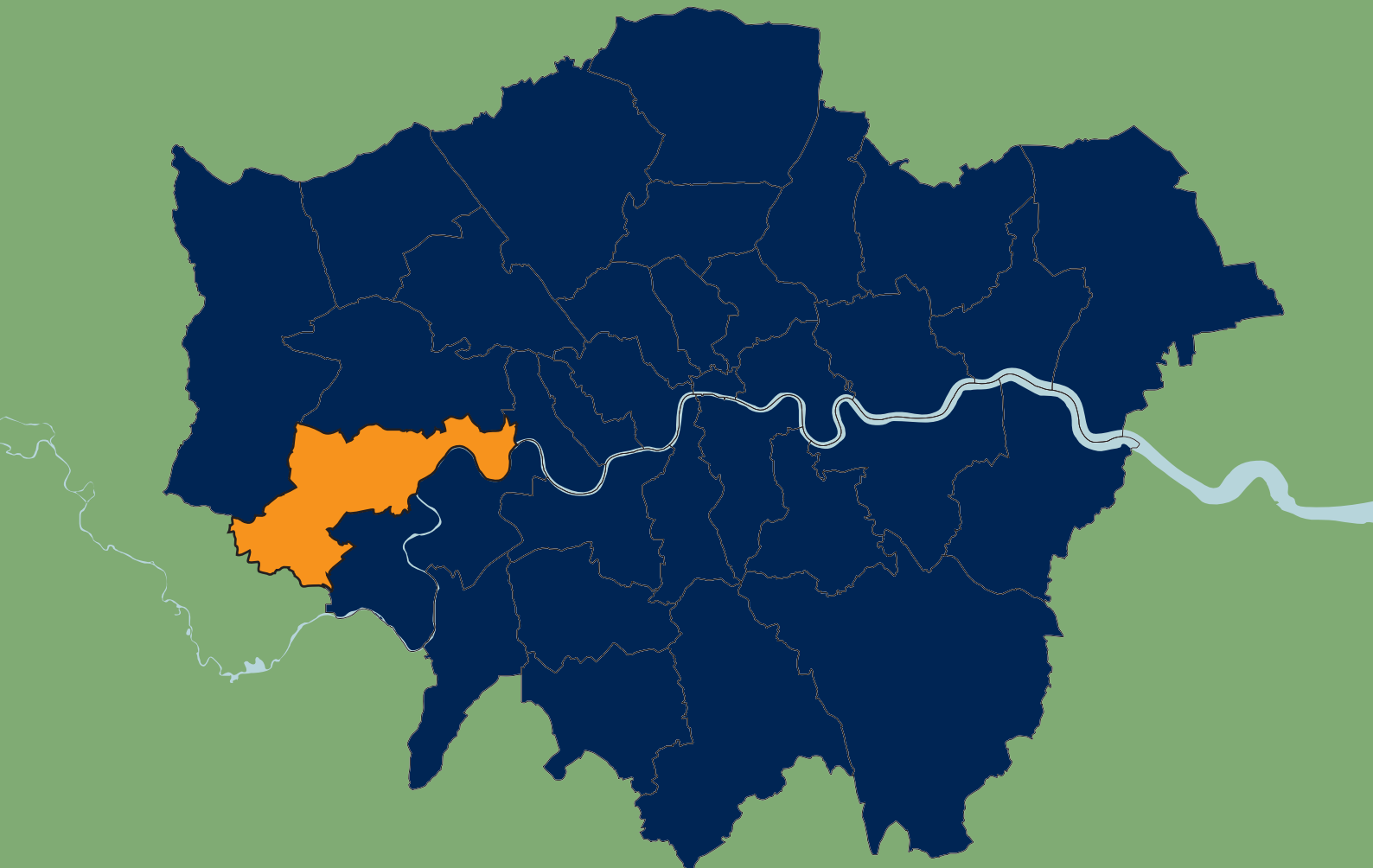


CPS London Borough Performance Assessments

Hounslow 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 (HMCPPI) assessment of the performance of the Crown Prosecution Service (CPS) London in Hounslow borough unit. It represents a more in-depth local assessment than the overall performance assessment of the Northern Sector of CPS London published in 2008.

Assessments

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

Inspection teams comprise legal and business management inspectors working closely together. HMCPPI also invites suitably informed members of the public 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 HMCPPI to give a more discerning picture of CPS London overall which recognises the substantial variations within the area. This assessment is designed to set out comprehensively the positive aspects of performance and those requiring improvement.

Our original intention had been to assess all 33 boroughs (including the City of London) in order to reflect the variations in performance which we expected across an area as diverse as London. This approach was endorsed by senior managers in CPS London. In the event, the findings from the early assessments showed a relatively narrow range of performance and consistency in the themes emerging and the aspects for improvement. Some of these were of serious concern and needed to be tackled urgently at a senior management level. CPS London senior management team confirmed that the boroughs that had been assessed were fairly representative of London as a whole and that to undertake further assessments would be unlikely to add significantly to our findings. We therefore decided to confine the exercise to 20 borough performance assessments (including the pilot assessment of CPS Croydon borough), drawn from five of the six CPS London districts, together with an assessment of the London traffic unit.

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

It is important to bear in mind that, despite the title of the report, this is a report about the performance of the CPS in Hounslow 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 HOUNSLOW 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.

CPS London is divided into two regions (North and South), which comprise a number of districts. The area revised its divisional structure in 2009 and each district is now aligned to one or more Crown Court centres and is composed of boroughs whose casework is dealt with by those centres.

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

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 Hounslow 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%

Inspectors visited the borough in November 2009. The lay inspector was Michelle Lesbirel-Jones, from the Citysafe Strategy Unit of Liverpool 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 effort and assistance.

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

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

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

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

C SUMMARY OF JUDGEMENTS

Contextual factors and background

Hounslow is situated in West London and is the eighth largest borough in size, of the 32 local authorities in London, covering 58 square kilometres with a diverse population of approximately 212,000 people.

CPS Hounslow has operated in a difficult environment over the last two years. A succession of BCPs, some appointed only temporarily, has brought uncertainty and difficulty in maintaining a consistent approach to management. 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.

CPS Hounslow became a separate unit in March 2009, and at the time of the assessment was in the process of becoming an IPT co-located with the police at Hounslow Police Station, which will become fully operational in April 2010. The move from Tolworth to Hounslow is not popular because of the extra travel involved for some staff. At the time of this assessment the identities of key staff, in particular: the manager of the optimum business model unit (OBM), the administrative manager and administrators, were not yet known.

Once the team is established in Hounslow Police Station, cases will still be dealt with at Feltham and Brentford Magistrates' Courts and Isleworth Crown Court.

It is hoped that co-location will bring joint benefits in terms of improved communication and liaison between police and CPS. Protocols are being discussed between them to establish procedures and to drive improvements in performance. 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.

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 (the Code) 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 themselves disregarding 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 particularly in 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 in magistrates' court cases for the 12 months to September 2009 at 87% 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% 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 OBM unit (which is responsible for case preparation and progression) properly which has led to cases being prepared for the magistrates' court on average only two days before trial. Whilst the BCP has tried to add additional resources to the OBM unit this 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 (i.e. cases which proceed to trial on the day fixed) in the magistrates' court. This was better than the London area and national performance. Unfortunately this has declined significantly during 2009-10.

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.

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 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.

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. 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. Use of the computerised case management system (CMS) 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 assessment is **POOR**.

