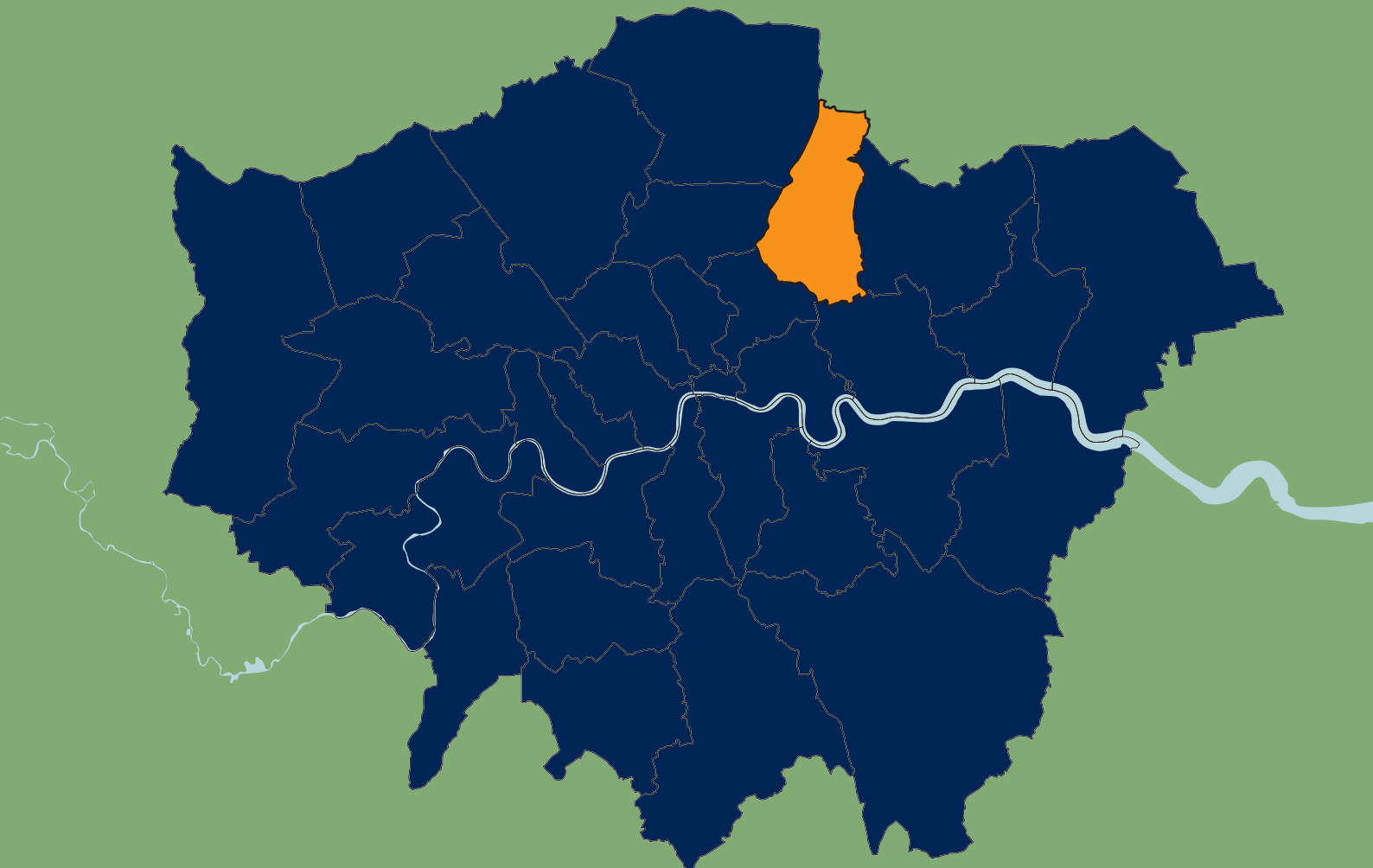


CPS London Borough Performance Assessments

Waltham Forest Borough

Undertaken October 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 area's Waltham Forest borough unit. It represents a more in-depth local assessment than the overall performance assessment of the North 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 (PA) 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 witness and victims; 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 performance in each category.

Whilst borough performance assessment 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 Waltham Forest 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 WALTHAM FOREST 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.

Waltham Forest borough has two offices, one located at Chingford Police Station, the other at Waltham Forest Magistrates' Court. It is part of the CPS London district that is aligned to the Crown Court sitting at Snaresbrook

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

As of October 2009 the borough had an average of 23.4 full time equivalent staff in post, and a budget of £1,480,000¹.

Staff	Numbers at October 2009
Borough crown prosecutor	1.0
Business manager	1.2
Crown prosecutors	6.4
Associate prosecutors	1.7
Caseworkers	7.1
Administrative support staff	6.0
Total (full time equivalent)	23.4

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

Details of Waltham Forest 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	885	946	+6.9%
Decisions not resulting in a charge ²	694	591	-14.8%
Total pre-charge decision cases	1579	1537	-2.7%
Magistrates' court proceedings³			
Magistrates' court prosecutions	2387	2848	+19.3%
Other proceedings	0	0	n/a
Total magistrates' court proceedings	2387	2848	+19.3%
Crown Court proceedings⁴			
Cases sent or committed to the Crown Court for determination	509	624	+22.6%
Committals for sentence ⁵	77	102	+32.5%
Appeals from the magistrates' court ⁵	31	33	+6.5%
Total Crown Court proceedings	617	759	+23%

Inspectors visited the borough between 6 and 13 October 2009. The lay inspector was Ramesh Patel, a Cardiff City Councillor. The role of the lay inspector is described in the introduction. He 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. He also visited some courts and assisted in interviews with Witness Service representatives. 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. His time was given on a purely voluntary basis and the Chief Inspector is grateful for his effort and assistance.

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

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

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

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

C SUMMARY OF JUDGEMENTS

Contextual factors and background

Borough performance in the past has been comparatively poor in some aspects compared with the overall London and national averages. This needs to be viewed, however, in the light of the borough managing its business whilst implementing a number of national initiatives and relocating to police premises as part of CPS London's programme of restructuring to integrated prosecution teams (IPT). Although co-location with the police has brought benefits in terms of opportunity for improved liaison, these have not always been maximised and shortage of space has led to some desk-sharing for staff. This has been alleviated to an extent by the move of the optimum business model unit (OBM) to the magistrates' court and will be further improved when the police and CPS relocate to a new police building in Leyton in 2010.

The current branch crown prosecutor (BCP) moved to Waltham Forest in July 2009 following the departure of the previous BCP on a long-term secondment abroad. A number of recently introduced systems and processes are showing some early benefits. However, the borough is also managing an increased caseload with fewer staff and it may be some time before those benefits are fully realised.

Summary

There are some concerns over the quality of decision-making and the early identification of ancillary case management issues. There were four cases (12.5%) in our file sample where the review decision did not accord with the Code for Crown Prosecutors (the Code). Although ancillary issues were identified in 73.1% of relevant cases, they were not considered in any detail.

Borough prosecutors still provide charging advice to the police, although the number of sessions has reduced to three per week since the introduction of CPS London Direct, which handles, through a telephone service, volume crime cases requiring a decision whether or not to charge. Although this has freed lawyers to do other duties, the borough is still three lawyers under its complement. The borough is not realising the benefits of charging, although the magistrates' courts discontinuance rate is slightly lower than the national and London averages.

Successful outcomes in magistrates' courts cases are not as good as the national and London averages, though its effective and ineffective trial rates are better. The introduction of OBM brought initial improvements in performance, although some under-resourcing and lack of clear definition in responsibilities led to some backlogs in work. These have now been addressed. The recent appointment of a case progression officer to the magistrates' courts staff should bring further improvements in case management.

The Crown Court ineffective trial rate is worse than the national and London averages and there are some concerns from criminal justice partners about the timeliness of some aspects of case management. The borough holds its own internal case management meetings which include the witness care unit manager and has recently appointed a caseworker as case progression officer with responsibilities which include checking trial readiness, monitoring timely completion of court directions and liaising with Crown Court staff.

The quality of instructions to advocates in Crown Court cases is poor; they do not deal with the circumstances of individual cases. The standard of case presentation in the magistrates' courts and Crown Court complies with the national standards of advocacy. In the magistrates' courts, the quality of presentation has improved and partner agencies commented positively on the work of lawyers and associate prosecutors.

