

CPS London Borough Performance Assessments

Greenwich 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 area's Greenwich 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 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 Greenwich 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 GREENWICH 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.

Greenwich borough unit has one office at The Cooperage. It is part of the CPS London 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 £1,112,093¹.

Staff	Numbers at September 2009
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
Total (full time equivalent)	26.1

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

	2007	2008	Percentage change
Pre-charge work (all cases referred to the CPS by police for a decision as to charge)			
Decisions resulting in a charge	1,424	1,401	-1.6%
Decisions not resulting in a charge ²	1,805	1,422	-21.2%
Total pre-charge decision cases	3,229	2,823	-12.6%
Magistrates' court proceedings³			
Magistrates' court prosecutions	3,612	2,979	-17.5%
Other proceedings	6	0	—
Total magistrates' court proceedings	3,618	2,979	-17.7%
Crown Court proceedings⁴			
Cases sent or committed to the Crown Court for determination	625	620	-0.8%
Committals for sentence ⁵	81	70	-13.6%
Appeals from the magistrates' court ⁵	60	69	+15.0%
Total Crown Court proceedings	766	759	-0.9%

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

There has been a reduction in the borough's resources and caseload over the last two years and both have fluctuated over the period. This is against a background whereby it has implemented a number of national initiatives, such as the optimum business model (OBM) for processing magistrates' court cases, and London-wide initiatives in relation to decisions on charging and the roll out of IPT. This, coupled with some instability at DCP level, has meant Greenwich has found it difficult to deliver key performance targets.

Summary

The borough operates in a fairly harsh criminal justice environment dealing with a range of quite serious criminal cases. It has performed well to achieve high levels of court coverage and provide extensive advice to police during a time when it has been changing in structure to join the police in an IPT. However it has not been able to address low levels of successful outcomes in both the magistrates' court and the Crown Court. Whilst much of the initial decision-making is sound the poor outcomes appear to stem from poor case management and preparation. This leaves the prosecution on the back foot when it comes to trial and cases have not been built to the strongest possible level. In the end too many are having to be dropped, whether it be for fundamental defects or because victims and witnesses have moved or are no longer willing to attend court after the passage of substantial periods of time.

The processes for delivering pre-charge decisions (PCDs) are appropriate but the outcomes in such cases are poor, particularly in the magistrates' court. Targets were not met during 2008-09 and performance was below national and CPS London levels. There has been some improvement in respect of the discontinuance and attrition rates in Crown Court cases in the first quarter of 2009-10, but overall the conviction rate remains below national and London performance and is not improving. Ancillary orders and special measures are often not considered at the PCD stage and action plans are unfocused and lack target dates for completion.

However borough prosecutors have established good relationships with investigators and a constructive dialogue exists through the monthly prosecution team performance management (PTPM) meetings with police. Unfortunately this has not been translated into improved performance but it does mean there is a solid foundation of partnership working upon which to build. Relationships with other criminal justice partners are good and sharing of performance data is improving. The BCP participates fully in multiagency groups aimed at improving performance.

Successful outcomes in the magistrates' court were below national and London performance in 2008-09, but had not improved in the rolling year to June 2009. This is almost certainly attributable to the significant difficulties the borough has had in operating OBM in contested cases. This has resulted in poor case preparation, including a failure to make timely applications to adduce evidence of bad character and special measures, if at all, and responding in a timely manner to correspondence from defence representatives and criminal justice agencies.

This has also had an impact on the number of ineffective trials attributable to the prosecution. In 2008-09 the ineffective trial rate was 23.1%, which was worse than national and London performance, and overall the main reasons for ineffective trials are attributable to the prosecution.

In the Crown Court, although the borough did not reach its target for successful outcomes during 2008-09, it did perform better than CPS London overall. 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 additional work, overlooked by the reviewing lawyer, is identified 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 on the borough.

Presentation of cases in the magistrates' court complies with national standards of advocacy and associate prosecutors (APs) are highly regarded. Trial advocacy has been hampered by poor or late case preparation. Greenwich's crown advocates (CAs) are not currently deployed at the Crown Court and there is a lack of monitoring both of in-house and external prosecutors.

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

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

The systems for managing custody time limits are satisfactory and there have been no reported failures in 2007-08, 2008-09 or 2009-10 to date.

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

The borough has limited responsibility for prosecution and non-ring fenced administrative costs which are managed at district level. However it underspent against 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 AP. 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 CAs is urgently required. The quality of advocacy is variable and structured monitoring has not taken place.

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 and feedback to prosecutors could be improved. Use of the case management system (CMS) is good.

Managers understand what needs to be delivered locally and have implemented national initiatives such as Criminal Justice: Simple, Speedy, Summary (CJSSS), the streamlined process for likely guilty pleas and OBM for case preparation despite staff shortages. However the focus of 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.

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 its managers but involve those at district and area level. There is a need to ensure that resources are adequate for the nature of casework.

In the light of our findings the unit's performance is **POOR**.

Aspects for improvement

We identified 14 aspects for improvement:

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- 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).
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- 13 The borough should look at balancing its resources in the magistrates' court to ensure that all casework is handled appropriately (aspect 10).
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- 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).
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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
Disclosure	0 - Poor
Custody time limits	3 - Good
The service to victims and witnesses	0 - Poor
Managing performance to improve	2 - Fair
Managing resources	Not scored
Management and partnership working	2 - Fair
OVERALL ASSESSMENT	11 - POOR