We 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).
-

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).
 - 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).
-

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- 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).
-

Summary of judgements

BOROUGH PERFORMANCE ASSESSMENT 2009	
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

D DEFINING ASPECTS

1 PRE-CHARGE ADVICE AND DECISIONS

Assessment
0 - Poor

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

- We examined 28 finalised cases that had been the subject of a pre-charge decision (PCD). The evidential and public interest stages of the Code test were applied correctly in 27 of those cases. The one case where the Code was not applied correctly ultimately concluded as a judge directed acquittal. This outcome was reasonably foreseeable in this case.
- Although the majority of the cases charged passed the full Code test, the most appropriate level of charge is not always being authorised. This was particularly noticeable in cases involving assaults and public order incidents and was also raised as a concern by the borough's criminal justice partners. In the file sample the most appropriate charges were authorised in 22 (78.6%) out of 28 cases.
- The threshold test was applied correctly in four cases and appropriate reasons were recorded as to why this test had been used. Three of these cases, however, proceeded to trial with no further review having been undertaken. Systems to ensure that these cases are reviewed in line with the full Code test as soon as is practicable, have broken down due to a lack of staff.
- Of the 28 PCD cases examined, 21 had been charged by borough prosecutors, six were dealt with by CPS Direct (CPSD) and one by CPS London Direct (CPSLD) which became operational in March 2009. The quality of the majority of advice on borough charged cases was fair, with none rated as excellent, one good, 11 fair and nine poor. The level of advice was generally adequate, if somewhat brief, in dealing with basic evidential matters. Detailed analysis of the case, covering potential points the defence may be likely to take and witness needs, was lacking.
- There was insufficient use of action plans to try to build better cases from the outset. Sixteen out of 19 action plans in our file sample met the required standard. Additional action plans, with further unnecessary enquiries, were requested of the police before PCDs were made in 72.2% of cases. An underlying problem contributing to this is the lack of continuity of prosecutors throughout the charging stage. This is particularly prevalent with CPSLD cases but occurs in borough cases as well. Prosecutors require virtually full trial files rather than files sufficient to make a properly informed charging decision. The police raised this as a concern, particularly when cases involve matters such as staged forensic evidence and medical evidence. There is an acceptance by the borough that this occurs and training is to be given to prosecutors.
- Pre-charge decisions contained references to relevant ancillary issues in only 40.7% of cases. Prosecutors regularly miss the opportunity to initiate timely applications relating to bad character and hearsay applications or the availability of special measures to assist prosecution witnesses. There is a noticeable absence of instructions to court advocates, except in CPSD decisions, which impacts particularly on the associate prosecutor's ability to conduct effective case management hearings at court in Criminal Justice: Simple, Speedy, Summary (CJSSS) cases. Examples were observed in court of trials being fixed without the associate prosecutor being able to confirm if special measures were required or if a hearsay or bad character application was to be made.
- None of the cases in our file sample involved the need to consider confiscation orders, although one case, of being in possession of criminal property, was charged specifically under the Proceeds of Crime Act (POCA).

Aspect for improvement

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.

- Performance in Crown Court cases for the rolling year to the end of September 2009, was worse than national levels, and although it remains poor, is showing some signs of improvement. In magistrates' court cases performance in 2008-09 was also worse than national averages, although on a par with London overall, and has remained largely static.

	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%	74.5%	80.1%	74.9%	75.9%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	13.9%	13.7%	14.7%	12.9%
Guilty plea rate	74.4%	69.8%	69.9%	73.6%	67.5%	68.9%
Attrition rate	19.2%	22.1%	21.7%	20.0%	23.8%	21.6%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	17.2%	11.7%	15.0%	13.6%
Guilty plea rate	72.9%	60.8%	54%	73.1%	61.0%	56.5%
Attrition rate	19.4%	27.3%	33.3%	19.5%	27.6%	28.7%

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

- The overall conviction rate in PCD cases has improved a little during 2009 and is better than CPS London performance, but significantly lower than nationally.

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

- All borough prosecutors undertake charging decisions and have had appropriate training. Since the advent of CPSLD, the daytime telephone advice service for charging decisions, the borough provides charging advice and decisions two days a week at Hounslow Police Station for cases that fall outside the remit of CPSLD. This allows appointments to be offered within a reasonable time. CPSD continues to provide evening and weekend cover for PCDs.
- The police view is that the introduction of CPSLD has led to delays in obtaining advice and pre-charge decisions. In the spirit of partnership working, the borough has permitted spare appointments to be utilised by the police for cases which should really be referred to CPSLD. The borough is aware that this cannot continue because they do not have the resources to support this additional work. There is little evidence of any effective liaison with CPSLD at borough level.

- Specialist lawyers are available to advise in certain categories of crime for example domestic violence, rape and serious sexual offences. Lawyers were advising in Sapphire Clinics, to deal with rape and serious sexual offence cases, but this had stopped due to the proposed establishment of a centralised rape advice unit. In light of the delay in this unit being set up, the clinic was being re-instated by the BCP in the interim. The police were satisfied with the level of specialist lawyers available for PCDs and felt positive about the relationship with the borough in dealing with such cases.
- The move to co-location has resulted in a review being carried out by the BCP and police of the adequacy of current charging arrangements. A new Charging Service Level Agreement has been established between the borough and the police and a protocol is being considered to cover arrangements when they become an IPT site.
- The role of the evidential review officers (EROs), who act as gatekeepers allowing only eligible cases to be referred for early consultation or charging decisions, is being considered as part of the review. The borough hopes the EROs will be more robust with investigating officers over cases which are incomplete or where the evidence is manifestly inadequate to charge. The police can then decide to take no proceedings. The number of cases in which no prosecution results has increased substantially in the six months to September 2009. It is envisaged that by becoming an IPT site, communication between police and CPS managers to address disputed charging decisions or police charges that are contrary to the Director's Guidance, will be improved. Inappropriate referrals are referred to the BCP who raises them with the police at prosecution team performance meetings (PTPM). There is a risk that the softer benefits of the integrated structure and in particular direct interaction on charging may be diluted by rigidity in the new charging arrangements which will shift decision-making away from the borough. However, this is a strategic issue to be considered at area level.
- A lack of both lawyers and administrative staff has led to cases not being monitored properly and PCD cases, where further enquiries have been directed, have not been brought to a proper conclusion. In some cases where charges have been authorised proceedings are not instituted; in other cases where further inquiries are not followed through the case may go into limbo. Management is aware of this and is taking steps to address it but are hindered at present by insufficient administrative staff.
- All charging decisions in our file sample were recorded on CMS although copies were not always on the paper file. In our file examination 25% of the files were finalised incorrectly. Care therefore must be taken in relying on the accuracy of borough figures for performance.

