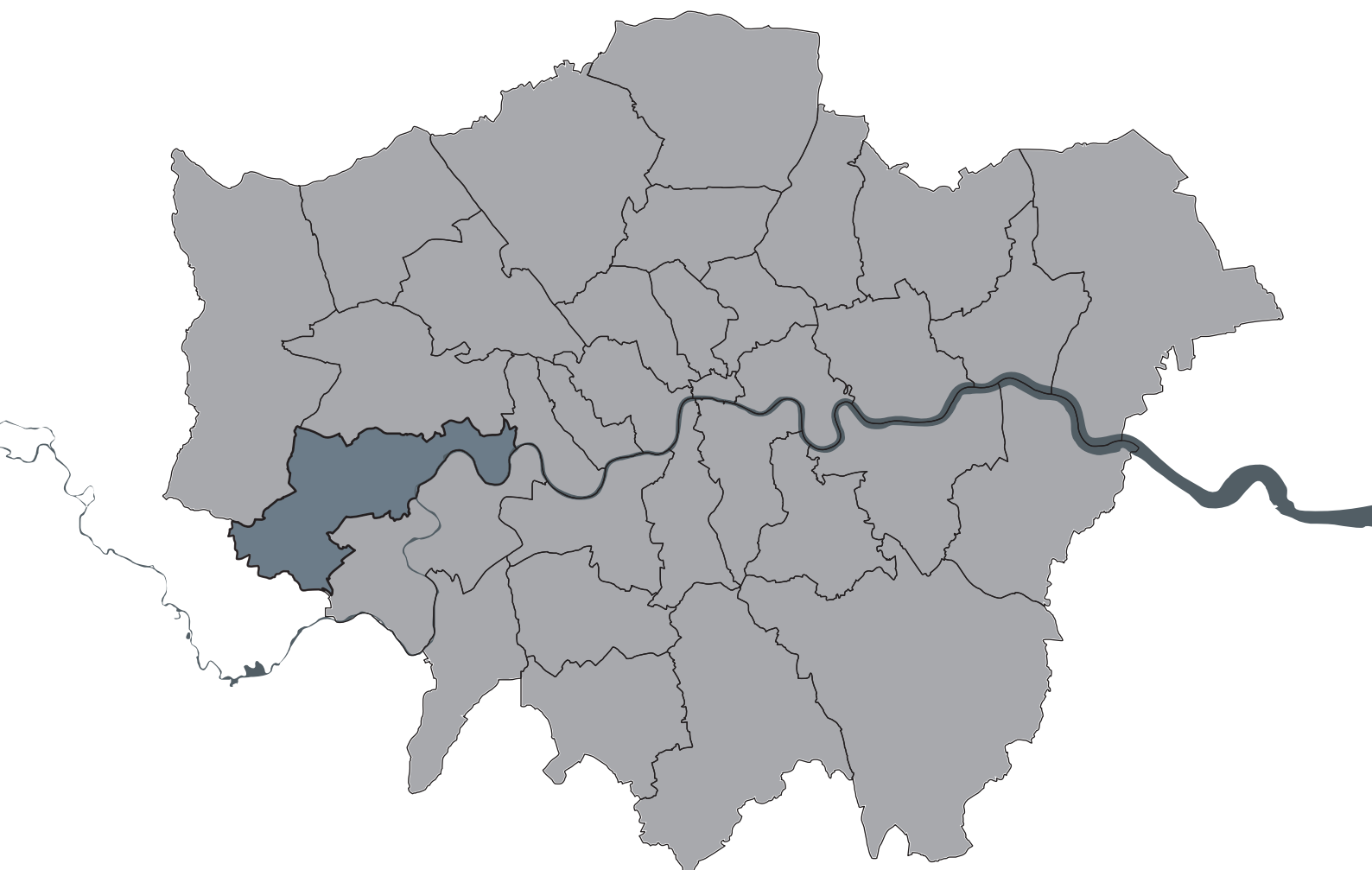


CPS London Borough Performance Assessments

Hounslow 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, Hounslow 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, Hounslow borough was **POOR**.

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

Aspect	Score	Assessment
Pre-charge advice and decisions	0	Poor
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	0	Poor
Disclosure	2	Fair
Custody time limits	3	Good
The service to victims and witnesses	0	Poor
Managing performance to improve	2	Fair
Managing resources	Not scored	
Management and partnership working	2	Fair
OVERALL ASSESSMENT	11	Poor

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.

Hounslow CPS has one office which at the time of the assessment was located in Tolworth. It has since re-located to Hounslow Police Station and will become an integrated prosecution team (IPT) in April 2010. It is part of the CPS London district of Isleworth and Kingston, and its cases are committed to the Crown Court sitting at Isleworth.

Borough business is divided on functional lines between magistrates' court and Crown Court work in respect of administrative staff, with lawyers dealing with both types of work. The local advocacy unit deals with the Crown Court advocacy and this operates on geographical lines.

As of November 2009 the borough had an average of 17.3 full-time equivalent staff in post, and a budget of £950,963¹.

