

CPS London Borough Performance Assessments

Lewisham Borough

Undertaken September 2009





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ABBREVIATIONS

Common abbreviations used in this report are set out below. Local abbreviations are explained in the report.

AP	Associate prosecutor
BCP	Borough crown prosecutor
BCU	Borough Command Unit (police)
CA	Crown advocate
CJSSS	Criminal Justice: Simple, Speedy, Summary
CJU	Criminal Justice Unit (police)
CMS	CPS computerised case management system
CPS	Crown Prosecution Service
CPSD	CPS Direct
CPSLD	CPS London Direct
CQA	Casework quality assurance
CTL	Custody time limit
DBM	District business manager
DCP	District crown prosecutor
DCV	Direct communication with victims
DGSP	Director's guidance on the streamlined process
HMCPSI	Her Majesty's Crown Prosecution Service Inspectorate
IPT	Integrated prosecution team
JDA	Judge directed acquittal
JOA	Judge ordered acquittal
MG3/3A	Forms sent by police on which the prosecutor records the charging decision and action points
NRFAC	Non-ring fenced administration costs
NWNJ	No Witness No Justice
OBM	Optimum business model
PCD	Pre-charge decision
PCMH	Plea and case management hearing
PTPM	Prosecution team performance management
WCU	Witness care unit
WMS	Witness management system

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A INTRODUCTION TO THE PERFORMANCE ASSESSMENT PROCESS

This report is the outcome of Her Majesty's Crown Prosecution Service Inspectorate's (HMCPPI) assessment of the performance of the Crown Prosecution Service (CPS) London in Lewisham borough unit. It represents a more in-depth local assessment than the overall performance assessment of the South 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, nominated by national organisations, 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 Lewisham 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 LEWISHAM 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.

Lewisham borough has one office, at Lewisham Police Station. It is part of the CPS London Woolwich district, which is aligned to the Crown Court sitting at Woolwich. Borough business includes both magistrates' courts and Crown Court work.

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 £1,284,548¹.

Staff	Numbers at September 2009
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
Total (full time equivalent)	27.7

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 Lewisham borough 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	1734	1789	+3.2%
Decisions not resulting in a charge ²	1583	1812	+14.5%
Total pre-charge decision cases	3317	3601	+8.6 %
Magistrates' court proceedings³			
Magistrates' court prosecutions	3250	3416	+5.1%
Other proceedings	6	2	-66.7%
Total magistrates' court proceedings	3256	3418	+5.0%
Crown Court proceedings⁴			
Cases sent or committed to the Crown Court for determination	801	607	-24.2%
Committals for sentence ⁵	95	102	+7.4%
Appeals from the magistrates' court ⁵	75	39	-48.0%
Total Crown Court proceedings	971	748	-23.0%

Inspectors visited the borough in September 2009. The lay inspector was Mr Mal Reston. 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

The borough has undergone several key changes during 2008-09, not least of which has been the move from a CPS building shared with staff in other CPS London units to a co-located site within Lewisham Police Station. The borough is therefore now a 'live' integrated prosecution team (IPT) which has proved to be a significant challenge for the staff in terms of adjusting to new accommodation, new roles and job descriptions, closer working arrangements with police staff and the use of a single prosecution file. The Borough Crown Prosecutor was appointed in September 2008 and there has been considerable staff turnover throughout the period covered by the report. The borough implemented the optimum business model (OBM) in March to manage the preparation of its summary cases.

Summary

The unit, to its credit, has undertaken structural change and achieved high levels of court coverage by in-house prosecutors, thereby remaining within budget in 2008-09. It operates in a tough environment. This borough has some difficult issues concerning the nature of crime locally and victim and witness nonattendance at court when trials eventually take place. The prosecution is struggling to keep on top of its workload and case preparation is too often poor or done at the last minute. This is leading to relatively low overall conviction rates with many cases dropped often at a late stage. Caseloads have fallen, but standards have not improved. Managers need to address casework standards and the adequacy of resources urgently.

Since the introduction of CPS London Direct (CPSLD), a daytime telephone service providing charging decisions to police, the demand for the borough to provide pre-charge advice to the police has decreased. The borough now provides advice to cover work that does not fall within the CPSLD referral criteria. There are effective working relationships with police gatekeepers at the entry level and with police managers at the outcome stage. However, successful case outcomes have remained stubbornly low in both the magistrates' court and Crown Court. Greater focus on addressing lessons learned from prosecution team performance management (PTPM) jointly with police is necessary.

The structure of the borough has meant that charging lawyers will rarely prosecute their cases in the Crown Court because of the district's crown advocacy strategy, or prepare their cases in the magistrates' court because of the OBM project. Thus there has been a failure to see what actually flows from their decisions and a lack of accountability. There is a need for enhanced monitoring of the quality of pre-charge decision-making, given the quality and greater numbers of police gatekeepers.

Successful outcomes in the magistrates' court were below national and CPS London performance in 2008-09 and have fallen further behind in the first quarter of 2009-10. Difficulties with the progression and management of contested cases between first hearing and trial date undoubtedly contribute to these figures and create problems for prosecution advocates at trial. The introduction of the OBM in March 2009 shortly before the move to the IPT site has not strengthened proactive case management.

Inevitably the rate of ineffective and cracked trials for the borough's cases has remained high and above comparable rates for London as a whole and nationally. Further concerted action is needed by managers to reduce these rates.

In the Crown Court, the borough's successful outcomes during 2008-09 are also worse than nationally and CPS London overall. The borough relies heavily on the initial (full Code) review and processes do not allow sufficient time to be devoted to serious casework preparation thereafter. The need for additional work, which may not have been picked up at the initial review, may not be identified 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 in part through the number of cases dropped because of defects or lack of witnesses, and despite a lack of effective case progression systems on the borough.

Presentation of cases in the magistrates' court complies with national standards of advocacy and associate prosecutors are highly regarded. Trial advocacy has been hampered by poor or late case preparation. The borough's 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 of serious violence, sexual offences and other hate crimes are treated appropriately and the quality of decision-making is better than less serious cases. However as in other aspects of performance, the borough's 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 has been a lack of performance management in this area nor have the arrangements for joint working with police managers been exploited to tackle the quality of scheduling material.

The borough has mostly complied with centrally set minimum standards for the monitoring of cases where a custody time limit applies to the defendant. Although no failures have occurred, tighter management of the monitoring systems would afford the borough a greater level of security.

The service provided for victims and witnesses needs to be improved in the level of compliance with the direct communication with victims (DCV) scheme whereby the CPS informs victims of the reasons why a charge is dropped or substantially changed. Discharge by prosecutors of their other duties under the Prosecutors' Pledge is at an acceptable level. A concerted strategy to reduce victim and witness attrition ought to be a key priority for the borough.

Performance management on the borough needs to be strengthened, as outcomes on the borough 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 borough 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 costs and non-ring fenced administrative costs, which are managed at district level. However, the borough underspent against its budget in 2008-09. The borough met its target for deployment of in-house prosecutors in the magistrates' court 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 of advocacy has not taken place.

Managers understand what needs to be delivered locally and have implemented national initiatives such as Criminal Justice: Simple, Speedy, Summary (CJSSS), the Director's guidance on the streamlined process (DGSP) for anticipated pleas of guilty, as well as managing the move to an integrated prosecution team (IPT). Some aspects of DGSP have created difficulties for the borough 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 within the borough.

In many respects the borough is working hard in a difficult environment to overcome a number of challenges. As we stated in the introduction, not all issues are within the control of the borough managers, but involve those at district level. There is a need to ensure that resources are adequate for the nature of the borough's casework.

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

Aspects for improvement

We 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).

 - 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).

 - 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).

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

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

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

 - 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).

 - 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).

