

# CPS London Borough Performance Assessments

## Lewisham Borough

### Executive Summary



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

The assessment process provides a benchmark for the performance of the borough in ten key aspects of work, each of which is assessed as being excellent, good, fair or poor. The unit is then assessed on its overall performance in the light of these markings. The process also evaluates the management of resources at borough level.

The overall performance assessment of CPS London, Lewisham borough was **POOR**.

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

<b>Aspect</b>	<b>Score</b>	<b>Assessment</b>
Pre-charge advice and decisions	<b>2</b>	<b>Fair</b>
Decision-making, preparation and progression in magistrates' court cases	<b>0</b>	<b>Poor</b>
Decision-making, preparation and progression in Crown Court cases	<b>0</b>	<b>Poor</b>
The prosecution of cases at court	<b>2</b>	<b>Fair</b>
Serious violent and sexual offences, and hate crimes	<b>0</b>	<b>Poor</b>
Disclosure	<b>0</b>	<b>Poor</b>
Custody time limits	<b>2</b>	<b>Fair</b>
The service to victims and witnesses	<b>0</b>	<b>Poor</b>
Managing performance to improve	<b>0</b>	<b>Poor</b>
Managing resources	<b>Not scored</b>	
Management and partnership working	<b>2</b>	<b>Fair</b>
<b>OVERALL ASSESSMENT</b>	<b>8</b>	<b>POOR</b>

### **Description and caseload**

CPS London (the area) is organised into operational teams along geographical boundaries. London boroughs and the City of Westminster are covered by the Metropolitan Police Service and the City of London by the City of London Police. The area's borough units are co-terminous with the Metropolitan Police Borough Command Units with each headed by a borough crown prosecutor (BCP), a 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 and those at the Central Criminal Court (Old Bailey).

The CPS London senior management team consists of the Chief Crown Prosecutor, three legal directors and two regional business managers.

The borough has one office, at Lewisham Police Station, and is part of the district which is aligned to the Crown Court sitting at Woolwich.

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 September 2009 the borough had an average of 27.7 full time equivalent staff in post. The administration costs budget for 2009-10 is £1,284,548<sup>1</sup>.

<b>Staff</b>	<b>Numbers at September 2009</b>
Borough crown prosecutor	1.0
Business manager	1.0
Crown prosecutors	9.4
Associate prosecutors	1.64
Caseworkers	7.23
Administrative support staff	7.43
<b>Total (full time equivalent)</b>	<b>27.7</b>

Details of Lewisham borough caseload in 2007-08, and 2008-09 are as follows:

	<b>2007</b>	<b>2008</b>	<b>Percentage change</b>
<b>Pre-charge work</b> (all cases referred to the CPS by police for a decision as to charge)			
Decisions resulting in a charge	1734	1789	+3.2%
Decisions not resulting in a charge <sup>2</sup>	1583	1812	+14.5%
Total pre-charge decision cases	3317	3601	+8.6 %
<b>Magistrates' court proceedings<sup>3</sup></b>			
Magistrates' court prosecutions	3250	3416	+5.1%
Other proceedings	6	2	-66.7%
Total magistrates' court proceedings	3256	3418	+5.0%
<b>Crown Court proceedings<sup>4</sup></b>			
Cases sent or committed to the Crown Court for determination	801	607	-24.2%
Committals for sentence <sup>5</sup>	95	102	+7.4%
Appeals from the magistrates' court <sup>5</sup>	75	39	-48.0%
Total Crown Court proceedings	971	748	-23.0%

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

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

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

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

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

## **The inspection team**

Inspection teams comprise legal and business management inspectors working closely together. HMCPSI also invites suitably informed members of the public to join the process as lay inspectors. They are unpaid volunteers who examine the way in which the CPS relates to the public through its dealings with witnesses 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. In this assessment Mr Mal Reston was the lay inspector. His views and findings have been included in the report as a whole. His time was given on a purely voluntary basis and the Chief Inspector is grateful for his effort and assistance.