Cases of serious violence, sexual offences, domestic violence and hate crimes are usually dealt with by specialist prosecutors and there are systems to ensure that those involving serious sexual offences

receive early advice from a specialist prosecutor. Borough performance in these cases is poor, although domestic violence cases are proactively pursued even when the victim no longer wishes to proceed.

Assessment of performance in respect of disclosure of unused material was difficult because of documents apparently being removed from files during storage after conclusion. There have been some issues which were highlighted in a recent CPS internal review and which reflected some of our findings. There are, however, some signs of recent improvement, although there needs to be a more rigid adherence to procedures.

The borough's custody time limit (CTL) monitoring procedures are robust and we found good evidence of knowledge and awareness of systems and the CTL regulations in some less straightforward cases. There have been no recent reported CTL failures.

Some attention is given to the needs of victims and witnesses at the pre-charge decision (PCD) stage, although issues are usually flagged for consideration at a later stage. Consequently, a number of applications for special measures to aid witnesses in giving evidence are made late. Witnesses are not always provided with up-to-date information about case progress and witness issues account for a high proportion of cases dropped at court. Borough performance for the number of letters sent to victims to explain why a charge is altered or dropped is improving. The quality of letters is good.

Performance management has been lacking in cohesion in the past and performance has been poor in a number of key aspects. There is now, however, a greater focus on performance management as a means of improvement through reporting, analysis and discussion at borough level, both internally and with partners. A more formal system of advocacy monitoring, however, would provide greater assurance about the quality of advocacy. Performance analysis with partners has purpose and direction. In particular, prosecution team performance management meetings (PTPM) are becoming more effective and leading to improved outcomes. Greater attention must be paid to the recording of case finalisations to ensure the accuracy of casework data.

The borough has only limited responsibility for prosecution costs and non-ring fenced administrative costs, which are managed at district level. The deployment of borough prosecutors has worsened in the first quarter of 2009-10, largely due to the loss of four lawyers, although the cooperation of the magistrates' court has helped to increase the usage of associate prosecutors. The rate of absence through sickness is monitored and borough performance in this respect continues to improve.

Since the arrival of the current BCP, management processes have become more focussed. Team meetings are now minuted and circulated and internal communications are improving although there is still no formal communications strategy for the borough. The co-location of borough staff with the police in the IPT and the relocation of the OBM to the magistrates' court have improved communication with partners but have also brought tensions in some aspects of relationships. Office morale is high and staff are supportive of each other. Engagement with the community has been more ad hoc than structured, although it has encompassed a number and range of activities. The recent appointment of a borough lawyer as community prosecutor has proved to be problematic because of difficulties in accommodating the role with her casework responsibilities. The BCP now has responsibility for community engagement.

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

We identified one strength and 13 aspects for improvement:

Strength

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

Aspects for improvement

- 1 The quality of MG3s should be improved and managers should monitor a sample on a regular basis to ensure that:
 - reasons for decisions are fully and clearly set out; and
 - ancillary issues are properly considered (aspect 1).

 - 2 The borough crown prosecutor should introduce measures to ensure that prosecutors are more proactive in carrying out full reviews of case files and actively pursue further lines of enquiry (aspect 2).

 - 3 The borough crown prosecutor should put in place effective systems to ensure timely preparation and progression of magistrates' courts cases, including cases which are to be committed for trial in the Crown Court (aspect 2).

 - 4 The borough crown prosecutor should introduce effective systems to ensure that there is timely preparation and progression of Crown Court cases (aspect 3).

 - 5 The borough crown prosecutor should ensure a proper standard of brief which has some bearing on the case (aspect 3).

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

 - 7 The borough crown prosecutor should provide guidance to lawyers to ensure that instructions on disclosure schedules are clear and comply with the disclosure manual and that lawyers use the correct terms for the stages of disclosure (aspect 6).

 - 8 The effectiveness of the relationship between the CPS and WCU should be improved by joint training and other initiatives to provide a better service to witnesses and to enhance the mutual appreciation of the roles and responsibilities of each team (aspect 8).

 - 9 The borough crown prosecutor should analyse the reasons behind ineffective and cracked trials due to the absence of civilian witnesses. The data should also be made more widely available to the WCU (aspect 8).

 - 10 Lawyers and caseworkers should adopt the use of email when sending lists of witnesses to attend court to the WCU and Witness Service (aspect 8).
-

-
- 11 The borough crown prosecutor should introduce a more formal system of advocacy monitoring in the magistrates' courts and in the Crown Court (aspect 9).
-
- 12 The borough crown prosecutor should ensure that a formal record of staff training is maintained (aspect 11).
-
- 13 Administrative staff should receive appropriate training to enable them to do all administrative tasks (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	2 – Fair
The prosecution of cases at court	3 – Good
Serious violent and sexual offences, and hate crimes	2 – Fair
Disclosure	2 – Fair
Custody time limits	3 – Good
The service to victims and witnesses	2 – Fair
Managing performance to improve	2 – Fair
Managing resources	Not scored
Management and partnership working	2 – Fair
OVERALL ASSESSMENT	22 – FAIR

D DEFINING ASPECTS

1 PRE-CHARGE ADVICE AND DECISIONS

Assessment
2 – Fair

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

- There are concerns about both the quality of decision-making and handling of issues ancillary to the decision whether to charge. We examined 28 cases that had been the subject of a pre-charge decision (PCD) resulting in prosecution. The final charging decision was taken by CPS Direct (CPSD) or CPS London Direct (CPSLD) in nine of those cases. Twenty-two cases were the subject of the full Code for Crown Prosecutors (the Code) test; the threshold test was applied to the remaining six.
- The evidential stage of the Code test was correctly applied in 19 of the 22 cases (86.4%). The three cases in which it was incorrectly applied were decisions made by a borough duty prosecutor. The public interest stage of the Code was applied correctly in each case.
- The threshold test had been correctly applied in five cases; the circumstances relating to the remaining case were unclear. Full Code test reviews were carried out in relation to each of the cases, although there was a wide variation in the timings of the full reviews, which were usually prompted by the need to prepare a trial or committal papers.
- The most appropriate charges were advised in 25 out of 28 cases (89.3%). None of the borough's criminal justice partners interviewed expressed any concern about the level of charging.
- The overall quality of MG3s was good with 17 assessed as good (65.4%), five as fair (19.2%) and four (15.4%) as poor. In two cases, there was no MG3 on the file or recorded on the case management system (CMS). The main failings related to the detail and clarity of the case analysis and reasoning.
- There were also concerns about the extent to which ancillary issues, such as the need for bad character, special measures and hearsay evidence applications, were identified and discussed in the lawyer's analysis. Although ancillary issues were identified in 19 of the 26 cases (73.1%) where we found the MG3, they were often no more than a "flag" without any real discussion of the relevant issues.

Aspect for improvement

The quality of MG3s should be improved and managers should monitor a sample on a regular basis to ensure that:

- reasons for decisions are fully and clearly set out; and
 - ancillary issues are properly considered
-

- None of the cases within our sample involved the need to consider the confiscation of a suspect's assets under the Proceeds of Crime Act (POCA). There is, however, guidance on the application of POCA to charging decisions within the borough charging centre.
- There are serious concerns about the borough's performance in respect of the six charging measures as the table below shows. With the exception of magistrates' courts discontinuance, performance is worse in each aspect than the London and national averages. The guilty plea rates in the magistrates' courts and the Crown Court are particularly poor. There have been some slight improvements in magistrates' courts performance in the first quarter of 2009-10 but, overall, these are outweighed by the worsening performance in the Crown Court.