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

 - 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).

 - 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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Summary of judgements

BOROUGH PERFORMANCE ASSESSMENT 2009	
Pre-charge advice and decisions	2 Fair
Decision-making, preparation and progression in magistrates' court cases	0 Poor
Decision-making, preparation and progression in Crown Court cases	0 Poor
The prosecution of cases at court	2 Fair
Serious violent and sexual offences, and hate crimes	0 Poor
Custody time limits	2 Fair
Disclosure	0 Poor
The service to victims and witnesses	0 Poor
Managing resources	Not scored
Managing performance to improve	0 Poor
Management and partnership working	2 Fair
OVERALL ASSESSMENT	8 POOR

D DEFINING ASPECTS

1 PRE-CHARGE ADVICE AND DECISIONS

Assessment
Fair

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

- Overall, the quality of decision-making at the pre-charge stage is sound, but with weaknesses in anticipating problems and ensuring action is taken to address these. We examined 35 finalised cases that had been subject of a pre-charge decision (PCD). The evidential and public interest stages of the Code for Crown Prosecutors (the Code) test were applied correctly in 34 out of 35 cases in our file sample (97.1%). The only exception was a case charged by CPS Direct. We found 11 cases where the prosecutor had chosen to apply the threshold test to the charging decision; in three of those cases (27.3%) inappropriately. Two of the three were not charged by the borough, but in the one case which was, there had been sufficient evidence available for a charging decision to have been taken applying the full Code test.
- The borough had no systems in place to ensure that cases charged under the threshold test were subject to a full Code test review within a reasonable period of time, or indeed at all, until preparation for summary trial, committal or service of the prosecution case. This means a period of several weeks might easily elapse before a thorough review is undertaken.

Aspect for improvement

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.

- Of the 35 cases we examined, 21 had the benefit of a charging decision taken by borough prosecutors while the remaining 14 were decisions taken either by CPS Direct or CPS London Direct, which has only recently become operational. Overall, the quality of the MG3A advice on locally charged cases was fair with one rated as Excellent, seven Good, eleven Fair and two Poor. Common failings were the lack of clear and cogent case analysis and the absence of any prosecution strategy designed to secure a successful outcome. Action plans were not provided on four cases where the borough prosecutors had provided pre-charge decisions.
- Most charging decisions did contain references to relevant ancillary issues although in five cases (14.3%) we found that prosecutors had omitted to deal with clear opportunities to consider the use of evidence of the suspect's bad character or the availability of special measures to assist prosecution witnesses.
- None of the cases in our file examination sample involved the consideration of a confiscation order. The recovery of criminal assets has not been a priority for either the police or the CPS during the last year but a Proceeds of Crime Act specialist prosecutor has been appointed in September 2009 and joint discussions are planned to address this gap.
- By contrast the quality of centrally charged cases was better than those found on the borough. These had figures of three excellent MG3A charging advices; seven were good, three were fair and one was poor.
- The selection of charges was found to be appropriate in 32 out of the 35 relevant cases (91.4%) and clear and detailed instructions to prosecutors at court were present on the MG3A in 28 of those 35 (80%). The seven cases where instructions were absent had all been the subject of a borough charging decision.

- The borough performance in respect of all the six charging measures has been consistently below the national average and the performance of CPS London as a whole during 2008-09. Performance in the rolling 12 months until the end of June 2009 has done nothing to reverse this trend as all measures have declined still further. Overall the proportion of successful outcomes in all PCD cases was poor at 73.1% in 2008-09 whereas the national rate was 80.8% and that of CPS London was 76.2%. The performance during the rolling 12 months to June 2009 has fallen further to 69.7%. Although resources and structural changes within the unit have had a significant impact on performance levels, the trend of high discontinuance and attrition rates is clearly a long-standing issue.

	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%	73.1%	80.5%	75.5%	69.7%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	17.1%	13.3%	14.1%	19.7%
Guilty plea rate	74.4%	69.8%	66.6%	74.2%	68.8%	63.1%
Attrition rate	19.2%	22.1%	26.0%	19.5%	23.0%	29.8%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	18.6%	11.8%	15.7%	21.3%
Guilty plea rate	72.9%	60.8%	59.6%	73.0%	61.1%	59.3%
Attrition rate	19.4%	27.3%	29.6%	19.5%	27.6%	31.5%

* 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

- Until March 2009, the borough deployed a prosecutor to the charging centre 5 days per week between 9am and 5pm but the advent of CPS London Direct has enabled the borough to reduce its prosecutor commitment to the charging centre, albeit only by two prosecutor sessions per week. This is because the borough still provides eight sessions by two lawyers, with one providing face to face consultations, whilst the other prosecutor deals with a list of written files submitted by the police for a charging decision; these cases tend to be allegations of domestic violence or serious sexual offences.
- The availability of specialists in categories of crime is not always achieved due to shortages of staff and other commitments. The Borough Crown Prosecutor (BCP) is available to deal with serious or complex cases if required.
- Since the implementation of the integrated prosecution team (IPT) project the borough's prosecutors have been located in the same building as the charging centre and are located close to the police Evidential Review Officers (ERO) who act as gatekeepers allowing only eligible cases to be referred to prosecutors and fixing appointments for the officers requiring advice. The borough has three EROs available but it is felt that more are needed to deal with the number of cases requiring a charging decision.
- In the first quarter of 2009-10 the proportion of cases where the decision of the CPS was 'no further action' (NFA) rose to 33.3%, which is higher than the national average of 26.5% and the figure for all London at 27.2%. We observed two face-to-face consultations during our visit and in both cases they were delayed while further essential material for the charging decision was obtained.

- The impact of the new CPS London Direct service available to the police in all but the more complex cases or those with CCTV or other electronic media to be viewed is yet to be assessed but the number of consultations has not dropped as much as had been anticipated by local managers. There are currently no liaison channels established between the two units.
- In five cases from the file sample, the charging decision was deferred to a later date in order to gather and consider further evidence. In three of those cases, we considered that there had been sufficient evidence available for a charging decision to have been made without delay.
- CMS was used to record the charging decisions in all cases examined. The data for the first quarter of 2009-10 shows that a high number of pre-charge cases are being finalised as 'other outcomes'. This indicates that the borough is not systematically keeping on top of its outstanding advice cases.

Aspect for improvement

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.

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

Assessment
Poor

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

Case outcomes in the magistrates' court

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough
Discontinuance and bindovers	8.7%	8.0%	10.9%	8.7%	8.0%	11.9%
No case to answer	0.2%	0.3%	0.2%	0.2%	0.3%	0.2%
Dismissed after trial	2.0%	2.4%	3.0%	2.1%	2.5%	3.4%
Discharged committals	0.2%	0.3%	0.4%	0.2%	0.3%	0.5%
Warrants	1.6%	3.0%	2.2%	1.6%	2.9%	2.2%
Overall conviction rate	87.3%	86.0%	83.3%	87.3%	85.9%	81.8%

- The application of the evidential and public interest stages of the full Code test was in accordance with the Code in 21 out of 22 cases (95.5%) in our file sample. The one case that failed the evidential stage had been the subject of a pre-charge decision taken by another CPS unit but the case was allowed to proceed towards trial until the borough prosecutor discontinued it. Full file reviews were carried out in only 11 out of 19 relevant cases (57.9%) and there was no effective system in place to ensure that they were completed.
- Prosecutors have not routinely identified at an early stage how to build cases in order to secure successful outcomes. Although many cases had received the benefit of action plans at the charging stage, it was usually only shortly before the trial date that checks were carried out to see if these actions had been completed. Remedial action was often then too late. Of the cases in our file sample that had been discontinued, two out of eight (25.0%) could have been avoided by better case preparation. Overall, in only six out of 20 cases (30.0%) was case preparation timely.
- The charges that proceeded to summary trial were the most appropriate in 14 out of 15 cases (93.3%). There were only two cases in our sample where the prosecution accepted pleas offered by the defendant. In one of these, the decision to accept the plea was appropriate but not in the other case which involved a racially aggravated offence.
- There was only one example of linked cases found where a defendant wanted on warrant was arrested in another London borough on a new charge. On this occasion the police had successfully linked both matters prior to any CPS involvement.
- The proportion of cases discontinued is significantly higher than that found nationally or across London as a whole. In 2008-9 10.9% of cases were discontinued compared to 8.7% nationally and 8.0% in London as a whole. In the rolling 12 months to June 2009 there has been a further deterioration to 11.9%. We examined five cases that had been discontinued; in only one case was the decision timely.
- The BCP authorises every case before discontinuance unless it is impracticable to do so. Results are analysed but this is not shared with other prosecutors so that lessons can be learned. Discussion of performance and outcomes with criminal justice partners has become more structured and systematic in recent months.

