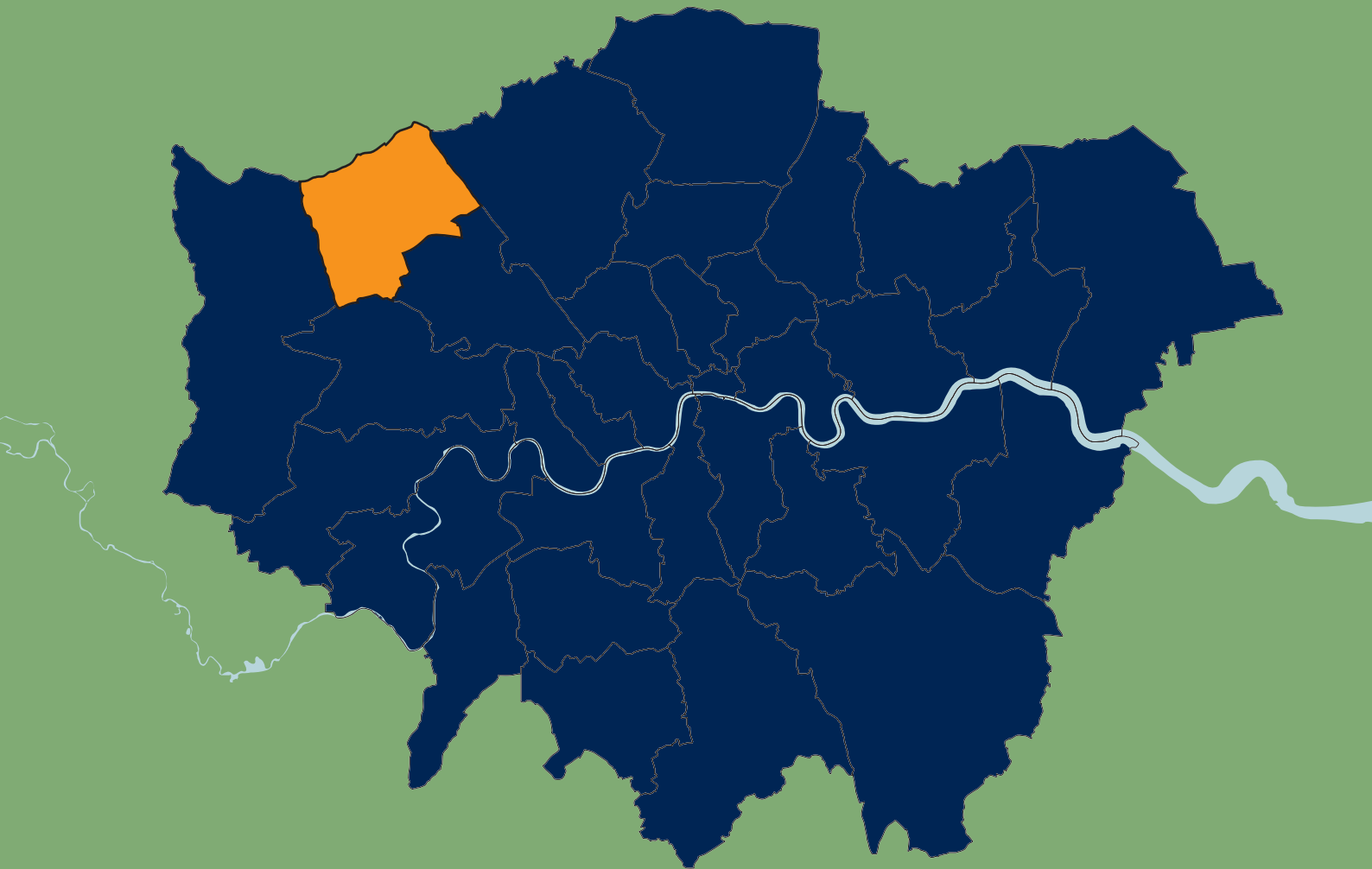


CPS London Borough Performance Assessments

Harrow 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 Harrow borough unit. It represents a more in-depth local assessment than the overall performance assessment of the West Sector of CPS London published in 2008.

Assessments

Assessments and judgements have been made by 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 Harrow 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 HARROW 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.

Harrow borough has one office, at Harrow-on-the-Hill. It is part of the CPS London district that is aligned to the Crown Court sitting at Harrow and Wood Green. In the future there are plans for staff to move to the local police station at South Harrow to form an integrated prosecution team.

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

As of November 2009 the borough had an average of 18.5 full time equivalent staff in post, and a budget of £1,329,347¹.

Staff	Numbers at September 2009
Borough crown prosecutor	1
Business manager	1
Crown prosecutors	3.3
Associate prosecutors	1.8
Caseworkers	5.8
Administrative support staff	5.6
Total (full time equivalent)	18.5

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 Harrow borough unit caseload in 2007-08, and 2008-09 are as follows:

	2007	2008	Percentage change
Pre-charge work (all cases referred to the CPS by police for a decision as to charge)			
Decisions resulting in a charge	935	858	-8.2%
Decisions not resulting in a charge ²	563	625	11.0%
Total pre-charge decision cases	1498	1483	-1.0%
Magistrates' court proceedings³			
Magistrates' court prosecutions	2009	2271 ⁴	13.0%
Other proceedings	4	0	-100.0%
Total magistrates' court proceedings	2013	2271	12.8%
Crown Court proceedings⁵			
Cases sent or committed to the Crown Court for determination	330	355	7.6%
Committals for sentence ⁶	62	62	0.0%
Appeals from the magistrates' court ⁶	29	43	48.3%
Total Crown Court proceedings	421	460	9.3%

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

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

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

4 This figure is an approximation after deducting 2100 traffic cases which were incorrectly allocated to Harrow instead of the Traffic Unit.

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

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

C SUMMARY OF JUDGEMENTS

Contextual factors and background

The borough has been trying to deliver its business and manage a number of London and national initiatives during a period of significant instability within the borough and district. The district has undergone significant structural and management changes. It had at the time of our inspection been without a district crown prosecutor (DCP) for four months with a new DCP due to take up the post in December 2009. The current borough crown prosecutor (BCP) was due to take maternity leave at the end of December 2009, and temporary cover had been arranged. The borough had a new paralegal business manager who had been in post since October 2009. The borough has faced a number of staffing challenges owing to a loss of two prosecutors this year, staff absences due to long-term illness and compassionate leave. This change has been undertaken while the borough has been preparing to relocate to police premises as part of CPS London's move to integrated prosecution teams.

Summary

The quality of decision-making is sound. The evidential and public interest stages of the Code for Crown Prosecutors test were applied correctly in all of the cases in the file sample. Cases proceeded on the most appropriate charge in all instances.

The process for delivering pre-charge decisions (PCD) has changed with the introduction of CPS London Direct (which provides charging decisions to the police from a central unit in volume crime cases). The borough now provides face-to-face pre-charge advice on one day a week and telephone advice on a second day. The borough is underperforming in both the magistrates' court and the Crown Court and had not met its targets as regards realisation of expected benefits for cases subject to PCD in 2008-2009 and for the 12 months to September 2009.

The proportion of magistrates' court cases that resulted in a successful outcome in 2008-09 was marginally better than CPS London but was worse than the national average although performance showed a slight improvement for the 12 months to September 2009. By contrast, the proportion of Crown Court cases that resulted in a successful outcome in 2008-09 was much lower than CPS London overall. This is almost certainly attributable to inefficient and ineffective case preparation and progression systems. Performance has shown a slight improvement in the 12 months to September 2009.

Ancillary issues, including whether special measures, bad character evidence or hearsay applications should be made, are generally considered at the PCD stage but prosecutors do not routinely pick up on the need for further action in full file reviews, which results in late applications being made. This adds to the difficulties the borough is having in progressing cases in the magistrates' court and more so in the Crown Court, where cases listed for trial are not being properly considered until shortly before the date of hearing.

The effective and ineffective trial rates in the magistrates' court are much better than CPS London and the national average. The effective trial rate in the Crown Court is better than the national average, although not as good as that for CPS London overall. The ineffective trial rate in the Crown Court in 2008-09 was better than the national average and CPS London.

Instructions to advocates need to be improved. They tend to follow a template with little or no attempt to include a detailed analysis of the case, identifying strengths and weaknesses, and do not contain instructions on acceptability of pleas, or address disclosure. Presentation of cases in both the magistrates' court and Crown Court is variable but we found that it complied with the national standards of advocacy. The associate prosecutor is highly regarded. Progress is generally made at each hearing. The borough has no crown advocates and uses a number of agents in the magistrates' court. There is a lack of monitoring both of in-house and external prosecutors.