Staff	Numbers at November 2009
Borough crown prosecutor	1
Business managers	2 (both vacant at the time of assessment)
Crown prosecutors	6.3
Associate prosecutors	2
Caseworkers	4
Administrative support staff	2
Total (full-time equivalent)	17.3

Details of Hounslow's 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	935	1,028	+9.9%
Decisions not resulting in a charge ²	551	696	+26.3%
Total pre-charge decision cases	1,486	1,724	+16%
Magistrates' court proceedings³			
Magistrates' court prosecutions	2,686	3,243	+20.7%
Other proceedings	5	1	-80%
Total magistrates' court proceedings	2,691	3,244	+20.5%
Crown Court proceedings⁴			
Cases sent or committed to the Crown Court for determination	478	557	+16.5%
Committals for sentence ⁵	66	58	-12.1%
Appeals from the magistrates' court ⁵	32	69	+115.6%
Total Crown Court proceedings	576	684	+18.8%

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.

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 Michelle Lesbirel-Jones, from the Citysafe Strategy Unit of Liverpool 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

Hounslow is situated in West London and is the eighth largest borough in size, of the 32 local authorities in London, with an ethnically diverse population of approximately 212,000 people. The cases from Hounslow are dealt with at Feltham and Brentford Magistrates' Courts and Isleworth Crown Court.

CPS Hounslow at the time of the assessment was in the process of becoming an IPT with the police at Hounslow Police Station. The move from Tolworth to Hounslow is problematic for staff because of the extra travel. This has led to some staff expressing a preference to move to alternative boroughs and at the time of this assessment, staff had not yet been identified to fill some key roles, including managerial ones. It is hoped that co-location will bring joint benefits in terms of improved communication and liaison between police and CPS. The advent of CPS London Direct however, is perceived by some as diminishing one main benefit of co-location: the opportunity to obtain charging advice or decisions on a face-to-face basis with ease.

CPS Hounslow has operated in a difficult environment over the last two years. There has been a succession of BCPs which has brought uncertainty and difficulty in maintaining a consistent approach to management. In turn, this has had a detrimental impact on all aspects of borough performance both internally and externally. The current BCP took up post in May 2009. He has established good working relationships with criminal justice partners and engenders a positive team spirit within the borough, at a time when staffing has reduced and is set to reduce further.

Staffing levels have adversely affected performance and the findings of this report should be considered within this context. Only a limited improvement can realistically be expected in Hounslow if staffing levels are not addressed and improved. This is outside the control of the borough and the district.

Summary

The quality of pre-charge advice and decision-making is poor. The principles of the Code for Crown Prosecutors were correctly applied in the majority of cases: however, the most appropriate charges were not always selected. Where the threshold test was applied, cases were not reviewed at the earliest moment to ensure that cases only continue when appropriate and some proceedings should have been terminated sooner.

Lawyers frequently required unnecessary additional work of the police, whilst they themselves disregarded the need to deal with ancillary matters such as the need for special measures at an early stage. Most cases lacked further consideration and this may go some way to explaining the poor outcomes, primarily in the Crown Court cases, during 2008-09. It is vital to have correct pre-charge decisions, with proactive action plans at the outset, because the borough has insufficient staff to carry out additional reviews and build stronger cases to add value thereafter. Timely case preparation for trial was a major weakness.

Successful case outcomes (convictions) in magistrates' court cases for the 12 months to September 2009 at 87.0% were better than for CPS London overall (86.1%), and similar to those nationally (87.1%). However, in Crown Court cases the borough's overall conviction rate of 70.0% was below that for CPS London (72.7%) and significantly below the national rate (80.7%). Outcomes have improved in both courts in 2009.

The borough struggles to resource the optimum business model (OBM) unit (which is responsible for case preparation and progression) properly which has led to cases being prepared for magistrates' court on average only two days before trial. Whilst the BCP has tried to add additional resources to the OBM unit this then leaves insufficient resources for Crown Court preparation. Casework is not being adequately prepared to an acceptable standard. Case progression is not effective and case progression meetings are not taking place. The case progression manager is also the OBM unit manager, and priority has recently been given to the OBM unit.

Despite the problems of case preparation and progression, during 2008-09 the borough had a good effective trial rate (the proportion of cases fixed for a contested hearing which actually proceed on the appointed day) in the magistrates' court. This was better than the London area and national performance. Unfortunately this has declined significantly during 2009-10.

Custody time limits (CTLs) are dealt with well by the borough, and there have been no reported failures for the last three years. Cases involving CTLs are not always allocated to a prosecutor and the borough needs to ensure that all CTL cases are properly monitored to ensure its success in this area of work is maintained. There is a lack of knowledge amongst some staff which could lead to failures in systems and appropriate training needs to be undertaken.

Compliance with the prosecution's duties of disclosure is generally satisfactory, but the general shortcomings in case preparation mean that compliance is not always timely.