- During the year 2008-09 there were only 14 cases where committal proceedings were discharged by the magistrates' court. This represents a significant improvement on a total of 24 in the previous year. The discharged committal rate was equivalent to 0.4% of total caseload but only 1.93% of the total number of committals set up by the borough during that period. Whilst the proportion of total caseload is higher than the national average of 0.2% and CPS London average of 0.3% last year, it compares favourably with the equivalent proportions of total committals of 1.84% nationally and 1.98% across London. The equivalent rate of discharged committals for the rolling 12 months to June 2009 is 0.5%. Cases, more often than not, are committed, although they are not always ready on the first occasion and an adjournment has to be sought. Prosecution papers are regularly served on the day of committal itself, having been put together somewhat in a hurry, and on occasions with important supporting evidence still outstanding and awaited from the police.
- Overall the proportion of magistrates' court cases that result in a successful outcome is low at 83.3% and significantly worse than national performance of 87.3% and CPS London performance of 86.0%. The figure for the rolling 12 months to June 2009 has fallen to 81.8% and is regarded as poor.

2B Cases are prepared and progressed effectively

Trial rates

	Performance 2008-09		
	National	CPS London	Borough
Effective	43.4%	47.3%	36.3%
Cracked	38.0%	34.8%	40.6%
Ineffective	18.6%	17.9%	23.1%
Vacated	21.5%	16.3%	14.9%

- The optimum business model (OBM) was implemented on the Borough in March 2009, but has not been successful in improving case preparation processes. Absences of key staff have meant that temporary management and sporadic deployment of prosecutors have inhibited the achievement of its objectives. This was the case at the time of our visit.
- There is a culture of last minute decision-making on the borough which has led to late applications made to the court to adduce important supporting evidence. We found that there was evidence of good proactive case management in only 5 out of 20 cases (25.0%) with the remainder either fair (45.0%) or poor (30.0%).

Aspect for improvement

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.

- Criminal Justice: Simple Speedy and Summary (CJSSS) has been implemented on the borough. From our sample of 22 cases, 20 (90.9%) proceeded at first hearing. Thereafter, performance deteriorated so that in only six out of 16 (37.5%) cases was there timely completion of all directions and in only half of the cases were the necessary applications made within statutory time limits.
- The cracked and ineffective trial data in respect of Lewisham Borough is combined with that of Greenwich and cannot be disaggregated. The ineffective trial rate at 23.1% is worse than national performance and that of CPS London. Overall, the number of ineffective trials attributable to the

prosecution is at 44.0% of cases. The most common individually recorded reason for ineffective trials is 'defence not ready' (18.1%) followed by 'prosecution not ready' (15.0%) and 'prosecution witness absent' (15.0%).

- The cracked trial rate is worse than national performance and CPS London and the greatest proportion of cracked trials are due to the prosecution, at 51%. The most common reason for a cracked trial, however, is down to the defendant pleading guilty on the day.
- Use of the case management system (CMS) was assessed as either fair or poor in 17 of the 22 cases in the file sample (77.3%). Of particular concern is the high proportion of cases where finalisation has been incorrectly recorded. The nature of the outcome, disposal or other significant part of the result was wrongly finalised in nine cases (40.9%). We found few examples of clear and systematic use of CMS to provide an audit trail of actions completed.

Aspect for improvement

Regular monitoring of CMS finalisation codes should be instituted to ensure accuracy and completeness.

- Much of the decision-making is sound, but lack of timely full reviews and poor preparation leads to cases not being ready or not being as strong as possible. This, albeit in conjunction with the nonattendance of witnesses, is a substantial cause of the low level of case outcomes.

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

Assessment
Poor

3A Decision-making is of a high quality, and case handling is proactive to ensure that the prosecution maintains the initiative throughout the case

Case outcomes in the Crown Court

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough
Judge ordered acquittals	11.6%	15.7%	19.3%	11.8%	15.9%	22.0%
Judge directed acquittals	1.0%	1.1%	0.8%	1.0%	1.3%	0.8%
Acquittals after trial	5.5%	8.5%	9.6%	5.5%	8.6%	8.7%
Warrants	1.1%	1.6%	0.7%	1.1%	1.6%	0.8%
Overall conviction rate	80.8%	73.1%	69.7%	80.6%	72.7%	67.7%

- The application of the evidential stage of the full code test at either the committal review stage or service of the prosecution case accorded with the Code in all fifteen Crown Court cases in the finalised file sample. The application of the public interest stage accorded with the Code in each case.
- The requirement to conduct a subsequent or ad hoc review following a significant change of circumstances or the receipt of relevant additional material arose in twelve of the cases examined from the finalised file sample. In eleven (91.7%) of them, however, there was no record that the necessary review had taken place.
- The borough follows the procedure for referring cases to CPS London Complex Casework Centre. This is made available generically to all London staff via an electronic folder. Lawyers on the borough are familiar with the criteria, but have not as yet received any cases that they feel would have met the referral criteria.
- Proactive case management, overall, was fair. Responsibility for the early stages of case preparation lies with the allocated caseworker, before being passed on to the reviewing lawyer for completion. In the more straightforward cases, however, it will be the caseworker who undertakes most if not all the work involved, without significant contribution from the allocated lawyer. Further lines of enquiry or specialist evidence not identified at the charging stage were only considered routinely by prosecutors in the most serious cases. Case preparation was timely in only four (36.4%) of eleven cases examined.
- The charges selected at the committal review stage were correct in 14 of the 15 cases (93.3%). Out of 15 indictments, two (13.3%) had been incorrectly drafted and a further six also required a subsequent alteration; six out of eight amendments were completed in good time. In two cases, the charges had been correctly reduced, the prosecution case having been over-stated from the outset; in the remainder, indictments were altered to reflect the trial advocate's preference as to how the case should be best presented.
- Pleas were offered in three of the cases in the finalised file sample. In each, acceptance was correct, but the details were insufficiently recorded on the file. The system for accepting pleas at court is not robust; instructions to prosecute do not contain guidance on pleas and there is no individual based at the Crown Court with that responsibility. Advocates are expected to contact the allocated lawyer or the BCP by telephone, but both are often not available at the precise moment a decision is required.