Cases involving allegations of serious violence, sexual offences and domestic violence and hate crimes cases are usually handled by prosecutors with the appropriate experience or expertise. The borough has two rape specialists, and all duty prosecutors are trained to handle allegations of domestic violence. The borough provides an ad hoc advice surgery for rape and child abuse cases but, owing to the volume of demand, appointments were booked up to three weeks ahead at the time of the inspection.

Compliance with the prosecution's duties of disclosure is poor. Weaknesses include a failure to disclose to the defence material that is potentially undermining or assisting in a timely manner, decisions being made on inadequate descriptions in the police schedules and poor or incorrect endorsements on schedules. Where continuing disclosure is made it is served on the defence very late.

The borough had a custody time limit (CTL) failure in June 2008. As a result a full CTL audit was completed and internal actions raised. A further three CTL audits were carried out in 2009 and two peer reviews were completed. These have highlighted shortcomings that are being addressed. A sample of Crown Court and magistrates' court CTL case files were examined, which indicated that CTL compliance is now working well. CTL issues feature prominently in meetings and other communications between the BCP and borough staff.

The borough met its proxy target in 2008-09 for the number of letters to be sent to victims to explain why a charge has been dropped or significantly altered. Timeliness of communications sent in respect of vulnerable and intimidated victims is an issue. Witness warning systems are satisfactory but the witness attendance rates targets have not been met. The relationship with the witness care unit is good but there is no awareness or monitoring of performance against the minimum requirements of the No Witness No Justice scheme.

The borough has limited responsibility for managing prosecution costs and non-ring fenced administrative costs which are controlled at district level. In 2008-09 the borough performed well in respect of its deployment of in-house prosecutors in the magistrates' court and had one of London's highest associate prosecutor deployment rates. The first two quarters of 2009-10 have seen a dramatic drop in performance due to some unexpected staff shortages. The deployment of crown advocates is managed at district level where a dedicated advocacy unit has been established at the Crown Court. Systems to monitor sickness are in place; however the borough had very high levels of sickness in 2008-09 and levels are still substantially above the London and national average. Flexible working arrangements have not always been aligned with the business need, particularly when unexpected absences occur and these arrangements are now affecting performance.

Performance management on the borough needs to be strengthened and become more consistently embedded alongside a regularised meeting structure. Performance analysis with partners, particularly at prosecution team performance management meetings, needs to evolve a clearer understanding of where performance can be improved. The borough also needs to introduce a more structured system of advocacy monitoring. Improvements need to be made in case outcomes, the efficiency of the optimum business model and to increase in-house advocacy levels.

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

In the light of our findings, the borough's performance assessment is **POOR**.

We identified one strength and ten aspects for improvement:

Strengths

- 1 The management of inactive cases (aspect 1).
-

Aspects for improvement

- 1 The borough crown prosecutor should establish arrangements to ensure that cases are reviewed and necessary preparation work (especially relating to committals to the Crown Court) is undertaken in a timely way (aspect 2).

 - 2 The borough crown prosecutor should institute regular monitoring of the case management system finalisation codes to ensure accuracy and completeness (aspect 2).

 - 3 The borough crown prosecutor should put in place effective systems to improve Crown Court case progression and ensure timely compliance with court directions (aspect 3).

 - 4 The borough crown prosecutor and specialist prosecutors should analyse the outcomes in sensitive cases and hate crime, with particular focus on cases involving violence against women, and take action to build and present stronger cases (aspect 5).

 - 5 The borough crown prosecutor should take steps to:
 - ensure compliance with the prosecution's disclosure obligations; and
 - quality assure disclosure decisions effectively and provide feedback to individual prosecutors (aspect 6).

 - 6 There is a need for systematic monitoring of the quality and timeliness of direct communication with victims letters and for feedback to be provided (aspect 8).

 - 7 Formal arrangements should be established to discuss borough victim and witness performance issues with the police and court service (aspect 8).

 - 8 The borough should introduce a regularised and consistent system of monitoring in-house advocates and provide feedback (aspect 9).

 - 9 The borough should develop a communications strategy to formalise communication, internally and externally (aspect 11).

 - 10 The borough should develop a clear strategy on engagement to ensure appropriate community and partnership engagement which maximises the benefits to service delivery (aspect 11).
-

Summary of judgements

BOROUGH PERFORMANCE ASSESSMENT 2009	
Pre-charge advice and decisions	2 – Fair
Decision-making, preparation and progression in magistrates' court cases	2 – Fair
Decision-making, preparation and progression in Crown Court cases	0 – Poor
The prosecution of cases at court	2 – Fair
Serious violent and sexual offences, and hate crimes	0 – Poor
Disclosure	0 – Poor
Custody time limits	3 – Good
The service to victims and witnesses	2 – Fair
Managing performance to improve	2 – Fair
Managing resources	Not scored
Management and partnership working	2 – Fair
OVERALL ASSESSMENT	15 – POOR

D DEFINING ASPECTS

1 PRE-CHARGE ADVICE AND DECISIONS

Assessment
2 – Fair

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

- The quality of decision-making at the pre-charge stage is generally sound. We examined 29 cases that had been the subject of a pre-charge decision (PCD) where the advice was to authorise charge. The borough advised in 22 cases, CPS Direct (CPSD) in five, and CPS London Direct (CPSLD) in two.
- The evidential and public interest stages of the Code for Crown Prosecutors (the Code) test were applied correctly in all 29 cases in our file sample. In five of the 29 cases (17.2%) the threshold test was applied. It was applied correctly in three of the five cases, and the reasons for applying it were properly recorded. In the other two cases, the full Code test could have been applied and the MG3 (record of charging decision) read as if it had.
- Ancillary issues, including whether special measures, bad character evidence or hearsay applications should be made, were considered appropriately in ten of the 18 (55.6%) borough cases where it was relevant to do so.
- There were no cases in our file sample where it was appropriate to consider restraint and confiscation proceedings at the pre-charge stage.
- Overall the quality of MG3s prepared by borough prosecutors was of an acceptable standard. One was rated as excellent (4.5%); four were rated as good (18.2%); 14 were rated as fair (63.6%); and three were rated as poor (13.6%). Action plans were routinely completed and overall met the required standard in 14 out of the 22 cases (63.6%) advised upon by the borough.
- The level of charge advised at the PCD stage was appropriate in all cases.
- The magistrates' court outcomes for 2008-09 for cases subject to a PCD were worse in all respects than those nationally and CPS London and remained so for the 12 months to September 2009. The outcomes for Crown Court cases subject to PCD in 2008-2009 and for the 12 months to September 2009 were also worse in all respects than those found nationally and CPS London.

	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%	69.2%	80.1%	74.9%	70.8%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	17.0%	13.7%	14.7%	15.1%
Guilty plea rate	74.4%	69.8%	60.3%	73.6%	67.5%	60.1%
Attrition rate	19.2%	22.1%	28.8%	20.0%	23.8%	27.4%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	19.8%	11.7%	15.0%	17.5%
Guilty plea rate	72.9%	60.8%	53.7%	73.1%	61.0%	56.0%
Attrition rate	19.4%	27.3%	36.2%	19.5%	27.6%	33.5%

* 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 at 69.2% in PCD cases for 2008-2009 is much lower than CPS London and national performance. The twelve-month period to September 2009 shows a slight improvement to 70.8%.
- Our assessment of performance seeks to balance the quality of much of the decision-making and most of the instructions provided to advocates, against the poor outcomes finally achieved.

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

- The borough was providing face-to-face pre-charge decisions at the charging centre at Harrow Police Station every weekday until March 2009 when CPSLD took over the provision of pre-charge decisions in volume crime cases. The borough then provided cover at the charging centre two to three days per week, but this has now changed to the provision of pre-charge decision-making at the police station one day a week and telephone advice from the CPS office on another. Appointments are made through the charging centre manager. The borough intends to provide face-to-face pre-charge decision-making on Fridays when it moves to the integrated prosecution team site. The borough also provides ad hoc specialist advice for rape and child abuse cases and particularly complex or voluminous cases. Appointments are made through the borough crown prosecutor (BCP) but were booked up to three weeks ahead at the time of our visit.
- On occasion the borough has been unable to provide pre-charge decision-making owing to staffing difficulties. This has resulted in the BCP liaising with CPSLD to arrange additional cover where necessary. It has also meant that the police sometimes have to re-bail a suspect, or get an inspector to authorise charge. Re-bails in the borough are getting more frequent and longer.
- All duty prosecutors are experienced and they have all attended specialist courses in respect of rape and domestic violence. The borough has a limited number of specialists: a domestic violence specialist and two rape specialists, one of whom is also the Proceeds of Crime Act specialist (which places some limitation on availability). The borough has access to district specialists.