D DEFINING ASPECTS

1 PRE-CHARGE ADVICE AND DECISIONS

Assessment
2 - Fair

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

- Overall the quality of decision-making at the pre-charge stage is fair. We examined 36 finalised cases which had been the subject of a PCD where the decision was to authorise charge. There were 13 (36.1%) where the threshold test was appropriately applied and the reasons for applying it were properly recorded.
- The application of the full Code test accorded with the Code for Crown Prosecutors (the Code) at the time of charging or at the initial review stage (the threshold test cases) in 35 out of 36 cases (97.2%) and the public interest test was applied in accordance with the Code in all of them. The most appropriate charge was selected in 33 out of 35 (94.3%).
- The quality of MG3s (the record of charging decision) overall is fair. There were 22 cases where the advice was provided by the borough. We assessed the quality as follows: excellent - 0; good - 3 (13.6%); fair - 18 (81.8%); and poor - 1 (4.5%). This does not compare well with the advice provided by CPS Direct (CPSD) on a further 14 Greenwich cases which we assessed as excellent - 1 (7.1%); good - 11 (78.6%); fair - 2 (14.3%); and poor - 0. There were no cases where CPS London Direct (CPSLD) had provided advice.
- Ancillary issues including whether bad character, hearsay or special measures applications should be made are not routinely considered. Reference was made to these in only five out of 16 relevant cases (31.3%). Although the duty prosecutor is reliant on the police to provide information in respect of discretionary special measures and certain aspects of bad character, there was a lack of proactivity on the part of prosecutors in making the necessary enquires of the police. Poor case preparation thereafter means that it is crucial for ancillary issues to be identified at the pre-charge stage as experience shows that it is unlikely any remedial work will be undertaken later.
- Action plans are not always completed and where they are present are often included in the body of the MG3, seldom with agreed dates within which the police should provide the additional evidence. Some were vague as to precisely what further evidence was required. Action plans were present on 22 cases, of which nine were advised on by the borough and the plan met the required standard in only three (33.3%). In the remaining 13, which were advised upon by CPSD, all met the standard.
- There was only one case in our file sample however where it was appropriate to consider restraint and confiscation proceedings at the PCD stage. The issues were not identified by the duty prosecutor and remained overlooked until sentence.
- Instructions to the advocate at court were included in three out of 22 (13.6%) borough advised cases, compared to CPSD cases where instructions were present in all of them. Instructions should be provided for the guidance and benefit of the prosecutor at court, whether it be another crown prosecutor or an AP who may well conduct the majority of the first appearances at court.
- Apart from the Crown Court discontinuance rate the overall outcomes for cases subject to PCD were poor and worse in all respects for 2008-09 than those nationally or for CPS London. The borough did not meet any of the key performance indicators during 2008-09. Performance in magistrates' court cases shows a further deterioration in the 12 months to June 2009. However Crown Court performance is now better than London overall.

	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%	74.0%	80.5%	75.5%	75.0%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	18.8%	13.3%	14.1%	18.9%
Guilty plea rate	74.4%	69.8%	66.8%	74.2%	68.8%	66.9%
Attrition rate	19.2%	22.1%	27.0%	19.5%	23.0%	26.6%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	14.1%	11.8%	15.7%	13.2%
Guilty plea rate	72.9%	60.8%	60.6%	73.0%	61.1%	63.4%
Attrition rate	19.4%	27.3%	24.1%	19.5%	27.6%	21.3%

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

- The overall conviction rate in PCD cases, at 74.0%, is worse than national and London performance. The rolling 12 month period to June 2009 shows a slight improvement to 75.0%.

Aspect for improvement

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.

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

- Until May 2009 the borough provided pre-charge advice at Plumstead Police Station Monday to Friday between 9am to 5pm. Since then responsibility for PCD in 'volume' crime rests with CPSLD leaving Greenwich to advise on its more complex work. Currently the borough provides a specialist duty prosecutor to advise in rape, child abuse and domestic violence cases on alternate Tuesdays, with other work emanating from specialist police squads being dealt with on a Wednesday. Some advice files are submitted to the office for review and although there is no set criteria for referral it is generally agreed with the police these will be cases requiring more time than could reasonably be allocated at one of the surgeries.
- As yet it is too soon to assess the impact CPSLD is having on borough work and there is no agreed procedure for providing feedback where the latter's lawyers disagree with the charging decision by CPSLD. This needs to be addressed as some tensions are beginning to develop, particularly in respect of CPSLD decisions to charge domestic violence cases, which the borough feels is adversely impacting on case outcomes. None of the cases in our file sample had been the subject of a PCD by CPSLD.

- In 34 out of 36 cases (94.4%) in our file sample the police provided enough material to enable the prosecutor to make a charging decision. There were seven cases where additional material was requested but in our view the material was not essential and the charging decision could have been made in four of those (57.1%).
- The police provide three evidential review officers (EROs) who supervise the quality of files submitted for charging decisions to ensure they meet the required standard. However there should be six EROs and the borough feels this is having an impact on the quality of the paperwork being submitted, with too many cases being referred where the police could have made the decision to take no further action (NFA). The charge to NFA rate in 2008-09 was 1.44:1 which is low and can be an indicator of lack of supervision. CPS London performance was 2.06:1. This has been raised by the BCP at PTPM and steps are in hand to recruit further EROs.
- Very few cases are charged by the police without seeking a PCD in accordance with the Director's guidance. Prosecutors are instructed to refer any cases charged in breach of the guidance to the BCP who will raise them with the police at PTPM and seek an explanation.
- The use of CMS to record PCDs is good. All cases in our file sample had an MG3 completed on CMS, but not all were appropriately flagged. However management of inactive cases requires some improvement - there is currently no system in place to ensure these are reviewed on a regular basis. A 'reality' check by us of outstanding cases awaiting finalisation or updating showed 126 which had been inactive for several months.

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

Assessment
0 - 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%	11.2%	8.7%	8.0%	11.5%
No case to answer	0.2%	0.3%	0.0%	0.2%	0.3%	0.1%
Dismissed after trial	2.0%	2.4%	2.7%	2.1%	2.5%	2.5%
Discharged committals	0.2%	0.3%	0.2%	0.2%	0.3%	0.4%
Warrants	1.6%	3.0%	2.8%	1.6%	2.9%	2.4%
Overall conviction rate	87.3%	86.0%	83.1%	87.3%	85.9%	83.0%

- The application of the evidential and public interest stages of the full Code test was in accordance with the Code in 20 out of 22 cases (90.9%) in our file sample. One case, commenced by summons by the police, had not received any pre-charge advice; not only was there no realistic prospect of conviction but also the summons had been issued out of time. The other case was dismissed by the magistrates at the end of the prosecution case. Full file reviews were carried out and met the required standard in 14 out of 17 cases (82.4%).
- Prosecutors do not always identify at an early stage what is required to ensure a successful outcome or take action to request it. This is even where action plans at the PCD stage have set out the further evidence that is required, with target dates for the police to provide it. There were many requests to the police for further information or evidence that were sent very close to the trial date and should have been requested far sooner. Overall there was good proactive case management in only one out of 19 relevant cases (5.3%); it was fair in 15 (78.9%) and poor in three (15.8%) respectively.
- The proportion of cases discontinued is worse than that found nationally and compared with CPS London overall. In 2008-09 11.2% of cases were discontinued compared to 8.7% nationally and 8.0% in London overall. The 12 months to June 2009 showed a slight deterioration to 11.5%.
- Changes of view, without a material change or the initial decision being clearly wrong, undermine public confidence. A justifiable decision should be adhered to and the original decision-maker assigned to prosecute the case at court. We examined five finalised magistrates' court cases where the proceedings had been discontinued and one where the magistrates had found no case to answer. In four out of the six (66.7%) the outcome could have been avoided by better case preparation. None of the discontinued cases had been advised on the threshold test and in three out of five (60.0%) there had been no material change in circumstances since the PCD. The decisions to drop the case were not made by the charging prosecutor and there was no note of any consultation between the prosecutors. The decisions to prosecute were finely balanced and in essence these cases reflected differing views of prosecutors. The discontinuance was timely and there was consultation with the police in two out of five cases (40.0%).

