



**HMCPSI**

HM Crown Prosecution  
Service Inspectorate

# Annual report 2018–19

## HM Chief Inspector of the Crown Prosecution Service

HM Crown Prosecution Service Inspectorate Annual  
Report for the period April 2018 to March 2019

From HM Chief Inspector of the Crown Prosecution  
Service to the Attorney General

Presented to Parliament pursuant to section 2(2) of the  
Crown Prosecution Service Inspectorate Act 2000  
(Chapter 10)

HC 2477

**July 2019**



Her Majesty's Crown Prosecution Service Inspectorate

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Ordered by the House of Commons to be printed  
on 17 July 2019

HC 2477



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ISBN 978-1-5286-1500-6

CCS0719559894                      07/19

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by the APS Group on behalf of the Controller of Her Majesty's Stationery Office

## Who we are

Her Majesty's Crown Prosecution Inspectorate (HMCPPI) inspects prosecution services, providing evidence to make the prosecution process better and more accountable.

We have a statutory duty to inspect the work of the Crown Prosecution Service and Serious Fraud Office. By special arrangement, we also share our expertise with other prosecution services in the UK and overseas.

We are independent of the organisations we inspect, and our methods of gathering evidence and reporting are open and transparent. We do not judge or enforce; we inform prosecution services' strategies and activities by presenting evidence of good practice and issues to address. Independent inspections like these help to maintain trust in the prosecution process.

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- 1. Letter from HM Chief  
Inspector to the Attorney  
General**



## Letter to the Attorney General

### The Rt Hon Geoffrey Cox QC MP

I am pleased to present to you this report on our inspection activity for the year 1 April 2018 to 31 March 2019.

Before I set out some of the findings from this year of inspection, I would like to make a few observations about the state of the criminal justice system and the impact of resource challenges. All public services have been subject to budget reductions to meet the drive to austerity, and those across the criminal justice system have taken their fair share of budget reductions; my own organisation has seen a budget reduction of 20% since 2013–14.

The Crown Prosecution Service (CPS) has been subject to significant reductions in its budget. I have commented previously how it is a testament to the strong leadership demonstrated by the Director of Public Prosecutions and others in the CPS that, with this level of budget reduction, they have continued to deliver core business effectively. But the reductions have had an impact on delivery. In recent years we have seen managers in the CPS having to make difficult decisions about how to prioritise the use of the resources available: this has an impact the service provided.

There was a clear demonstration of this shown in the Victim Liaison Unit inspection published in November. In some Areas, the decision had been made to reduce the resource in the Victim Liaison Unit in order to service the demands of other parts of daily core business. This had the direct consequence of reducing the quality of the service provided to victims, with letters being sent late and failures to ensure victims were being kept updated in a timely fashion. Yet in another Area, where managers decided to increase the resource in the Victim Liaison Unit, but at the cost to other core business, the quality and timeliness of letters to victims was raised to a much better standard.

Similarly, the need to prioritise the use of limited resources is having an impact on the quality of core decision-making. We completed the Area Assurance Programme we started in 2016, with the inspections of London North and London South being published in October 2018. As you are aware, the performance of CPS London has always been comparatively poor, with most of the measures used to assess performance being well behind the national average. The CPS took a bold step to split CPS London into two Areas and, at the same time, took the decision to provide a significant increase in legal resource to both newly formed Areas.

In both of the London reports I was pleased to be able to comment that the provision of the additional legal resource was not only having a positive impact on the outcomes of the Areas, but also allowing for a much better focus on casework quality, with managers being able to support their lawyers through regular and meaningful casework discussion. This is a clear success and improves the quality of the criminal justice system in London. But this uplift in resource provided to the London Areas comes at a cost which has to be met elsewhere in the Service.

During the year, I also produced two reports on central casework divisions: the Special Crime and Counter Terrorism Division and the International Justice and Organised Crime Division. The inspection showed that both divisions were being well managed, had good governance arrangements and also shared good practice and casework knowledge effectively. What is striking about the units, which deal with some of the most high profile casework in the CPS, is that the level of resource (including cases per lawyer and management spans of control) are significantly more generous than those across the rest of the business. My inspectors made the observation (and this is shared in some places within the CPS) that the resource levels within the divisions are set at a level to allow for high quality to be delivered. The internal assurance processes benefit from managers and lawyers having a caseload that is challenging, but manageable. We do not see this in CPS Areas. Far too often, Area inspections show that decisions are being made very late and sometimes cases are not being reviewed at all. This pressure of resource impacts the quality of the service provided.