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%	7.2%
No case to answer	0.2%	0.3%	0.2%	0.2%	0.3%	0.1%
Dismissed after trial	2.0%	2.4%	2.9%	2.1%	2.6%	3.0%
Discharged committals	0.2%	0.3%	0.3%	0.3%	0.4%	0.2%
Warrants	1.6%	3.0%	2.8%	1.5%	2.7%	2.5%
Overall conviction rate	87.3%	86.0%	85.4%	87.1%	86.1%	87.0%

- The cases in the magistrates' court file sample complied with the evidential and public interest stages of the full Code test. However, in only 22.2% was there a clear record of a full file review having been carried out on CMS or on the paper files. There were similarly no clearly recorded ad hoc reviews. This is a problem as there is no audit trail for decisions in cases. The absence of timely ongoing reviews means that little is done by prosecutors to add value to magistrates' court cases by pursuing additional lines of enquiry to strengthen cases.
- In threshold test cases often no further review takes place until a full file is received and the case is reviewed for summary trial, committal or service of the prosecution case, which can be eight to ten weeks after the charging decision. Delays in applying the full Code test as soon as practicable could result in proceedings not being discontinued at the earliest opportunity.
- Only two cases were discontinued by the CPS in the magistrates' court file sample and both of those decisions were in accordance with the Code principles. In each case, material changes had affected the strength of the case since the original decision. One was discontinued on evidential grounds and this was done in good time before the trial date. The second case was discontinued on public interest grounds.
- The proportion of the borough's caseload discontinued in 2008-09 was 8.6% which was similar to the national and London performance. There has been a further modest decrease to 7.2% during the current year. The BCP considers all proposed discontinuances and prosecutors are aware they should raise such cases with him as soon as practicable if prior approval has not been possible. This is to enable learning points to be picked up on and discussed with individuals and disseminated to all prosecutors. Where necessary, cases are discussed with the police in PTPM meetings but it is unclear how effective this is in improving performance.
- There were successful outcomes in 85.4% of magistrates' court cases during 2008-09 which was lower than national performance of 87.3% and marginally below that of CPS London of 86%. The figure so far this year has increased to 87% which is on a par with average national performance.

- The rate of discharged committals (cases which should be committed to the Crown Court for trial but fail to proceed because the prosecution is not ready) for 2008-09 at 0.3% is similar to the London and national averages (0.3% and 0.2% respectively). There were eight discharged committals in the borough representing 1.4% of all cases prepared for committal. Performance for the 12 months to the end of September 2009 shows an improvement, and the position remains better than the London and national averages. The BCP monitors any discharged committals carefully.
- Most cases in our sample which proceeded to summary trial had the correct level of charge. One proceeded on the incorrect level of charge and a poor full file review did not remedy the poor charging decision. Unsurprisingly therefore, the justices acquitted the defendant who had been overcharged.
- In our file sample there was only one linked case for a defendant, which had been appropriately identified. On-site observations confirmed that there are systems in place to identify linked cases.
- In all six relevant files in our sample, it was appropriate for the prosecution to accept pleas offered by the defence.

2B Cases are prepared and progressed effectively

Trial rates

	Performance 2008-09		
	National	CPS London	Borough
Effective	43.4%	47.3%	56.8%
Cracked	38.0%	34.8%	29.6%
Ineffective	18.6%	17.9%	13.7%
Vacated	21.5%	16.3%	14.7%

- The OBM was implemented in the borough in April 2009. The OBM unit should consist of a case progression manager, an administrative manager, administrative support and a prosecutor. The OBM unit deals with contested summary trial cases and the lawyers rotate daily to cover file review and case preparation.
- Since its introduction, the borough has struggled to resource the OBM unit properly and expected improvements in case preparation and management have failed to materialise. In fact due to problems in fully staffing the OBM, cases are currently only being prepared, on average, two days before trial. It is vital that the unit is effectively managed and staffed, and that when prosecutors are allocated to the unit, they deal only with the unit's work.
- Overall, aspects of case preparation were timely in only six out of 18 cases in our file sample. The BCP has tried to remedy this by assigning additional resources when available but this rarely occurs. Criminal justice partners commented on the adverse impact on case progression. Rather than being proactive in preparing cases, borough prosecutors are reactive and action only occurs very late in the course of the proceedings. Action plans, as discussed, are lacking in detail and reminders to the police are rarely issued.
- Two consequences of late preparation are delay in the making of applications for special measures; and very often last minute enquiries of the police before trial, simply because no-one has looked at the file earlier. The level of proactive case management was found to be fair in seven out of 18 relevant cases and poor in 11. Court directions are rarely complied with in a timely fashion. Our file sample revealed timely compliance in only 8.3% of cases and applications were served within statutory time limits in only two out of ten cases.

- Delays in reviewing files results in cases with little prospect of success being carried by the unit for too long. One case in our sample was discontinued shortly before the second trial date, due to a lack of proactive case management. In another case the justices found there was no case to answer and dismissed the case. It is clear from the file that a lack of effective case preparation contributed to this outcome: no witness summons had been sought for a key reluctant witness before the date of trial. Had the case been handled more proactively, the adverse outcome may have been prevented.

Aspect for improvement

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.

- Case progression meetings have lapsed through the lack of staff, but the borough intends to re-introduce them.
- CJSSS has been implemented in the borough, and 17 out of 18 cases in our file sample proceeded at first hearing. There is only limited progress on the joint commitment by HM Courts Service and CPS managers to eliminate unnecessary adjournments.
- The Director's Guidance on the Streamlined Process (DGSP) initiative which has been introduced across London together with CJSSS was expected to cut the average number of hearings per case and speed up trial dates. Neither objective has been achieved. Hearings are around 2.7 per case as opposed to the national figure of 2.2 for guilty pleas. Unnecessary adjournments were identified in two cases and in both cases these were attributable to the prosecution. Trials are currently being listed ten to 12 weeks ahead. Additional work is created by extra case management hearings to try to ensure they are trial ready, in order to reduce cracked and ineffective trial rates. However, these are frequently of no value since no further action has been taken on the cases. The overall effect of the lack of preparation is a vicious circle of wasted hearings.
- The borough's ineffective, cracked and vacated trial rates during 2008-09 were generally better than the national and CPS London rate. The effective trial rate was also better than both the national and London averages. However, this is not an indicator of efficiency because only cases listed for contested hearings are measured. The wasted case management hearings described above do not count. Even so, the first two quarters of 2009-10 have seen a significant decline in performance. This is being addressed with the HM Courts Service manager and the police at the Trials Issue Group.
- The use of CMS is generally poor. Much correspondence continues to take place on carbonated template style forms handwritten by CPS staff. To progress cases the prosecutors fax these forms from court directly to the police. The IT equipment is very slow at court and there is only one computer terminal for up to four prosecutors to use.
- CMS is not always used to record reviews although it is clear from the files that some consideration must have been given to the case in order to prepare it for court. CMS usage is not always accurate and did not reflect the contents and progress of the case from the paper file. Where communication is carried out manually there is no record on CMS. Staff have been advised that CMS is to be used for communication purposes once the borough becomes co-located with the police.
- There is a delay in finalising cases on the system. Eleven percent of magistrates' court cases were finalised incorrectly. The borough attributes weak CMS performance to a lack of staff, and a lack of training for staff undertaking new roles. But the mixed quality of file endorsements adversely affects the accuracy of finalisations. The delay must also contribute because the passage of time makes it more difficult to clarify poor endorsements through the prosecutor's recollection.