- The BCP authorises all discontinued cases and enters details of all adverse outcomes onto a spreadsheet. However no in-depth analysis takes place to identify potential trends. Although adverse outcome reports were present on four out of six cases these amounted to little more than instructions to the administrative staff as to the correct finalisation code.
- The number of discharged committals was in line with national performance at 0.2% during 2008-09 and better than London performance of 0.3%. However there has been a significant increase to 0.4% in the 12 months to June 2009. Additionally three of the discontinued cases in our sample were committal cases which were not ready and the decision was made to discontinue rather than seek an adjournment and risk the case being discharged. No steps had been taken on the files to reinstate the cases, two of which were domestic burglaries. Committal papers are regularly served at court on the date set down for committal, whereas they should be served in advance. Usually they have been put together quickly at the last minute and are not always complete, missing important supporting evidence which is still outstanding and awaited from the police.
- Overall the proportion of magistrates' court cases which resulted in a conviction in 2008-09 was poor at 83.1% and significantly worse than national performance of 87.3% and London performance of 86.0%.
- Limited discussion takes place with criminal justice partners about cases on a somewhat ad hoc basis, through the PTPM. Similar feedback was provided to prosecutors at team meetings. However as we discuss later team meetings have not been held for some time and most prosecutors are unaware of the borough's outcome rates.

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 OBM system for case preparation has been introduced but is not working effectively. There is no dedicated case progression manager attached permanently to cover the unit and prosecutors are, at best, only allocated to the unit for two days a week. As a result there are no systems for logging and monitoring compliance with directions and, although at the time of our inspection there was no backlog of post needing to be linked to files, the correspondence received was frequently unanswered.
- The absence of staff on the OBM unit has meant that files are often reviewed at the last minute and trial preparation has been adversely affected. There was timely completion of directions in only two out of nine cases (22.2%) in our file sample. Significantly there were eight cases where applications for bad character, special measures or hearsay should have been made but were not; either because they had been overlooked or a deliberate decision had been taken not to make the application since it was too close to the trial date and out of time. We examined several magistrates' court acquittals where we considered the outcome may have been different had the appropriate applications been made.

- CJSSS has been implemented and almost all cases proceed at the first court hearing - in our file sample 21 out of 22 cases (95.5%) did so. Until recently most cases adjourned for trial would also have had a case management hearing to check trial readiness. This hearing, usually attended by the BCP, police case progression officer and defence representative, was managed by a court legal adviser. They provided the opportunity for all parties to identify outstanding issues and undertake any remedial work, albeit at a very late stage, in order to avoid ineffective trials. Without them the borough must put in place its own case progression system.
- Greenwich's cracked and ineffective trial data is produced by HM Courts Service and combined with that for Lewisham borough. The ineffective trial rate, at 23.1%, is worse than national and London performance and the shared target of 19% had only been met for three months of the year 2008-09. The main reasons for ineffective trials are the defence not ready (18.1%), the prosecution not ready (15.0%) and prosecution witnesses absent (15.0%). Overall the number of ineffective trials attributable to the prosecution is the greatest at 44.0%, but we could not ascertain if there was a difference between Greenwich and Lewisham.
- The cracked trial rate is worse than London and national performance and the greatest proportion of cracked trials are due to the prosecution, at 51.0%. The single most common reason for a cracked trial however is the defendant pleading guilty on the day.
- Use of CMS is generally good, with hearing outcomes being recorded in less than one day in 76.0% of cases and finalisations recorded within one day of the hearing in 72.2%.

Aspect for improvement

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.

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

Assessment
0 - Poor

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

Case outcomes in the Crown Court

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough
Judge ordered acquittals	11.6%	15.7%	15.2%	11.8%	15.9%	13.7%
Judge directed acquittals	1.0%	1.1%	0.9%	1.0%	1.3%	1.1%
Acquittals after trial	5.5%	8.5%	7.5%	5.5%	8.6%	6.1%
Warrants	1.1%	1.6%	1.0%	1.1%	1.6%	0.9%
Overall conviction rate	80.8%	73.1%	75.4%	80.6%	72.7%	78.2%

- 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 14 out of 16 (87.5%) Crown Court cases in the finalised file sample. In the other two the decision was insufficiently recorded and no assessment could be made. In 12 cases the initial decision to charge had been taken using the threshold test and this had been appropriately used and recorded in each. The application of the public interest stage accorded with the Code in all cases.
- 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 five of the cases examined from the finalised file sample. In only one (20.0%) of them however was there any record that the necessary review had taken place.
- Proactive case management overall was fair. Crown Court cases are allocated to the borough lawyers by the BCP. Thereafter lawyers are expected to retain responsibility for their allocated caseload, regardless of what stage proceedings have reached. Preparation of the prosecution papers is completed by the caseworkers once evidence has been received from the police and a full review completed by the allocated lawyer. We found a number of instances where the full review added little of any value to the initial review and provided no real guidance for the caseworker who would be left to complete most, if not all, the work involved. Further lines of enquiry or specialist evidence overlooked at the charging stage were not routinely identified by prosecutors at the point where the prosecution evidence was served. Preparation was timely in only half of the cases we examined although a proportion was attributable to the late submission of papers to the CPS.
- Charges selected at the committal review stage were correct in 11 of the 12 cases (91.7%). The incorrect one involved a difference of opinion between two borough lawyers who, at different times, had separate conduct of the case. Out of 17 indictments two (11.8%) had been incorrectly drafted and required a subsequent, albeit not substantial, refinement in order to reflect the trial advocate's own preparation in how the case should be best presented. One of the two amendments was completed in good time.

- Pleas were offered in four of the cases in the finalised file sample. In each acceptance was correct, but no basis of plea had been recorded or retained on the prosecution file. Overall 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 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 an area level. For 2008-09 it 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. Currently Greenwich has no champion dealing with criminal asset recovery matters and potential cases have to be brought to the attention of the BCP in order to be considered.
- The proportion of cases resulting in a judge ordered acquittal (JOA) is worse than the national figure although slightly better than the London average. In 2008-09 15.2% of cases resulted in a JOA compared with 11.7% nationally and 15.7% for London. Performance improved during the 12 months to June 2009 to 13.7%, which was better than that for London (15.9%).
- We examined four cases which had resulted in a discontinuance or JOA in the Crown Court. In two the decision to discontinue proceedings was made in response to a material change in the case after the decision to charge had been made and was taken in good time. In one of the remaining two the decision to drop the case was made only after the court had highlighted the contradictory CCTV evidence. The decision to discontinue was the correct one but should have been reached much earlier.
- In 2008-09 the borough achieved a successful outcome in 75.4% of cases. This was significantly below the national figure of 80.8%, but was better than London overall and represented a significant improvement over the previous year's figure of 66.3%. The proportion of successful outcomes in the 12 months to June 2009 improved to 78.2%.