- There are effective systems to ensure that cases are referred to the correct charging location and cases are being referred appropriately by police to CPSLD. Any concerns are referred to the BCP who raises them at the prosecution team performance management (PTPM) meeting.
- The borough is managing the interface with CPSLD effectively. CPSLD has begun monitoring and keeps an issues log but it is too early to assess the impact of the service on the police and the borough or to identify any trends.
- Until July 2009 there was no effective police gate-keeping system in place. This impacted on the quality of file submission, with too many cases being referred to the borough too early or being referred where the police could have made the decision to take no further action. This has been addressed by the police and there are now seven police evidence review officers (EROs), although they are not dedicated EROs and they all have other responsibilities. The EROs are fully aware of the referral criteria, and court advocates provide feedback on Criminal Justice: Simple, Speedy, Summary cases, as well as completing a grid which includes file supervision, case build and witness requirements. The BCP works with the witness care unit, criminal justice unit manager and the PTPM forum to address any issues that arise. The expectation is that the EROs will assume responsibility for managing an electronic charging diary on the move to an integrated prosecution team in February 2010.
- On occasion the police charge cases that should be referred for pre-charge decision-making. Prosecutors are instructed to refer such cases to the BCP who raises them with the police at PTPM meetings so that they can be investigated and addressed.
- Instructions to the advocate at court were included in nine of the 22 cases (40.9%) where a borough prosecutor made the charging decision. Given that the associate prosecutors conduct the majority of the first appearances at court it is vital that this information should be present on the MG3. Consideration was given to ancillary issues in the instructions in only 11 of 19 relevant cases (57.9%).
- In each case in the file sample the police provided sufficient material to enable the prosecutor to make a properly informed decision.
- The use of the case management system (CMS) to record pre-charge decisions is excellent. All of the cases in our file sample had an MG3 completed on CMS and all were appropriately flagged. Management of inactive cases is well managed. In November 2009 there were only 56 inactive cases awaiting finalisation or updating.

Strength

The management of inactive cases.

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

Assessment
2 – Fair

2A Decision-making is of a high quality, and case handling is proactive to ensure that the prosecution maintains the initiative throughout the case

Case outcomes in the magistrates' court

	Performance 2008-09			Performance 12 months to Sept. 2009		
	National	CPS London	Borough	National	CPS London	Borough
Discontinuance and bindovers	8.7%	8.0%	7.7%	8.8%	8.1%	7.1%
No case to answer	0.2%	0.3%	0.1%	0.2%	0.3%	0.0%
Dismissed after trial	2.0%	2.4%	3.3%	2.1%	2.6%	3.4%
Discharged committals	0.2%	0.3%	0.4%	0.3%	0.4%	0.4%
Warrants	1.6%	3.1%	2.4%	1.5%	2.7%	2.4%
Overall conviction rate	87.3%	86.0%	86.1%	87.1%	86.1%	86.7%

- The application of the evidential and public interest stages of the full Code for Crown Prosecutors (the Code) test was in accordance with the Code in each of the 18 magistrates' court cases examined. However there was no effective system to ensure that cases that had been charged under the threshold test were subjected to a timely full Code review.
- Full file reviews were carried out, and met the required standard, in nine of the ten relevant cases (90%) but there is no effective system to ensure that they are completed in a timely fashion. They were invariably completed close to the trial date.
- Prosecutors do not always identify at an early stage what is required to build cases to ensure a successful outcome. Nor do they take timely action to request further information or to chase outstanding material, even where the prosecutor at the pre-charge decision stage has set out what is required, with target dates for submission of the evidence or material by the police. Overall there was good proactive case management in only three out of 16 cases (18.8%). In the remaining cases, case management was fair in nine cases (56.3%) and poor in four cases (25.0%).
- Cases proceeded on the most appropriate charge in all instances. There were no cases in the file sample where pleas had been accepted to different or fewer charges.
- There were no cases in the file sample where a defendant had a linked case but the borough has appropriate systems in place to ensure that such cases are identified at an early stage.
- The proportion of cases where the proceedings were discontinued is better than that found nationally or across London as a whole. In 2008-2009 7.7% of cases were discontinued compared to 8.0% in London and 8.7% nationally. There was a marginal improvement to 7.1% for the 12 months to September 2009. There were three cases in our file sample that had been discontinued. In each case the decision to discontinue accorded with the full Code test. In two (66.6%) of these cases the decision to discontinue was timely. None of the discontinuances could have been avoided by better case preparation.

- The borough crown prosecutor (BCP) authorises all discontinued cases unless circumstances make it impracticable. The paralegal business manager enters the details of all adverse outcomes on a spreadsheet and cross-checks with the information entered on the case management system (CMS). Feedback to prosecutors is provided at team meetings or on a one to one basis. Specific cases where learning points arise are taken to the prosecution team performance management meetings.
- The proportion of cases where the committal proceedings were discharged by the magistrates' court because the prosecution was not ready and the court refused an adjournment was 0.4% of the borough's total caseload in 2008-2009, which is worse than CPS London and national performance. There were 18 cases in 2008-2009 where committal proceedings were discharged. This represents 4.8% of all borough cases set down for committal. There were 13 cases in the 12 months to September 2009 where committal proceedings were discharged. The BCP keeps a log, and authorises any reinstatement of proceedings. Only one case was reinstated in the past year. There were no discharged committals in our file sample, but our file examination showed that committal papers are regularly received from the police or are reviewed late by the prosecution.
- Overall, case outcomes in the magistrates' court are satisfactory and showing some improvement. The proportion of magistrates' court cases that resulted in a conviction in 2008-2009 is fair at 86.1%, which is marginally better than CPS London performance of 86.0% but worse than the national performance of 87.3%. Performance shows a slight improvement to 86.7% for the rolling 12 months to September 2009.

2B Cases are prepared and progressed effectively

Trial rates

	Performance 2008-09		
	National	CPS London	Borough
Effective	43.4%	47.3%	53.4%
Cracked	38.0%	34.8%	35.2%
Ineffective	18.6%	17.9%	11.4%
Vacated	21.5%	16.3%	14.1%

- The optimum business model (OBM) for the preparation of contested magistrates' court of has been implemented on the borough but is not operating effectively. It has been hampered by unexpected absences and staff shortages. The borough was without a case progression officer (CPO) for a short period and a shortage of administrative staff has led to a backlog. The borough acknowledges that the benefits of OBM are not being realised, due in part to a lack of dedicated resources and clear systems. The borough now has a part-time dedicated CPO who has administrative support. The BCP is hoping to have an administrative manager in post before the borough moves to the integrated prosecution team, to ensure that operational needs are covered. The BCP endeavours to ensure lawyer rotation on the OBM on a weekly basis but, owing to staffing challenges and the fact that the lawyers have other duties to perform, there is not consistent or adequate lawyer coverage. The associate prosecutors provide support where they can.
- The CPO attends weekly case progression meetings with the CPO for the magistrates' court, the criminal justice unit manager and the witness care unit manager. They consider cases three weeks ahead of the trial date but files are not routinely reviewed before these meetings. The borough keeps an actions diary that records directions and actions to be completed for court, but actions are not chased up in a timely or effective fashion.

- Files are routinely reviewed for trial at a very late stage and case preparation has suffered as a result. There was timely completion of court directions in three out of eight cases (37.5%) and applications for bad character, special measures or hearsay were made on time in only two out of six relevant cases (33.3%). Overall, all aspects of case preparation were timely in only five out of 16 cases (31.3%).

Aspect for improvement

The borough crown prosecutor should establish arrangements to ensure that cases are reviewed and necessary preparation work (especially relating to committals to the Crown Court) is undertaken in a timely way.