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough*
Pre-charge decision cases						
Conviction rate	80.8%	76.2%	73.5%	80.5%	75.5%	73.6%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	13.0%	13.3%	14.1%	11.7%
Guilty plea rate	74.4%	69.8%	63.5%	74.2%	68.8%	63.5%
Attrition rate	19.2%	22.1%	24.8%	19.5%	23.0%	23.4%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	18.1%	11.8%	15.7%	21.5%
Guilty plea rate	72.9%	60.8%	54.3%	73.0%	61.1%	50.6%
Attrition rate	19.4%	27.3%	30.3%	19.5%	27.6%	33.2%

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

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

- Since the advent of CPSLD, the borough deploys a prosecutor three days per week at the charging centre in Chingford police station, where the borough offices are, to provide advice between 9am and 5pm. CPSLD provides charging decisions to the police from a central unit in volume crime cases (and the Director's guidance on the streamlined process). CPSD continues to provide out-of-hours advice.
- All of the borough's lawyers are duty prosecutors and each has received appropriate training. They also have sufficient prosecuting experience to be able to provide advice in the majority of cases, including the more serious and complex ones. In addition to the borough crown prosecutor (BCP), one lawyer is a trained rape specialist. Three other probationary specialists, who deal with cases under supervision, are shortly due to complete their training requirements.
- The borough operates an appointments system, which ensures that officers can consult a prosecutor usually on the day or, at most, within two working days. A serious sexual offences and child abuse surgery is held each Wednesday. It is dealt with by a rape specialist and, in most instances, the borough is contacted in advance either by email or telephone and an appointment made. There is usually some initial discussion about the case so that the issues are identified.
- Some more serious and complex cases were dealt with outside the charging centre. Although there were arrangements for monitoring cases to ensure they were dealt with within 14 days, other priorities and commitments meant there were often delays. A new system of consecutive appointments two weeks apart has recently been introduced to ensure that cases are dealt with more expeditiously. Following the initial appointment, the duty prosecutor reviews the case for further discussion at the next appointment two weeks later. If necessary a further appointment is made until a decision is given. The system ensures that cases are regularly monitored and allows for continuing dialogue between the investigating officer and the duty prosecutor.
- The transition to CPSLD was managed smoothly. Police evidential review officers (EROs) are aware of the referral criteria and there are systems in place to deal with inappropriate referrals. The BCP liaises closely with CPSLD on issues of joint management.
- Arrangements for the implementation of Criminal Justice: Simple Speedy Summary included joint

training with the police EROs about file content and evidential requirements. This led to greater understanding and improvements in performance. EROs generally ensure that only appropriate cases are referred to the borough duty prosecutors. This now means ensuring that they are not cases that should be referred to CPSLD as well as checking that they are complete and that the decision could not be dealt with by a senior officer. Inappropriate referrals are rare and are discussed individually in prosecution team performance management meetings.

- In some cases, further evidence or information is required by the prosecutor, although in relatively few, is this necessary before a charging decision can be made. Where further material is needed, the duty prosecutor prepares an action plan identifying the material and setting a date for its submission.
- The borough's use of CMS to record the PCD is not consistent. The MG3 was completed on CMS in only 26 out of 28 relevant cases (92.9%) within our file sample. We refer again to this in aspects 2 and 3.

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 June 2009		
	National	CPS London	Borough	National	CPS London	Borough
Discontinuance and bindovers	8.7%	8.0%	7.9%	8.7%	8.0%	7.7%
No case to answer	0.2%	0.3%	0.5%	0.2%	0.3%	0.5%
Dismissed after trial	2.0%	2.4%	3.5%	2.1%	2.5%	3.6%
Discharged committals	0.2%	0.3%	0.6%	0.2%	0.3%	0.5%
Warrants	1.6%	3.0%	3.5%	1.6%	2.9%	3.9%
Overall conviction rate	87.3%	86.0%	84.1%	87.3%	85.9%	83.8%

- The application of the evidential and public interest stages of the Code test at the time of the pre-charge decision (PCD) or initial review accorded with the Code for Crown Prosecutors (the Code) in 15 out of 18 magistrates' courts cases (83.3%) in our sample. Cases proceeded on the most appropriate charges in all cases. The numbers and level of charges reflect the criminality involved and allow the court sufficient sentencing powers. Representatives of partner agencies confirmed our findings in this respect.
- Prosecutors could be more proactive in identifying further lines of enquiry at an early stage. Our file sample contained evidence of almost last-minute enquiries or failure to chase earlier enquiries of the police. We considered that the level of proactive case management was good in nine of 15 relevant cases (60%). It was fair in three (20%) and poor in the remaining three cases.

Aspect for improvement

The borough crown prosecutor should introduce measures to ensure that prosecutors are more proactive in carrying out full reviews of case files and actively pursue further lines of enquiry.

- Full file reviews are not being carried out routinely where necessary. They were carried out and met the standard in 5 out of 16 relevant cases (31.3%).
- The borough has systems in place to ensure that linked cases are identified at an early stage. There was one example of linked cases in the magistrates' courts within our file sample. Although the linkage was identified at an early stage, the recording of the case on the case management system (CMS) was confusing. Certain actions and events recorded on CMS, including details of the case finalisations were wrong and did not reflect events on the paper file.
- The borough's successful outcomes do not compare favourably with performance nationally or across London with the exception of the discontinuance rate. There were four cases in our sample in which the proceedings were discontinued. The decision to discontinue accorded with the Code in each case. Two cases should not have been proceeded with at charging and they were discontinued

following later review by another lawyer. In the other two, there had been a change of circumstances since the PCD. Discontinuance was timely in two of the cases. Poor case management and preparation was not a factor in any of the cases.

- The borough crown prosecutor (BCP) looks at all cases where discontinuance is proposed before action is taken to ensure that the decision is correct and to identify any learning points. These will be discussed individually or more general lessons disseminated to all prosecutors by email. If necessary, issues are taken up with the police in prosecution team performance management meetings.
- There were two cases where the magistrates found no case to answer at the end of the prosecution case. Neither was foreseeable, the difficulties only becoming apparent at trial.
- The rate of discharged committals for 2008-09 at 0.6% is higher than the national and London averages (0.2% and 0.3% respectively). There were 16 discharged committals in the borough representing 2.5% of all cases prepared for committal. Performance for the 12 months to the end of June 2009 shows some improvement within the borough, although the position is still worse than the London and national averages. The borough rate of 0.5% comprises 14 cases that represent 2.2% of all cases prepared for committal in the period. There are procedures within the borough for any discharged committal to be reviewed promptly with a view to reinstating any case where it is considered necessary.
- No one in the borough's partner agencies expressed any concern over this aspect of performance. However, late service of papers was an issue generally and, although there may be some delays within the police, borough prosecutors were not proactive in escalating enquiries.

Aspect for improvement

The borough crown prosecutor should put in place effective systems to ensure timely preparation and progression of magistrates' courts cases, including cases which are to be committed for trial in the Crown Court.

2B Cases are prepared and progressed effectively

Trial rates

	Performance 2008-09		
	National	CPS London	Borough
Effective	43.4%	47.3%	49.6%
Cracked	38.0%	34.8%	36.7%
Ineffective	18.6%	17.9%	13.8%
Vacated	21.5%	16.3%	12.1%

- The optimum business model (OBM) was implemented in the borough in September 2008. The borough established a prosecution case progression team (PCPT) comprising a case progression lawyer with administrative support under a case progression manager to review summary contested cases. The case progression lawyer was originally attached to the PCPT on a long-term basis but the role is now rotated weekly.

- After some initial success, under-resourcing and a lack of clear definition in roles and responsibilities led to a backlog of cases and some administration problems in dealing with correspondence with the defence. The new BCP is seeking to address the problems and has issued recent guidance with newly defined roles for staff to ensure there is full awareness of individual responsibilities.
- The PCPT is currently located in an office in the Waltham Forest Magistrates' Court building. This has advantages in many respects – it has eased accommodation problems at Chingford police station and allows for more effective liaison with the court on practical issues. However, the case progression lawyer is often distracted by having to deal with issues relating to the daily business of the court. These distractions may not individually take much time and, overall, assist the smooth running of the court. However, the cumulative effect is a significant diversion of resources
- The arrangements for case progression in the magistrates' courts have been fragmented in the past. Internal borough case progression meetings have always been held and include the witness care unit manager. But there has been no other direct input from the police and court, although one senior legal adviser was a designated contact for case progression queries. The current BCP has made the issue a priority to the extent that the court has recently appointed a dedicated case progression officer (CPO) who will begin operating in mid-October. The police are also now actively seeking to recruit a CPO.
- Criminal Justice: Simple Speedy Summary has brought some initial improvements to case progression. If a defendant pleads not guilty, the case is adjourned straight to a trial date and most summary contested cases in our file sample were concluded in two hearings. The effectiveness of the first hearing means that case management hearings are rarely necessary. They are held only if there are particular issues in a case that need to be resolved separately.
- There are some concerns that the implementation of the streamlined process is having a slight negative impact on case progression. A high number of anticipated guilty pleas are in fact resulting in contested cases. This has led to some delays in obtaining evidence in those cases.
- The borough effective trial rate at 49.6% is better than both the national and London averages (43.4 and 47.3% respectively). Similarly, the ineffective and vacated trial rates are significantly better than the national and London averages as the above table shows. The borough cracked trial rate at 36.7% is better than the national average of 38.0% but worse than the London average of 34.8%
- There were two cases in our file sample in which there had been one ineffective trial. In neither case was the prosecution at fault. There were three cracked trials, only one of which resulted in a successful outcome (the defendant pleaded guilty to all charges).
- The use of CMS to provide an audit trail of actions is improving although a more consistent approach is required. The case was correctly finalised on CMS in 14 of the 18 cases (77.8%) in our file sample. The proportion of cases in which the hearing outcome was recorded within one day has increased from 77.4% in 2008-09 to 92.3% in the first quarter of 2009-10. The proportion of cases finalised within one day has also improved from 76.1% to 83.6% during the same periods. We refer to this again in aspect 3.