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%

- Greenwich's Crown Court caseload is decreasing; down by 83 cases (21.0%) in 2008-09 compared to the previous year. Discharged committals rose during the 12 months to June 2009 (see aspect 2). Indictable only cases sent directly to the Crown Court suffer from similar problems to committals 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.

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

- 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 observations and file examination. Court observations revealed that deficiencies in case preparation were apparent and subject to adverse comment by the court. It was apparent the balance between the unit's competing commitments has left insufficient concentration on its Crown Court work.

Aspect for improvement

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.

- 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, who manage their own allocated cases, or with the casework manager with overall responsibility for ensuring court directions and time limits are complied with. Orders and actions are processed by the caseworker at court directly onto CMS and dispatched by email. These are then usually copied onto the paper file and from our sample we noted that in 16 out of 18 (88.9%) cases an appropriate endorsement had been made.
- Timeliness results obtained from our file examination were mixed: compliance with plea and case management hearing (PCMH) directions was particularly poor in that only five out of 13 (38.5%) were timely. Initial disclosure was timely in all 15 relevant cases but less so for continuing disclosure, where only two out of six (33.3%) were timely. The timeliness of communications in Crown Court cases was good in eight of 18 (44.4%), fair in nine (50.0%) and poor in one (5.6%).
- The borough has referred one case to the Director's 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 all cases in our finalised file sample 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. The position was the same regardless of whether a crown advocate 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 specific guidance.
- CA deployment is on a district, rather than borough, basis. At the time of the inspection only two were operating permanently at the Crown Court, presenting mainly PCMH cases. The CAs invariably receive their cases at court on the morning of the hearing, giving them little opportunity to prepare properly for court. Self-employed counsel conducting PCMHs usually receive the prosecution papers late on the day before the hearing.
- The overall effective trial rate at Woolwich Crown Court for 2008-09, at 62.3%, was better than both the national and London figures - 47.1% and 54.7% respectively. However although cracked and ineffective data is made available it is not used proactively to set the borough's strategic priorities or drive performance improvement. The court, through its use of pre-trial review hearings, contributes to the effective outcomes rate.

- The relatively good effective trial rate in part unfortunately reflects the high level of cases the prosecution drops at the court because of defects or lack of preparation. One example in our file sample was an ineffective trial which then cracked at the second listing for trial. This involved an allegation of indecent images. Considerable delay had already been occasioned by the prosecution not being ready at key stages in the process; had the case been better prepared the likelihood is that it would have resulted in an earlier guilty plea.
- 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 14 of 16 (87.5%) cases but the incidence of completed ad hoc reviews was poor, with only one out of five (20.0%) being recorded on the system. Crown Court finalisations were correct in all 15 cases. Overall use of CMS was assessed as being good in 77.8% of cases and fair in 22.2%, with none being excellent, but equally none being poor.

4 THE PROSECUTION OF CASES AT COURTAssessment
2 - Fair**4A Advocates are active at court in ensuring cases progress and hearings are effective; advocacy and case presentation are of a high standard**

- The borough prosecutes courts at Woolwich Magistrates' Court on a daily basis, youth courts twice a week at Camberwell Magistrates' Court and trial courts twice a week at Bexley Magistrates' Court. For the year to July 2009 Greenwich had been without an associate prosecutor and prosecutors were covering the AP courts. One is now fully utilised prosecuting general remand work three days a week with crown prosecutors undertaking trials. A dedicated youth specialist prosecutes the majority of cases listed at Camberwell.
- All prosecutors have at least three years' experience in the magistrates' court. We undertook some limited advocacy observations as part of this inspection and those we saw met the CPS national advocacy standards. However criminal justice partners' views of the standard of advocacy were less positive, ranging from assessments of competent to very poor. No specific time is allocated to prosecutors to prepare for court and, although it was generally felt that the APs are well prepared and able to progress cases effectively, many of the prosecutors lacked certain basic skills particularly where trials are concerned. Not all advocates have been monitored in the last year.
- Progress was made at the first hearing in 21 out of 22 (95.5%) cases in our magistrates' court file sample. There were subsequently ten unnecessary adjournments of which six were attributable to the prosecution. Until recently case management hearings were being conducted for the majority of contested cases to ensure trial readiness. From our file sample we noted that although the files were frequently endorsed as trial ready at the time of the hearing there was still often outstanding work to be undertaken, such as the service of unused material.
- The quality of file endorsements was variable. The borough has identified this as an issue and the need for clear, legible endorsements has been raised in team meetings and by email with prosecutors. In our file sample the quality of endorsements was good in six out of 38 relevant cases (15.8%), fair in 31 (81.6%) and poor in one (2.6%).
- Prosecutors are aware of and generally comply with the Prosecutors' Pledge, Victims' Code and Witness Charter and introduce themselves to witnesses, keeping them informed of the progress of cases.
- The district has not had a structured process in place to develop the skills of CAs and deployment is on a district, rather than a borough, basis in any event. At the time of the inspection only two CAs were operating permanently at the Crown Court presenting mainly PCMHs. None of remaining borough CAs is released to prosecute regularly in the Crown Court, being deployed to cover charging or magistrates' court sessions instead due to staff shortages and pressure upon the borough not to use agents. The CAs lack direction or a coherent strategy. 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.

Aspect for improvement

The district crown prosecutor should take steps to agree and implement an effective crown advocate strategy.