- Criminal Justice: Simple, Speedy, Summary has been implemented in the borough and all cases in our file sample progressed at the first hearing. Prosecutors are proactive in taking the necessary actions following court hearings and send prompt requests to the police for additional papers and for witnesses to be warned to attend in cases adjourned for summary trial.
- The borough's effective trial rate of 53.4% in 2008-2009 is better than CPS London at 47.3% and national performance at 43.4% and has improved to 56.3% in the 12 months to September 2009. The ineffective trial rate for the borough at 11.4% is much better than London performance (17.9%) and national performance (18.6%) for the year 2008-2009 and has improved significantly to 8.0% in the 12 months to September 2009. There were four ineffective trials in our file sample, two of which could have been avoided by prosecution actions.
- The cracked trial rate at 35.2% is slightly worse than CPS London (34.8%) but better than national performance (38.0%). There were no cracked trials in our magistrates' court file sample.
- Use of CMS to provide an audit trail of actions completed is generally fair with 12 out of 18 magistrates' court cases (66.7%) in our file sample rated as good and six cases (33.3%) as fair. Two magistrates' court cases were finalised incorrectly on CMS. Similar errors in relation to finalised Crown Court cases are included in this aspect for improvement.

Aspect for improvement

The borough crown prosecutor should institute regular monitoring of the case management system finalisation codes to ensure accuracy and completeness.

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%	19.0%	11.7%	15.3%	17.3%
Judge directed acquittals	1.0%	1.1%	2.9%	0.9%	1.3%	4.3%
Acquittals after trial	5.5%	8.5%	8.8%	5.6%	9.0%	9.2%
Warrants	1.1%	1.6%	2.9%	1.1%	1.7%	0.8%
Overall conviction rate	80.8%	73.1%	66.4%	80.7%	72.7%	68.3%

- The application of the evidential and public interest stages of the full Code test at either the committal stage or service of the prosecution case accorded with the Code in all relevant cases in our file sample. There was a full file review that met the required standard in nine out of 12 relevant cases (75%).
- There was a need to conduct a subsequent ad hoc review following a significant change of circumstances or the receipt of relevant additional material in six of the cases examined in the file sample and this was undertaken in only two instances (33.3%).
- Prosecutors and caseworkers are aware of the procedures for referring cases to the London Complex Casework Centre, and that the borough crown prosecutor (BCP) is responsible for authorising such referrals. Currently, the borough has no cases that have been referred to the unit.
- Prosecutors do not always identify at an early stage what is required to ensure a successful outcome. Nor do they take timely action to request further information or to chase outstanding material, even where the prosecutor at the pre-charge decision-making stage has set out what is required, with target dates for submission of the evidence or material by the police. Overall there was good proactive case management in only four out of 14 cases (28.6%). In the remaining cases it was fair in eight (57.1%) and poor in two (14.3%).
- All cases proceeded to committal, and trial, on the most appropriate charge.
- Pleas were offered in two of the cases in our file sample, and in each the decision to accept was correct. The consultation process and the basis of plea were recorded on the prosecution file.
- The indictment was drafted correctly in 13 out of 14 cases (92.9%). It was amended correctly in the remaining case. The paralegal business manager (PBM) quality assures indictments, and consults with the BCP when in doubt about the accuracy or correctness of the content.
- There was one file in our file sample involving two defendants arrested at different times for the rape of two teenage girls. Both cases were linked at the plea and case management hearing (PCMH), which was the first opportunity. Both were properly linked on the case management system (CMS).
- No restraint and confiscation issues arose in any of the cases in our sample but the borough has a Proceeds of Crime Act specialist who provides advice where issues arise.

- The rate for judge ordered acquittals (JOAs) in 2008-2009 was 19.0% which was considerably worse than that for CPS London (15.7%) and nationally (11.6%). The rate improved to 17.3% in the 12 months to September 2009. The rate for judge directed acquittals (JDAs) in 2008-2009 was 2.9% which is much worse than that for CPS London (1.1%) and national performance (1.0%) and this rate has significantly deteriorated to 4.3% in the 12 months to September 2009.
- There were three JOA cases in our file sample, and in each there was a material change in the evidential strength or public interest since the pre-charge decision. Although the outcome was foreseeable in all of these cases, the decision to drop the case was timely in two cases (67.0%). The decision in the third case could have been made months earlier if the case had been reviewed following receipt of the interview with the victim's daughter. We examined two JDAs. The outcomes could not have been avoided by better case preparation. The reasons for the adverse outcomes were endorsed on counsel's minute sheet in four of the five JOAs and JDAs (80%).
- Acquittals after trial in the borough in 2008-09 at 8.8% were close to the CPS London rate (8.5%) but significantly worse than national performance (5.5%). The rate for the rolling 12 months to September 2009 shows a deterioration to 9.2%.
- The overall conviction rate for 2008-09 in the Crown Court was 66.4%, which was well below the CPS London (73.1%) and national performance (80.8%). Performance has shown a slight improvement for the 12 months to September 2009.

3B Cases are prepared and progressed effectively

Trial rates

	Performance 2008-09		
	National	CPS London	All Harrow Crown Court cases ⁷
Effective	47.1%	54.7%	54.3%
Cracked	40.8%	30.0%	32.7%
Ineffective	12.1%	15.2%	13.0%

- The borough has a dedicated part-time Crown Court case progression officer (CPO) who is responsible for managing the progress of cases after the PCMH. The CPO attends weekly case progression meetings with the criminal justice unit manager, witness care unit manager and the court to address trial readiness and to consider any listing issues. They consider cases about two weeks ahead of the case going into the warned list. The borough produces a workbook after the case progression meetings that details outstanding actions. Once all identified actions have been completed and the case is trial ready, an electronic copy is sent out to all parties. This has not proved to be effective in ensuring cases are prepared promptly.
- Cases are supervised by the PBM who allocates each case to a lawyer and caseworker as soon as the case is committed to the Crown Court. Once the case is allocated, the caseworker prepares and collates the file and chases up outstanding material. The file then goes to the lawyer who carries out any necessary reviews. The timeliness and quality of case preparation on the borough was a central area of concern raised by criminal justice partners, and this was confirmed by our file examination. Full file and ad hoc reviews are usually carried out close to the hearing date which means that outstanding actions are not properly addressed or appropriately chased up and occasionally witnesses are identified or warned close to the trial date. Overall the effectiveness of case progression needs to be improved.

⁷ 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.

- Applications for special measures, bad character or hearsay evidence were made in a timely manner in three out of 11 cases (27.3%) in our file sample. The reason generally given for late applications is the court's requirement for sufficient information from the victim or witness setting out why a special measure is required.
- There is a lack of pro-activity and cases are allowed to drift. Timeliness is a real issue. PCMH directions are routinely not complied with in a timely fashion: there was timely compliance with directions in one out of 11 relevant cases (9.1%) in our file sample. Issues were around late applications, disclosure and provision of tape transcripts.

Aspect for improvement

The borough crown prosecutor should put in place effective systems to improve Crown Court case progression and ensure timely compliance with court directions.

- The borough is not currently handling any cases that are of sufficient seriousness or complexity to require oversight by a case management panel. However, the district would facilitate setting up a panel should the need arise.
- The quality of instructions to counsel in our file sample was variable. In four out of 14 cases (28.6 %) they were good, eight (57.1%) were fair and two (14.3 %) were poor. Instructions routinely followed a template with limited or no attempt to include a detailed analysis of the case identifying strengths and weaknesses, nor did they always contain instructions on acceptability of pleas or address disclosure. The instructions did, however, include a copy of the review by the reviewing lawyer.
- Brent and Harrow boroughs commit cases to the Crown Court at Harrow. The cracked and effective trial data for the Crown Court is not disaggregated to borough level and therefore includes cases handled by both Brent and Harrow. Brent cases make up the majority (approximately 75%) of cases heard at Harrow Crown Court. Occasionally cases are transferred to other Crown Court centres in the district. All of this has an impact on the value of the performance data at borough level. The effective trial rate in 2008-09 was 54.3%, which is better than the national average, although not quite as good as that for CPS London overall. The ineffective trial rate is 13.0%, which is worse than the national average (12.1%) but better than CPS London (15.2%). The proportion of ineffective trials attributable to the prosecution is 3.8%. There were three ineffective trials in our file sample, one of which was attributable to the prosecution and should have been foreseeable.
- The cracked trial rate, at 32.7%, is worse than that for CPS London overall (30%) but better than the national average of 40.8%. However the most common reason for a cracked trial is the defendant pleading guilty on the day. The proportion of cracked trials attributable to the prosecution is 9.8%. There were three cracked trials in our file sample, none of which could have been avoided by prosecution actions.
- Use of CMS to provide an audit trail of actions completed is variable with seven out of 14 Crown Court cases (50.0%) in our file sample rated as good, six cases (42.9%) as fair and one (7.1%) file rated as poor. Two Crown Court cases in our file sample were finalised incorrectly on CMS.
- Again, our assessment has to balance the quality of the decision-making and selection of charges against poor timeliness and quality of preparation that has featured and contributed to the less satisfactory case outcomes.

