

# CPS London Borough Performance Assessments

## Greenwich Borough

### Executive Summary





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

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

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

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

<b>Aspect</b>	<b>Score</b>	<b>Assessment</b>
Pre-charge advice and decisions	<b>2</b>	<b>Fair</b>
Decision-making, preparation and progression in magistrates' court cases	<b>0</b>	<b>Poor</b>
Decision-making, preparation and progression in Crown Court cases	<b>0</b>	<b>Poor</b>
The prosecution of cases at court	<b>2</b>	<b>Fair</b>
Serious violent and sexual offences, and hate crimes	<b>0</b>	<b>Poor</b>
Disclosure	<b>0</b>	<b>Poor</b>
Custody time limits	<b>3</b>	<b>Good</b>
The service to victims and witnesses	<b>0</b>	<b>Poor</b>
Managing performance to improve	<b>2</b>	<b>Fair</b>
Managing resources	<b>Not scored</b>	
Management and partnership working	<b>2</b>	<b>Fair</b>
<b>OVERALL ASSESSMENT</b>	<b>11</b>	<b>POOR</b>

### **Description and caseload**

CPS London (the area) is organised into operational teams along geographical boundaries. London boroughs and the City of Westminster are covered by the Metropolitan Police Service and the City of London by the City of London Police. The area's borough units are co-terminous with the Metropolitan Police Borough Command Units with each headed by a borough crown prosecutor (BCP), a level D lawyer. Local borough units are then grouped together to form a larger district based upon a common Crown Court centre (or centres). Responsibility for a district lies with a district crown prosecutor (DCP), a level E lawyer who line manages the BCPs. The interface between CPS London's senior management and area staff is through the district, with the DCP ensuring that the area's vision and strategy is implemented by the BCPs at borough level. CPS London is divided into two regions (North and South) which comprise a number of districts. There is also a complex casework centre which handles serious and complex cases and those at the Central Criminal Court (Old Bailey).

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

Greenwich has one office, at The Cooperage, and is part of the district which is aligned to the Crown Court sitting at Woolwich. In the future there are plans for staff to move to the local police station to form an integrated prosecution team (IPT).

Borough business is divided on functional lines between magistrates' court and Crown Court work, which is handled by both administrators and prosecutors. There are also paralegal caseworkers covering only Crown Court work.

As of September 2009 the borough had an average of 26.1 full-time equivalent staff in post and a budget of £1,112,093<sup>1</sup>.

<b>Staff</b>	<b>Numbers at September 2009</b>
Borough crown prosecutor	1.0
Business manager	1.0
Crown prosecutors	8.2
Associate prosecutors	1.0
Caseworkers	8.9
Administrative support staff	6.0
<b>Total (full time equivalent)</b>	<b>26.1</b>

Details of Greenwich borough unit caseload in 2007-08 and 2008-09 are as follows:

	<b>2007</b>	<b>2008</b>	<b>Percentage change</b>
<b>Pre-charge work</b> (all cases referred to the CPS by police for a decision as to charge)			
Decisions resulting in a charge	1,424	1,401	-1.6%
Decisions not resulting in a charge <sup>2</sup>	1,805	1,422	-21.2%
Total pre-charge decision cases	3,229	2,823	-12.6%
<b>Magistrates' court proceedings<sup>3</sup></b>			
Magistrates' court prosecutions	3,612	2,979	-17.5%
Other proceedings	6	0	—
Total magistrates' court proceedings	3,618	2,979	-17.7%
<b>Crown Court proceedings<sup>4</sup></b>			
Cases sent or committed to the Crown Court for determination	625	620	-0.8%
Committals for sentence <sup>5</sup>	81	70	-13.6%
Appeals from the magistrates' court <sup>5</sup>	60	69	+15.0%
Total Crown Court proceedings	766	759	-0.9%

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

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

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

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

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

## **The inspection team**

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

## **Summary of judgements**

### *Contextual factors and background*

Borough performance in the past has been comparatively poor in some aspects compared with the overall London and national averages. This needs to be viewed, however, in the light of Greenwich managing its business whilst implementing a number of national initiatives such as the optimum business model (OBM) for processing magistrates' court cases, although CPS London's programme of restructuring to IPTs has yet to impact fully on borough performance. In many respects the borough is working hard in a difficult environment to overcome a number of challenges. There has been a reduction in resources and caseload over the last two years, both having fluctuated over the period. But there remains a need to ensure that resources are distributed effectively according to the nature of casework. This, coupled with some instability at DCP level, has meant the borough has found it difficult to deliver key performance targets.

### *Summary*

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

Whilst much of the pre-charge decision-making is sound and in accordance with the Code for Crown Prosecutors, poor outcomes later on are indicative of a lack of proactivity on the part of prosecutors at the early advice stage, together with poor case management and preparation thereafter.

Prosecutors have established good relationships with investigators and a constructive dialogue exists through the monthly prosecution team performance management meetings with police. Unfortunately, however, this has not translated into improved performance. Greenwich did not meet its targets for 2008-09 and performance remained below national and CPS London performance. Although some recent progress has been noted in the discontinuance and attrition rates in Crown Court cases, overall the conviction rate remains below national and London performance and is not improving.