5 SERIOUS VIOLENT AND SEXUAL OFFENCES, AND HATE CRIMES

Assessment

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

- There were 22 cases in our file sample involving allegations of serious violence, sexual offences and hate crime, of which 15 (68.2%) were correctly identified and flagged on CMS.
- Cases should be allocated to lawyers with appropriate experience. The borough holds weekly surgeries for rape, domestic violence and child abuse cases which are dealt with by specialists only. Some advice files are submitted to the office where they are also allocated to specialists to deal with.
- In 20 out of the 22 cases the police had provided sufficient background information at the PCD stage. There was compliance with the CPS policy on retraction in five out of 15 cases (33.3%) where the reluctance of the witness to continue in support of the prosecution was considered.
- We examined 14 domestic violence cases. Although the borough attributes the poor attrition rate to the large number of domestic violence cases our file examination did not show that they were given specific priority or are handled any better than general casework. The prosecutor considered the availability of enhanced evidence at the PCD stage in four out of 12 relevant cases (33.3%) and considered the possible retraction by the victim in five out of the 14 (35.7%). The case proceeded against the victims' wishes in three out of nine cases (33.3%).
- We examined four rape cases. There was good case 'ownership' and they were dealt with by a rape specialist throughout their life. One was discontinued for which there was appropriate consultation with a second specialist in accordance with CPS policy.
- We examined two racially aggravated offences. In one the charge was not in accordance with the evidential test in the Code and the case was subsequently discontinued at the Crown Court, although there had been no change in circumstances since the PCD. The letter of explanation to the victim was late and did not offer the mandatory meeting. In the second case the police erroneously charged a different (lesser) offence to that advised by the duty prosecutor. This was noted at the initial review of the file but nothing was done to correct the error and a plea was entered to the lesser offence which meant the prosecutor at court could not apply for a restraining order against the defendant.
- We examined two child abuse cases. One, which was reviewed by a nonspecialist, did not meet the evidential test of the Code at the full file review stage and resulted in a judge directed acquittal. The viewing of the child's video recorded evidence was not noted in this case. The other, which was discontinued, had a letter of explanation sent to the victim's mother only when it should also have been copied directly to the victim who, by then, had turned 16 years old.
- There are dedicated specialists for youth cases, rape, child abuse and domestic violence but none for racially/religiously aggravated, homophobic or disability crimes. Rape and child abuse cases are only allocated to specialists but other nonspecialists may deal with them in their absence. None of the specialists have any role in mentoring less experienced colleagues, monitoring performance or producing reports in respect of their specialist areas.
- The borough has no specific plan to implement the CPS national Violence against Women (VAW) strategy but is making some contribution to it insofar as rape and sexual assaults cases are generally handled better than other casework. However the quality of decision-making and case preparation in domestic violence cases was poor. There were a number of cases which had not been

proactively managed in the file sample, including seven where special measures applications should have been made and four where bad character applications should have been made but were not.

- The level of successful outcomes in VAW cases also needs to be improved. Although Greenwich was in line with CPS London performance during 2008-09 it was significantly below national levels. For the year 2008-09 the borough's successful outcomes for specific types of violence against women were: domestic violence 62.6%; rape 42.9%; and sexual offences 64.8%. Whereas London and national performance has remained stable during the 12 months to June 2009 borough performance has deteriorated markedly, as shown in the table below.

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%	61.2%	71.8%	61.0%	48.9%

- Performance in respect of outcomes in hate crime cases is worse than national and London figures and the borough is not meeting any of the nationally-set targets. The table below sets out performance where there has been a small improvement in the 12 months to June 2009.

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%	65.5%	81.9%	75.5%	66.7%

Aspect for improvement

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.

- The borough has had limited contact with the local safeguarding children board. The BCP has written to the chair of the local board and has offered to attend any future meetings but as yet has not been invited to attend.

6 DISCLOSURE

Assessment

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

- Compliance with the duty to provide initial disclosure was poor. We found that the duty was fully discharged in only 14 of the 29 cases (48.3%) in our file sample. In one no schedule had been retained on the prosecution file. There were examples of disclosure of items that neither undermined the prosecution case nor assisted the defence; poor or incorrect endorsements on schedules; wrong abbreviations being applied; and a lack of explanation around disclosure decisions. In one case there was a failure to disclose potentially undermining or assisting material.
- Although disclosure documentation was provided by the police in a timely manner in all cases in our file sample service on the defence by the CPS was timely in only 19 out of 30 (63.3%). Timeliness was significantly worse in magistrates' court cases when it often took place very close to or on the day of trial.
- There were 12 cases where there was a need to consider continuing disclosure and it was complied with in six (50.0%). In each of these there was no response to the defence statement. Where the defence statement was considered it was timely in three cases (50.0%).
- The use of disclosure record sheets to record decisions and reasons for them is poor and needs to be improved, although staff are aware of the need to complete them. A sheet was present on the file and completed in only seven out of 30 cases (23.3%). Disclosure documentation and correspondence was not always stored in separate disclosure folders, albeit housekeeping was better in Crown Court than magistrates' court files.
- A dip sampling exercise was carried out by the then district disclosure champion who examined one file per prosecutor, provided individual commentary on each case and compiled a robust composite report which identified the same failings as we have found in this inspection. 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 were no cases in our file sample involving public interest immunity (PII) applications. Where these do arise they are referred to the DCP to make the decision whether to make an application. The PII log is maintained at district level.
- There was one case in our file sample with sensitive material. However this was not handled correctly insofar as the schedule was unsigned by the prosecutor so it was not possible to assess whether they had considered the material and made a decision about it. Sensitive schedules were supplied in only six cases and in five included material listed which was not sensitive. The prosecutor had not returned the schedules in any of these cases to the police for the material to be re-listed on the nonsensitive schedule. There are appropriate arrangements for the storage of sensitive material. The borough does not have a protocol with the local social services department for the disclosure of third party material.

Aspect for improvement

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.

7 CUSTODY TIME LIMITSAssessment
3 - Good**7A The borough ensures that all cases with a custody time limit are dealt with appropriately and time limits adhered to**

- In September 2008 CPS London issued a notice to all staff to ensure that the national custody time limits (CTL) guidance was adopted in all boroughs. This was done in the light of the high number of CTL failures in London and HMCPSP's impending assessments of London boroughs. The London Management Team then instructed all boroughs to adopt the London CTL system. This is compliant, for the most part, with the national standard. However managers need to be aware of the disparity and ensure that national requirements are also met.
- A peer review conducted in February 2009 found that the London CTL minimum standards were not being achieved by Greenwich, including inadequate endorsements on files and insufficient diary checks. The borough has worked hard to address these review findings and appears to now be achieving compliance with the London guidelines, as evidenced in the follow-up review conducted in July 2009 and our own file checks carried out as part of this inspection.
- The borough has not had a reported CTL failure since September 2007. Practices adopted since that date have been effective in preventing further failures.
- All the 'live' files examined had their CTL expiry date calculated and recorded correctly on CMS. A system of manual and electronic checks is used to ensure that CTLs are monitored at two and four week intervals before they expire. These two and four week reminders in the diaries were also correctly recorded and had been checked by a manager in most cases. One file, involving multiple defendants, did not contain clear endorsements for each defendant as recommended in the guidelines.
- Weekly reports are generated from CMS for magistrates' court and Crown Court cases. These list all of the cases with CTLs expiring in the next eight weeks and are reviewed by the BCP. Spot checking of files and CMS against the reports would provide extra assurance that all CTLs are being captured.
- A CTL protocol has recently been signed with HM Courts Service for the agreement of expiry dates between the CPS and prosecutor at court hearings. Only about half of the files we sampled had clear CTL agreements with the courts endorsed on them but the BCP has followed up on compliance with this policy through discussions with court colleagues at Borough Criminal Justice Group (BCJG) meetings. A review of more recent files has revealed that this practice is now better embedded.
- The borough has also developed a good relationship with the magistrates' court to ensure that CTL extensions are avoided through listing custody trials well before the expiry date. Where applications for extensions were needed they were sought in good time and the appropriate parties were notified.
- Currently three new administrative staff are still learning the correct procedures, supervised by experienced B1 and B2 managers who check each CTL calculation made and the entries into the case management and diary systems.
- CPS London has planned area-wide training for all staff working with CTLs in the coming months.