This 'stretch' of resource has serious implications on quality. As I have stated previously, the CPS usually does well at the beginning of the process by getting the charge right. This is vital to ensure the right cases are getting to court. But thereafter, there is an apparent lack of grip on a case until just before trial. Our work this year has shown that in cases where there is limited evidence of grip, this is often as a result of the pressure on resources. Cases that have a very late review or no review at all cannot be assessed as being gripped, but in many instances this is due in part to the lack of legal resources to undertake the work.

It could be said that because the caseload numbers being dealt with by the CPS are decreasing, then any related reduction in resource should be manageable. There is no doubt that caseloads have decreased but the level of complexity in the majority of cases now coming to court is much increased. There have been various levels of public outcry about the CPS's handling and management of disclosure, and as you know, my inspectors are currently in the middle of a large disclosure review which we will publish in late 2019. Our initial work confirms that even in the most straightforward case the level of information available has

grown exponentially. This needs to be recognised if disclosure is to be managed properly.

Inspection can only offer a certain level of assurance, and provides this from the perspective of what has been seen in the year. This year it has been clear that decisions about how a finite resource is allocated have a direct consequence on the quality of what is delivered. In my view the CPS is stretched and is having to make some very difficult decisions about how to manage the competing demands it faces. If it were not for the dedication of those working within the CPS, I have no doubt the situation would be far worse. The time may be right for there to be a serious reconsideration of how casework is funded.

I would like to thank all my staff at HMCPST for successfully delivering a very challenging programme of inspection in the last year.

A handwritten signature in black ink, appearing to read 'Kevin McGinty', with a stylized flourish at the end.

Kevin McGinty CBE  
HM Chief Inspector

## **2. CPS geographical Areas**



### **3. Overview of our inspection activity**

**3.1.** My assessment of the performance of the Crown Prosecution Service (CPS) is informed by Area inspections, our thematic inspections and joint inspection activity undertaken between April 2018 and March 2019. Similarly, our inspection activity of the Serious Fraud Office (SFO) also informs our assessment of the SFO's performance. Details of reports published are set out in annex A.

**3.2.** My approach to inspection takes account of the business needs and strategic priorities of the CPS and SFO, as well as the expectations of the general public as to whether the CPS and SFO provide an efficient service and give value for money. This assessment reflects those aspects in which the CPS's and SFO's performance is crucial to public confidence or where casework failures might represent a high reputational risk to the organisation.

**3.3.** I want to be able to give as comprehensive an assurance as possible to the public and Ministers, with the resources we have available, on how the CPS and SFO are performing. To achieve this for the CPS, I developed the Area Assurance Programme. In 2018–19, the programme was completed with the two final Area inspections: CPS London North and CPS London South (both published in October 2018) and Cymru Wales and South West published in May 2019.

**3.4.** This completed the detailed snapshot of the CPS's performance over a relatively short space of time. This snapshot was one of the main aims of my tenure as Chief Inspector, in order to feel confident that the report I give to the Attorney General, as is my statutory remit, is an accurate reflection of the overall performance of the majority of the CPS's casework business. I set out later the findings from this programme.

**3.5.** I was also keen to inspect a number of central casework divisions in 2018–19. These divisions deal with the most complex casework that the CPS handles. We undertook governance inspections of the Special Crime and Counter Terrorism Division and the International Justice and Organised Crime Division.

**3.6.** In 2017–18, we looked at how some of the most vulnerable victims are treated, in our joint inspection on stalking and harassment with our colleagues in Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and our report on the CPS's response to the Modern Slavery Act 2015. Having looked at these very specific case types, I decided that in 2018–19 we would look at the service that the CPS provided to victims in the majority of the cases; our Victim Liaison Unit inspection looked at the standard of letters provided to those victims where cases were dropped and those who had cause to make complaints about the service they received.