3 DECISION-MAKING, PREPARATION AND PROGRESSION IN CROWN COURT CASES

Assessment
2 – Fair

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 June 2009		
	National	CPS London	Borough	National	CPS London	Borough
Judge ordered acquittals	11.6%	15.7%	18.1%	11.8%	15.9%	20.0%
Judge directed acquittals	1.0%	1.1%	1.2%	1.0%	1.3%	0.9%
Acquittals after trial	5.5%	8.5%	7.4%	5.5%	8.6%	7.7%
Warrants	1.1%	1.6%	1.4%	1.1%	1.6%	1.1%
Overall conviction rate	80.8%	73.1%	71.9%	80.6%	72.7%	70.2%

- The application of the evidential and public interest stages of the full Code for Crown Prosecutors (the Code) test at the committal review stage or service of the prosecution case for indictable-only cases accorded with the Code in 13 out of the 14 Crown Court cases (92.9%) within our file sample. Similarly, cases proceeded to Crown Court on the most appropriate charges in 13 cases. There was a full file review that met the required standard in 11 of the 14 cases (78.6%).
- Lawyers are familiar with the criteria for referral of cases to the area complex casework centre and will consult a lawyer from the centre if in doubt. It has not been necessary to refer any cases to the centre.
- There were no cases in the file sample where a defendant had a linked case. Although the borough has systems in place to ensure that linked cases are identified early, we have reported in the previous aspect on problems in the recording of one such case.
- Prosecutors are not always proactive in the way that they manage and progress individual cases. Files within our sample showed instances of late requests for information and a failure to follow up outstanding enquiries as well as late replies to correspondence. The level of proactive case management was good in five (38.5%), fair in three (23.1%) and poor in five (38.5%) of the 13 cases in which we could assess this.

Aspect for improvement

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

- The borough rates of judge ordered and judge directed acquittals are worse than both the national and London averages. There were four judge ordered acquittals (JOAs) and one judge directed acquittal (JDA) in our file sample. There had been a change of circumstances leading to the decision not to proceed in one of the JOAs. Two of the cases should have been discontinued earlier than the trial date. In one of the cases, the defendant was remanded in custody and should have been released earlier. The standard of case preparation was not a factor in any of the JOAs but might have prevented the result in the JDA.
- The indictment was drafted correctly in 12 of the 14 cases (85.7%). In the two other cases, the indictment was amended in good time. The paralegal business manager quality assures indictments by noting those that have required amendment and reporting back to the borough crown prosecutor (BCP).

3B Cases are prepared and progressed effectively

Trial rates

	Performance 2008-09		
	National	CPS London	All Snaresbrook Crown Court cases ⁶
Effective	47.1%	54.7%	50.4%
Cracked	40.8%	30.0%	33.1%
Ineffective	12.1%	15.2%	16.4%

- Cases are allocated to a lawyer and caseworker when it is determined the case will be tried at Crown Court in either-way cases or when the case has been sent in indictable only cases. Caseworkers prepare the witness and exhibit lists and the case is then passed to the lawyer to review it and deal with disclosure. Caseworkers also draft the indictment and the brief, which are then checked by the lawyer.
- The quality of briefs was assessed as poor in each case in the sample. Written instructions to counsel consist solely of standard paragraphs with no summary of the case or analysis of the issues. Copies of the police summary, the MG3 and any additional review are included in the case papers but these do not deal with all relevant issues.

Aspect for improvement

The borough crown prosecutor should ensure a proper standard of brief which has some bearing on the case.

- The borough is not currently handling any cases that are of sufficient seriousness or complexity to require supervision by a case management panel. At the time of our inspection, there was no provision at district level for case management panels.
- The borough has recently appointed a dedicated case progression officer (CPO) because of acknowledged problems in dealing with correspondence and timely completion of other case progression issues. The CPO attends the borough weekly case progression meetings with the BCP and witness care unit manager. Crown Court trials are reviewed three weeks in advance and outstanding issues escalated. The CPO also liaises with the court case progression contact and attends all plea and case management hearings (PCMHs) to note orders and directions. These are recorded on a spreadsheet and monitored to ensure compliance.
- There are no formal case progression meetings with the Crown Court, although there are designated contacts among Crown Court staff who liaise with the borough CPO on case progression issues.
- We concluded that orders and directions had been complied with in seven out of nine cases. We could not ascertain the position in another. Necessary applications were made in three out of five relevant cases. It was difficult to form an accurate view from the file sample of borough performance in respect of case progression, although partner agencies have spoken of concerns over late compliance with directions and late applications for special measures, hearsay and bad character

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

evidence. Although the borough CPO will now record events at PCMH, caseworkers in the past have not always been present in court and have had to rely on counsel or later enquiry of the court to determine orders and directions made. In these instances, they are not always fully noted in the file.

- The use of the case management system (CMS) to provide an audit trail of actions is poor and, as with the recording in magistrates' courts cases, a more consistent approach is required. The overall usage of CMS within our sample was assessed as good in five cases (35.7%), fair in three cases (21.4%) and poor in six (42.9%). The case was correctly finalised on CMS in eight of the 14 cases (57.1%) in our file sample. The poor rate of correct finalisations is partly due to poor or incomplete court endorsements. There were some JOAs and JDAs recorded incorrectly as acquittals after trial, which clearly has an impact on the rate of case outcomes.
- As we have commented in the previous two aspects, this is not restricted to Crown Court cases. Improved accuracy in the use of CMS is an aspect for improvement that applies to all casework.

Aspect for improvement

The borough crown prosecutor:

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

4 THE PROSECUTION OF CASES AT COURT

Assessment

3 – Good**4A Advocates are active at court in ensuring cases progress and hearings are effective; advocacy and case presentation are of a high standard**

- Magistrates' court cases, including youth cases, are dealt with at Waltham Forest Magistrates' Court. Prosecutors are expected to undertake six half day sessions per week. In practice, this works out well with them doing five or six sessions on average. The weekly rota also accommodates charging centre sessions and work in the optimum business model (OBM) prosecution case progression team for lawyers.
- The experience of lawyers and associate prosecutors (APs) ranges from 2 years to more than ten years prosecuting cases in the magistrates' courts. All prosecutors have received training in dealing with domestic violence cases and youth courts are prosecuted by appropriately trained lawyers.
- Our own observations in the magistrates' court confirm that the prosecutors observed meet the CPS national standards of advocacy. They are competent and engage well with other court users in progressing court business. Criminal justice partners also provided positive comment about the overall quality of advocacy.
- Prosecutors are generally well prepared in court and display a comprehensive understanding of their cases. APs are given dedicated time to prepare their cases for court and can seek assistance from the OBM lawyer if required. Most magistrates' court files are kept at the OBM office at court which means that lawyers tend to arrive at court early to read their files. Although this can bring risks in terms of allowing sufficient time for preparation, particularly when other court users may have queries they wish to discuss, prosecutors are able to manage their preparation time effectively. The weekly rota is published in sufficient time to allow them to retrieve any trial files to prepare in advance.
- Cases generally progress at each hearing. In our file sample, the prosecutors were proactive in progressing cases at the first hearing in the magistrates' court in 15 out of 17 cases (88.2%). In particular, prosecutors usually have sufficient information at the first hearing to be able to identify the issues and adjourn straight to a trial date when a not guilty plea is entered. In the Crown Court, progress was made at the plea and case management hearing (PCMH) in ten out of 13 cases (76.9%).
- The majority of file endorsements were assessed as good (52%) or fair (32%), the remaining 16% being poor. Deficiencies in endorsements were wide-ranging but related to general lack of detail. Some of this appeared to be due to the lack of caseworker coverage in the Crown Court. It also impacted upon the accuracy of finalisation codes on the case management system.
- The borough does not have its own crown advocates (CAs). PCMHs in the Crown Court are dealt with by the CA unit at Snaresbrook who will generally retain the case for trial. Any cases they cannot deal with are then sent to counsel.
- Compliance with the Prosecutors' Pledge, Victims' Code of Practice and Witness Charter was generally good. Partner agencies commented that most prosecutors engaged with witnesses at court and responded positively to enquiries and requests for assistance at court. A small number were more reluctant to engage.