Aspect for improvementManagers should strengthen their dip sampling checks of the custody time limit reports.

8 THE SERVICE TO VICTIMS AND WITNESSES

Assessment

0 - 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). These have been introduced into the borough and staff objectives incorporate DCV.
- Compliance with scheme was until recently led at district level by a specific DCV coordinator who has now left this post, with responsibility for DCV reverting to the borough units.
- The borough exceeded its 2008-09 proxy target of 321 DCV letters, sending out 389 (121.2%) over the year. (The proxy target is calculated on a formula that should indicate the proportion of cases involving discontinued and altered charges with identifiable victims. In some of our other inspection activity we have found some targets to be unrealistically low, allowing units to substantially exceed targets even where we find there have been omissions). Letters to vulnerable and intimidated victims were dispatched within the one day time limit in only 31.0% of cases, as against the London average of 65.9%. Letters to other victims were sent within the five day time limit in 79.5% of cases, compared with a national figure of 88.6% and London's overall performance of 83.1%.
- Letters are now drafted where possible by the lawyer who made the decision or by the OBM unit lawyer. The staffing issues in relation to the OBM unit represent a risk to meeting the targets in future.
- We examined the quality of ten letters that had been sent to victims: two were good (20.0%); seven were fair (70.0%) and one was poor (10.0%). There tended to be an over reliance on standard template letters and, consequently, some correspondence lacked the appropriate measure of empathy.
- The needs of victims and witnesses are not always considered at the PCD stage. Special measures applications were not always timely even in those cases where the witness would have automatic eligibility for enhanced levels of support. In other cases it was not apparent that individual needs has been considered in conjunction with the police and in those where the police had been asked to undertake a needs assessment there was a lack of proactivity by prosecutors in ensuring that it was done. The position was further highlighted by the small number of victim personal statements, which record the impact of the crime on the victim, present on the files. There were 14 magistrates' court cases where a statement should have been offered but where none was on the file; in the Crown Court only two had been completed out of 14 cases (14.3%).
- Witnesses are usually warned in a timely manner following a not guilty plea being entered. However we noted a number of 'blanket' warnings where all witnesses are requested to attend court, regardless of the relevance of their evidence. Although this may be understandable, especially in cases submitted by the police in line with the Director's guidance on the streamlined process (DGSP) if the prosecutor is not in possession of all witness statements, this approach impinges on those witnesses not required for trial, gives rise to added anxiety unnecessarily and leads to witnesses being kept warned to attend court until very close to the trial date. This can also impact on the length of time that has been set aside for the trial. During 2008-09 witness attendance rates were 72.9% against a target of 90.0%.
- The relationship between the witness care unit (WCU) and CPS is good, but whilst the witness care officers (WCOs) keep prosecutors informed of witness issues, communication from the CPS to the WCU is less effective. The witness management system (WMS) is used by the WCU but there is a lack of understanding as to the interface between WMS and CMS. We saw a number of examples

where the WCO had recorded significant telephone conversations with victims on WMS/CMS but these had not been printed off and placed in the paper file and there was nothing to suggest that prosecutors were aware of the content. Often the WCOs will send specific memos to the CPS to outline the conversation but this is a duplication of work as the information is already on CMS.

- The WCU based at Greenwich Police Station is managed by the police although the borough has one CPS WCO allocated to it. Performance management of the unit is therefore seen as the responsibility of the police. Although performance data on primary and secondary measures is provided on a pan-London basis there has been no attempt to undertake any analysis at a local level, even where data is produced such as the witness attendance rates. Progress against the minimum requirements of the No Witness No Justice scheme is not reviewed.
- The borough does not have a nominated champion for victims 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 BCJG does not have a separate victims and witnesses subgroup and issues tend to be discussed on an ad hoc basis, as and when they arise, or through PTPM meetings or the BCJG Effective Trials subgroup. This is particularly unsatisfactory as the case management hearings have fallen into abeyance and all criminal justice agencies within the borough attribute the high level of attrition to victim and witness issues.

Aspect for improvement

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.

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

- Casework quality assurance (CQA) is primarily undertaken through the national system. The BCP monitors the quality of casework decisions on a monthly basis and the borough target for the volume of CQA forms to be completed each month was consistently achieved during 2008-09, although the implementation of OBM has removed a level of case ownership for magistrates' court work, which limits its usefulness in addressing the performance of individuals. The system is applied reasonably robustly.
- The BCP quality assures most MG3s whilst allocating cases to lawyers and also completes a monthly adverse outcome spreadsheet. This does not contain any in-depth analysis and, although discussed at PTPM meetings, little or no proactivity occurs around adverse outcomes and no trends have been identified.
- Borough performance is not presented to staff. Feedback to prosecutors is limited and they were generally unaware of the purpose or existence of the CQA process. The adverse outcome spreadsheet is circulated via email and MG3s are discussed at team meetings, but this was inappropriately conducted as a 'naming and shaming' exercise. There has been some one-to-one feedback but this has not been consistent.
- Managers understand the levels of service that are required and attempts have been made to establish effective systems. However a reduced budget, fluctuating staffing levels and high sickness absence have hindered progress. Case outcomes have not improved across the board. For the year 2008-09 there have been improvements in the use of CQA, CMS usage and financial management, but the borough still performs poorly in important areas such as charging, the Victims' Code, violence against women and sickness.
- Recent changes introduced on the borough have not operated effectively to drive performance improvement. OBM is not working effectively and cases in general suffer from a lack of preparation. The BCP is aware of the situation and has expressed concern about the unit's readiness to move to IPT (scheduled for December 2009) as this will place further pressure on resources.
- Monthly data, which links into CPS key performance indicators, is provided to Greenwich managers from the CPS London Performance Unit and reviewed as part of the district management team meetings attended by the borough and district managers. Performance data is provided for all boroughs, districts and other operational units within CPS London and allows for comparison. Boroughs contribute to the quarterly report submitted by the district to CPS London. They are rated against the key performance indicators using a 'traffic light' system, with the borough required to report on performance that is failing to meet target and any identified good practice.
- The use of CMS by staff is generally good both in terms of timeliness and accuracy. Finalisation codes on cases in the file sample were accurate.
- Performance and development reviews are undertaken to try and improve operational and personal performance. The BCP agrees objectives and developmental needs with staff at the start of the year, with a full year appraisal conducted after the year end.