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%	19%	11.7%	15.3%	15.7%
Judge directed acquittals	1.0%	1.1%	1.8%	0.9%	1.3%	1.2%
Acquittals after trial	5.5%	8.5%	10.8%	5.6%	9.0%	12.2%
Warrants	1.1%	1.6%	1.6%	1.1%	1.7%	1%
Overall conviction rate	80.8%	73.1%	66.8%	80.7%	72.7%	70%

- The evidential and public interest stages of the full Code test were met in 13 of the 14 Crown Court cases in the file sample (the one failure is also referred to in section 1A). However, of those cases we found that a full file review had not been recorded on CMS or the paper file in five of them (35.7%). The requirement to conduct a subsequent or ad hoc review following a significant change of circumstances or the receipt of relevant additional material arose in 12 cases but was only carried out in six of them. As with the magistrates' court cases the lack of recorded file reviews causes difficulties to provide an audit trail, and timeliness cannot be ascertained.
- Prosecutors are familiar with the criteria for referral of cases to the CPS London complex casework centre but have not, as yet, received any cases which have met the referral criteria.
- The BCP allocates the Crown Court cases between the prosecutors ensuring a fair split in terms of caseload and taking into account their individual experience and particular specialisms.
- One case in the file sample was identified where a defendant had a linked case. The borough systems that are in place, to ensure that linked cases are identified, worked well and his sentence on another matter was an important factor in the outcome of the case we examined.
- The charges selected for committal were correct in 12 out of 14 cases and in 11 of the 12 that then proceeded to Crown Court trial. Criminal justice partners were concerned about examples of both over charging and under charging in respect of offences of assault and public order and we noted an example of each. In two cases pleas were accepted by the prosecution and it was appropriate to do so in both cases.
- The poor quality of PCDs has had an adverse impact on Crown Court case outcomes. Incorrect levels of charges, a lack of good action plans and detailed analysis of the case and potential defences, result in cases struggling to be turned into effective prosecutions with good outcomes. Case management is not particularly proactive and could only be described as fair in seven cases, and was poor in the remaining seven. The prosecutor is responsible for the review and management of the case. A lack of office time for prosecutors to carry out work effectively on Crown Court files is a problem and is exacerbated by the shortage of caseworkers.
- The file sample contained two cases where the judge directed the jury to acquit the defendant. In one case the outcome was foreseeable by the prosecution at an early stage, and the outcome could have been avoided had there been better case preparation, and the case discontinued earlier. In the other case the outcome could not have been avoided.

- We examined three cases which had been discontinued by the prosecution (which are therefore recorded as judge ordered acquittals (JOAs)). All were sensitive cases with vulnerable victims. In two, the outcomes were unavoidable; however, the third case may have had a different outcome had an earlier robust review taken place. The proportion of JOAs was 16.3% of caseload in 2008-09, higher than national and CPS London performance. During the current year the proportion has reduced slightly to 15.6%.
- All borough prosecutors have had indictment training and in 11 out of 14 cases the indictment was drafted correctly.
- 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 borough accepts that this area of work has not been a priority; however, the BCP was about to appoint a POCA specialist at the time of the inspection, to take the lead in raising the profile and re-establishing this as a key area of work. Evidence was provided to show that the police from the Financial Investigation Unit have made contact in cases where restraint orders were sought.
- In 2008-09, the borough achieved a successful outcome in 66.8% of its Crown Court cases. This was below the national figure of 80.8% and lower than that of CPS London overall. In the rolling year to September 2009 the proportion of successful outcomes has increased very slightly to 70% but is still well below national performance and that of CPS London.

Aspect for improvement

The borough crown prosecutor should introduce effective systems to ensure that there is timely preparation and progression of Crown Court cases.

3B Cases are prepared and progressed effectively

Trial rates

	Performance 2008-09		
	National	CPS London	All Isleworth Crown Court cases ⁶
Effective	47.1%	54.7%	51.7%
Cracked	40.8%	30.0%	32.7%
Ineffective	12.1%	15.2%	15.7%

- The borough's Crown Court caseload increased significantly between 2007-08 and 2008-09 by 18.8%. The reasons for this growth are not fully understood by the borough's managers but clearly additional pressure has been applied to the preparation and management of serious casework.
- Crown Court observations and file examination carried out by inspectors, together with feedback from criminal justice partners, all reveal that service of the prosecution case in sent cases was rarely completed in a timely fashion often resulting in the adjournment of plea and case management hearings (PCMH). Although 12 out of 14 cases were progressed satisfactorily by the prosecution at PCMH stage, only 61.5% of those cases had all pre-PCMH directions complied with within a timely

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.

fashion. There are no formal case progression meetings with the Crown Court and no case progression has been occurring within the borough due to a lack of staff. Such that there is, is carried out by administrative staff directly with Crown Court staff.

- After PCMH the standard of case preparation was poor. In only 27.3% of relevant cases had all the necessary applications been served in accordance with statutory time limits. Late applications included matters such as special measures for vulnerable and intimidated witnesses, hearsay and bad character evidence. Timeliness was also a problem in complying with court directions and in only 53.8% of cases was there timely completion of those made between PCMH and trial. Overall aspects of case preparation were timely in only three out of 14 cases examined. The BCP is aware of this and tries to give prosecutors two days a week in the office but he is constrained by available resources.
- Borough prosecutors brief CPS crown advocates, who are deployed on a district rather than a borough basis, from a local advocacy unit. Thirty per cent of briefs provided to crown advocates and counsel were late. Out of 14 cases in the file sample, the quality of briefs was assessed as poor in 12 and two were fair. Written instructions to counsel consisted of standard CMS template paragraphs with no additional detail apart from where and when the case was sent or committed from. No case summary or analysis of the issues was included, nor was there any mention of what may be acceptable pleas. Documents provided do not always address all these issues.

Aspect for improvement

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.

- The cracked and ineffective trial data for Isleworth Crown Court cannot be disaggregated to borough level but the ineffective trial rate at 15.7%, although on a par with the London rate of 15.2%, is significantly worse than the national levels. We found three ineffective trials within the file sample, two which were ineffective on more than one occasion; all could have been avoided by prosecution actions.
- The borough had no cases which were subject to a case management panel. The Director of Public Prosecutions (DPP) requires that such panels are convened to oversee the most serious casework, usually assessed as trials expected to last over 40 days or involve more than three trial counsel.
- File endorsements from Crown Court hearings need to improve, particularly as caseworkers are no longer going to attend at Crown Court hearings. This is important for accurate updating of CMS and for finalisations. All advocates should be instructed that this is vital, and monitored for compliance.
- The borough's use of CMS to record action taken by prosecutors and other significant events was mixed. Finalisation details were correctly recorded in only eight out of 14 cases, and the wider use of the system was poor in 12. Action must be taken to improve the accuracy of finalisation codes to ensure that the data reflects the borough's outcomes and performance.

Aspect for improvement

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.
-

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**

- The majority of the borough's magistrates' court work is dealt with at Feltham Magistrates' Court. Youth courts and some trials are heard at Brentford Magistrates' Court where there are better facilities for hearing children's evidence and for trials which have defendants or witnesses requiring disabled access.
- Associate prosecutors (APs) are used to good effect in appropriate courts although they are not always able to accept cases transferred from other courtrooms, as neither AP has undertaken the further training to be authorised to exercise extended powers. APs are regularly deployed to deal with most CJSSS courts and are given time to prepare their cases for court.
- Prosecutors who have been trained specifically cover the youth courts. Specialist prosecutors are not always able to prosecute cases within their specialised field in the magistrates' court but opportunities are taken when practicable: for example the domestic violence specialist usually prosecutes one of the new specialist domestic violence courts. Approved counsel are instructed in the Crown Court to deal with serious and sensitive cases such as rape.
- On-site court observations of advocates in the magistrates' courts found that all prosecutors, with the exception of one counsel, met the CPS national standards of advocacy, although levels of competence varied. However, the poor standard of case preparation as referred to earlier in the report, inevitably results in prosecution advocates not always being well prepared for trials. Late applications are frequently made, for example for special measures. The CPS appears to criminal justice practitioners to have developed an expectation that applications for leave to apply out of time will be granted. However, this is not always the case, and inspectors observed an application for leave to apply for special measures out of time refused by the court.
- The prosecution were ready to progress at first hearing in 17 out of the 18 cases in our sample of magistrates' court files. In Crown Court cases the prosecutor took all steps to progress the case at the PCMH in 12 out of 14 cases although court observations and interviews with criminal justice partners, revealed that a high number of PCMH cases were adjourned on the first hearing date due to a lack of service of the prosecution case.
- We found examples of six unnecessary adjournments in 32 magistrates' court and Crown Court cases and the prosecution were responsible for five of these. The average number of hearings in magistrates' court contested cases in 2008-09 was 4.5, slightly worse than overall London performance. Poor case preparation is a major contributory factor.
- In our file sample there was only one file on which the endorsements were assessed as good; 17 were fair and 11 were poor. There was an absence of detail as to what had happened during hearings, particularly trials. It was difficult to establish accurately the outcome of hearings; this was particularly noticeable in the Crown Court where coverage by caseworkers is now minimal. This undoubtedly contributes to errors in finalisation codes on CMS and affects the reliability of performance figures.
- The care of and service given to victims and witnesses at court in compliance with the Prosecutors' Pledge, Victims' Code of Practice and Witness Charter is variable. There was an indication from criminal justice partners that there had been an improvement in the care and attention given to victims and witnesses by CPS prosecutors, and in the level of communication, and that CPS staff were generally better than agents instructed. Observations revealed appropriate levels of communication and consultation with victims and witnesses by prosecutors, but poor case preparation undermines this, and has an adverse impact on victims and witnesses.