5 SERIOUS VIOLENT AND SEXUAL OFFENCES, AND HATE CRIMESAssessment
2 – Fair**5A The borough ensures that serious violent and sexual offences, and hate crime cases are dealt with to a high standard***Violence against women: successful outcomes (convictions) as a percentage of completed cases*

Performance 2008-09			Performance 12 months to June 2009		
National	CPS London	Borough	National	CPS London	Borough
71.9%	62.0%	57.0%	71.8%	61.0%	55.6%

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

Performance 2008-09			Performance 12 months to June 2009		
National	CPS London	Borough	National	CPS London	Borough
82.0%	77.2%	60.0%	81.9%	75.5%	59.5%

- As already commented upon, case management system usage requires some attention in respect of levels of completion and accuracy of recording. There were eight cases within our sample relating to serious violence, sexual offences and hate crimes. Only five were correctly flagged. The remaining three cases did not reflect all of the categories relevant to the circumstances of the case. The accuracy of flagging is monitored by the sector business unit and details of failures are fed back to the borough.
- Borough outcomes in serious violent sexual offences and hate crimes are not encouraging although the cases within our file sample showed that decisions are generally sound and comply with relevant CPS policy as well as the Code. The decision accorded with the Code tests and CPS policy, and proceeded to trial on appropriate charges in all ten cases within these categories in our file sample. They are generally well managed throughout each stage. However, a high proportion of cases fail because of later problems with witnesses not attending the trial.
- The borough has prosecutors and coordinators who have been trained in handling all appropriate serious violence cases, sexual offences and hate crimes. As reported previously, there is currently only one specialist rape prosecutor, other than the borough crown prosecutor (BCP), although three more have almost completed their training and deal with cases under supervision.
- In all categories, cases are dealt with or supervised by a lawyer of appropriate experience. Rape and other serious sexual cases are handled by the same prosecutor throughout the case. The BCP has recently introduced a dedicated weekly rape and child abuse surgery with a rape specialist deployed to provide early guidance, advice and formal charging decisions in such cases.
- The rate of successful outcomes in rape cases in 2008-09 was 57.1%, which compares well with the performance across London of 47.0%. In other sexual offences the rate of successful outcomes was 70.2%; the London average was 70.4%.
- In 2008-09, the rate of successful outcomes in domestic violence cases fluctuated widely, although the overall performance for the year was 55.4% compared with the average for London of 61.9%. Domestic violence cases within our sample showed evidence of an initial willingness to continue with a prosecution following a retraction from the victim, although some cases were later discontinued.

- As we report in aspect 2, the BCP looks at all cases in which it is proposed to discontinue proceedings and he is particularly keen to ensure that there is a consistent approach in serious sensitive cases and hate crimes. In addition, he is consulted on all allegations of rape in which it is proposed to take no further action.
- The BCP has made contact with the Deputy Director of the local Safeguarding Children Board and they have agreed to meet every two months to discuss issues. Amongst the key issues identified are: the gang culture in youths; joint training initiatives; and sharing casework lessons. The BCP is also due to meet the leads in the Violence Against Women group.

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

- Our file sample presented some difficulties in locating crucial documentation relating to disclosure of unused material due to filing and storage arrangements for concluded cases at Chingford Police Station. It was clear on some files that initial disclosure, for example, had taken place, because there was the relevant correspondence and receipt of defence statements. However, the unused material schedules were missing. This meant that we could not come to firm conclusions about the correctness of the procedure in some cases, nor could we be certain about the existence of some other documents such as disclosure record sheets (DRS). Where there has been any doubt, we have indicated in our file examination that there is no record of the particular aspect rather than it has not been performed.
- Because of this we examined, whilst on site, a further sample of live cases to obtain an indication of the level of performance. Although we did not add these findings to our file data, we report our observations below.
- In the magistrates' courts, initial disclosure was done properly in seven cases, it was not handled properly in two and there was insufficient documentation in four cases to be able to make any judgment.
- There were two cases in which the need to consider continuing disclosure arose. In both cases this was precipitated by the receipt of a defence statement. Continuing disclosure was handled correctly in one of the two cases.
- There were six files that contained a DRS. It was completed fully in only three cases. No DRS could be found in seven cases.
- In Crown Court cases, initial disclosure was handled correctly in nine out of ten cases. In a further two cases, it was apparent that initial disclosure had been made but there was insufficient information to make any judgment whether it was done properly. Continuing disclosure was dealt with properly in six out of nine cases. The position could not be fully ascertained in another case. The DRS was completed correctly in only case. In one of the cases, the prosecutor failed to disclose material that could potentially have undermined the prosecution case or assisted the defence. The case was later dropped.
- Although disclosure was handled correctly in the majority of cases, we observed some inconsistencies of approach by individual lawyers in endorsing schedules and indicating how material should be dealt with. Although instructions were clear, they were not in accordance with the disclosure manual. This issue was commented upon in the CPS Headquarters disclosure review in May 2009, which we refer to below. We also noticed on files and in discussions with lawyers, almost continual references to primary and secondary disclosure (terms which are no longer in use) rather than initial and continuing disclosure.

Aspect for improvement

The borough crown prosecutor should provide guidance to lawyers to ensure that instructions on disclosure schedules are clear and comply with the disclosure manual and that lawyers use the correct terms for the stages of disclosure.

- Sensitive material was dealt with correctly in one out of four cases. This was largely due to incorrectly completed schedules by the police not being challenged or corrected by the CPS. Third party material was dealt with correctly in the one relevant case.
- There were no cases within our sample that gave rise to issues of public interest immunity (PII). Such cases would be referred to the district crown prosecutor to make a decision whether an application to the court should be made to withhold material. The log of PII cases is maintained at district level.
- There has been no recent formal training on disclosure although the BCP gives talks to lawyers occasionally to reinforce the importance of proper handling. The BCP has also given a talk to local Detective Inspectors on a number of issues, which include disclosure.
- The files we looked at on site showed some improvement in performance in all aspects but still highlighted some of the same inconsistent approaches to endorsement of schedules and completion of the DRS that we found in the main sample. File housekeeping, however, was good with disclosure schedules, material and correspondence contained within a separate disclosure folder.
- The borough was included in a disclosure performance review undertaken by a headquarters lawyer in May 2009 and which highlighted issues similar to those we found. The BCP has also conducted his own review and identified the main failures on disclosure, which are comprehensive and wide ranging and mirror our own impressions. They relate to inconsistencies in lawyer endorsement of schedules, completion of the DRS, dealing with material incorrectly and failing to endorse the MG6D. All files that fall short of new minimum standards will be returned to the lawyer to put right. A similar exercise was undertaken by CPS Headquarters with similar findings.

7 CUSTODY TIME LIMITS

Assessment
3 – Good

7A The borough ensures that all cases with a custody time limit are dealt with appropriately and time limits adhered to

- In September 2008, CPS London issued a notice to all staff to ensure that the national custody time limits (CTL) guidance was adopted in all boroughs. This was done in the light of the high number of CTL failures in London and HMCPSP's impending assessments of London boroughs. The London management team then instructed all boroughs to adopt the London CTL system. This is compliant, for the most part, with the national standard. However, managers need to be aware of the disparity and ensure that national requirements are also met.
- There have been no reported CTL failures in Waltham Forest borough in 2007-08, 2008-09 or in the first quarter of 2009-10.
- There were six cases in our file sample that were subject to a custody time limit. The expiry and review dates were correctly recorded on the file jacket in five of those cases. There was no record visible in the other case. An application to extend the CTL had been prepared in one case, although the accompanying chronology was poor. It did not become necessary to make the application.
- We examined six live cases subject to a CTL whilst on site. In each case, the CTL review and expiry dates were calculated correctly. They were endorsed on the front of the relevant magistrates' court or Crown Court file and details entered in CMS and in the manual diary system.
- In one case, the defendant was granted bail following a brief period in custody. The initial expiry date was crossed through and endorsed with the number of days spent in custody. When the defendant was again remanded in custody following a breach of his bail conditions, the new expiry date was correctly calculated allowing for the previous custody period.
- There was one Crown Court case in which an application to extend the time limit had been prepared. The application did not become necessary but the documentation was correctly prepared with a full and detailed chronology of case progress.