**3.7.** In 2017–18, HMICFRS carried out a significant piece of work on hate crime which, as a much smaller organisation, we were unable to contribute to. However, in 2018–19, we have trialled a ‘modular’ approach by carrying out a discrete piece of work with HMICFRS on disability hate crime. A joint report was published in 2018–19, forming the first part of a much larger review of hate crime overall.

**3.8.** During the year, we also started two significant pieces of work in the SFO. My powers of inspection were extended in 2013 to give me a statutory duty to inspect the SFO. We will publish two reports later in 2019, but the bulk of the inspection work took place in 2018–19, with a number of my inspectors working on an inspection of leadership and a case progression inspection in the SFO.



## **4. Overview of CPS performance outcomes**

**4.1.** The proportion of magistrates' court cases resulting in a successful outcome, either by way of a guilty plea or conviction after trial, has fallen slightly to 84.4% in 2018–19 from 84.8% in 2017–18. The successful outcome rate in the Crown Court has improved slightly from 79.9% last year to 80.0% in 2018–19.

**4.2.** Magistrates' court caseload continues to decline, with a 5.5% drop from 447,978 in 2017–18 to 423,524 in 2018–19. The Crown Court caseload is also falling at a rate of 12.6%, with caseload decreasing from 77,812 in 2017–18 to 68,009 in 2018–19. This continues the trend of the past few years, with an overall reduction of 39.5% in the magistrates' court and 29.1% in the Crown Court caseloads since 2012–13. However, the proportion of more complex cases in magistrates' courts has changed. The proportion of contested cases has fallen since 2017–18 from 10.8% to 10.0% but is still significantly higher than the 6.5% in 2012–13.

**4.3.** The conviction rate for offences of violence against women and girls (VAWG) has improved slightly from 76.1% in 2017–18 to 76.6% in 2018–19. The majority of offences (86.1%) within this category are those which meet the definition of domestic abuse. Rape convictions, which are a sub-category of VAWG, also improved between 2017–18 and 2018–19 from 58.3% to 63.4%.

**4.4.** Hate crime conviction rates have deteriorated slightly from 84.7% to 84.3%. The hate crime conviction rate is now almost the same as the conviction rate for all categories of offence in the magistrates' courts (84.4%). Religious and racially aggravated (RARA) crimes make up the majority of offences within the hate crime category with a conviction rate of 84.7%. The conviction rate for homophobic and transphobic hate crimes in 2018–19 was 86.1%, which is now better than that for hate crime overall at 84.3%. However, the conviction rate for disability hate crime remains much lower at 72.4%.

## **5. Assessment of the Crown Prosecution Service and Serious Fraud Office**

5.1. In this section we set out the findings from our inspection activity in 2018–19.

## Area Assurance Programme

5.2. The Area Assurance Programme (AAP) commenced in 2016–17 and we concluded this work in 2018–19 with a full AAP inspection of the remaining two CPS Areas, London North and London South. We additionally undertook a casework-only assessment of the two AAP pilot Areas, South West and Cymru-Wales, which had been originally inspected in 2016. The full AAP inspection framework is set out in annex B.

5.3. The following table sets out our findings in respect of the two full AAPs and two casework focused AAPs conducted in 2018–19.

	CPS London North	CPS London South	CPS Cymru-Wales casework only <sup>1</sup>	CPS South West casework only <sup>2</sup>
The success of CPS people	Good	Excellent		
Continuously improving	Good	Good		
High quality casework	Fair	Fair	Good	Fair
Public confidence	Fair	Fair		

5.4. All 14 CPS Areas have now had an AAP inspection, and in 2018 we published a composite report for the 10 Areas which had been subject to inspection. Later this year I will publish a full 14 Area composite report, but I set out below some of the themes that we have found after the completion of the programme.

<sup>1</sup> A limited casework file examination was undertaken in December 2018 because the initial CPS Cymru-Wales Area Assurance inspection was a pilot in 2016. Two aspects of the AAP framework, the success of CPS people and continuously improving, were not included as part of the casework examination. Aspects of how victims and witnesses were supported by the Area were assessed but no score was given for public confidence because it was not possible to make a direct comparison.