Successful outcomes in the magistrates' court were below both the national and CPS London overall performance during 2008-09. The borough has had significant difficulty operating OBM which has adversely affected the timeliness and quality of case preparation for summary trial. It has also impacted upon the ineffective trial rate which, for 2008-09, was 23.1% and worse than national and London performance.

In the Crown Court performance was better than for CPS London overall, although the target for successful outcomes was not reached during 2008-09. However there is a tendency to rely on the initial review as the principal mechanism for building the prosecution case, which can result in late preparation where any need for additional work overlooked by the reviewing lawyer is not identified until actioned by the trial advocate. The effective trial rate at Woolwich Crown Court, which has been better than national and London performance during 2008-09, has been achieved despite a lack of effective case progression systems in Greenwich.

The prosecution of cases at court was also variable with some advocates lacking development of their advocacy skills to the required standard. The quality of instructions to advocates in Crown Court cases was poor containing little or no reference to the issues, strengths or weaknesses of the case. Outstanding evidence was not highlighted and no guidance was given in relation to acceptable pleas.

Decision-making in respect of cases involving allegations of serious violence, sexual offences and hate crimes is variable, being better in those cases which have been reviewed by specialists. Outcomes are poor and not improving and have not met any of the national targets. The borough has identified the high volume of domestic violence cases which result in an adverse outcome as having the biggest impact on its outcomes, but has yet to analyse the reasons fully.

Compliance with the prosecution's duties of disclosure of unused material is poor. Weaknesses ranged from a failure to endorse schedules correctly to incorrect decisions being made whether to disclose or withhold material. Timeliness of service upon defence representatives also requires improvement.

Systems for managing custody time limits are satisfactory and there have been no reported failures for the last three years.

The proxy target has been met for the number of letters sent to victims to explain why a charge has been dropped or significantly altered, but not for the timeliness of letters. Although witness warning systems are satisfactory the target for witness attendance rates has not been met. The relationship with the witness care unit is good, but there is no awareness or monitoring of performance against the minimum requirements of the No Witness No Justice scheme.

The borough has limited responsibility for managing prosecution and non-ring fenced administration costs which is done at district level. Greenwich was underspent against its budget in 2008-09. There is good deployment of in-house prosecutors in the magistrates' court and in 2008-09 98% of sessions were covered in-house despite a reduction in lawyer resources and the absence of an associate prosecutor. However, 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 urgently required. The quality of advocacy is variable and a structured system of advocacy monitoring would provide for greater quality assurance.

The quality of performance management is adequate, although some aspects could be improved. For example analysis of adverse outcomes requires greater depth in order to identify key weakness and trends, also the feedback given to prosecutors could be improved. Use of the case management system is good. The rate of absence through sickness is higher than the national and CPS London figures but is being monitored and managed at borough, district and area levels.

Managers understand what needs to be delivered locally and have implemented national initiatives such as Criminal Justice: Simple, Speedy, Summary, the streamlined process for likely guilty pleas and OBM for case preparation, despite staff shortages. However the focus of borough management has been very much on day-to-day operational issues. There is effective informal communication between managers and staff but a need for regular team meetings to be held to ensure all staff are kept informed of key issues.

Inspectors identified 14 aspects for improvement:

- 
- 1 The quality of MG3s should be improved and managers should undertake regular monitoring to ensure in particular that:
    - there is appropriate consideration of ancillary issues;
    - instructions to prosecutors are endorsed on MG3s; and
    - action plans are clearly set out in the appropriate place with target dates (aspect 1).

---

  - 2 Effective systems need to be put in place to ensure adequate case progression and that preparation of magistrates' court cases takes place in a timely manner (aspect 2).

---

  - 3 The borough crown prosecutor, in conjunction with the district crown prosecutor, should balance available resources to ensure timely Crown Court case preparation to a satisfactory standard (aspect 3).

---

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

---

  - 5 The district crown prosecutor should take steps to agree and implement an effective crown advocate strategy (aspect 4).

---

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

---

  - 7 Steps need to be taken to:
    - ensure compliance with the prosecution's disclosure obligations; and
    - quality assure disclosure decisions effectively and provide feedback to individual prosecutors (aspect 6).

---

  - 8 Managers should strengthen their dip sampling checks of the custody time limit reports (aspect 7).

---

  - 9 Formal arrangements should be established to discuss borough victim and witness performance issues, which are contributing to their nonattendance at court, with the police and HM Courts Service (aspect 8).

---

  - 10 Staff should be kept informed of up-to-date borough performance against its targets (aspect 9).

---

  - 11 The adverse case spreadsheet should provide more detailed analysis of these cases in order to identify trends upon which action may be taken, and individual feedback given when appropriate (aspect 9).

---

  - 12 Greater efforts should be made to ensure that the Effective Trials subgroup works effectively in order to meet targets (aspect 9).
-

13 The borough should look at balancing its resources in the magistrates' court to ensure that all casework is handled appropriately (aspect 10).

---

14 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).

---

### **Background to London borough assessments**

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

### **Assessments**

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

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

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

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