Strength

The borough system of calculating, checking and monitoring CTLs is robust, accurate and shows an understanding of CTL law and procedures by staff involved in monitoring.

- A protocol has been signed with the magistrates' court to ensure that CTLs are agreed with the court at the first remand and announced at subsequent hearings. However, there was no confirmation on CPS files that this was done. In court, we observed some second or subsequent remands in custody but there was no announcement of the expiry date either by the prosecutor or the court.
- There is no similar protocol with the Crown Court but advocates are informed of the CTL in their brief and instructed to mention the expiry date at relevant hearings.

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**

- Compliance with the direct communication with victims (DCV) policy and Victims' Code is monitored closely at borough, district and regional level on a monthly basis and also as part of the quarterly performance reporting regime. Within the borough, compliance is discussed at prosecution team performance management (PTPM) meetings, integrated prosecution team (IPT) meetings, and also internal team meetings. In addition all borough staff have related personal objectives.
- The timeliness of all letters sent under the scheme has improved significantly in quarter one 2009-10 compared to the financial year 2008-09, but was still below target. Letters for vulnerable and intimidated victims should be sent within one working day and, for other victims, within five working days.
- The borough missed its 2008-09 proxy target of 249 DCV letters, sending out 231 (92.8%) over the year. However, further improvement is needed since other inspection work has found that DCV proxy targets do understate the requirement for DCV letters in order to comply with the scheme. There were eight cases within our sample that required a letter to be sent to the victim in accordance with the DCV scheme. A letter was sent in all but one case. The letters in four cases were assessed as good, two were fair and one was poor.
- The table below shows performance against target in respect of DCV compliance.

	2008-09		First quarter 2009-10	
	CPS London	Waltham Forest	CPS London	Waltham Forest
DCV compliance (% volume) (Target 100%)	91.1%	92.8%	102.3%	144.6%
% Vulnerable & intimidated victims (Timeliness target 95%)	65.9%	63.9%	83.5%	92.9%
% Other victims (Timeliness target 95%)	83.1%	74.9%	87.5%	95.5%

- The needs of victims and witnesses are generally being considered at the initial review stage, although this could be improved upon. Ancillary issues including the applicability of special measures were considered in 11 out of 17 of relevant pre-charge decision cases (64.7%). In addition, victim personal statements (VPSs), which record the victim's view of the crime's impact, were being done in all relevant cases reviewed in our sample (nine for the magistrates' courts, and five for the Crown Court). Each VPS reviewed was incorporated into the original statement of evidence and, although they are not updated, in most cases circumstances have changed little and the court has some indication of the effect of the offending on the victim. From our file sample, of the four discontinuances reviewed where the victim should have been consulted, the victim was consulted in one, not consulted in another, and in the remaining two cases there was no record.
- Although there is a system for ensuring special measures are in place for appropriate witnesses, applications are not always made on a timely and consistent basis. A particular problem has been the completion of the reverse of the MG11 (key witness statement form) by the officer concerned (around 20% do not get completed), and an MG2 (special measures assessment form) is not always completed. This was confirmed by a witness care unit (WCU) assessment conducted in April 2009. The borough crown prosecutor has recently raised this issue at a recent PTPM meeting, and the Quality Assurance Sergeant will be reviewing these more thoroughly in the future.
- There is evidence that witnesses are not sufficiently supported. The WCU is staffed by police administrators and one CPS staff member. Witness care officers (WCOs) undertake an initial needs assessment when first contacting witnesses after a not guilty plea, and are required to make contact within 24 hours under the No Witness No Justice (NWNJ) requirements. However the WCU wait until

results from court are updated onto the court Libra system before any contact is made to witnesses, and this can cause delays. WCOs and CPS staff are not always working effectively in dealing with witness queries and offering them the reassurance they require.

Aspect for improvement

The effectiveness of the relationship between the CPS and WCU should be improved by joint training and other initiatives to provide a better service to witnesses and to enhance the mutual appreciation of the roles and responsibilities of each team.

- Witness attendance has been poor at 77.9% for 2008-09 (compared to CPS London at 83.1% and target of 90%). Also, the percentage of cracked trials for 2008-09 due to witness absence was 22.5% (compared to 14.4% for CPS London), and the percentage of ineffective trials due to the absence of civilian witnesses was 25.9% (compared to 13.6% for CPS London).
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Aspect for improvement

The borough crown prosecutor should analyse the reasons behind ineffective and cracked trials due to the absence of civilian witnesses. The data should also be made more widely available to the WCU.

- Although the unit has benefited from its IPT status, where CPS and WCU staff occupy the same area in Chingford Police Station, liaison between the CPS and WCU is not effective. Regular communication occurs from weekly IPT meetings, case progression meetings and monthly PTPM meetings. However, day-to-day relations between staff have been strained at times. The optimum business model looks at trials three weeks ahead and a check is made to ensure that witnesses are warned. There is also a further trial readiness check one week before. However the effectiveness of communication has been undermined by the lack of a case progression officer at the magistrates' courts and the WCU Manager also acting as the police progression contact. This has led to trials being double listed by the courts, with witnesses either being called unnecessarily or having to wait long periods of time. It is hoped that the appointment of a court case progression officer in October 2009 will help address this issue. The lists of witnesses to attend court (LWACs) are also currently faxed to the Witness Service rather than emailed, which is not a particularly efficient or reliable method of communication.
-

Aspect for improvement

Lawyers and caseworkers should adopt the use of email when sending lists of witnesses to attend court to the WCU and Witness Service.

- There is limited evidence that performance against the Victims' Code and NWNJ primary and secondary measures are monitored effectively. Joint ownership and performance management of the WCU could be improved upon. Currently the WCU only monitors overall ineffective and cracked trials data. The WCU is primarily the responsibility of the police, with only one member of staff from the CPS. Standard performance information relating to London-wide primary and secondary measures is produced on a monthly basis. Work is being undertaken by CPS London and its police partners to provide data at the borough level for each WCU.
- The borough has struggled to ensure a consistent and high level of service is provided to victims and witnesses. The paralegal business manager is currently fulfilling the role of DCV coordinator and the BCP the role of community prosecutor. An improved emphasis needs to be placed on the overall service to victims and witnesses to ensure all strands of service are drawn together and that more consistent levels of service are offered.

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

- Casework quality monitoring is generally systematic and processes in the main are supportive of improving the standard of casework. The casework quality assurance (CQA) scheme is in place and the borough crown prosecutor (BCP) appears to be achieving CPS London targets for the volume of CQA forms to be completed every month. From the sample of CQA forms reviewed by the inspection team, they were found to be fully completed and were used effectively in highlighting any issues. If any areas of concern are identified by the BCP as a result of this assurance work, these are fed back to the team.
- Adverse case analysis is undertaken for both magistrates' courts and Crown Court work and this information is circulated internally and externally to other criminal justice partners as part of the prosecution team performance management (PTPM) meetings. From our file sample, adverse outcome reports were on file in only three out of ten discontinued or no case to answer cases. Two of the three reviewed by the inspection team met the required standard.
- There is no formal structured system for monitoring advocates in the magistrates' court or the Crown Court. The BCP attends court at least once a week and takes the opportunity to observe prosecutors in court during the course of his duties. The Crown Court advocacy manager also undertakes advocacy assessments in the Crown Court and completes an advocacy assessment form. Caseworkers report back to managers in respect of particularly good or poor performance of counsel. Magistrates' and the judiciary also comment from time to time on good and bad performance. Although all of these processes are useful in providing information on the quality, there needs to be a more formal system of advocacy monitoring and providing feedback to advocates in appropriate cases.