## **Summary of judgements**

### *Contextual factors and background*

Borough outcomes have been poor in a number of aspects compared with the overall London and national averages. Performance overall, however, should be viewed in light of the borough managing its business in the prevailing climate which has required the implementation of a number of national initiatives, such as the optimum business model (OBM), relocation to Lewisham Police Station as part of CPS London's programme of restructuring to integrated prosecution teams (IPTs) and increasing resource constraints. The BCP was appointed in September 2008 and the period covered by the report has been characterised by considerable staff turnover. A degree of instability at DCP level has added a further dimension affecting Lewisham's ability to deliver key performance targets.

### *Summary*

The overall quality of pre-charge decision-making is fair. Since the introduction of CPS London Direct the borough now provides charging advice only in the more serious or complex cases.

Whilst pre-charge decision-making is sound, in that it is in accordance with the Code for Crown Prosecutors (the Code), poor outcomes later on are reflective of the lack of proactivity on the part of prosecutors to build strong cases at the early advice stage and ensure that witnesses' needs are identified and progressed at the outset.

Prosecutors have developed effective working relationships with the police in delivering advice. However, inspectors found that greater focus is needed to identify and address areas where performance can be improved through joint working. The prosecution team performance management meetings need to be more effective and used to drive borough performance improvements through agreed action plans.

Successful outcomes in the magistrates' court, at 83.3%, remained below national and CPS London performance during 2008-09 and have worsened since, falling further behind in the first quarter of 2009-10. The recent introduction of the OBM system has not effected an improvement and case progression and proactive management for summary trial cases remain weak. Difficulties in preparing contested cases have created problems for prosecution advocates on the day of trial and have contributed to the poor ineffective trial rate for the borough which, at 23.1%, is considerably higher than the national and London figures.

Performance is replicated in the Crown Court where successful outcomes, at 69.7%, were also worse than nationally and for CPS London overall in 2008-09. The borough relies heavily on the initial case review and its processes do not allow sufficient time to be devoted to serious casework preparation thereafter. The result is that any additional work not identified at the initial review, but which is required to enable the prosecution case to be best presented, is often not actioned until considered by the trial advocate. The effective trial rate at Woolwich Crown Court, which has been better than national and CPS London performance during 2008-09, has been achieved despite a lack of effective case progression systems in Lewisham.

Presentation of cases in the magistrates' court complies with national standards of advocacy and the borough's associate prosecutors are highly regarded by criminal justice partners. Inspectors found, however, that trial advocacy has been hampered by poor or late case preparation. The crown advocates are not currently deployed at the Crown Court and there is a lack of monitoring both of in-house and external prosecutors in the magistrates' courts.

Allegations involving serious violence, sexual offences and other hate crimes are treated appropriately and the quality of decision-making is better than that found in less serious cases. However, as in other aspects of performance, successful outcomes are comparatively low and show no signs of improving in 2009-10. No strategy is in place to address how these outcomes might be improved.

Compliance with the prosecution's duty of disclosure of unused material is poor, especially at the initial disclosure stage. There is a lack of performance management in this area and there are no systems or arrangements in place to deliver joint training with the police to improve the quality of scheduling of unused material.

The borough has, in the main, complied with centrally set minimum standards for the monitoring of cases where a custody time limit (CTL) applies to the defendant and no failures have occurred during the last three years. However, tighter management of the monitoring systems would afford a greater level of quality assurance in this important area of performance.

Greater attention needs to be paid to the service provided to victims and witnesses with a focus on joint working practices between the CPS, witness care units and the police to address witness nonattendance. A concerted strategy to reduce victim and witness attrition in general ought to be a key priority for the borough. Discharge by prosecutors of their other duties under the Prosecutors' Pledge is at an acceptable level.

Performance management needs to be strengthened as outcomes are generally below target and have worsened since the move to IPT. While the BCP is aware of the current performance issues, staff are generally not aware of borough performance. The CPS has formed constructive relationships with partners to address joint performance issues but this has not yet been translated into widespread improvement in outcomes.