Aspect for improvement

Staff should be kept informed of up-to-date borough performance against its targets.

Aspect for improvement

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.

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

- Good working relations generally exist between the key borough agencies and there is some sharing of performance information. Managers regularly attend multiagency meetings and are committed to the effective joint management of performance. Strategic issues are discussed at the dual BCJG meetings attended by the BCPs for both Greenwich and Lewisham. Performance issues are discussed on an exception basis, fed into the meeting from results of newly created subgroups, particularly the Effective Trials subgroup.
 - Monthly PTPM meetings are held and chaired by the BCP, attended by the police, CPS and WCU manager. Performance is discussed and the meetings have been beneficial in dealing with some day-to-day operational issues. Relevant and comprehensive prosecution team performance reports and the adverse outcome reports are provided to police for the meetings. Whilst some aspects have been successfully addressed, for example police EROs are now much more aware of what is expected from them, as yet the meetings have not managed to effect an overall improvement in performance.
 - Trial effectiveness for the magistrates' court is discussed by the police, CPS and courts in the Effective Trials subgroup meetings which are held every two months. This group is currently not working effectively because data is not being provided in time, not all external agencies have attended and meetings have been cancelled. There have also been issues around the provision and accuracy of cracked and ineffective trial data. There is currently no equivalent group set up to discuss Crown Court trial effectiveness.
-

Aspect for improvement

Greater efforts should be made to ensure that the Effective Trials subgroup works effectively in order to meet targets.

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. Greenwich's main financial responsibility is the effective deployment of staff and accurate recording and notification to regional management of upcoming fee payments. Overall spend against the budget for prosecution and non-ring fenced administration costs is reported and reviewed at district level.
- In 2008-09 Greenwich had a non-ring fenced administration budget of £1,342,636, of which they spent 93.2%. However this underspend balanced overspending elsewhere in the district. In 2009-10 the non-ring fenced administration budget has decreased to £1,112,093 due to a fall in caseload over the last year.
- The DCP and district business manager (DBM) consider moving resources between boroughs to address budget anomalies at that level and keep control over the use of agents. Monthly meetings are held to look at staffing profiles, sick leave, budget and identify any opportunities to share resources between the boroughs to fill gaps.
- Staffing numbers for Greenwich were roughly predicated upon the activity based costing model used to distribute resources across London in accordance with the area's previous structural composition. 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.
- Over the last few years both caseload and resources in the borough have fluctuated, with the general trend being downwards. In June 2009 there were 7.6 lawyers (including 1.6 CAs) compared to 11.8 in June 2006. While cases finalised in the magistrates' court and Crown Court decreased over the last year (see table in section B above), the number of Crown Court cases finalised in 2008-09 was 25% higher than 2006-07 levels, when the borough had more staff. A lawyer returning from maternity leave and the recent acquisition of an AP has given resources a boost.
- The situation that the borough underspent its budget but did not manage to balance its deployment of resources to ensure sound and timely case preparation is a major concern.
- On the administrative side resources are also stretched as Greenwich lost some of its most experienced administrative team members in the recent CPS London preference exercise held in preparation for the move to IPT. Some new administrative members of staff are being trained but while they gain experience the administrative team manager is under significant work pressure. The shortage of experienced staff has impacted negatively on case progression and the answering of correspondence.
- The borough covers Woolwich Magistrates' Court, two trial courts at Bexley Magistrates' Court and Camberwell Youth Court. Resources are stretched because of the need to cover these separate locations. It also provides two days of charging advice. Since May 2009 the remaining charging advice has gone to CPSLD.
- Branch managers expect lawyers to undertake eight sessions of charging and court per week, which leaves only one day available for them to complete all other work. For this reason the OBM is presently being managed without regular lawyer coverage and time available for serious casework review continues to be severely restricted. However more accurate calculations should be made

which would help identify the true resource needs of the borough. Last year there were about 27 court sessions to be covered per week between, currently, 9.2 prosecutors. This is significantly less than six sessions a week even after taking into account holidays, training and sickness.

- In 2008-09 17.6% of magistrates' court sessions were undertaken by APs compared to an average London performance of 20.5%. The borough was without an AP for most of 2008-09 and relied on one from another unit to assist whenever possible. In July 2009 a permanent AP was allocated and sessions increased to 22.5% in August 2009. They cover the remand court and can cover up to eight sessions a week. Presently only six AP sessions have been negotiated with the magistrates' court.
- Greenwich exceeded the London 90.0% target for in-house magistrates' court coverage in 2008-09 achieving 98.0% compared to an overall London performance of 87.9%. Agents are used very sparingly and cover mainly trials. The high level of in-house coverage is good but the quality of advocacy was variable.
- The two CAs have not been effectively deployed in the Crown Court. The borough undertook 190 sessions in the Crown Court in 2008-09 resulting in advocacy savings of £81,013.14. However the net savings figure after salary costs was only £4,486.60. The CAs have been underutilised in the Crown Court because they were 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 deployment. One of its key components is the recruitment of a CA manager who will oversee the allocation of work, which is currently done in a very ad hoc and last minute fashion. The experienced district CAs will concentrate on Crown Court trial work, whilst the remaining borough CAs will do PCMHs and other nontrial work.
- In 2008-09 average sick absence was 11.2 days, higher than the national figure of 9.0 days and also the average for London at 9.3 overall. A small number of staff on long-term sick absence are contributing to the high sick leave figures. Monitoring is done via a system that triggers alerts when staff have taken a specific amount of sick leave. The triggers require management to provide comments to the DBM and record any actions taken. A number of staff are being monitored via this process. These instances of long-term sick leave are being managed with support from district management and London's human resources unit.
- Requests for flexible working are considered by line managers and the DBM. They are considered alongside the needs of the borough and out of two recent applications one was granted and one was refused. 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.