- CPS London collates its restraint and confiscation orders centrally and the volume and value targets are set at area level. For 2008-09, London obtained a total of 491 confiscation orders, with a combined value of £38,513,344, exceeding the value target figure by £18,868,344; in the same period, 352 restraint orders were achieved against a target of 98 orders. Currently, the borough has no champion dealing with criminal asset recovery matters and it is not presently a priority. Although the borough has plans to strengthen this area of its work, to date little in the way of progress has been made.
- The proportion of cases resulting in a judge ordered acquittal (JOA) is worse than both the national and London averages. In 2008-09, 19.3% of cases resulted in a JOA compared with 11.6% nationally and 15.7% for London, whilst performance during the rolling 12 months to June 2009 has declined still further to 22.0% of cases.
- We examined three cases that had resulted in a JOA; in two, a material change had occurred since the decision to charge. The third case, an assault, was dropped on the day of trial due to witness issues that had been apparent at the charging stage. Therefore the outcome had been reasonably foreseeable at the outset. Apart from that case, the other two decisions to discontinue were timely.
- In 2008-09, the borough achieved a successful outcome in 69.7% of cases. Although representing an improvement over the previous year, this was below the national figure of 80.8% and worse than CPS London overall. However, in the rolling 12 months to June 2009 the proportion of successful outcomes declined slightly to 67.7%, reflecting a rise in the rate of judge ordered acquittals, which increased from 19.3% to 22.0%.

3B Cases are prepared and progressed effectively

Trial rates

	Performance 2008-09		
	National	CPS London	All Woolwich Crown Court cases ⁶
Effective	47.1%	54.7%	62.3%
Cracked	40.8%	30.0%	26.4%
Ineffective	12.1%	15.2%	11.3%

- The borough's Crown Court caseload is decreasing; down by 192 cases (20.0%) in 2008-09 compared to the previous year. Indictable only cases sent directly to the Crown Court suffer from similar problems to those at the committal stage (see aspect 2A) when the time comes for service of the prosecution case. The borough lacks sufficient robustness and resilience to prioritise its serious casework appropriately. Consequently, case preparation has to be completed in a rather piecemeal, hand-to-mouth fashion and compressed around competing work.
- The timeliness and quality of case preparation on the borough was a central area of concern raised by those agencies with whom we spoke and confirmed by our observation and file examination. Court observations revealed that deficiencies in case preparation were apparent and subject to adverse comment by the court. It was apparent that the balance between the unit's competing commitments has left insufficient concentration on its Crown Court work.

⁶ These figures include: cases dealt with by Bexley and Greenwich CPS borough units who also commit to Woolwich Crown Court; cases transferred in from other Crown Courts; cases handled by some London wide police squads; and those prosecuted by CPS Headquarters divisions, such as Counter Terrorism.

- No formal case progression meetings take place with the court, these having ceased in June 2008. Issues are raised directly between the court case progression officer and individual caseworkers or the B2 casework manager. Caseworkers manage their own cases, whilst the B2 casework manager is responsible for ensuring court directions and time limits are complied with. Orders and actions are processed by the caseworker at court directly onto the electronic case management system (CMS) and dispatched by email. These are not always, copied onto the paper file. From our file sample we noted that in 11 out of 15 (73.3%) cases an appropriate endorsement on the case file had been made.
- Timeliness results obtained from the sample file examination were mixed: compliance with directions and applications was timely in eight out of 15 (53.3%) cases; initial disclosure was timely in 12 cases (80.0%) and continuing disclosure in three out of 12 (25.0%) cases. Overall, we found that the timeliness of communications in Crown Court cases was good in three of the 15 cases (20.0%), fair in 10 (66.7%) and poor in two (13.3%).
- The borough had no cases that were subject to a case management panel. Panels are convened to oversee the most serious casework, usually assessed as trials expected to last over 40 days or involve more than three trial counsel.
- The quality of the instructions to advocates in 12 out of 15 (80.0%) cases was poor, containing little or no reference to the facts, strengths or weaknesses of the case. Outstanding evidence was not highlighted and no guidance was given in relation to acceptable pleas. The position was the same regardless of whether a crown advocate (CA) or self-employed counsel was instructed for the hearing and prosecution advocates were required to work out the prosecution position from the bundle of documents provided with the papers without further guidance. Instructions in the remaining three cases (20.0%) were fair, but, whilst better than the others, were still missing some helpful information and details.
- Crown advocate deployment is on a district, rather than a borough, basis. At the time of the inspection, only two CAs were operating permanently at the Crown Court presenting mainly PCMH cases. None of the remaining CAs within the district's boroughs is released to prosecute regularly in the Crown Court; the CAs lack effective management, direction or a coherent strategy and steps need to be taken to rectify this situation. The CAs invariably receive their cases at court in the morning, giving them little opportunity to prepare properly for court. Self-employed counsel conducting PCMHs are usually instructed and receive the prosecution papers late on the day before the hearing.

Aspect for improvement

The Borough Crown Prosecutor should ensure that Crown Court case preparation is undertaken to a satisfactory standard.

- The overall effective trial rate at Woolwich Crown Court for 2008-09, at 62.3%, (albeit this is unfortunately enhanced by the high level of cases dropped by the prosecution) was better than both the national and London figures, at 47.1% and 54.7% respectively. However, although cracked and ineffective data is made available, the information is not used proactively to set the borough's strategic priorities or drive performance improvement and the principal contributor to the effective outcomes rate is the court through its use of pre-trial review hearings.

- In our file sample there were three cracked trials. In one, the defendant pleaded guilty to some of the charges on the indictment and, in another, the prosecution chose not to pursue the case on the first day of trial; however, this was because of difficulties that were foreseeable and the decision to drop the case should have been taken at an earlier stage. The remaining case was not proceeded with due to a material change that occurred on the day. Two trials were ineffective, but in neither case could this have been avoided by earlier prosecution action.
- The Crown Court file examination sample revealed that the borough's use of CMS to record actions and events was mixed. Full file reviews were conducted in 12 of 15 (80.0%) cases, but the incidence of completed ad hoc reviews was poor, with only one out of 12 (8.3%) being recorded on the system. Crown Court finalisations were correct in 13 out of 15 (86.7%) of cases. Overall, use of CMS on the borough was assessed as being good in 60.0% of cases, fair in 40.0% with none being excellent, but equally none being poor.
- Again our assessment has to balance good or sound decision-making, initial fair proactive case management, and sound selection of charges, against poor timeliness and quality of case preparation which has led to criticism at the Crown Court and relatively poor case outcomes.

4 THE PROSECUTION OF CASES AT COURT

Assessment
Fair

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

- The borough's magistrates' court work is dealt with at Greenwich Magistrates' Court and youth cases are heard at the Inner London Youth Court sitting at Camberwell Green. The Borough Crown Prosecutor is responsible for compiling the weekly court rota, which also must accommodate sessions in the charging centre and the OBM for lawyers. The associate prosecutors (AP) are regularly deployed to deal with most plea and remand courts at Greenwich with lawyers covering both trial and youth work. There are no specialist domestic violence courts in the borough.
- The eight advocates observed met the CPS national standards of advocacy. The view of criminal justice partners, however, was that prosecution advocates were not always well prepared for hearings, as there were frequent late applications and perennial issues around reluctant or absent prosecution witnesses. We found that both APs were exercising their extended powers and enjoyed a good reputation with the court and other court users.
- The prosecution at first hearing were ready to make progress in almost all cases, but subsequently in six out of 36 cases in our sample (16.7%) there were unnecessary adjournments, of which five were attributable to the prosecution. The main reasons for these adjournments were late service of unused material and witness absence where action to secure their attendance had been taken too close to the trial date for it to be effective.
- The quality of file endorsements was good in 23 out of 36 cases (63.9%) but of the remaining 13 (36.1%) the chief omission was a clear and comprehensive record of the outcome of a contested hearing. This was the case particularly in the Crown Court where coverage by caseworkers was sparse. This may be contributing to errors in finalisation codes on CMS that are discussed in aspect 2.
- The level of compliance with the Prosecutors' Pledge, Victims' Code of Practice and Witness Charter was mixed. Some partner agencies expressed the view that certain prosecutors were reluctant to engage with victims and witnesses at court but these remarks appeared to be directed towards self-employed counsel appearing as agents for the CPS. Facilities for speaking privately to victims and witnesses at Greenwich are basic, but in the course of our visits we observed appropriate care being provided to victims and witnesses by prosecutors.
- There are two district CAs operating permanently at Woolwich Crown Court presenting mainly plea and case management hearings (PCMHs). None of the borough CAs are released to prosecute regularly in the Crown Court, being needed to cover charging or magistrates' court sessions instead. There is no Crown Court advocacy manager in place. The new DCP has drafted an advocacy strategy and is in the process of taking steps to rectify the position.