Aspect for improvement

The borough crown prosecutor should introduce a more formal system of advocacy monitoring in the magistrates' courts and in the Crown Court.

- In terms of improving performance results, there has only been limited success. For the financial year 2008-09, there were improvements in case management system usage and sickness when compared to the previous year. However, performance has remained poor for hate crime, witness attendance, non-ring fenced costs and there is little improvement in compliance with the Victim's Code. Violence against women is also rated poor for 2008-09. These results must be set against a reduced budget, reduced staffing levels, and increased caseload. There are clear examples of where the borough has taken a proactive approach to implementing operational systems, which have helped drive performance improvements and meet borough needs. For example, the optimum business model (OBM) and proactive case progression team have been located in the magistrates' courts rather than the office in Chingford Police Station. This has had many benefits including improving relations with the court, associate prosecutors have instant access to the lawyer on the OBM if required, and having all the files at court allow any late additions to be quickly retrieved and material can be provided easily to the defence. The integrated prosecution team (IPT) initiative has also been largely successful, with communication maintained through weekly IPT meetings.
- Managers have timely access to performance data. Monthly performance data, which links into the CPS key performance indicators is provided to borough management from the CPS London performance unit and reviewed as part of the district management team meetings. Performance indicators are rated using a "traffic light" system. Staff are made aware of the borough's targets and progress in achieving them at unit team meetings, however these are only held quarterly. There are

separate team meetings held for lawyers, caseworkers and administrative staff on an ad hoc basis where performance data may also be discussed.

- At the borough level there have been significant problems with correct finalisation codes in the magistrates' courts and Crown Court. This was confirmed by our file sample, where twelve out of 22 (54.5%) files examined from the magistrates' courts and Crown Court had been finalised incorrectly. Headquarters guidance is not being followed, and checks to ensure that all performance information data is correct needs to be improved. We have referred to this issue elsewhere in this assessment and made it an aspect for improvement.
- Performance appraisals are used to improve operational and personal performance. Objectives set for staff are based upon district priorities, with some limited adaptation to meet local needs. A mid and year-end review has been conducted for the majority of staff for 2008-09. Staff did not fully recognise the benefits of the appraisal system.

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

- The CPS is represented at the right level at most joint meetings, and makes meaningful contributions. Prosecution team performance management meetings (PTPM) are chaired by the BCP, and have been effective and constructive in improving operational performance. The BCP is also the vice-chair of the borough criminal justice group (BCJG). Performance against the key London Criminal Justice Board (LCJB) drivers is reviewed at these meetings.
- There is generally good sharing of performance information between agencies, although there were some accepted issues surrounding the accuracy and timeliness of court data. Relevant and comprehensive prosecution team performance reports and adverse outcome reports are provided to the police for the PTPM meetings on a monthly basis. Trial effectiveness data and performance against the key LCJB indicators are also exchanged between the agencies. The CPS is working closely with the courts in trying to improve the timeliness and accuracy of court data.
- PTPM meetings have been reinvigorated by the new BCP, which are starting to lead to improved working relationships between partner agencies and improved outcomes. Meetings are attended by appropriate police and CPS management staff, and also include the witness care unit (WCU) manager and IPT manager. Relevant performance is discussed as well as operational issues impacting on it. Actions from recent PTPM meetings include the Quality Assurance Sergeant checking the reverse of MG11s, and the Custody Manager reissuing guidance to officers relating to charging decisions under the streamlined process.
- There has until recently been poor joint monitoring of the effectiveness of hearings and trials. There is no police case progression officer, with the WCU manager acting as the main police contact for the CPS. The magistrates' courts have only recently recruited a case progression officer (October 2009), which will allow weekly meetings to be conducted between the CPS, courts and WCU manager. Cracked, ineffective and vacated trial meetings have also recently been established on a monthly basis. At the Crown Court, there are weekly case progression meetings between the CPS and WCU manager. There is currently no Crown Court case progression officer. The CPS have recently appointed one of its caseworkers as the CPS Crown Court case progression officer, who liaises with the designated court liaison contacts on court matters. Cracked and ineffective trial forms are usually completed by the courts and agreed with prosecutors, and include comments by the Justices' Chair. Copies are provided to the BCP who checks against the court data provided in preparation for the monthly joint performance meetings.
- The various agencies are aware of most of the shortcomings and are taking steps to address them. The new BCP has taken a very active role in contributing to the recruitment of a court case progression officer. The BCP has also recently established an escalation process with the borough commander in cases where officers have been deficient. This has ensured that urgent matters are dealt with effectively and on a timely basis, and has improved communication at a management level between the police and CPS.

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.
- At the borough level, financial management is very limited. This includes fee logs being sent directly from Snaresbrook Crown Court to the Fees Unit, which is monitored by the court manager. For very high cost cases, these are logged on the borough and the district business manager is notified. On completion of the case, the fee log is returned to the borough, and is forwarded to the Fees Unit by the paralegal business manager.
- For the financial year 2008-09, Waltham Forest had an under spend of £21,622 for NRFAC, with its original budget allocation based on the activity based costing (ABC) model. For the financial year 2009-10, as at July 2009, the borough had a full year NRFAC revised budget of £1,042,100 with a forecast outturn of £1,175,400 (a projected overspend of £132,500). This is in keeping with all other boroughs within the district which have projected overspends for 2009-10, but Waltham Forest's is the lowest.
- Staff numbers in the borough have been reduced in an effort to balance current resources in line with relative workloads in the unit and across the district. The borough caseload has increased for both magistrates' court and Crown Court cases. Staffing on the borough equates to 23.4 full time staff, as at August 2009. Administrative staff, caseworkers and prosecutors in the main are divided between the magistrates' courts and Crown Court teams and also the optimum business model (OBM).
- The borough management team has limited ability to influence staffing levels and overall staff structures. Although the ABC allocation has been completed for 2009-10, a further exercise is being conducted at area level, which may lead to a re-allocation of resources across the London boroughs. The report detailing the results of this exercise was imminent at the time of our assessment.
- Sickness absence levels have improved in 2008-09 compared to the previous year. There was an average of 5.9 days per person in 2008-09 compared to the CPS London average of 9.3 days. For the first quarter of 2009-10, the sickness level has fallen further to 3.5 days per person compared to the CPS London average of 8.8 days. Borough management monitors sickness absence effectively.
- The reduced numbers of staff should be considered in the context of an increasing caseload. Magistrates' courts cases have increased by 19.3% and Crown Court cases by 23% between the financial years of 2007-08 and 2008-09. Individual caseloads have therefore increased significantly particularly for lawyers.
- Clear expectations are set for the deployment of lawyers and associate prosecutors (APs). For lawyers, dependent on their roles, this includes delivering pre-charge decisions, presenting cases in the magistrates' courts and deployment in the OBM unit. Waltham Forest has no crown advocates. Currently lawyers are expected to undertake six half-day court sessions per week.
- The usage of APs is has been maximised with the assistance of the courts. There are currently only two part-time APs working at Waltham Forest. Each is expected to cover five half-day magistrates'

courts sessions per week. For 2008-09, AP coverage was just below target at 22.3% (target 23%, and average for CPS London was 20.5%). For quarter one 2009-10, this has increased to 23.7%, but still below target (25%) although higher than the average for CPS London at 21.8%.

- The deployment of in-house prosecutors at the magistrates' courts has worsened significantly in quarter one of 2009-10. In 2008-09, in-house usage was 84.7% (compared to 87.9% for CPS London overall). However, for quarter one of 2009-10 this has dropped to 56.8% (compared to 77.6% for CPS London). This was due to the loss of four in-house lawyers at the start of this financial year (although one has since returned from maternity leave), resulting in increased use of agents to ensure core CPS responsibilities can continue to be delivered.
- The reduction in staffing numbers has placed more strain on the borough to balance flexible working with the business needs. A significant number of staff working in the Waltham Forest unit are on flexible working, which includes condensed and reduced hours. As a result, borough management are currently reviewing these arrangements.