The majority of advocates work hard in court to rescue cases at the last minute, although the number of hearings per case is higher than the national average in the magistrates' courts. Much of the delay is attributable to the poor preparation and ineffective case progression already referred to. The quality of advocates at court is generally sound, but they are often hampered by missing paperwork and lack of any progress on the case between hearings. The quality of instructions for crown advocates and counsel is poor. Associate prosecutors were used to good effect, but the borough needs to continue its dialogue with the courts to ensure that court listing continues to accommodate associate prosecutors (CPS staff who are not lawyers but who are authorised to conduct certain cases in the magistrates' court after special training). Advocacy in Crown Court cases is dealt with by the local advocacy unit. Specialists in the borough were often unable to undertake their own cases in court, although the domestic violence specialist prosecutor does cover the specialist domestic violence court each week. The borough needs to ensure continuity of prosecutors in specialist cases. Lawyers are released, when possible, to attend with counsel at trials in the most serious cases.

Witness care and the service provided to victims and witnesses generally is affected by the basic failure to prepare cases in time, in particular resulting in late applications for special measures, some of which are refused. Whilst there is a good relationship with the Witness Service, communication with the witness care unit (WCU) is now suffering as requests from the WCU are often not dealt with until the file is reviewed in the OBM unit. Direct communication with victims and witnesses in terms of quality and timeliness of letters is also unsatisfactory and there is little data available on victim and witness matters, so all criminal justice agencies were relatively unaware as to how well they were performing.

Communication in specialist cases, in particular domestic violence cases, is generally better. Unfortunately specialist cases were not prioritised and were subject to the same weaknesses in handling as other casework. Successful outcomes in cases involving violence against women and hate crime remain below the national average.

The instability at management level has meant that the current BCP has some challenging work ahead of him to address a number of problem areas. Whilst there are good relationships in place, such as with the police and courts, there is much work to be undertaken on casework matters, including the quality assurance of current processes and systems, and on dealing with increasing sickness levels. Use of the computerised case management system needs to be addressed, with prosecutors and administrative staff needing to make better use of it and ensuring the accurate recording of actions and finalisations. Information needs to be accurate so that the borough can provide meaningful data for meetings with its partner agencies and predict more accurately where its priorities lie.

The borough needs to drive improvement at the operational level but progress will be hampered by its staffing levels. The move to an IPT site might allow for new, more efficient processes and systems to be put in place. This alone may not be enough to achieve improvements in performance and the borough will need to consider its resourcing needs to ensure it can put a sustainable business case to CPS London for the staff it requires.

In the light of our findings, the unit's performance is assessed as **POOR**.

Inspectors identified one strength, and 12 aspects for improvement:

Strengths

- 1 The borough system of calculating, checking and monitoring custody time limits is robust, accurate and shows an understanding of CTL law and procedures by staff involved in monitoring (aspect 7).
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Aspects for improvement

- 1 The quality of MG3s should be improved and managers should monitor a sample on a regular basis to ensure that:
 - reasons for decisions are fully and clearly set out;
 - ancillary issues are properly considered;
 - instructions to court advocates are noted; and
 - cases are proactively progressed as soon as sufficient evidence to charge is available and not delayed for non-essential additional evidence gathering (aspect 1).
 - 2 The borough crown prosecutor should take steps to ensure that the optimum business model unit is fully staffed to enable effective and timely case preparation, management and review to take place. This must include full Code test review of threshold cases at the earliest practicable moment (aspect 2).
 - 3 The borough crown prosecutor should introduce effective systems to ensure that there is timely preparation and progression of Crown Court cases (aspect 3).
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4 The borough crown prosecutor should ensure that the standard of briefs is improved so that they contain a proper analysis of the case and instructions to the advocate (aspect 3).

5 The borough crown prosecutor:

- should ensure that systems are in place to enable casework actions and case hearings and finalisations to be recorded accurately on the case management system; and
- undertake regular monitoring of CMS usage, including case finalisations to ensure accuracy and completeness of recording (aspect 3).

6 The borough crown prosecutor should ensure the continuity of prosecutor in specialist cases where possible (aspect 5).

7 The borough crown prosecutor should provide guidance to lawyers to ensure that:

- police provide sensitive material schedules and disclosure officer's reports in all relevant cases;
- sensitive unused material, in particular cases involving material that may be subject to a public interest immunity application, is dealt with correctly;
- lawyers use the correct terminology for the stages of disclosure; and
- the appropriate folder is utilised to keep all disclosure documents together (aspect 6).

8 Training is required for all staff to minimise the risk of a custody time limit failure and to ensure adequate cover in the absence of other staff (aspect 7).

9 The borough should develop a clear strategy for delivery of a good service to victims and witnesses and ensure that its performance framework at all levels includes victim and witness matters (aspect 8).

10 The borough crown prosecutor should ensure that:

- relevant staff should be given training on the use of management and other performance information;
- quality assurance systems are developed for processes to improve the accuracy of data entry, particularly on finalisations; and
- work is done to increase the effectiveness of discussions of performance at prosecution team performance management meetings (aspect 9).

11 The borough crown prosecutor should ensure that concerns about staffing issues are raised formally, with supporting evidence of what is required to ensure improved service delivery (aspect 10).

12 The borough crown prosecutor should ensure that team meetings address performance and the issues which affect it (aspect 11).

Background to London borough assessments

HMCPSP'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 will be published simultaneously with this report.

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