4 THE PROSECUTION OF CASES AT COURT

Assessment

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**

- All borough prosecutors in the magistrates' court are experienced advocates. The borough has three crown prosecutors and two associate prosecutors (APs) who present cases in the magistrates' court. This is insufficient to cover all court sessions so the borough has to rely on using agents to make up the shortfall. The borough has, however, produced a guidance document, which is sent out to agents setting out the expected duties of prosecutors at court.
- Criminal justice partners have raised case preparation as an issue in both the magistrates' court and Crown Court. APs are given preparation time the afternoon before any hearings and review overnight custody cases on the morning of the hearing. Agents generally see their papers at court in the mornings. Occasionally they receive the papers beforehand, for example, if there is summary trial that is lengthy or complex. No specific preparation time is allocated in relation to Crown Court cases.
- Interviewees commented that the only regular borough presence are the APs. This can lead to delay (on occasions significant) in case progression while the AP or agent takes instructions from a crown prosecutor. However, progress was made at the first hearing in all of the cases in our file sample. In three cases there were subsequent unnecessary adjournments, one of which was attributable to the prosecution. In the one case the prosecution were not ready to proceed to committal.
- The quality of endorsements in the magistrates' court is good. Most endorsements are legible, clear and detailed, and provide instructions for the next hearing or for the optimum business model. Crown Court endorsements are on minute sheets, and are equally good. In our file sample the quality of endorsements was excellent in two of the 32 cases (6.3%), good in 19 cases (59.4%), fair in ten cases (31.3%) and poor in one case (3.1%). It was clear from our court observations that endorsements were completed contemporaneously in the magistrates' court.
- Our limited advocacy observations as part of this assessment indicate that prosecution advocates meet the CPS national advocacy standards. Criminal justice partners considered that the standard of advocacy varies from very good to poor, with a few prosecution advocates lacking in certain basic skills, particularly in relation to examination of witnesses.
- Prosecution advocates arrive at court in a timely manner and generally comply with the Prosecutor's Pledge, Victims' Code of Practice and Witness Charter. The prosecutors work well with the Witness Service and introduce themselves to victims and witnesses and ensure that they are kept informed of the progress of cases at court.

5 SERIOUS VIOLENT AND SEXUAL OFFENCES, AND HATE CRIMES

Assessment

0 – Poor**5A The borough ensures that serious violent and sexual offences, and hate crime cases are dealt with to a high standard**

- There were 19 cases in our file sample involving allegations of serious violence, rape and other sexual offences, domestic violence and hate crime. Eighteen of the 19 cases (94.7%) were correctly identified and flagged on the case management system.
- There are a limited number of specialists on the borough which means that cases are not always allocated to prosecutors with the appropriate experience or expertise. At the time of our visit, the borough had two rape specialists, one of whom was also the Proceeds of Crime Act specialist. The borough has a domestic violence specialist, but owing to the high volume of domestic violence cases and the small number of prosecutors, all prosecutors have received domestic violence training. The domestic violence specialist is involved in the London Mainstream Model local implementation team, an initiative that aims to lead to an improvement in the borough's performance in domestic violence cases. The borough community prosecutor is one of the rape specialists, and also focuses on domestic violence and racially aggravated and religiously aggravated crime. In addition, prosecutors can seek assistance from the borough crown prosecutor (BCP) or district specialists where necessary.
- In each of the 19 relevant cases in our file sample the evidential and public interest stages of the full Code for Crown Prosecutors (the Code) test accorded with the Code at the pre-charge decision-making (PCD) and full file review stages (although the latter were not always timely). The charges proceeded with reflected the seriousness and nature of the offending and gave the court adequate sentencing powers in all cases.
- Borough specialists do not have a role in monitoring performance or in providing feedback on outcomes or lessons learnt.
- The borough has no specific plan to implement the CPS Violence against Women (VAW) strategy (which includes domestic violence cases) but is making some contribution to it in so far as rape and other sexual assault cases are generally handled better than other types of casework. The BCP attends monthly meetings with the detective inspector in charge of the local Sapphire Unit in accordance with the Rape Protocol.
- There were seven domestic violence cases in our file sample: the quality of review was good but enhanced evidence was considered at the PCD stage in only three cases. There were two domestic violence cases where applications for special measures were made out of time. In one of the two cases, the opposed application for screens was refused by the court, which resulted in the case being dismissed after the prosecution evidence had been called because the complainant and witness did not give evidence in accordance with their statements.
- The level of successful outcomes in VAW cases is well below CPS London and national performance. The borough is attempting to address victim and witness issues through the Witness Issues Group. There was a slight improvement to 54.9% in the 12 months to September 2009.

Violence against women: successful outcomes (convictions) as a percentage of completed cases

Performance 2008-09			Performance 12 months to September 2009		
National	CPS London	Borough	National	CPS London	Borough
71.9%	62.0%	54.1%	71.7%	60.5%	54.9%

- The borough achieved successful outcomes in only 76.5% of hate crime cases in 2008-2009 compared with 77.2% for CPS London and 82% nationally. Performance showed a slight improvement in the 12 months to September.
- The borough has undertaken some work with the police and local hate crime forum to run a series of joint workshops across the borough aimed at improving awareness and the attrition rate in domestic violence and hate crimes.

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

Performance 2008-09			Performance 12 months to September 2009		
National	CPS London	Borough	National	CPS London	Borough
82.0%	77.2%	76.5%	81.7%	75.4%	76.6%

- The borough has no working relationship with the Local Safeguarding Children Board.

Aspect for improvement

The borough crown prosecutor and specialist prosecutors should analyse the outcomes in sensitive cases and hate crime, with particular focus on cases involving violence against women, and take action to build and present stronger cases.

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

- There was compliance with the duty to provide initial disclosure in 15 out of 29 relevant cases (51.7%) in our file sample. Failures included inadequate descriptions in schedules provided by police, items being put on the schedule which are clearly evidence, as well as poor to inadequate endorsements and lack of endorsements on schedules. There were five cases where there was a failure to disclose potentially undermining or assisting material, although this was ultimately disclosed to the defence at a later stage.
- Initial disclosure was timely in only ten cases. Unused material schedules are sometimes provided late by the police and they are not chased up effectively.
- There were eight cases where there was a need to consider continuing disclosure. The duty was complied with in two cases (25%). Failures included very late disclosure and disclosure of items which did not undermine the prosecution case or assist the defence. In no instance was there ultimately a failure to disclose potentially undermining or assisting material. Timeliness was an issue in all eight cases.
- Prosecutors are still referring incorrectly to primary and secondary disclosure instead of initial and continuing disclosure.
- Endorsements of the non-sensitive material schedules by prosecutors routinely contained no reasons for decisions reached. The sensitive material schedules were unsigned by the prosecutor in 25 cases (86.2%). In the remaining four there was no sensitive material schedule, nor was one requested by the prosecutor.
- There were no cases in our file sample involving applications for public interest immunity (PII) (certificates allowing the prosecution to withhold certain sensitive material from the defence). PII applications, where they occur, should be dealt with and recorded at district level, although this responsibility has been delegated to the Harrow Crown Court advocacy unit manager in the absence of a district crown prosecutor.
- The use of the disclosure record sheets (DRS) to record the chronology of disclosure decisions and the reasons for them needs to be improved. A DRS was present in 20 out of 29 files (69.0%). The DRS was fully completed in only seven of the 20 cases (35%). Most of the sheets did not include all actions or reasons for decisions. Disclosure documentation and correspondence was not always stored in the separate disclosure folders.
- There has been no training on disclosure but the borough has identified this as a need and training is planned for January 2010.
- There is no local protocol with social services for the disclosure of third party material.

Aspect for improvement

The borough crown prosecutor should take steps to:

- ensure compliance with the prosecution's disclosure obligations; and
- quality assure disclosure decisions effectively and provide feedback to individual prosecutors.