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**

- There is a partial understanding at borough level of what its key priorities are, and how they should be delivered. Although formal business planning is limited at borough level, the strategy and direction is set through delivery of the district business plan, which reflects the priorities in the London area delivery plan. The district plan sets out the targets and measures each borough should strive to implement during the current financial year. Team and individual objectives link into the district business plan, although the plan is not regularly considered or progress reviewed at borough unit level.
- Borough managers understand their responsibility for implementing management decisions and act corporately. Resourcing has been problematic and as a result, managers have adopted a very hands-on approach to ensuring work of all levels is delivered. This has included taking a very proactive approach in reviewing staff flexible working arrangements, and increasing the use of agents following the loss of four lawyers at the start of the current financial year.
- Regular communication occurs between management and staff within the borough, and most key messages are disseminated to staff effectively. Full unit team meetings occur on a quarterly basis. These are supplemented by separate lawyer, caseworker and administrative staff meetings, which generally occur on a monthly basis. All regular team meetings are now minuted. There is no formal communication strategy within the borough for internal or external communication. The new borough crown prosecutor (BCP) has striven to improve visibility with his staff by moving his office closer to his team at Chingford Police Station.
- Managers have some understanding of key risks, although there is no formal planned approach to risk management. No borough risk register is maintained. However a more formal approach to risk management is adopted for change initiatives such as the implementation of the optimum business model (OBM). As part of better planning arrangements a more formalised approach to risk management overall could be introduced to improve this aspect.
- There is no staff training plan reflecting the needs of the borough unit, although staff training and development is usually linked into business need. Training has included domestic violence training for all lawyers and training four additional lawyers to become rape specialists on the unit, which is still ongoing. Training requirements are identified primarily through the appraisal process, and satisfying the business needs of the borough. One outstanding training need is to cross-train the administrative staff in all relevant duties, to ensure all of them are competent to work in the office or on the OBM at court. This will allow much greater flexibility in future. Only informal training records are maintained at borough level in the diary. No training records are maintained at district level.

Aspect for improvement

The borough crown prosecutor should ensure that a formal record of staff training is maintained.

Aspect for improvement

Administrative staff should receive appropriate training to enable them to undertake all administrative tasks.

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

- Managers have open and collaborative relationships with most key stakeholders, and any differences of view are managed professionally. There is evidence of effective working at the prosecution team level and also at the borough criminal justice group level (BCP is current vice chair). The BCP also attends the monthly police senior management team meetings, where he is able to discuss community policy issues.
- At an operational level, the majority of staff are working cooperatively with their CJS partners. There is generally cooperation and shared ownership for delivery of day-to-day criminal justice business. The integrated prosecution team has assisted in closer working between the CPS and police as well as the witness care unit (WCU). The new BCP is attempting to tackle tensions that currently exist between some CPS staff and WCU/police staff. Obtaining information from the police has improved recently as the new BCP has agreed a new escalation process with the borough commander. The BCP has taken steps to improve management oversight of his team by moving his office away from the police criminal justice unit (CJU) manager's office. However, this has given police management a perception of separation, and day-to-day liaison is more difficult.
- Some joint initiatives have been successfully implemented, although in others the CPS could have done more to assist in delivery. The Criminal Justice: Simple, Speedy, Summary and the Director's guidance on the streamlined process (DGSP) have also been implemented. DGSP has largely been successful, although certain tensions between the police and CPS remain regarding the quality and completeness of files. For other prosecution team initiatives, the new charging arrangements seem to be working well, with the bulk of charging decisions handled through CPS London Direct, with only charging relating to sensitive cases made at borough level three days a week. However the introduction of conditional cautioning has been much less successful. The number and types of conditional caution given by the borough unit is much lower than the CPS London average. In the financial year 2008-09, only seven conditional cautions were issued in Waltham Forest. Although the No Witness No Justice initiative, is envisaged as a joint initiative, the burden for meeting all the requirements and management of the witness care unit has fallen largely on the police with limited input from the CPS.
- Engagement with the community and local organisations has tended to be ad hoc rather than adopting a planned strategic approach. A lawyer on the unit was assigned the role of community prosecutor, in addition to her normal caseload. Consequently it was difficult for her to fulfil the requirements of the role adequately. The BCP has since taken over responsibility for community engagement. The CPS is also involved in the BCJG Community Engagement subgroup. This group has organised the "Inside Justice" week, with a series of events in conjunction with other criminal justice partners including a mock trial. However further work is needed to increase the exposure of the CPS in the community. A suggested approach would be to work more closely with the police by attending community meetings on a joint basis.
- The borough has a complaints log, which indicates that very few complaints are received. The last recorded complaint was received in March 2008. The inspection team were concerned that the log was not complete, and therefore did not provide an accurate picture of any recurring issues.

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

- Staff performance is generally recognised by managers and good performance is acknowledged. This was evident in communication to individuals and discussions with staff. The BCP highlights any examples of good performance at the start of team meetings. Good performance is also recognised and praised in performance development reviews and through team bonding events.
- Managers and staff treat each other with respect and understand behaviours expected of them. This includes compliance with the CPS dignity at work policy and CPS code of conduct policy. The new BCP is also striving to adopt the ethos of “Respect, Reputation and Resolve”. Staff morale was found to be generally satisfactory, despite the strain created by reduced staffing levels. Staff felt able to raise any concerns with management, and the BCP operates an “open door” policy. No substantiated complaints have been made by staff about their treatment by managers.
- The make up of staff in the borough office could better reflect the local community. However borough management did not think that this has had a detrimental effect on the operation of the borough. Borough management is not able to adopt a proactive approach in trying to remedy this situation, as they are not able to make decisions regarding staffing.

ANNEXES

A PERFORMANCE DATA

Aspect 1: Pre-charge decision-making

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough
Pre-charge decision cases	80.8%	76.2%	73.5%	80.5%	75.5%	73.6%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	13.0%	13.3%	14.1%	11.7%
Guilty plea rate	74.4%	69.8%	63.5%	74.2%	68.8%	63.5%
Attrition rate	19.2%	22.1%	24.8%	19.5%	23.0%	23.4%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	18.1%	11.8%	15.7%	21.5%
Guilty plea rate	72.9%	60.8%	54.3%	73.0%	61.1%	50.6%
Attrition rate	19.4%	27.3%	30.3%	19.5%	27.6%	33.2%

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 June 2009		
	National	CPS London	Borough	National	CPS London	Borough
	87.3%	86.0%	84.1%	87.3%	85.9%	83.8%

Trial rates

	Performance 2008-09		
	National	CPS London	Borough
Effective	43.4%	47.3%	49.6%
Cracked	38.0%	34.8%	36.7%
Ineffective	18.6%	17.9%	13.8%
Vacated	21.5%	16.3%	12.1%

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 June 2009		
	National	CPS London	Borough	National	CPS London	Borough
	80.8%	73.1%	71.9%	80.6%	72.7%	70.2%

Trial rates

	Performance 2008-09		
	National	CPS London	Borough performance 2008-09
Effective	47.1%	54.7%	50.4%
Cracked	40.8%	30.0%	33.1%
Ineffective	12.1%	15.2%	16.4%

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 June 2009		
	National	CPS London	Borough	National	CPS London	Borough
	71.9%	62.0%	57.0%	71.8%	61.0%	55.6%

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

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough
	82.0%	77.2%	60.0%	81.9%	75.5%	59.5%

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%	98.5%

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	85.5%	90.0%	87.9%	84.7%
Associate prosecutor deployment (as % of magistrates' court sessions)	24.8%	23.0%	20.5%	22.3%
Crown advocates. Counsel fee savings against target	110.0%	£4,200,000	99.3%	127.9% (district performance)
Sickness absence (per employee per year)	8.7 days	N/A	9.3 days	5.9 days

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

Police

Superintendent Williams, Metropolitan Police
Ms P Ferrett, Witness Care Unit Manager Chingford

HM Courts Service

Mr S Hill, Snaresbrook Crown Court Manager
Ms S Gaffney, List Officer

Crown Court

His Honour Judge Radford, Honorary Recorder, Snaresbrook Crown Court

Magistrates' court

District Judge Gott, Waltham Forest Magistrates' Court
Mr B Hilton, Bench Chair Waltham Forest Magistrates' Court
Mr T Ring, Justices' Clerk North District
Mr H Ahmed, Court legal Manager Waltham Forest Magistrates' Court
Mr J Bobsin, Legal Adviser Waltham Forest Magistrates' Court

Victim Support

Ms A Campbell, Waltham Forest Magistrates' Court
Ms A Compass, Waltham Forest Magistrates' Court

Community Groups

Ms N Ikramullah, Borough Manager, Waltham Forest

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 aspects⁷ 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.

⁷ 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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