Aspect for improvement

There is a need for systematic monitoring of all advocates to take place and for feedback to be provided.

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

Performance 2008-09			Performance 12 months to June 2009		
National	CPS London	Borough	National	CPS London	Borough
71.9%	62%	57.9%	71.8%	61%	55.4%

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%	77.2%	68.2%	81.9%	75.5%	65.7%

- The borough flagged accurately on CMS 12 out of the 14 relevant cases in our sample (85.7%); the two cases not flagged were offences of child abuse and domestic violence respectively. The adding of appropriate flags to CMS by the borough is often late and more than one update is sometimes required to upload all relevant categories.
- Experience has shown that specialists are more likely to build stronger cases and anticipate problems, and should maintain conduct of these difficult and sensitive cases. At the time of our visit, the borough had two rape specialists and a domestic violence champion. In 2008-09 the borough handled 35 rape cases. Nonspecialists are dealing with cases (against CPS policy guidance) albeit with the opportunity to consult colleagues including the BCP. None of the specialist prosecutor roles has a description and none currently contributes to the analysis of performance data or adverse case reports relevant to their specialist areas. No specific guidance has been disseminated by them to team members on the borough.
- We examined seven domestic violence cases although some were also in other specialist categories. The level of attention devoted to these cases once charges had been brought was not significantly different from other types of case. No consistent procedure was evident to cope with the issue of victim retraction even where in one case the victim had expressed her intention not to attend court in her statement. In another case, an application for a summons to enforce the attendance of the victim was made only to the trial court despite the earlier indication that she was not prepared to testify; unsurprisingly the application was refused by the court. (Trials are not dealt with in a specialist domestic violence court).
- We examined four racially aggravated cases but also found a case involving a public order charge where there was evidence of racial aggravation but this had not been considered at the initial or full file review stages. In another case, a racially aggravated public order offence was set down for trial, but a plea to a nonracially aggravated offence was accepted, contrary to CPS policy and the evidence, at court; all witnesses were present and apparently willing to testify.
- We examined three cases of rape and in two of these a rape specialist had handled them throughout.

- All decisions to drop or reduce charges are required to be endorsed by the BCP. We saw no evidence of this on files examined.
- There was a marked absence of ad hoc reviews on CMS outlining the basis of key decisions on all cases. For example a case of rape and child abuse involving several young victims had been set down for trial but the defendant pleaded guilty to some but not all of the charges. This plea was accepted and the prosecutor dropped the charges in respect of one of the victims. The rationale for this decision was not recorded anywhere on the file or on CMS.
- During 2008-09 the borough achieved successful outcomes of offences involving violence against women in 57.9% of cases. This was significantly lower than national performance of 71.9% and of London as a whole (62%). During the rolling 12 months to June 2009 the borough's performance has declined slightly to 55.4%.
- In respect of all hate crime the picture is similar in that the borough has achieved successful outcomes in 68.2% of cases compared to the national performance of 82% and London of 77.2%. Outcomes in cases of domestic violence have been especially disappointing as the attrition rate was 56.7% in the borough during 2008-09 against a nationally set target rate of 28%. Again in the rolling 12 months to June 2009 performance has not improved and the successful outcomes rate for all hate crimes has fallen to 65.7%
- It is clear that the local criminal justice partners are acutely aware of the level of unsuccessful outcomes. The BCP has attended local meetings with partner agencies under the auspices of the Borough Criminal Justice Group (BCJG), but, to date, no discernible impact on the attrition rate can be detected. It seems clear that a degree of resignation has developed across the borough; and consequently cases are not built with sufficient resilience.
- There has been no working relationship developed with the local Safeguarding Children Board despite an introductory letter from the Borough Crown Prosecutor at the beginning of the year.

6 DISCLOSURE

Assessment

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

- The Borough's compliance with the prosecutor's duty of initial disclosure is poor. We found that the prosecutor's duty was fully discharged in only 13 of the 33 cases (39.4%) in our file sample. Inadequate or incomplete schedules of unused material were received late from the police, but staff shortages and a desire to achieve timeliness targets mean that they were not being challenged. Notwithstanding, timeliness remains an issue; in one case, initial disclosure letters were not sent to the defence until after the trial had taken place.
- Endorsement of schedules by prosecutors is variable in quality and completeness; there were examples of several items on a schedule not endorsed with any decision as to whether they should be disclosed or withheld. Items that did not undermine the prosecution or assist the defence were being disclosed. Disclosure record sheets were found on only six out of the 32 files examined in our sample (18.8%) so that decision making throughout the life of the case was hard to follow.
- The duty of continuing disclosure was specifically triggered by a defence statement in 15 cases in our sample and was complied with fully in nine cases (60.0%). Defence statements were usually forwarded to the police disclosure officer but responses were rarely received in sufficient time before the trial to allow continuing disclosure to be served in a timely fashion if at all. The borough had no system for chasing responses.
- Although schedules of sensitive material were normally provided by the police, these were almost always blank indicating an absence of material. These were accepted without question by prosecutors even in types of case where such material would be anticipated. In other cases, items which were clearly not sensitive had been entered onto the sensitive schedule; again without challenge by the prosecutor or referred back to be placed on the nonsensitive material schedule.
- Only one case in the sample involved unused material that attracted a PII hearing. This concerned third party material and was handled correctly.
- A dip sampling exercise was carried out by the then district disclosure champion, in November 2008, who examined one file per prosecutor and provided individual commentary on each case and compiled a robust composite report which identified the same failings as we have in this inspection. The individual feedback was not supplied to prosecutors and although some of the issues were raised with them improvements have not been forthcoming. At present there is no plan to repeat the dip sampling exercises and quality assurance now takes place monthly through the casework quality assurance scheme.
- There has been no recent training on disclosure delivered on the borough or jointly with the police. Disclosure has not been an issue discussed at PTPM meetings. A local protocol on the disclosure of third party material has not been agreed with other agencies.

Aspect for improvement

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.

7 CUSTODY TIME LIMITS

Assessment

Fair

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 were no reported CTL failures in the Lewisham borough in 2007-08, 2008-09 or in the first quarter of 2009-10. CTL expiry dates were calculated correctly in all the live files examined during the inspection and expiry and review dates were recorded in the case management system and in the manual diary, although not always endorsed on the front of files. The CTL stamps on the front of files were not always completed legibly and file endorsements generally needed improvement.
- The case progression manager should run weekly reports of all magistrates' court cases where CTLs apply. However the checks were being completed less frequently than required. Reports are then checked by the paralegal business manager, who runs similar checks for Crown Court CTL cases. The monitoring system for identifying an imminent CTL expiry needs to be more robust. In one of the cases reviewed, the need for an extension notice had been missed and, although the case was discontinued, the borough was very close to a CTL failure. Recording CTL review dates on the front of the file jacket would alert staff to the need for timely applications to extend.
- A CTL protocol has recently been signed with the magistrates' court, with the result that CTL expiry dates are now being agreed between the prosecutors and the court at hearings. The courts are working cooperatively with the Borough to notify them of any changes in court hearings which may impact upon custody cases but agreement of CTL dates under the protocol is not always evident from the file endorsements.
- At the time of the inspection, CTLs were being administered by a member of staff who was inexperienced in the role and covering for an absent member of staff. This added to the risk of error in the CTL monitoring process.