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 HMCPSI's impending assessments of London boroughs. The London Management Team then instructed all boroughs to adopt the London CTL system. This is compliant, for the most part, with the national standard. However, managers need to be aware of the disparity and ensure that national requirements are also met.
- The borough had a CTL failure in June 2008. As a result a full CTL audit was completed and internal actions to improve the system were raised. A further three CTL audits were carried out in 2009. The borough also completed a peer review in early 2009, which highlighted that the borough was not complying with minimum CTL standards and recommended that an action plan be implemented to address shortcomings. A further peer review mid-year noted that the borough was maintaining a basic and functioning CTL system but that the appropriate grade of staff were not available to deal with the tasks and checking required, which increased the risk of a CTL failure.
- Until the recent appointment of the paralegal business manager (PBM) the borough crown prosecutor (BCP) carried the responsibility for monitoring. The checks carried out by the BCP appeared thorough with actions raised through robust and informative emails to members of staff, both to individuals where appropriate and more generally to all staff.
- A sample of Crown Court CTL case files and magistrates' court CTL case files were examined, which indicated that CTL compliance is now working well. Expiry dates on all files were correctly calculated. In general, the endorsements on the files were comprehensible and the CTL status was clearly shown on the front cover. All files gave a clear indication that they had been monitored. Two of the files were also clearly marked to show that they had been subject to a CTL audit and were signed. None of the files examined needed a request for an extension of custody time limits at court. Interviews revealed that borough lawyers compiled applications for extensions where necessary.
- The borough has an agreed system of CTL management with the magistrates' court, which appears to be working well, with CTL expiry dates being agreed in court at the time of hearing. Although there was no indication from any of the files examined that these dates were agreed in court, borough lawyers confirmed agreement with the court was happening in practice. In the Crown Court enquiries concerning CTLs tend to be made in open court by the judge.
- CTLs are managed and monitored by the PBM. In accordance with London protocols CTLs are managed and recorded on the CMS system and in a written diary. Both these systems complied with guidelines. The borough does not have its own CTL champion and relies on the district champion, as well as the CPS gateway, to keep staff up-to-date with changes to procedures and to provide guidance and mentoring. Relevant staff have received CTL training and CTL issues feature prominently in meetings and other communications between the BCP and borough staff.

8 THE SERVICE TO VICTIMS AND WITNESSESAssessment
2 – Fair**8A The borough ensures timely and effective consideration and progression of victim and witness needs, and the service to victims and witnesses is improving**

- The borough adopted the pan CPS London instructions for complying with the direct communication with victims (DCV) initiative in May 2009. The borough has a DCV co-ordinator who manages and monitors letters sent and provides the borough crown prosecutor (BCP) with a weekly report.
- The borough met the proxy target set in 2008-09 for the number of letters to be sent under the DCV scheme and exceeded the target in the second quarter of 2009-10, improving from 118.9% to 136.2%. These performance figures support other inspection work, which has found that DCV proxy targets do understate the requirement for DCV letters in order to comply fully with the scheme. As a result of our other inspection work the CPS has suspended the proxy target in October 2009 pending a re-evaluation of how it should be assessed. However, our file sample results would suggest that the borough is complying with the DCV scheme. The requirement to send a DCV letter was met in all ten cases in our file sample where the scheme was engaged.
- The quality of DCV letters was variable. Three (30%) were rated as good, five (50%) as fair, and two (20%) were poor. Most letters gave an adequate explanation for the decision made but some letters did not convey empathy, were not clear and lacked detail, or were not tailored to the individual recipient. In two letters reliance was placed solely on standard paragraphs.
- Timeliness of communications sent by the borough in respect of vulnerable and intimidated victims is unsatisfactory. In 2008-09 only 64.3% of letters were sent to vulnerable and intimidated witnesses within the one-day time limit against the CPS London average of 65.9% and 78.9% nationally. In respect of other victims the percentage of letters sent within the time limit was 79.0% for the same period compared with the CPS London average of 83.1% and 88.6% nationally.
- 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%)	118.9%	91.1%	136.2%	90.4%
Vulnerable and intimidated victims (timeliness target 95%)	64.3%	65.9%	50.0%	78.9%
Other victims (timeliness target 95%)	79.0%	83.1%	77.4%	87.0%

- The needs of victims and witnesses are generally considered at the pre-charge decision stage. In our file sample, the needs of victims and witnesses and related issues were considered in 15 out of 24 relevant cases (62.5%).
- Victim Personal Statements (VPS), which record the impact of crime on the victim, should have been considered in 20 of the cases in our file sample, and yet in only one case (5.0%) had the prosecutor considered whether there was a need for the victim to be asked to make a VPS. The witness care unit (WCU) send out leaflets to victims of crime but take the view that the drive needs to come from the police and CPS at the pre-charge stage. A more cohesive approach is required on the part of the police, CPS and the WCU to what is intended to be a joint responsibility.

- Special measures applications were not always timely even in those cases where the witness would automatically be eligible for enhanced levels of support. In cases without automatic eligibility it was not always apparent that individual needs had been considered with the police, and in cases where the police were tasked with undertaking a needs assessment, prosecutors had not identified the need for further action in their full file reviews.
- The WCU is based at Harrow Police Station and is managed by the police and has one CPS member of staff. The relationship between the WCU and CPS is generally good. Witnesses are warned in a timely manner following a not guilty plea, and the witness care officers keep the prosecutors informed of witness issues. The witness attendance rate was 84.2% against a target of 90% in 2008-2009.
- Although performance data on primary and secondary measures is provided on a London-wide basis there has been no attempt to undertake any analysis at a local level, even where data such as witness attendance rates is produced. The borough has identified witness difficulties as one of the main causes of cases not being able to proceed at trial, especially in domestic violence cases. The borough recognises that it needs to undertake more analysis of the reasons for victim or witness nonattendance at trial and to take steps to improve the service it provides. The BCP has recently implemented a local Witness Issues Group (WIG), which meets bimonthly to discuss general, and specific witness issues, learn lessons and address recurring trends. It is attended by the BCP, head of the criminal justice unit, WCU and the Witness Service. The borough has also recently participated in a Victim Focus Day to raise awareness.
- The borough does not have a nominated champion for victim and witnesses nor is there any strategy or plan in place to deliver the CPS business plan objective to champion the rights of victims and witnesses. The borough criminal justice board does not have a separate victim and witnesses subgroup and issues tend to be discussed on an ad hoc basis, in the WIG meetings, or through the forum of the prosecution team performance and effective trials subgroups. This is not ideal given that all the criminal justice agencies within the borough identify victim and witnesses issues as a significant cause of attrition.

Aspect for improvement

There is a need for systematic monitoring of the quality and timeliness of direct communication with victims letters to take place and for feedback to be provided

Aspect for improvement

Formal arrangements should be established to discuss borough victim and witness performance issues with the police and court service.

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**

- The assessment of qualitative casework issues is primarily undertaken by the borough crown prosecutor (BCP) through a series of monitoring processes, including the national casework quality assurance (CQA) scheme, MG3 (the record of charging decisions) dip sampling, adverse outcome reports, analysis of cracked and ineffective trials and reviews of rape cases. The BCP assesses a range of cases and uses the information to elicit trends or particular issues of concern and raises these at meetings (internally and externally) as well as giving any necessary feedback to the individual, although the introduction of the optimum business model (OBM) and cases charged through the CPS London Direct initiative has reduced levels of case ownership for magistrates' court work, which has resulted in less one to one feedback to individuals. In 2008-09 the borough achieved a 106% compliance rate for CQA volume compared to a London average of 84.8%. We examined six CQA forms and in each a number of areas where performance could be improved had been identified and actions had been raised, demonstrating that qualitative checking is taking place.
- There is no consistent monitoring of in-house advocates. Advocacy assessments were undertaken by the London Area Advocacy Trainers in late 2008, and feedback was given to individual lawyers. The Harrow Crown Court advocacy unit manager is also committed to undertaking advocacy monitoring for the borough and wider district in the magistrates' courts. The BCP does not have any formalised system of monitoring in-house advocates or agents but relies upon feedback from the members of the local bench, Bench Legal Manager and legal advisors in order to identify any training needs. Feedback is also received concerning the quality of advocacy of agents. External evidence from criminal justice partners suggests that the quality of advocacy is variable from good to poor. The poor performance may be attributable to lack of case preparation.
- Due to staff shortages, a fire-fighting approach has often been used. The borough has therefore had to deal with matters as they arise, and as such responds to pressing issues rather than having a proactive approach to reviewing the effectiveness of operational systems. Key performance challenges for the unit have been the effectiveness of the OBM and balancing lawyer and associate prosecutor deployment to the courts. Whilst the performance structure and the quality of data appears sound the communication links at team level and within the prosecution team performance management (PTPM) process are weak, leading to a more information giving approach rather than a problem solving one. The borough should address its communication strategy as part of the integrated prosecution team (IPT) move. The district business manager (DBM) and district crown prosecutor also monitor performance at the district level and have the ability to adjust resources within the district where there is a clear business need, although instances are rare.
- Performance data which links into the CPS key performance indicators is provided to borough managers from the CPS London Performance unit, and reviewed as part of the district management team meetings. Performance data is provided for all boroughs, districts, and other operational units within CPS London, and allows for data to be compared. Boroughs contribute to the quarterly report submitted by the district to CPS London. Performance is rated against the key performance indicators using a traffic light system. The BCP and DBM have regular performance meetings at district level and actions for improvement are agreed upon. Performance is discussed at borough meetings although these have not been regular and not all staff are familiar with the current performance of the borough.