5 SERIOUS VIOLENT AND SEXUAL OFFENCES, AND HATE CRIMESAssessment
0 - Poor**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%	61.9%	71.7%	60.5%	65.4%

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%	82.3%	81.7%	75.4%	75%

- In our file sample there were 13 cases within the definition of serious and sensitive crime requiring specific flagging on CMS and files. Eleven had all been correctly flagged and the remaining two required several monitoring flags but not all the relevant flags had been noted on the file or on CMS. Flagging is monitored by the Sector Business Unit and feedback is given monthly to the borough.
- The borough currently has two rape specialist prosecutors. They provide specialist early guidance, advice and formal charging decisions on rape and serious sexual offences at a Sapphire Surgery. This was stopped briefly due to the proposed advent of a centralised rape unit but is now being re-introduced. The rape coordinator is involved in quality assurance and performance analysis.
- At the time of the assessment there was one domestic violence specialist prosecutor and specialists to deal with homophobic hate crime and child abuse cases who have had the necessary training and relevant experience.
- Accreditation for the specialist domestic violence court at Feltham Magistrates' Court was achieved with the input and help from the borough. A POCA champion and racist and religious crime champion need to be appointed and the BCP is addressing this. Specialists are proactive in disseminating relevant material to other staff.
- We found that all charging decisions in cases of serious and sensitive offences complied with the evidential and public interest stages of the Code test. Analysis showed that whilst decisions to prosecute met the full Code test, and were generally compliant with relevant CPS policies, cases did not always proceed to trial on the most appropriate charges. The charges that were pursued to committal or trial were the most appropriate in 13 of the 18 cases. The impact of staff shortages is reflected in the preparation and handling of these cases causing the same problems as with all other cases. The failure of witnesses to attend at trials, contributes to a number of the borough's failed cases.
- We examined seven domestic violence cases. Prosecutors considered the availability of enhanced evidence at the pre-charge stage in only five of these. However, there is no evidence on some files to show that the prosecutor has in fact viewed video testimony (achieving best evidence interviews) of witnesses before advising on charge. The use of enhanced evidence can be useful

to corroborate a victim's account so that the prosecution case is not so easily undermined in the event of the withdrawal of the victim's support at, or before trial. Of these seven cases only one was discontinued. This discontinuance decision was correct but not timely.

- Although prosecutors are aware of CPS policies on retraction of complaints and referred to them in their decision-making, we noted that in only one of eight relevant cases did the case proceed against the victim's wishes, although in another case the file was insufficiently endorsed to be able to determine the exact position. There is a limited use of witness summonses to try to compel the attendance at trial of reluctant witnesses. This in part is indicative of the poor case preparation prevalent in the borough. Information about witness difficulties is very often simply put with the file and not considered in advance of the trial, even in serious and sensitive cases. Witness summonses are often not applied for, and warrants of arrest are rarely sought if the witness still fails to attend to answer the summons.
- There were three rape files in our file sample. In two of them a rape specialist had dealt with the case throughout its life but in one there was no continuity of prosecutor. In the third case it is unclear who had conduct of the case. No rape checklists were seen on any of the files and one rape case went from the PCD to trial without a further review being recorded on either CMS or the paper file. There were no discontinued rape cases in our sample but prosecutors are aware of the requirement to obtain the views of a second rape specialist should the need arise.

Aspect for improvement

The borough crown prosecutor should ensure the continuity of prosecutor in specialist cases where possible.

- The commencement of the specialist domestic violence court, whilst in its early days, appears to have contributed to slightly improved outcomes in cases involving violence against women. Although still below the national average, performance had risen by 3.5% and was better than the CPS London average at the end of September 2009.
- Convictions in hate crimes, however, have fallen and remain below national levels although better than the average for CPS London overall.
- The BCP has made contact with the local safeguarding children board and put himself forward as a point of contact. Nothing as yet has flowed from this contact but it will be pursued by the BCP.

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

- In the magistrates' court, initial disclosure was dealt with properly in ten cases but there was insufficient documentation in two cases to be able to make any judgment on them. The schedules of non-sensitive unused material were completed and where appropriate noted as to why items were disclosable or not. Prosecutors appeared to have a proper understanding of disclosure issues.
- There were two cases in which a defence statement was filed, triggering the need to consider continuing disclosure, which was handled correctly in both cases. The two cases which lacked insufficient information to consider the handling of initial disclosure, presented the same problem for us in considering continuing disclosure.
- Compliance with initial disclosure in magistrates' court cases was timely in only two out of the ten cases where there was sufficient information to judge. The borough accepts timeliness needs to improve.
- In Crown Court cases, initial disclosure was handled properly in all 14 cases. Continuing disclosure was dealt with properly in seven out of nine cases. The disclosure record sheet was completed correctly in all four relevant cases. There was no evidence of disclosable material being dealt with incorrectly.
- Continuing compliance was timely in only four Crown Court cases (44.4%). Late defence statements contributed to this although there was a lack of proactivity in chasing these up. Although forwarded to the police disclosure officer, responses were rarely received in sufficient time before the trial to allow continuing disclosure to be dealt with in a timely fashion.
- There were 12 files that required completion of a disclosure record sheet (DRS), however, it was completed fully in only three cases. No DRS could be found in seven cases. It is viewed as an administrative task and whilst there is an acceptance they should be completed, it is not viewed as a priority when office time for prosecutors is at a premium. The priority issue is to serve the schedules and disclose any necessary material to comply with the prosecution's duty of disclosure. The borough needs to take action to address the absence of DRSs as these provide an audit trail of decision-making.
- Unused material schedules were of a reasonable quality but contained items that were not unused material. As a result of the unused material only being considered a day or two before the trial, there was no indication of any defective schedules being returned to the police for amendment. Instances were seen in the file sample and during court observations of cases being adjourned because disclosure issues had not been resolved. This did not mean that undermining or assisting material had not been disclosed to the defence, but it had been done so late in the case, that the defence did not have time to respond to the service of schedules, request items or serve a defence statement before the trial date. This is contributing to the ineffective trial rate.
- References to primary and secondary disclosure (terms which are no longer in use) rather than initial and continuing disclosure were noted on the files and indeed a stamp was used with these old terms on the files to record when disclosure had been dealt with.
- Sensitive material was dealt with correctly in four cases seen where a sensitive schedule was provided. The accuracy of sensitive schedules provided by the police is an issue but there was no indication that the CPS had raised this problem with the police. Very few files have sensitive material schedules or disclosure officers' reports on them. Only one file had third party material on it and that was not dealt with correctly.