Aspect for improvement

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.
-

8 THE SERVICE TO VICTIMS AND WITNESSES

Assessment

Poor**8A The borough ensures timely and effective consideration and progression of victim and witness needs, and the service to victims and witnesses is improving**

- In May 2009 CPS London issued area-wide instructions for complying with the direct communication with victims initiative (DCV) under which the CPS writes to a victim if the charge is dropped or substantially changed. These have been introduced into the borough and staff objectives incorporate DCV.
- Compliance with DCV was monitored at district level by a specific DCV coordinator, but responsibility for DCV has reverted to the borough units. At the time of our visit there was no member of staff assigned the responsibility of coordinating compliance with the DCV scheme nor was there any systematic monitoring by managers of the quality of letters sent.
- We examined 14 files where the DCV scheme was engaged. We found that in eight of these cases (57.1%) the borough's compliance with the scheme was poor; in six of these cases, no letter had been sent at all to the victim and, in another, the letter was devoid of any empathy with the victim.
- The borough narrowly missed its 2008-09 proxy target of 378 DCV letters, sending out 371 (98.1%) over the year. Other inspection activity has revealed the unreliability of the calculation of the proxy target. Our file examination contradicts the high compliance rate indicated. Letters to vulnerable and intimidated victims were dispatched within the one day time limit in only 11.5% of cases, as against the CPS London average of 65.9%. Letters to other victims were sent within the five day time limit in 78.4% of cases, compared with a national figure of 88.6% and CPS London's overall performance of 83.1%.
- The BCP needs to analyse the reasons for such comparatively high numbers of charges involving victims being dropped or substantially changed. They call into question the standard of decision-making, consistency of approach and the quality of case management, and impact upon public confidence in the service.

Aspect for improvement

Monitoring of the quality and timeliness of DCV letters should be set up on the borough to ensure that all appropriate letters are sent.

- Prosecutors mostly consider the needs of victims and witnesses at the point of charge, although 40% of the file sample involved charging decisions outside the borough. However, we did find examples of late applications for special measures and in some cases no application being made even where the need had been highlighted before first hearing. We were surprised to be told by prosecutors that they felt compliance with the written notice provisions for cases involving child witnesses simply added to a busy workload. Although the court must accede to the application, the requirement that it is in writing is statutory and cannot be dispensed with. In one case, the need for special measures to assist a 14-year-old witness had been identified early at the charging stage. Despite being noted by the reviewing lawyer, no action was ever taken and trial proceeded only on account of the boy agreeing to give evidence in open court.
- We examined a total of 22 cases where it might have been expected that a victim personal statement would have been provided or requested but in only four (18.2%) had this actually taken place.

- A witness care unit (WCU) is located in the same room as the CPS borough staff and there are effective communication links between staff, which have been enhanced since the move to the IPT site. However there is no adoption by the WCU of monitoring and evaluation according to the No Witness No Justice (NWNJ) primary and secondary measures. Although the relationships can occasionally be strained in a busy office site, links at management level seemed to be well established. Witness attendance rates were 82.3% in 2008-09 but the rate had climbed to 86.6% in the first quarter of 2009-10.
- The Borough does not have a nominated champion for victim and witnesses nor is there any strategy or plan in place to deliver the CPS business plan objective to champion the rights of victims and witnesses. The Borough Criminal Justice Group (BCJG) does not have a separate victims and witnesses subgroup and issues tend to be discussed as and when they arise, or through the forum of the prosecution team performance management meetings or the BCJG Effective Trials subgroup.
- Despite the high attrition rates both in magistrates' and Crown Court casework, there was very little evidence of concerted action being taken to address the issues by providing targeted support for vulnerable witnesses such as the victims of domestic violence. A new inter-agency agreement has been reached by the BCJG but this has yet to be implemented.

Aspect for improvement

Formal arrangements should be established to discuss performance in respect of victims' and witnesses' nonattendance, the provision of support, and appropriate timely applications for special measures.

9 MANAGING PERFORMANCE TO IMPROVE

Assessment

Poor**9A There is an effective and proportionate approach to managing performance locally at individual, unit and borough level**

- Casework quality is monitored by the BCP through the casework quality assurance (CQA) process and when reviewing adverse outcomes. As the BCP allocates all Crown Court cases to the lawyers, the quality of MG3s are reviewed at this point also. Feedback is given to individual lawyers in emails or face-to-face meetings when required. As team meetings have been infrequent, there has been little discussion of casework quality and adverse outcomes. As the file sample revealed a very mixed quality of MG3s, lawyers individually and the borough collectively would benefit from a more formalised feedback process. The borough achieved 91.0% of its targeted volume of CQA forms completed each month in 2008-09, but it needs to be more robust. There is no systematic analysis of the issues coming out of CQA or formal follow-up with the lawyers involved e.g. at team meetings.
- The number of charging decisions and magistrates' courts cases rose during 2008-09, but Crown Court cases fell markedly by 23.0%. This is a substantial figure and needs to be checked thoroughly by the BCP, as it will impact on borough resources. Reductions in staff and structural changes have impacted on the unit. Case outcomes remain well below national average performance; the numbers of cases being commenced but later dropped is the major problem, and acquittal rates are above average. These indicate serious issues about consistency of decision-making and the quality of case building and case management. Not enough ongoing work is being done to overcome problems and provide for the strongest possible presentation of cases. The borough has a long way to go in addressing these matters effectively.
- The BCP has a good awareness of borough performance, particularly the problem areas, but this has not been communicated to all staff. Lawyers had some awareness of their performance but not how they were doing compared to other boroughs. Other staff have little or no knowledge around performance or what was needed to help drive improvement in problem areas. We can understand the difficulties of keeping the borough going and not undermining morale. There are issues that need consideration at district and area level but there is a need for performance and casework standards to be addressed very clearly locally.

Aspect for improvement

Staff should be made aware of current borough performance against targets.

- The lawyers undertaking advocacy in the borough are not regularly assessed in their advocacy skills by their managers, although a significant number were seen by the London advocacy assessor in November 2008 and the results followed up with training and support where necessary. A follow-up assessment programme is due to be held before the end of 2009 to monitor progress. Time pressures do not allow for any assessment of the advocacy of external advocates, so the borough relies on negative feedback from the court, police and witness care to alert them to any issues. There have been no meetings with the courts to discuss the performance of advocates on the borough.
- The borough implemented the OBM for summary case preparation in October 2008 and underwent a formal assessment in February and March 2009. Despite a number of shortcomings, the borough was signed off as ready by the review team, albeit with a number of recommendations. A key recommendation was that the borough maintains presence and continuity of lawyer coverage on the OBM. This has not been achieved. The lack of continuous lawyer coverage and the extra demands on staff from the recent move to IPT has contributed to a further drop-off in performance around case preparation and progression.

- The borough has also had difficulty with dealing with correspondence in a timely fashion. It is important for the borough to explore ways to improve the efficiency and effectiveness of their systems with the resources available. One such example has been the introduction of a new administrative checklist to improve file management and the recording of case details on the case management system (CMS).
- The BCP receives monthly performance data on borough performance from the CPS London performance unit. This is analysed and issues reviewed in the monthly district management team meetings with the other borough managers on the district. The BCP also provides commentary around performance to the DCP for discussion at the quarterly performance report meetings. In 2008-09, 12 of the 16 performance aspects in Lewisham were rated 'red' or 'amber red' and performance worsened in a number of aspects in quarter one of 2009-10. Whilst the borough attributes a drop in performance to the move to IPT, performance has been poor for some time.
- The borough is meeting its timeliness target for CMS finalisations, however our own examination of files revealed updates to cases after hearings are not always recorded in CMS in a timely fashion. There was also an issue with data accuracy in CMS, as the file inspection revealed a number of cases were finalised incorrectly.
- The borough has a set of team objectives, which are reflected in staff's individual performance and development reviews (PDRs). These include such things as complying with the Victim's Code and ensuring that the borough has no CTL failures, but they are not specifically tailored to individual development needs and do not address borough performance issues. The borough has had some challenges managing the performance and development review process for a number of individuals, which has reduced its effectiveness in delivering operational improvements. As yet, not all PDRs for 2009-10 have been completed.