- Accuracy of finalisations on the case management system could be improved. Of the 32 files examined, four were finalised incorrectly: two were magistrates' court cases and two were Crown Court cases. In addition, the magistrates' court caseload figure for 2008-09 includes, incorrectly, cases dealt with at Harrow Magistrates Court by the CPS London Traffic Unit.
- The perception of most staff was that they had not had a performance appraisal for over a year and that no mid year reviews had taken place. Most were unaware how their role contributed to the district or Area plan.

Aspect for improvement

The borough should introduce a regularised and consistent system of monitoring in-house advocates and provide feedback.

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

- The BCP is committed to the effective joint management of performance. The PTPM meetings are chaired by the BCP and attended by the Witness Care Unit, Crown Court and police criminal justice unit managers and the local police detective chief inspector. Performance data is used to identify issues arising relating to management of the charging centre and to consider casework volumes, levels of guilty pleas, conviction rates and case progression issues, as well as discussing reasons for individual unsuccessful cases. However both agencies agree that critical analysis and clear understanding of performance issues has yet to evolve before both agencies will be able to evidence improvements in performance driven by the PTPM process.
- The BCP chairs a separate meeting with the police Sapphire Unit to discuss sexual offence cases. The meeting focuses on upcoming cases and how the prosecution team can ensure successful outcomes as well as ensuring the needs of victims and witnesses are addressed.
- The BCP receives detailed monthly data on the cracked and ineffective trials from the magistrates' court. Joint performance meetings (JPM) between the magistrates' court, police and the borough are held bimonthly to address the reasons behind cracked and ineffective trials and a summary of this analysis is presented to the borough criminal justice group. Quarterly JPM meetings have been taking place with Crown Court staff but they have not been very effective as the borough has not always been represented and there has been an emphasis on identifying problems rather than seeking solutions. The meetings will in future take place three times a year and the BCP has confirmed that the borough will be represented at every meeting.

10 MANAGING RESOURCES

Assessment

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

- Financial management of the non-ring fenced administrative costs (NRFAC) budget (comprising mainly staffing and general costs) and programme costs budget (comprising largely prosecution costs) rests at regional and district level. At borough level there is limited responsibility for financial management of these budgets. For accounting purposes, spend is forecast and expenditure allocated to borough-level cost centres, but in reality these are monitored at the district level and overseen and authorised by the region. Financial delegation within the region is limited, spend is authorised at that level and strict controls are exercised.
- The allocation of staffing resources to the borough is proportionate to the Activity Based Costing (ABC) allocation used by CPS London. Financial management of the NRFAC budget and prosecution costs is largely controlled and monitored at district level. In 2008-09, the borough's budget for NRFAC was £842,002. The borough's actual spend was £1,274,445 representing a 151.4% spend. This overspend was as a result of the cost centre for the newly formed Harrow Crown Court Advocacy Unit being allocated to the Harrow budget. The advocacy unit budget, as well as the other budgets on the district, is controlled and monitored by the district business manager (DBM). In 2009-10, the borough's budget for NRFAC initially decreased marginally to £840,200 but was later increased to £1,329,300. This budget may be subject to certain adjustments throughout the financial year due to casework fluctuations and the integrated prosecution team (IPT) rollout, which adds to the complexity of the ABC allocation.
- Borough staffing resource issues are managed by the district crown prosecutor⁸ and DBM and regular reviews take place with the borough crown prosecutor (BCP) to ensure that staffing resources are deployed on an efficient basis and in accordance with the ABC share. However, at borough level there is limited responsibility for financial management of these budgets, which tends to be restricted to ensuring financial propriety, including accuracy of fees submissions and timely payment of very high cost cases.
- In September 2009 the borough had 18.5 full time equivalent staff. There is limited contingency for staff absence, which presents a risk to the effective delivery of business. The borough anticipates that the move to IPT will overcome some of the joint burdensome administrative and bureaucratic aspects of delivery that currently exist between the two agencies, as well as provide better communication between the CPS and police.
- The borough has a concentration of varied working patterns of different grade staff, allowing little flexibility if any absences occur. This, as well as the borough's high sickness levels, has had an impact on the effectiveness of the delivery of the core business, resulting in backlogs of post, reduced in-house court coverage and ineffective case progression through the optimum business model (OBM).
- The BCP sets expectations for the deployment of lawyers and associate prosecutors (APs). For lawyers, this includes delivering pre-charge decisions at the police station, undertaking magistrates' court sessions and also deployment in the OBM unit. As part of these expectations is the ability of lawyers to be flexible in accommodating those with particular working conditions or duties. The borough has struggled to meet the lawyer deployment target in the magistrates' court, and this continues to be a difficulty due to the impact of working patterns and sickness.

8 There has been a vacancy on the district for a District Crown Prosecutor for several months.

- In 2008-09 the borough achieved 89.6% deployment of in-house prosecutors at the magistrates' court, just below the target of 90% but above the London average of 87.9%. The borough's APs achieved a 30.7% deployment in 2008-09, which was the highest AP deployment in London. However for the first two quarters of 2009-10 the in-house sessions have dropped dramatically to just 42.5% compared to a London average of 76.0%. AP deployment has also dropped to 26.6%, although is still better than the London average of 22.4%. Consequently the use of agents to cover courts has risen sharply from 10.4% in 2008-09 to 57.5% in the first two quarters of 2009-10. The reasons for a sharp drop of in-house court coverage include understaffing, sickness, maternity and compassionate leave and some restrictions on lawyers' ability to attend court. This has left the borough with just 2.36 full time equivalent (FTE) lawyers to cover court sessions. The borough is currently understaffed (according to its ABC allocation) by 0.7 FTE lawyer. The DBM is aware of this situation and is working with the BCP to improve performance.
- The borough had an average of 18.1 days sickness absence per person in 2008-09, which was the second highest rate of sickness in London (where the average was 9.3 days). The average number of days sickness absence for the first two quarters has reduced to 12.9, although still remains high in comparison with the London average. Back to work interviews are conducted and appropriate occupational health and wellbeing referrals are made. The DBM also has a proactive involvement in analysing the level and types of sickness on borough and district level and will advise the BCP in consultation with Human Resources where appropriate to do so.
- Managers are sympathetic to requests for flexible working to enable staff to achieve their individual work/life balance and various working patterns exist. However, due to the number of staff employed on flexible terms, managers often struggle to meet the business need, particularly when unexpected absences occur. It is often difficult to re-negotiate agreed flexible working conditions because of contractual reasons, even if the business need changes. This challenge has been recognised by CPS London and work is ongoing to address some of the major issues flexible working poses.