- There was one case within our sample that gave rise to issues of public interest immunity (PII). Such cases would normally be referred to the district crown prosecutor (DCP) to make a decision whether an application to the court should be made to withhold the material, and a log of PII cases is maintained at district level. In this case the issue arose at court at the start of the trial. The material was such that the CPS did not wish to disclose it. It was discussed with the reviewing prosecutor, by telephone from court and involved the police officer in the case and trial counsel. The BCP and DCP were not available for consultation. The matter was aired before the judge and the case was discontinued rather than disclose the evidence. There was no reference in the file endorsements that the DCP was retrospectively advised about this decision or that it was entered into the log.
- Disclosure documents and the schedules should be kept together in a specific folder but often the disclosure documents were just loosely together in the case file.
- There has been no recent formal training on disclosure although the BCP sends reminders about disclosure to the staff and links to the guidance on the CPS Infonet.

Aspect for improvement

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.
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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.
- The borough has a written system which is compliant with the London CTL minimum standards. This has recently been circulated to all staff by the BCP as a reminder of what is required by staff of all grades.
- Two peer reviews were carried out during 2009. The first review in February 2009 revealed a number of non-compliances including: lack of review dates noted both on the files and in the diaries, lack of evidence that expiry dates were agreed in court and noted in endorsements by prosecutors, and confusion over the type of case stamps being used on files.
- The second review in August 2009 revealed substantial improvements in the borough's handling of CTL files, which is confirmed by our assessment. There were no reported CTL failures in Hounslow in 2007-08, 2008-09 or in 2009-10 up to the time of our visit.
- There were eight cases in our file sample where CTLs were applicable. The expiry date was calculated correctly in all. Only one of the eight files did not have the review dates noted on the file jacket. In two cases extension applications were required and both were made in good time with a chronology where appropriate and granted. Thereafter the files were noted up correctly with the new expiry date and review dates.
- We examined six files on-site and all had the correct time limits noted on the file jackets for expiration and review.
- Magistrates' court cases where CTLs are applicable should be allocated to specific prosecutors rather than being handled through the OBM unit but examination of CMS and observations reveal that this is not always the case.
- It has been agreed with the magistrates' courts that CTLs are agreed at the first remand hearing and announced in court at subsequent hearings, but it is difficult to know from the endorsements on the files if in fact this is being done in every case. We observed two custody cases at court during this assessment and in both cases the associate prosecutor announced the CTL expiry date and agreed it with the court.
- In Crown Court cases CTL dates are included in the brief to crown advocates and counsel together with instructions to try to list trial before the expiration of the time limits. No custody cases were observed in the Crown Court during this assessment and file endorsements did not make it clear whether CTLs were announced and agreed in court or not.
- CTLs are quality assured by the case progression manager who carries out a quarterly audit and forwards the results to the DCP. In her absence it appears that other staff did not action CTL files in line with designated procedures to ensure compliance. This was due to a lack of knowledge on the part of the administrative staff which needs to be addressed. The lack of or absence of staff is a major risk to CTL performance which is recognised by the borough.

Aspect for improvement

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.

Strength

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.

8 THE SERVICE TO VICTIMS AND WITNESSESAssessment
0 - Poor**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 has adopted the CPS London area-wide instructions for implementing the direct communication with victims initiative (DCV). Compliance with DCV is a personal objective for all staff.
- We examined 16 cases in which DCV was applicable, for both timeliness and quality of letters. Borough performance was found to be fair in five but poor in 11 cases. In nine cases there was no indication that the need for a letter had been identified. The quality of the letters was in the main unsatisfactory. They contained careless spelling errors and repetitive paragraphs. One letter was particularly unacceptable in tone, firmly blaming the victim for the discontinuance of the case; another gave the name of a youth inappropriately. No letters gave any information about how the victim could seek further help if required. Victims were not always offered meetings in appropriate cases, although where meetings had been offered, no victims had taken up the invitation. DCV letters are dip sampled monthly as part of quality assurance checks and results are fed back to lawyers by email.

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%)	78.3%	91.1%	103.8%	90.4%
Vulnerable and intimidated victims (timeliness target 95%)	53.3%	65.9%	66.7%	78.9%
Other victims (timeliness target 95%)	68.9%	83.1%	75%	87%

- The borough missed its 2008-09 proxy target of 249 DCV letters, sending out 195 (78.35%) over the year. However proxy targets understate the requirement for DCV letters and as a result of other inspection work by HMCPSP, the CPS has suspended their use pending a re-evaluation. Our file sample showed letters sent in only 43.8% of cases, a marked contrast to the 78.3% and 103.8% against proxy targets.
- Needs assessments were often not carried out by the police officer in the case and there was limited evidence that prosecutors are proactively ensuring that the needs of victims and witnesses are considered at the charging stage. Victim personal statements (VPSs) which record the impact of the crime on the victim were relevant in 26 of the cases we examined. In 24 cases (92.3%) no VPS had been obtained.
- In the majority of cases victim and witness needs were not considered until the case was reviewed immediately before trial. This has led to a significant number of applications for leave to make late special measures applications. Although the witness care unit (WCU) believes it has good contact with the CPS and courts, the WCU is not routinely advised that special measures have been granted. The WCU try to chase the information but often cannot determine the outcome and acknowledge that they have told victims and witnesses that they believe special measures have been granted when they do not actually know. There have been instances of applications being made on the day of court which on some occasions have been refused, unfairly penalising the victim or witness. We

observed a victim at court who told us they were expecting special measures to be in place for them at court, when apparently the application had not been made. The application for leave to make the application outside the statutory time limit was refused and the victim was extremely upset and angry by this.

- Communication between the WCU and the CPS is not always satisfactory. When the WCU staff seek information from the CPS, they are usually asked to email the request, but are then unlikely to receive a response until such time as the file is reviewed.
- In the majority of cases victims and witnesses are kept informed of the progress on their case whilst at court, but this is variable depending which prosecutor has conduct of the case. Although there are processes in place for the CPS to provide the appropriate list of witnesses to attend court (LWACs), these are often provided late. A check of the CPS computerised system indicates that there are a number of outstanding tasks in relation to the warning of witnesses including de-warning and re-warning for trials.
- In Crown Court cases, the WCU is not always told when a case has been discontinued – as letters are not always being sent this leaves the WCU and the victim expecting communication of the next court date. Both the police and CPS agree that communication could be more effective and it is hoped by both agencies that this will be resolved when the CPS co-locates with the police in Hounslow Police Station during December 2009.
- The WCU is managed by the police and at the time of this assessment was based in Hounslow Police Station, some distance away from the CPS. The unit is understaffed and is without two police staff and a CPS witness care officer; the latter position had been vacant for over six months at the time of the assessment.
- There is little performance data produced to measure progress against the No Witness No Justice (NWNJ) minimum standards. The only real data available concerns levels of witness attendance at court and the CPS provide this to the WCU. The reasons for witness non-attendance and how they contribute to ineffective or cracked trials in the borough are identifiable. The borough had a poor witness attendance rate of 79.5% against a target of 90% for 2008-09. Although the borough is aware of this, little meaningful discussion has taken place with partner agencies to decide on action to try to increase the attendance rate.
- No case progression meetings take place within the borough. However, the WCU manager attends the PTPM meeting. Despite victim and witness issues being a key performance indicator for the CPS, discussion of victim and witness matters and performance is limited. The borough criminal justice group (BCJG) has a victim and witness sub-group but despite this, there is little evidence that victims and witnesses are considered as part of the joint strategy in terms of planning or performance. Delivery of services for victims and witnesses appears to be discussed on an ad hoc basis rather than in a structured way. There does not appear to be a CPS or police champion for victims and witnesses.