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

- The borough participates in a number of multi-agency performance meetings. The borough is represented by the BCP in the combined Borough Criminal Justice Groups (BCJG) for Greenwich and Lewisham and also on the separate BCJG for Camberwell Green, (which is part of the London borough of Southwark) where the youth work is heard, as well as sitting on board sub groups, including the effective trials and youth sub-groups.
- The BCP attends the newly formed effective trials subgroup with representatives from the police, the courts and WCU. The aim of the group is to analyse the issues leading to ineffective trials but is not yet fully effective itself. The BCP has been active in encouraging the group towards greater analysis of individual ineffective trials to identify specific issues that the group can work on. There is no such group reviewing trial effectiveness at the Crown Court level.
- At an operational level, the BCP is an active participant in monthly PTPM Meetings with the police and the WCU as well as attending the senior management team meetings of the police at Lewisham Police Station where joint performance has been added as a standing item to the agenda.
- Performance information is shared with other agencies, which is enabling informed discussion of performance issues at PTPM meetings. The PTPM process has been rejuvenated in the last year coinciding with the appointment of the new BCP. The meetings have been formalised with a standard agenda and minutes and action items recorded at each meeting. Individual performance figures are analysed and a summary of the main issues arising from the adverse outcomes are discussed amongst the group.
- Analysis of performance issues by the BCP and CJU Chief Inspector has led to some isolated improvement, such as a reduction in the number of outstanding rape advices through the implementation of a weekly rape charging advice facility.
- Overall, whilst the structure is in place to address joint performance, this has yet to be translated into an overall improvement in outcomes.

10 MANAGING RESOURCES

Assessment

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

- Although the borough's budget and resource profile is managed at district level, it is set by CPS London and the district is expected to operate within it. The borough's main financial responsibility is the accurate recording and notification to regional management of upcoming fee payments. Overall spend against the budget for prosecution costs and non-ring fenced administration costs (NRFAC) is reported and reviewed at the district level. In 2008-09, Lewisham's budget for NRFAC was £1,635,196 of which it spent 89.6%. However, the under-spend against budget was used to subsidise over-spend elsewhere in the district. In 2009-10, Lewisham's budget for NRFAC has decreased to £1,284,548.
- The DCP and DBM consider moving resources between boroughs to address budget anomalies at borough level and keep control over the borough's use of agents. Monthly meetings are held to look at staffing profiles, sick leave, and budget and identify any opportunities to share resources between the boroughs to fill gaps.
- Staffing numbers for the borough were roughly predicated upon the activity based costing (ABC) model used to distribute resources across London in accordance with the area's previous structural composition. However, since the introduction of OBM and the borough IPT structure, there has been no further calculation to ascertain whether current staffing numbers are adequate. An independent assessment made by consultants on IPT and OBM has confirmed that the introduction of both these schemes concurrently, leads to additional work.
- The borough has had a reduction in staff over the last two years, with approximately four fewer lawyers working on the borough in September 2009, than in June 2007 and one and a half fewer administrative staff over the same period. Cases finalised in the magistrates' court increased 5% over the last year, whilst cases finalised in the Crown Court decreased 23% over the same period (see table on page 3). The borough has gained an additional AP and caseworker in the last year, but staff numbers remain reduced. Responsibilities for administrative staff and caseworkers have also increased as a result of the move to IPT.
- The BCP considers that lawyers on the borough typically undertake six to eight sessions per week in charging, and magistrates' court sessions, leaving between one to two days to complete all other work. In an average week, the borough provides 13 days of adult magistrates' court cover at Greenwich Magistrates' Court, four days of cover at Camberwell Youth Court plus two days of charging. This is the equivalent of 4 full-time lawyers per week, without considering OBM coverage. Over the summer period, with staff on annual leave and long-term sick, there were often no lawyers available in the office to do the OBM work. Staff numbers had increased at the time of the inspection but the BCP needs to carry out a detailed assessment of resources and borough obligations in order to balance resources and commitments.
- In 2008-09, the borough had only one part-time AP, covering 13.7% magistrates' court sessions. This was significantly below the overall London average of 20.5%. The borough gained an additional full-time AP in June 2009 and has increased its AP coverage to 23.9% of sessions.
- The borough achieved its target for in-house coverage of magistrates' court sessions in 2008-09, covering 93.4% of magistrates' court sessions in-house. This was above the borough's 90% target and the 87.9% achieved by London overall. Staff absences and the increasing backlog of work saw the borough utilise more agents in the fourth quarter of 2008-09, when the percentage of in-house coverage dipped to 81.3%. This had increased to 85.5% in the first quarter of 2009-10 (98.5% in the month of August) as the new AP commenced in post and the impact of annual leave over the summer lessened.

- Case preparation is a weakness. The OBM has not been staffed consistently and so magistrates' courts cases are not prepared well, and committal cases are too often prepared hurriedly with little remedial attention given in the substantial time between committal and trial in the Crown Court.

Aspect for improvement

The BCP, in conjunction with the DCP, should satisfy themselves that resources are balanced across the full range of work.

- The district deploys two crown advocates (CAs) at Woolwich. The CAs on borough units have limited opportunities to appear in the Crown Court because they are deployed to cover other commitments, such as magistrates' court sessions, charging and the OBM.
- The new DCP has drafted an advocacy strategy to improve the level of CA deployment, including the recruitment of a CA manager who will oversee the allocation of work. The experienced district CAs will concentrate upon Crown Court trial work, whilst the remaining borough CAs may do PCMH hearings and other work when feasible.
- In 2008-09, average sick leave for the borough was 11.2 days, higher than the national figure of 9.0 days and also the average for London at 9.3 days overall. A number of staff have been on long-term sick leave; some of it stress-related. The borough is working to manage this and the monitoring of sickness absence has become a higher priority for management. Triggers have been set up to notify management of high levels of absences and all sick leave is reported to the District Business Manager who monitors absence on a monthly basis and provides assistance to managers. Staff with high levels of sick leave have been invited to meetings with managers and CPS London's human resources unit to try and work through the reasons behind absences.
- Sick leave and unplanned absences have impacted upon the borough's level of service delivery. Management need to continue to look at ways to address the high level of absences from sickness, including improving staff morale.
- Requests for flexible working are considered by line managers and the District Business Manager. Any requests that are approved should be reviewed after six months to make sure that the borough and the individual are not adversely affected by the flexible working arrangements.