11 MANAGEMENT AND PARTNERSHIP WORKING

Assessment

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

- Strategy and priorities are primarily set at district and area level. Boroughs do not produce business plans but rely on updates against the Area Delivery Action Plan to demonstrate progress against key objectives. Whilst the borough activities contribute to the plan the borough does not have a specific action plan of its own to deliver these and borough managers rely on an understanding of what needs to be delivered. This means that they become focused on the delivery of the day-to-day service, the best use of resources and operational activities. Borough performance against common targets is discussed at borough and district level and adjustments and actions are raised accordingly. Formal business planning is therefore limited, and the borough focus for achieving its contribution to the area business plan and other local criminal justice agency plans is delivered through internal meetings, external meetings with its criminal justice system partners and by performance management.
- The borough crown prosecutor (BCP) and other managers understand their responsibility for implementing policy and delivering targets set in the Area Delivery Action Plan. The key priorities for the BCP are currently centred on addressing issues of underperformance and the high sickness levels, increasing in-house advocacy and ensuring the optimum business model (OBM) is effective.
- The integrated prosecution team (IPT) move has not been entirely within the control of the BCP and its implementation is being handled centrally. Both the IPT move itself and the way this change programme has been managed have caused anxiety among staff, which has affected morale. All borough staff are due to move into police premises and IPT is due to go live by February 2010. Despite this short timescale there has only been one local implementation meeting. Police partners are concerned about the lack of progress and project management and it is understandable that staff perception is one of a lack of direction. IPT presents the borough with significant challenges to change processes and systems and a need to adapt to a new environment and working culture. Currently the progress has been slow and information giving to staff has been handled poorly.
- Team meetings have been infrequent and have lacked consistency, but regular meetings have now been scheduled. Many have been ad hoc or called at short notice and there appears to have been a hiatus over the summer period. There has also been a lack of consistent agenda items. The borough should ensure that meetings, whether planned or ad-hoc, are where necessary supported by brief notes that can inform staff not in attendance and also be a record of key issues for the team. The borough should also develop a formal communication strategy for internal and external communication.
- Borough managers have not developed a formal planned approach to risk management as part of the daily management of services, but risks to business delivery are recognised and considered on a day-to-day operational basis. Overall, a more formal approach to risk management should be adopted, particularly as part of the planning around core business delivery. These risks should be considered as part of the communication structure that needs to be developed within the borough and will be particularly important when the borough moves to its new IPT site.

- The BCP recognises that there is a need for a more formalised training plan to reflect the needs of individuals and the business. Training has been haphazard and a good deal of self-training and desk-side training occurs. Focussed training needs to be identified as a priority as the borough moves to an IPT, to ensure a seamless transition to new processes and practices.

Aspect for improvement

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

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

- The BCP and other borough staff are developing an open and constructive approach with their criminal justice system (CJS) partners. Liaison is generally supportive with relationships being improved and strengthened, and 'good will' demonstrated between the criminal justice agencies and other stakeholders.
- At the strategic level the borough actively participates in joint performance groups, court user groups and the borough criminal justice group (BCJG), where CJS business and overarching Public Service Agreement targets are discussed. Prosecution team performance management (PTPM) meetings with the police need to develop and identify weaknesses in order to address joint performance issues. At an operational level borough staff place particular emphasis on regular informal contact with key CJS partners to provide a sense of shared ownership for delivery of day to day criminal justice business.
- Many of the initiatives that the borough has implemented have been joint initiatives such as Criminal Justice: Simple Speedy Summary, the Director's guidance on the streamlined process, statutory charging and No Witness No Justice. Other CPS driven initiatives such as OBM and conditional cautioning have been prescribed from the centre and adopted by the borough. As a consequence, borough based initiatives have been limited although the BCP attends the Domestic Violence Steering Group.
- The borough has appointed a borough community prosecutor whose role is to engage proactively with the community and raise awareness of how the CPS works, and provide an understanding to borough staff of the needs and key priorities from a community perspective. The development of the community prosecutor approach is a major initiative for the CPS and brings with it new ideas of how modern prosecutors should engage with communities, although the full remit is being evolved. Unfortunately, due to a lack of lawyer resources, the remit of the role has yet to be fully explored and has been limited to building contacts with a range of community groups. Nevertheless the borough should develop a clear community engagement strategy at borough level to ensure appropriate community and partnership engagement which is measurable and maximises the benefits to service delivery. On a broader scale the borough remains committed to increasing awareness and confidence in the CJS and has engaged in hate crime road shows and court open days.
- Complaints made by the public are received in the borough directly (usually addressed to the BCP), from the Director of Public Prosecution's Private Office or from the district business support unit. The BCP handles all complaints personally, although she may require a background note from the lawyer in the case. A log of complaints is kept at borough and district level although, very shortly, only one log will be maintained at borough level, in preparation for its move to the new IPT site.

Aspect for improvement

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

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

- Good performance is recognised through casework quality assurance feedback and face-to-face discussions and in emails but, as with communication in general, staff on the borough could benefit from a more formal channel of feedback. Team meetings could be used to recognise the achievements of the team or individual staff members. Discussions with staff indicated that, in general, there was a lack of recognition of good performance.
- Although the borough has had resource issues that have led to backlogs and tensions, most staff display a good team spirit and treat each other with respect. No substantiated complaints have been made by staff about their treatment by managers.
- The make-up of staff in the borough office generally reflects the local community served, but there is no ability to control this aspect at borough level. Diversity and recruitment is managed at a London-wide level.

ANNEXES

A PERFORMANCE DATA

Aspect 1: Pre-charge decision-making

	Performance 2008-09			Performance 12 months to Sept. 2009		
	National	CPS London	Borough	National	CPS London	Borough
Pre-charge decision cases						
	80.8%	76.2%	69.2%	80.1%	74.9%	70.8%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	17.0%	13.7%	14.7%	15.1%
Guilty plea rate	74.4%	69.8%	60.3%	73.6%	67.5%	60.1%
Attrition rate	19.2%	22.1%	28.8%	20.0%	23.8%	27.4%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	19.8%	11.7%	15.0%	17.5%
Guilty plea rate	72.9%	60.8%	53.7%	73.1%	61.0%	56.0%
Attrition rate	19.4%	27.3%	36.2%	19.5%	27.6%	33.5%

Aspect 2: Ensuring successful outcomes in the magistrates' court

Successful outcomes (convictions) as a percentage of completed magistrates' court cases

	Performance 2008-09			Performance 12 months to Sept. 2009		
	National	CPS London	Borough	National	CPS London	Borough
	87.3%	86.0%	86.1%	87.1%	86.1%	86.7%

Trial rates

	Performance 2008-09		
	National	CPS London	Borough
Effective	43.4%	47.3%	53.4%
Cracked	38.0%	34.8%	35.2%
Ineffective	18.6%	17.9%	11.4%
Vacated	21.5%	16.3%	14.1%

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%	66.4%	80.7%	72.7%	68.3%

Trial rates

	Performance 2008-09		
	National	CPS London	All Harrow Crown Court cases
Effective	47.1%	54.7%	54.3%
Cracked	40.8%	30.0%	32.7%
Ineffective	12.1%	15.2%	13.0%

Aspect 5: Serious violent and sexual offences, and hate crimes*Violence against women: successful outcomes (convictions) as a percentage of completed cases*

	Performance 2008-09			Performance 12 months to Sept. 2009		
	National	CPS London	Borough	National	CPS London	Borough
	71.9%	62.0%	54.1%	71.7%	60.5%	54.9%

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

	Performance 2008-09			Performance 12 months to Sept. 2009		
	National	CPS London	Borough	National	CPS London	Borough
	82.0%	77.2%	76.5%	81.7%	75.4%	76.6%

Aspect 10: Managing resources*Non-ring fenced administration costs budget outturn performance (end of year ranges)*

	CPS London outturn 2008-09	Borough outturn 2008-09
	99.1%	151.4% (incl. Crown Court advocacy unit)

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%	89.6%
Associate prosecutor deployment (as % of magistrates' court sessions)	24.5%	23.0%	20.5%	30.7%
Crown advocates. Counsel fee savings against target	110.0%	£4,200,000	99.3%	82.6% (district performance)
Sickness absence (per employee per year)	8.7 days	N/A	9.3 days	18.1 days

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

Police

Chief Superintendent Babu, Harrow Police
Superintendent Vyse, Harrow Police
Mr S Holland, Criminal Justice Unit Manager, Harrow Police
Mrs L Croad, Witness Care Unit Manager, Harrow Police

HM Courts Service

Crown Court

His Honour Judge Greenwood, Senior Resident Judge, Harrow Crown Court
His Honour Judge Arran, Harrow Crown Court
Ms H Mascurine, Court Manager, Harrow Crown Court

Magistrates' court

Mr N Orton JP, Chair of the Bench, Harrow Magistrates' Court
Mr A Cohen JP, Chair of the Youth Panel, Harrow Magistrates' Court
Ms S Boardman JP, Deputy Chair of the Youth Panel, Harrow Magistrates' Court
Mr J Vantghem, Clerk to the Justices' North and West London
Ms M O'Keefe, Deputy Justices Clerk, Harrow and Hillingdon Boroughs

Victim Support

Mrs R Matthews, Borough Manager

Community Groups

Ms J Baddhan, Hate Crime Co-ordinator, Harrow Council

Witness Service

Mr S Bernard
Ms M Thomas

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 aspects⁹ 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.

⁹ 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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