Aspect for improvement

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

11 MANAGEMENT AND PARTNERSHIP WORKING

Assessment

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

- The focus of borough management is very much on day-to-day operational issues. The management team have an awareness of the key priorities to meet London-wide objectives, however these are not formally set out in a business plan, either at the borough or district level. Team objectives, which align with the objectives in the London Area Delivery Plan, are reflected in individual's performance and development reviews (PDRs).
- The key priorities for the borough are centred around addressing three main issues: improving performance in the Crown Court; improving effectiveness of the OBM; and delivering on the national advocacy strategy. Management attention over the last year has been concentrated upon a number of significant initiatives, including implementation of OBM and planning the move to IPT. The borough has been managing the impact of these changes at a time of significant instability in the district's leadership. It was without a DCP for three months, following which Greenwich's BCP covered both roles. This additional burden occurred at a time of an increase in management tasks and without adequate support which impacted most noticeably in respect of serious casework. Staff morale was affected by a lack of leadership over a period where significant business change was occurring. With a new DCP in post and the move to IPT almost completed the borough management team is intending to place a much needed greater emphasis on improving core business performance in the coming months.
- Managers understand their responsibility for implementing management decisions and take a corporate approach. This has included cooperating with other boroughs in the district to ensure that commitments such as court coverage are met.
- There is effective informal communication between managers and staff, with staff describing managers as open and approachable. Staff felt that they were able to raise issues and seek guidance where they needed it. Formal communication channels could be better utilised as team meetings were held very infrequently and often did not contain information about general performance and what the key issues were. Performance data is emailed to staff on an ad hoc basis so there is a general lack of awareness as to how the borough is performing against the key targets, or compared to other boroughs. There was also a lack of awareness about the upcoming move to IPT which is a topic that could be should be addressed at regular team meetings to ensure effective communications, because information in the form of emails is sometimes missed.
- Risks are not considered at the borough level aside from specific risk assessments conducted for change initiatives such as IPT. Although risks are captured at a London-wide level it would be helpful for Greenwich to give proportionate consideration to local risk as part of their planning around core business delivery.
- The borough does not have its own training plan but there is consideration of each individual's needs through the PDR process. A CPS London-wide training plan exists and the borough is planning for its staff to undergo training on custody time limits, disclosure and DCV in the coming months.

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.

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

- The borough management team has developed harmonious relationships with their criminal justice partners and are acknowledged to be open and responsive in managing joint issues.
- At the strategic level the borough participates in the BCJG for Greenwich/Lewisham where performance and joint initiatives, such as IPT, are key discussion points. The group was recently the subject of targeted intervention by the London Criminal Justice Board to improve its effectiveness 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 those for Effective Trials and Youth issues, and their active commitment to the reformed BCJG has been recognised.
- At an operational level borough staff engage effectively with criminal justice colleagues. The BCP chairs PTPM meetings which are attended by the police and witness care representatives to address performance issues. These meetings are regarded as useful and effective by partner agencies, although it is acknowledged that the borough has some way to go in improving its performance outcomes.
- The borough has good communication channels at the magistrates' court, which has enabled the two agencies to cooperate around court listing. An example of this has been the six sessions negotiated for APs, although the BCP will want to explore any further possibilities (bearing in mind that traffic courts are undertaken by the specialist Traffic Unit).
- 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, soon to be implemented.
- The borough has worked with its partner criminal justice agencies to implement a number of joint initiatives over the last 18 months including CJSSS, CJSSS Youth, virtual courts, the streamlined process and conditional cautioning. The post-implementation review of streamlined processes found that while there were some areas of good practice there were also some for improvement, particularly around proportionality and missing information in case summaries. In the sign off Greenwich was commended for the "strong sense of teamwork between the agencies involved in the implementation".
- The borough has undertaken little community engagement, putting such planning on hold until the arrival of a community prosecutor. Any community engagement events have occurred on an ad hoc basis without a clear strategy behind them or improved service delivery.
- The BCP participates in two community boards focusing on youth crime and domestic violence as part of the Safer Greenwich Partnership. CPS participation is more effective in the Domestic Violence Board where it can contribute to assessments of real domestic violence cases and the reasons behind unsuccessful outcomes.

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

- Managers acknowledge the good performance of staff either verbally or through emails to individuals. Whilst minutes from district management meetings did show that staff were singled out for praise for positive performance these were not readily available to staff so they would not necessarily be aware of this. As with communication generally staff could benefit from a more formal channel of feedback. Team meetings could be used to recognise the achievements of the team or individual members.
- Managers are liked and respected by staff and, despite the perceived resource issues, there was a good team spirit evident. Staff worked together to try and cover any shortages. No substantiated complaints have been made by staff.
- The makeup of staff on the borough reflects the community served, however there is no ability to control this at the borough level. Diversity issues are dealt with at a London-wide level.

ANNEXES

A PERFORMANCE DATA

Aspect 1: Pre-charge decision-making

	Performance 2008-09			Performance 12 months to June 2009		
	National	CPS London	Borough	National	CPS London	Borough
Pre-charge decision cases						
	80.8%	76.2%	74.0%	80.5%	75.5%	75.0%
Magistrates' court cases						
Discontinuance rate	13.1%	13.6%	18.8%	13.3%	14.1%	18.9%
Guilty plea rate	74.4%	69.8%	66.8%	74.2%	68.8%	66.9%
Attrition rate	19.2%	22.1%	27.0%	19.5%	23.0%	26.6%
Crown Court cases						
Discontinuance rate	11.7%	15.6%	14.1%	11.8%	15.7%	13.2%
Guilty plea rate	72.9%	60.8%	60.6%	73.0%	61.1%	63.4%
Attrition rate	19.4%	27.3%	24.1%	19.5%	27.6%	21.3%

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%	83.1%	87.3%	85.9%	83.0%

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%	75.4%	80.6%	72.7%	78.2%

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%	61.2%	71.8%	61.0%	48.9%

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%	65.5%	81.9%	75.5%	66.7%

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%	93.2%

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%	98.0%
Associate prosecutor deployment (as % of magistrates' court sessions)	24.8%	23.0%	20.5%	17.6%
Crown advocates. Counsel fee savings against target	110.0%	£4,200,000	99.3%	65.6% (district performance)
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

Detective Sergeant P Kaye, Greenwich Police
Detective Chief Inspector J Sheppard, Greenwich Police
Inspector D Gwyther, Greenwich Police
Ms C Wakeman, 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

District Judge P Wallis, Greenwich Magistrates' Court
District Judge D Lynch, Greenwich Magistrates' Court
District Judge A Hamilton, Greenwich Magistrates' Court
Mrs L Schmitt JP, Chair of the Bench for Greenwich & Lewisham
Mr K Burman, Deputy Justices' Clerk, Greenwich Magistrates' Court

Victim Support

Ms R Rowlings, Witness Service Manager, Greenwich/Woolwich Magistrates' Court

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 over riding 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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