11 MANAGEMENT AND PARTNERSHIP WORKING

Assessment

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**

- The management team at Lewisham has an awareness of the key priorities for the borough in order to meet London-wide objectives. However, these priorities are not formally set out in a business plan, either at the borough or district level. Formal planning and risk management is carried out at the district and London-wide level, which is fed down to the borough.
- In the last 18 months borough management has also had to address performance issues and manage change, particularly the move to Lewisham Police Station and the new IPT team. Other initiatives, such as implementing OBM and CJSSS have also taken up considerable time and resources.
- The move to IPT, in particular, has had a disruptive effect on borough performance, as can be seen from the most recent performance figures. IPT has also negatively affected staff morale and it was felt by some that insufficient account was taken of experience, working patterns and the complement of staff required.
- Borough managers understand their responsibility for implementing management decisions and take a corporate approach. The BCPs for Lewisham and Greenwich are in regular contact and undertake some joint working with partner agencies as well as sharing resources where necessary. As an example, the boroughs work together to share caseworkers for court coverage.
- Communication on the borough unit could be improved. Team meetings are held infrequently and staff, particularly in the administrative teams, felt they were not kept fully informed of current issues. Some staff expressed the view that they were not adequately prepared for IPT. Although regular emails were sent out to all staff about IPT from those involved in the planning this was not reinforced through other forms of communication. A planned site visit for staff never took place. Communication between management and the team is generally on an informal basis; staff described management as open and responsive to issues.

Aspect for improvement

The borough should reinstate regular team meetings with all staff to improve communication and increase staff awareness of performance issues and current initiatives.

- At the management level, communication is better. The BCP has regular meetings with level D colleagues across London and particularly with the other borough leads and DBM for the Woolwich District. There is also regular informal communication with the other BCPs in the District and the DCP.
- Although risks are captured at a London-wide level, it would be helpful for the borough to consider some local risk as part of their planning around core business delivery.
- A London-wide training plan exists, but the borough does not have its own training plan. There is consideration of individual's training needs through the PDR process and as part of the move to IPT, borough management is planning to undertake a training needs assessment to identify further training opportunities.

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

- At the strategic level, the borough participates in the Borough Criminal Justice Group (BCJG) for Greenwich/Lewisham, where performance and joint initiatives, such as IPT, are key discussion points. The BCJG was recently the subject of targeted intervention by the London Criminal Justice Board to improve the effectiveness of the group and a new governance structure and subgroups were set up as a result. The BCP and other borough representatives now participate in the BCJG subgroups, such as the Effective Trials and Youth subgroups and the CPS have been acknowledged for their active commitment to the reformed BCJG.
- At an operational level, borough staff engages effectively with criminal justice colleagues. Although Lewisham performance is poor in many respects, the BCP has made an attempt to improve the analysis of poor performance and adverse outcomes at these meetings and identify causes and actions. This contribution to PTPM meetings, as well as the borough's responsiveness to issues raised by the police, has contributed to a positive working relationship.
- The borough has good communication channels at the magistrates' court level, which has enabled the two agencies to cooperate around court listing. The courts have facilitated six sessions per week for APs and been cooperative in assisting the borough with the closure of some courts over the summer, when staff absences were at their greatest.
- Problems around case preparation and progression, together with the lack of an effective advocacy strategy have impinged upon relations with the Crown Court. However, the current DCP is aware of the need to improve the effectiveness of this relationship and has already taken steps towards this, such as the formulation of a district advocacy strategy.
- The borough has been involved in a number of joint initiatives with criminal justice partners in the last 18 months, including CJSSS, CJSSS (Youth) and IPT.
- On 20 April 2009, the borough moved to the IPT site at Lewisham Police station. In preparation for the move, members of the borough management team regularly attended local implementation team meetings with police to ensure that the disruption to core business was minimised. The police regard the effectiveness of these meetings and the borough's contribution at these meetings as a major contributor to the IPT move proceeding on time.
- The borough implemented CJSSS into the Youth Court in December 2008. The post-implementation review revealed that there were problems with the receipt of post and linkage to files following an office move, which was impacting upon prosecutors being able to review case papers in good time for court. The report also noted that the court had concerns with Lewisham CPS in relation to the timely preparation of youth trials.
- Other prosecution team initiatives, such as conditional cautioning, have not received as much focus by the police and the borough and therefore are not producing the results as intended.
- Community engagement has not been a priority for the borough and any community engagement events have happened on an ad hoc basis without a clear strategy behind them or follow-up afterwards. The BCP has made some attempts to reach out to local community groups, such as the local Safeguarding Children's Board and the Lewisham Community Police Consultative Group but there has been no community engagement strategy in place to target particular groups at need or address local concerns.
- A review of the responses to complaints at Lewisham revealed that complaints were handled in a sympathetic manner and responses were written in a style that could be understood by the complainant.

- Complaints from the public have been dealt with appropriately. The three examples we considered were dealt with comprehensively and in an appropriate style.

Aspect for improvement

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.

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

- The management team at Lewisham acknowledge good performance by staff through emails to staff members and updates at team meetings. Minutes from district management meetings also show that staff were singled out for praise for positive performance but the minutes need to be made available to staff in order that they are made aware of this.
- Managers and staff treat each other with respect however morale amongst staff on the borough appeared to be low, largely as a result of issues around IPT and staffing levels. Many staff also felt that they were not kept regularly informed and did not have the chance to raise concerns. Regular team meetings with all staff on the borough may help.
- The make-up of staff in the borough office generally reflects the local community served, however the staff profile is beyond the borough's control.

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						
Conviction rate	80.8%	76.2%	73.1%	80.5%	75.5%	69.7%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	17.1%	13.3%	14.1%	19.7%
Guilty plea rate	74.4%	69.8%	66.6%	74.2%	68.8%	63.1%
Attrition rate	19.2%	22.1%	26.0%	19.5%	23.0%	29.8%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	18.6%	11.8%	15.7%	21.3%
Guilty plea rate	72.9%	60.8%	59.6%	73.0%	61.1%	59.3%
Attrition rate	19.4%	27.3%	29.6%	19.5%	27.6%	31.5%

Aspect 2: Ensuring successful outcomes in the magistrates' court

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

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough
	87.3%	86.0%	83.3%	87.3%	85.9%	81.8%

Trial rates

	Performance 2008-09		
	National	CPS London	Borough
Effective	43.4%	47.3%	36.3%
Cracked	38.0%	34.8%	40.6%
Ineffective	18.6%	17.9%	23.1%
Vacated	21.5%	16.3%	14.9%

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%	69.7%	80.6%	72.7%	67.7%

Trial rates

	Performance 2008-09		
	National	CPS London	All Woolwich Crown Court cases
Effective	47.1%	54.7%	62.3%
Cracked	40.8%	30.0%	26.4%
Ineffective	12.1%	15.2%	11.3%

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%	57.9%	71.8%	61.0%	55.4%

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%	68.2%	81.9%	75.5%	65.7%

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%	89.6%

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%	93.4%
Associate prosecutor deployment (as % of magistrates' court sessions)	24.8%	23.0%	20.5%	13.7%
Crown advocates. Counsel fee savings against target	110.0%	£4,200,000	99.3%	65.6% (district savings against Target)
Sickness absence (per employee per year)	8.7 days	N/A	9.3 days	11.2 days

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

Police

Chief Superintendent J Burton
Chief Inspector S James
Sergeant C Smith, Evidential Review Officer
Mr P Blakemore, Acting Witness Care Unit Manager

HM Courts Service

Crown Court

His Honour Judge Byers, Senior Resident Judge, Woolwich Crown Court
Ms M Filby, Crown Court Manager, Woolwich

Magistrates' court

Mr K Burman, Deputy Justices' Clerk
Mrs L Schmitt, Chair of Lay Bench, Greenwich Magistrates' Court
Mr P Wallis, Senior District Judge, Greenwich Magistrates' Court
Mr D Lynch, District Judge, Greenwich Magistrates' Court
Mr A Hamilton, District Judge, Greenwich Magistrates' Court

Victim Support

Mr R Beavis, Vulnerable and Intimidated Witness Support Worker, Lewisham
Ms C Lefty, Witness Service Coordinator, Woolwich Crown Court
Ms R Rowlings, Witness Service Manager, Greenwich Magistrates' Court

Community Groups

Ms G Subramanian, Head of Crime Reduction and Supporting People, Lewisham Council

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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