The borough has limited responsibility for managing prosecution and non-ring fenced administration costs which is done at district level. However, Lewisham underspent against its budget in 2008-09. The target for deployment of in-house prosecutors in the magistrates' court was met in 2008-09 despite a reduction in lawyer resources and borough managers considered that this meant fewer lawyers were available for case preparation and OBM coverage. A rigorous analysis is needed of prosecutor deployment and case 'weight' to ensure that resource needs have been set appropriately. The borough has been unable to implement the CPS advocacy strategy fully in the Crown Court and the implementation of a district strategy for the deployment of crown advocates is needed. We understand this was being addressed at the time of our assessment. The quality of advocacy is variable and structured monitoring has not taken place.

Managers have an understanding of what needs to be delivered locally and have implemented national initiatives such as Criminal Justice: Simple, Speedy, Summary and the Director's Guidance: Streamlined Process (DGSP) for anticipated pleas of guilty, as well as managing the move to an IPT. Some aspects of DGSP have created difficulties in the preparation of contested cases. The focus of borough management has been very much on day-to-day operational issues, mainly managing workload with a reduced level of resources. There is effective informal communication between managers and staff but formal communication channels, such as regular team meetings, should be utilised to ensure all staff are kept informed of key issues.

Inspectors identified 14 aspects for improvement:

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- 1 Managers need to establish systems to ensure that full Code test reviews are carried out on cases charged under the threshold test within a reasonable period of time (aspect 1).

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  - 2 Action is required to identify with police managers the number of pre-charge cases classified as 'other outcomes' to reduce this total and ensure that regular monitoring is taking place (aspect 1).

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  - 3 Effective systems need to be put in place to ensure adequate case progression and preparation of magistrates' court cases is achieved in a timely fashion (aspect 2).

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  - 4 Regular monitoring of case management system finalisation codes should be instituted to ensure accuracy and completeness (aspect 2).

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  - 5 The Borough Crown Prosecutor should ensure that Crown Court case preparation is undertaken to a satisfactory standard (aspect 3).

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  - 6 There is a need for systematic monitoring of all advocates to take place and for feedback to be provided (aspect 4).

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  - 7 Quality assurance of casework, including disclosure decisions should be instituted rigorously and systematically, feedback provided to individuals, and joint action taken with police partners to drive up performance (aspect 6).

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  - 8 The borough needs to take urgent steps to:
    - strengthen its CTL monitoring system;
    - ensure that review dates are recorded on the front of CTL files; and
    - there is cover for the CTL administrators (aspect 7).

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  - 9 Monitoring of the quality and timeliness of direct communication with victims letters should be set up on the borough to ensure that all appropriate letters are sent (aspect 8).

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  - 10 Formal arrangements should be established to discuss performance in respect of victims and witnesses nonattendance, the provision of support, and appropriate timely application for special measures (aspect 9).

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  - 11 Staff should be made aware of current borough performance (aspect 10).

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  - 12 The BCP, in conjunction with the DCP, should satisfy themselves that resources are balanced across the full range of work (aspect 10).

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  - 13 The borough should reinstate regular team meetings with all staff to improve communication and increase staff awareness of performance issues and current initiatives (aspect 11).
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- 14 The borough should develop a clear strategy on community engagement and develop a formal community engagement plan to ensure that activities undertaken will result in better service delivery to the community (aspect 11).
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### **Background to London borough assessments**

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

### **Assessments**

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

The inspectorate uses a points based model for assessment, with a borough's overall assessment determined by the cumulative total of points for all of the ten aspects that are scored. There are two limiters within the model. A borough cannot be rated good or excellent unless it is assessed as good in at least two of the first four aspects. This is designed to give pre-eminence to the ratings for the core aspects of the borough's work. Similarly, if a borough is scored as poor in three or more aspects its final assessment will be reduced by one grade from that which the overall points indicate.

The findings from the assessments undertaken will be drawn together in a pan-CPS London report which will contribute to providing an overall picture of the area's performance. The 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.

The full text of the report may be obtained from the Corporate and Operations Support Group at HMCPsi Inspectorate (telephone 020 7210 1197) and is also available on line at [www.hmcp.si.gov.uk](http://www.hmcp.si.gov.uk).