 boroughs (including the City of London) in order to reflect the variations in performance which were expected across an area as diverse as CPS London, and this approach was endorsed by the area's senior managers. In the event 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 level. London's senior management team confirmed that the boroughs which had been assessed were fairly representative of the area as a whole and that to undertake further assessments would be unlikely to add significantly to our findings. The inspectorate therefore decided to confine the

exercise to 20 boroughs (including the pilot assessment of Croydon), drawn from five of the six districts, together with the traffic unit. The first nine borough reports were published on 19 January 2010.

Assessments

Assessments and judgements have been made by HMCPSI based on absolute and comparative assessments of performance. These came from national data; CPS self-assessment; HMCPSI 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.

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.

The findings from the borough performance assessments undertaken are drawn together in a pan-CPS London report which provides an overall picture of the performance of the area. The pan-London report addresses 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 being published simultaneously with this report.

The full text of the report may be obtained from the Corporate and Operations Support Group at HMCPSI Inspectorate (telephone 020 7210 1197) and is also available on line at www.hmcpsi.gov.uk.