<sup>2</sup> A limited casework file examination was undertaken in December 2018, on the same basis as for CPS Cymru-Wales.

**5.5.** We found that the majority of CPS Areas were well managed. Our inspections of London North and London South were in line with our findings in other Areas.

**5.6.** As with the other Areas, we found that the two London Areas had effective staff engagement and demonstrated actions consistent with the CPS values. Both Areas focused on improving engagement and applied a number of initiatives aimed at achieving this. It was pleasing to see that this was already having a positive impact to some degree in both Areas. The reports identified examples of good practice that were in place to help the Areas improve staff engagement.

**5.7.** We noted that recruitment was a particular problem in some Areas in previous AAP work. Recruitment, staff retention and sickness have been longstanding issues in the pre-split London Area. As part of the national CPS commitment to the split of London into two distinct Areas, these have been given additional staff resources. This has allowed managers more time to support and develop staff, with the ultimate objective of improving performance and casework outcomes. We noted that dedicated resources for supporting and nurturing new staff have also assisted with staff retention and allowed more time for managers to effectively support and manage sickness absence.

**5.8.** The scores for continuously improving in both London Areas were assessed as good. We found that both Areas generally had a focus on performance improvement within a sound framework in which performance data was scrutinised by all levels of management. We reported that there was an effective feedback loop between the performance meetings at the strategic level and those held at unit level. We also found evidence that teams were held to account.

**5.9.** London North and London South had effective budgetary controls in place. This was in line with our previous AAP findings in other Areas. Governance processes were also working well. Both London Areas have been allowed to recruit additionally above the level of resource indicated by the CPS National Resourcing Model. This is a national commitment to help improve Area outcomes. Our casework findings indicated that this was having some immediate impact on outcomes and was a positive change.

**5.10.** Previously in the composite AAP report, the scores for high quality casework varied between poor and good, with the majority of Areas being rated by inspectors as fair. Three of the four Areas assessed during 2018–19 were assessed as fair. Only two Areas throughout the programme were assessed as delivering a good quality of casework: CPS East of England and CPS Cymru-Wales.

**5.11.** Our findings for the 10 Areas in the composite report published in 2018 highlighted that generally, in relation to both magistrates' court and Crown Court casework, there is a need to improve the timeliness and quality of legal decisions. Additionally there was a need for the CPS to improve the handling of its obligations around disclosure.

**5.12.** The management of disclosure of unused material has also been a major challenge in London for a substantial period. Senior managers across both London Areas have developed a joint disclosure improvement plan and are working with the police to increase competence and compliance, as well as working internally to improve standards and processes. Inspectors noted in Cymru-Wales that the quality of the Area's handling of a number of aspects of the disclosure regime was encouraging. Our findings showed, however, that too often the Area starts off on the back foot because of issues with the quality of the schedules provided by the police. As with London North and London South, CPS South West has challenges in how it manages disclosure and the Area has developed an improvement plan.

**5.13.** A consistent issue previously noted across the 10 Areas as part of the composite report was the need to improve practices around the timeliness of review and case progression in both the magistrates' courts and Crown Court. This was no different in both London Areas. A significant proportion of both magistrates' court and Crown Court cases we reviewed had an inadequate review or no review at all. This results in unnecessary work for stakeholders, particularly in court, with time lost to address problems that should have been resolved much earlier in the process. In the CPS South West report we note that after the first hearing, the Area's grip on cases tends to fall away, which can cause delays and unnecessary work to take place. Over the life of cases, the Area needs to do more to add value. Inspectors were impressed with the work in CPS Cymru-Wales; this was the only Area throughout the whole programme to be rated as good in each aspect of delivering high quality casework.<sup>3</sup>

**5.14.** We found that at the operational level, CPS managers work closely with the police and Her Majesty's Courts and Tribunals Service to improve performance and outcomes for victims and witnesses. However, there were some legacy issues in London, such as the poor quality of police files that still impacts on the effectiveness and efficiency of all partners. The two London Areas and the Metropolitan Police Service have jointly agreed a File Quality

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<sup>3</sup> Four sub-aspects include: reviews and decisions in the magistrates' courts; case progression in the magistrates' courts; reviews and decisions in the Crown Court; and case progression in the Crown Court.