Aspect for improvement

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.

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

- Casework quality assurance (CQA) is now undertaken on a monthly basis by the current BCP using the standard compliance forms. The current BCP has only been in post for six months, and prior to this the checks carried out were variable in number and sporadic. Compliance has seen an increase from 36.1% in 2008-09 to 90.9% in 2009-10 against the volume required by the scheme. Systems checks indicate that although the volume is improving the process did not include comments to identify areas of improvement to feed back to prosecutors. There has also been no analysis to identify lessons which could be shared at team meetings.
- The BCP does undertake some dip sampling of cases to assess how they have been handled and prepares a log of adverse case reports. Issues are fed back to lawyers individually by email together with copies of relevant procedures (where they apply). However, the BCP could be a little firmer with some of the comments. There is little evidence to suggest that the handling of victim and witness issues forms part of the assessment process.
- Associate prosecutors have been monitored by the BCP and feedback given on their performance. The monitoring of other advocates is ad hoc and tends to be as a result of concerns or feedback from partner agencies.
- Only limited checks are undertaken on processes and systems to provide assurance that the borough is operating effectively. In common with other London boroughs, no-one is trained or holds a licence to use the management information system (MIS) in the borough and there is an absence of staff able to retrieve information from the systems for quality assurance purposes. The borough has a number of outstanding tasks and cases are finalised incorrectly on CMS. During 2008-09 and for the rolling 12 months to September 2009 over 10% of cases were 'finalised administratively'⁷; this figure should be under 5%. Cases finalised incorrectly can impact on the accuracy of performance data and budget calculations. Work is required by the borough to determine where the system failures are originating and appropriate training needs to be provided.
- Reviews have been undertaken of cases involving CTLs, and CTL systems with results being shared with appropriate staff. Checks are undertaken by the BCP on disclosure and feedback given to prosecutors.
- The BCP has access to data on performance information at borough, district and London area level on a monthly basis. The information available corresponds with CPS performance indicators, although very little of this information is shared with staff and little discussion on poor outcomes is shared at team meetings. Staff were unaware of how the borough was performing, although they thought it might be 'badly'. There is no comparison made with national data and no analysis of trends is undertaken within the borough.
- The performance development review (PDR) system is used to set objectives in line with the London area business plan. All staff are due to have their objectives reviewed, which was scheduled to take place after our site visit. Staff believe that the PDR system is effective and it has identified some training requirements.

⁷ The administrative finalisation outcome code was created for those cases where there might have been potential for an offence to be brought to justice, but this had been lost due to the fact the investigation was not completed. The use of this code should be practically zero and never above 5%.

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

- A joint IPT meeting takes place with the police but discussion centres primarily on the IPT move into police premises rather than performance. Some limited discussion takes place at the borough criminal justice board meeting but more in depth discussion is required at operational levels. The borough recognises that the PTPM meeting should be the forum for most performance discussion. Some information from the adverse cases report is shared with the police and although working relationships with partner agencies are good, discussion is marred by the doubts of the accuracy of the data. This needs to be resolved so that meaningful discussion takes place on all performance topics in the borough.
- There is a monthly Trials Issue Group (TIG) which the BCP attends with the magistrates' courts. The BCP at a pre-meeting is given specific cases to review. These are taken back and the case is investigated further to determine what happened, this information is then shared and discussed at the TIG.
- Relations with criminal justice partners are good and the borough has seen some success with the local introduction of a specialist domestic violence court. Other positive work has been joint work to facilitate the move of CPS staff into Hounslow Police Station. However, effective joint working locally, to improve performance at the operational level seems to have been hampered by the need to implement a number of national initiatives within a relatively short space of time, and the reducing staffing levels within the borough.

Aspect for improvement

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.
-

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.
- The borough allocation showed significant underspends of both its NRFAC and prosecutions costs in 2008-09 at 58% and 89.3% respectively. At present there are overspends of 4.8% and 25% respectively during 2009-10.
- Allocation of staff across the boroughs lies at district level. The acting district crown prosecutor (DCP) and district business manager (DBM) have been re-allocating staff in line with the organisational change programme currently under way to introduce IPTs. Hounslow is one of the last boroughs to be subject of the IPT moves, whereby staff are being moved into local police stations. As Hounslow Police Station is some distance from the current CPS site (Tolworth) the district is now facing a number of difficulties in aligning staff to the new site whilst maintaining a reasonable travelling distance for them to their place of work. There is a risk that the unit may be severely understaffed when the move is complete, or that there may be a loss of continuity of staff.
- Current staffing was roughly predicted using the CPS activity based costing model. There has been no further calculation to ascertain whether current staffing numbers are sufficient to provide a good level of service in light of all that the borough has to undertake. Staffing levels in November 2009 equates to 17.3 full-time staff (this includes two vacancies), although this reduced again after our visit. The current BCP is new to the post, having only been in situ for six months; the paralegal manager stepped down from their post prior to our site visit. The only other manager in the borough was the case progression manager who has not moved to the IPT site. Lawyer numbers in the borough have reduced against a significant increase in caseload from 2007-08 to 2008-09. There is no business manager, community prosecutor or CPS witness care officer in the borough and current staffing does not allow the introduction of these.
- It is apparent that staff are stretched across all areas of work. This is masked by the fact that many of them are already carrying a large number of hours under their flexi-time arrangements and many are working during the weekends without claiming additional hours. There was some discussion, prior to the move to become an IPT at borough and district level about how resources should be aligned to ensure that staff are effectively deployed to deal with priority areas of work. The BCP should consider formally raising resource issues again, at district and area level. Staffing levels need to be reviewed to ensure there are sufficient staff, to enable the borough to meet all its commitments.
- The advocacy strategy is set at district level with two dedicated local advocacy units (LAUs) who undertake all advocacy in the Crown Court but only a limited amount of the Crown Court preparation work – most of this being undertaken by prosecutors at the boroughs. Crown advocates (CAs) for the LAUs are allocated to Hounslow and Kingston for budget purposes only and not available for any borough work. However there is one CA allocated to Hounslow who conversely is not utilised for any Crown Court advocacy, and undertakes the same work as the other borough prosecutors.

- In respect of magistrates' court sessions, 89.9% of court sessions were covered in-house during 2008-09. This has reduced to 64.7% for the 12 months to September 2009. Agent use has increased correspondingly. There are currently on average 6.5 court sessions per day which need to be covered in the borough. Full-time prosecutors are expected to cover four sessions of court per week, spend one day in the OBM unit and the other two days of the week on Crown Court preparation and charging work. Around 20% of a prosecutors' time in the borough is supposed to be allocated to Crown Court work; however the BCP does not feel this is sufficient and has submitted plans to the district to consider. Other work such as specialist work, liaison, keeping up-to-date on policy and law, general administration and training are not included in any calculation.
- Each borough in the Isleworth and Kingston district has to complete a weekly commitments paper and this rota for prosecutors is then forwarded to the DBM. The DBM then approaches CPS London centrally to authorise agent usage for any outstanding advocacy commitments that the borough cannot cover. This model does not cater for any unplanned matters such as emergency leave and sickness. The BCP, in response to poor outcomes in the magistrates' court work, has attempted to ensure that the OBM unit is fully staffed at all times. This is now having a detrimental impact on the preparation of Crown Court cases.
- Expectations for associate prosecutors (APs) are based on them covering six court sessions per week. There are two full-time APs in the borough who undertook 21.9% (382) of court sessions in 2008-09; this has increased slightly to 27.7% to September 2009.
- Sickness in the borough was high in 2008-09 at an average of 9.2 days per person; this has risen in the first two quarters of 2009-10 to 12.5 days. There are procedures in place to manage sickness absence and appropriate triggers are generated and raised by the DBM to the BCP. There had been some long-term sickness issues, which although resolved at the time of the assessment, had impacted on the delivery of core business.
- There are a limited number of staff on flexible working patterns, and none has a detrimental impact on delivery of core business. All requests for flexible working are considered in line with business needs.