Improvement Plan. Police file quality was also noted as a matter of concern in both the Cymru-Wales and South West inspections.

**5.15.** The public confidence section of the AAP framework concerns the service delivered to victims and witnesses by the CPS and how Areas work with local communities to build confidence in the criminal justice system. Both London Areas scored fair for this aspect. In Cymru-Wales we assessed engagement with victims and witnesses as good, although the assessment did not include all aspects of the original inspection framework (as set out in annex B). Our assessment for South West was not as positive, with the service offered by the Area being rated as poor.

**5.16.** As identified in the 10 Area composite report published in 2018, more could be done to communicate with victims and witnesses in a timely and effective manner. In CPS London North, London South and South West we found variable performance. In all three Areas prosecutors failed to provide those producing the victim letters with quality information and, in many instances, did not identify cases where letters should have been sent. Many of the letters that were sent were of poor quality. In these letters, there was a lack of empathy, inaccurate information, and explanations that contained legal jargon. Cymru-Wales, on the other hand, identified that letters were needed in all cases and the quality of the letters sent was good.

## Central Casework Divisions

**5.17.** In recent years, our inspection activity has focused primarily on CPS Areas, because this accounts for a significant proportion of the CPS's caseload. However, as set out above, in 2018–19 we inspected a number of central casework divisions. These divisions deal with the most complex casework that the CPS handles.

**5.18.** We inspected the governance of the International Justice and Organised Crime Division (IJOCD) and the Special Crime and Counter Terrorism Division (SCCTD).

**5.19.** The IJOCD was established in January 2016 following the Serious Casework Review. The Division comprises four units: Extradition, International, Organised Crime, and International Strategy and Policy. Our overall finding was that the Division was well managed and had strong governance arrangements in place, although more could be done to manage risk more effectively.

**5.20.** The Division has various mechanisms in place to capture the vast amount of specialist casework knowledge and information amongst colleagues, but more could be done to share best practice and knowledge with the rest of

the CPS and its partners. We also identified that the Division needed to manage risk more effectively, as the current approach relied on individuals rather than a systematic approach. We recommended that the Division needed to follow through on its commitment to implement a performance management system. The recently appointed senior team recognise this gap and have clear plans to create an effective performance management regime.

**5.21.** SCCTD came into existence in April 2011 and its current form was established in 2016 after the Serious Casework Review. The Division is split into three operational units: Special Crime, Counter Terrorism, and Appeals and Review. Again, our overall finding was that the Division was well managed and had strong governance arrangements in place, although more could be done to provide better and timelier updates to key contacts.

**5.22.** We identified that despite working on some of the most challenging casework in the CPS, the Division delivers high quality cases. The Division delivers high quality casework quality and focuses on identifying and sharing good practice alongside lessons learned, including with external agencies. We highlighted the Division's approach to supporting the victims of the Hillsborough Enquiry as another example of strong performance. We found excellent financial management across the Division, which operates within its budget. We did identify the need for the Division to provide better and timelier updates to key contacts such as the Director of Public Prosecutions and the Attorney General's Office, so they are always aware of cases coming from the Division which will generate media attention. We also recommended that the Division improve how it shares its specialist knowledge with the rest of the CPS and its partners.

**5.23.** Both these Central Casework Divisions show how well a Division can operate when given firm commitment and suitable financial support. Both Divisions illustrate how things should be done in a modern prosecution service. They have effective leadership in place which is committed to high standards and continuous improvement.

## Thematic work

### Victim Liaison Units

**5.24.** We have continued our strong focus upon victims' and witnesses' experiences of the Crown Prosecution Service (CPS). In the year, we carried out an inspection of CPS Victim Liaison Units (VLUs). In 2014, the CPS set up VLUs in all Areas. The aim of the units was to create a dedicated professional service for victims, ensuring that victims are consistently provided with high quality, timely, effective and empathetic letters. The units deal mainly with communication after the CPS's case has come to a conclusion. Although VLUs



were set up to ensure that victims received high quality, timely, effective and empathetic letters, we did not find that this was the case.