Aspect for improvement

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.

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

- There has been some recent instability at the management level, with the current BCP having only being in post for six months and an acting DCP.
- The borough has no business plan or risk log as strategic direction is set and managed by CPS London centrally. Team objectives are also provided by the centre and are fed into the personal development review plans at borough level.
- The borough has been subject to a number of national and London initiatives, such as the OBM, the IPT, the Director's Guidance on the Streamlined Process (DGSP) and introduction of CPS London Direct (CPSLD). A number of process models have also been introduced in a bid to ensure that CPS London works corporately; however this has left the BCP with limited decision-making responsibility and control. The BCP has recently started to look at some of the internal systems with a view to identifying areas for improvement. This inspection was seen as a kick-start to that process, allowing the BCP some opportunity to self-assess the borough outside of the day-to-day running of the unit.
- The BCP is respected both internally and externally. In addition to the BCP the management team comprises an acting paralegal manager (who stepped down from the post in November 2009) and a case progression manager (CPM), who has been taking on the additional role of OBM manager. All managers are aware of the need for a corporate approach, which was evident from our site visit. Staff morale in the borough was high, despite the staff shortages and sickness and all staff confirmed that managers were approachable and inclusive. However staff stated that the IPT moves were demoralising and at the time of our visit they had still not been officially informed of where they would be re-located. This, together with the rise in sickness levels, means management will have to be proactive in maintaining morale.
- Team meetings take place on a monthly basis although they have become more ad hoc recently. Detailed discussion on performance outcomes does not feature heavily in the meeting; though staff could not confirm current performance they guessed it was not good. Neither was there any evidence of any discussion of the current issues impacting on borough performance. The BCP is concerned that too many negative messages could be demoralising to staff. Key matters arising out of the current initiatives and the internal reviews undertaken, such as the OBM, IPT and CTL review however, did feature as part of meetings. There was additionally feedback in the form of emails to individuals on specific matters such the need to follow particular procedures. The BCP does, however, need to ensure that where issues have been identified that lessons are being learnt and that the same errors are not being replicated.
- The borough has no training plan and the majority of training courses available are circulated by CPS London. Most staff indicated that courses are limited and that the majority of training seems to be in-house. Attendance on courses, although initially authorised by the BCP and DCP, ultimately has to be agreed at area level and agreement is not always forthcoming.

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

- Working relationships with the police and magistrates' courts are good, with both agencies acknowledging that both the BCP and DCP are very approachable. All external agencies indicate that the BCP is willing to listen and will address any problems within the remit of his responsibility. They accept, however, that some matters are outside his remit and are frustrated by some of the national initiatives and models introduced over which the borough has no control.
- At the strategic level the BCP attends the BCJG meeting which is attended by all the criminal justice agencies and others. Ongoing initiatives and performance are common items discussed, although there is limited discussion about the delivery of service to victim and witnesses, even though there is a victim and witness sub-group. Some discussion on performance appears superficial with little evidence of drilling deeper into the reasons for poor outcomes. A number of actions are identified but there is no indication of when the work is to be completed. The introduction of the borough domestic violence court was implemented through the BCJG and all agencies have celebrated the success of this initiative.
- BCPs in the Isleworth and Kingston district attend the meeting with the Resident Judge on a rota basis with the DCP. Any matters relating to Crown Court issues are fed into the DCP for these meetings. The meetings are generally seen as effective although most discussion seems relevant to the local advocacy unit rather than the borough.
- At the operational level the BCP attends the PTPM meeting with the police Chief Inspector, who is the head of the police CJU, and the CJU divisional inspector and the witness care manager. The meeting is used by the police and CPS to drive a number of matters including facilitating CPS staff moves into Hounslow Police Station and formation of an IPT.
- There is little community engagement activity taking place at present. Although there is an expectation that all London boroughs should have a community prosecutor in place, current staffing would make it difficult for Hounslow to dedicate a full-time member of staff to such a position. Nevertheless the BCP has indicated that he intends to have a dedicated community prosecutor who as part of their duties will engage with a range of community groups.

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

- Good staff performance was generally recognised either verbally or through emails to individuals. Almost all staff confirmed they had been thanked individually for good work, however, team meetings had not been utilised to share and celebrate good performance or lessons learned. Bonus schemes had not been used in the borough.
- Managers are liked and respected. There was evidence of a good team spirit and staff worked together to cover shortages, putting in additional hours as necessary. There was no evidence of any formal complaints from staff or other agencies.
- The makeup of the staff reflects the community served. At the district level the move to IPT sites has included trying where possible to ensure diversity of staff ethnicity, skills and a spread of those working flexible hours. Recruitment and selection is undertaken by CPS London centrally.

Aspect for improvement

The borough crown prosecutor should ensure that team meetings address performance and the issues which affect it.

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%	74.5%	80.1%	74.9%	75.9%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	13.9%	13.7%	14.7%	12.9%
Guilty plea rate	74.4%	69.8%	69.9%	73.6%	67.5%	68.9%
Attrition rate	19.2%	22.1%	21.7%	20.0%	23.8%	21.6%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	17.2%	11.7%	15.0%	13.6%
Guilty plea rate	72.9%	60.8%	54%	73.1%	61.0%	56.5%
Attrition rate	19.4%	27.3%	33.3%	19.5%	27.6%	28.7%

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%	85.4%	87.1%	86.1%	87%

Trial rates

	Performance 2008-09		
	National	CPS London	Borough
Effective	43.4%	47.3%	56.8%
Cracked	38.0%	34.8%	29.6%
Ineffective	18.6%	17.9%	13.7%
Vacated	21.5%	16.3%	14.7%

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%	66.8%	80.7%	72.7%	70%

Trial rates

	Performance 2008-09		
	National	CPS London	All Isleworth Crown Court cases
Effective	47.1%	54.7%	51.7%
Cracked	40.8%	30.0%	32.7%
Ineffective	12.1%	15.2%	15.7%

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%	61.9%	71.7%	60.5%	65.4%

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%	82.3%	81.7%	75.4%	75%

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%	58.0%

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%	89.9%
Associate prosecutor deployment (as % of magistrates' court sessions)	24.5%	23.0%	20.5%	21.9%
Crown advocates. Counsel fee savings against target	110.0%	£4,200,000	99.3%	73.8% (district performance)
Sickness absence (per employee per year)	8.7 days	N/A	9.3 days	9.2 days

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

Police

Chief Superintendent D Bilson, Borough Commander
Chief Inspector R Charles, Head of Criminal Justice Unit
Ms S Denison, Witness Care Unit Manager, Hounslow Police Station

HM Courts Service

Crown Court

HHJ McGregor-Johnson
Mr M Taylor, Crown Court Manager

Magistrates' court

District Judge Day
Mr M Martin JP, Chair of LJA Bench, Hounslow Magistrates' Court and colleagues from the Hounslow LJA Bench
Mrs S Evans, Chair of the LJA Youth Panel, Hounslow Youth Court
Mr J Vantingham, Justices' Clerk, West London Magistrates' Court
Mr C McIntyre, Deputy Clerk to the Justices, Ealing and Hounslow Magistrates' Courts

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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