**5.25.** Of the 340 letters inspectors looked at, only 75 met the quality standard expected. Nearly half of the letters were rated by inspectors as being not empathetic enough. Although we found that staff in the VLUs were committed to providing a quality service, the fact that there was not an effective level of quality assurance in place meant that too many letters were not meeting the standard expected.

**5.26.** Victims of crime should be treated sympathetically by the CPS. This includes ensuring that they are given the right information about decisions made about their case, and that the information is given in way that can be understood and which shows respect and empathy. To help the CPS make improvements to its VLU service, we identified a number of aspects that required addressing.

## **Disclosure**

**5.27.** In my last report, I highlighted the significance of failures to deal properly with the disclosure of unused material, including the impact on victims, witnesses, defendants and the public purse. Since then, disclosure has continued to be a significant reputational risk to the CPS and a topic of discourse within the criminal justice system and without. There continue to be concerns about whether disclosure has been carried out properly, but new issues are also emerging, such as the degree to which the privacy of rape complainants is being invaded by examination – and possible disclosure to the alleged offender – of private material on their phone. The information that the average smartphone holds would run to millions of pages if printed out, and if this volume of data is not managed effectively, it could overwhelm the criminal justice system. The balance needs to be struck between providing all relevant disclosable material to the defence and court, and flooding the system with irrelevant information.

**5.28.** In my last report, I talked about the National Disclosure Improvement Plan (NDIP) issued by the CPS, the College of Policing and the National Police Chiefs' Council (NPCC) in January 2018. Since then, the key measures set out in the plan have been introduced, including disclosure champions in CPS Areas and the police, updated guidance, joint improvement plans at local level, and a national disclosure forum. The NDIP was followed up by phase two of improvement work from November 2018 and a revised Code for Crown Prosecutors.

**5.29.** There was a national programme of proactive disclosure training for CPS lawyers, which was concluded by the end of September 2018. I am grateful to the CPS for providing trainers to deliver the same course to my lawyers in

August 2018. This was in preparation for an inspection of disclosure in Crown Court cases, which we began in September 2018 and which is ongoing.

**5.30.** We expect to publish the report of our findings in October 2019.

## The Serious Fraud Office

**5.31.** We have not carried out any specific inspection activity of the SFO since we carried out a detailed inspection of its governance arrangements in 2016. This year, at the request of the SFO Director, we carried out an independent assessment of staff engagement within the SFO. The findings will be published in July 2019.

**5.32.** In addition, we undertook a detailed review of SFO case progression. The inspection examines case progression between case acceptance and charge. The focus of the inspection was on five key case progression aspects: internal case management processes; casework governance; staff training; stakeholder relationships; and victims and witnesses. The findings will be published in mid-2019.

## Making an impact

**5.33.** HMCPST has no regulatory powers in respect of the CPS or the SFO. It is our role to provide evidence based findings on what is working well and where improvement is needed. It is then for those with responsibility for the CPS or the SFO, either within the organisation or through their powers of superintendence, to effect the necessary changes. In joint inspections, this can extend to those bodies or agencies that have oversight or directive authority, such as the NPCC or the College of Policing.

**5.34.** Each CPS Area is required by CPS Headquarters to produce an action plan setting out how it proposes to deal with the issues to address flagged in our reports. This enables progress to be monitored by both ourselves and the CPS Compliance and Assurance Team (CAT). We work closely with the CAT to assess the progress made against recommendations from earlier reports, including a formal six monthly request for updates. This year we have worked with the CPS to develop a recommendations tracker.

## How we intend to take work forward in 2019–20

**5.35.** As set out in the 2019–20 business plan, having set out a view of the majority of the CPS business, I have decided that we need to focus our attention

on a thematic programme of inspection. Through the consultation process I was able to set out a number of themes which had not been inspected and had been identified as aspects for improvement in our Area Assurance Programme, and that would therefore benefit from closer scrutiny.

**5.36.** My statutory remit also requires me to inspect the SFO. This year we will complete two extensive inspections that we started late in 2018–19: case progression and leadership. I also intend, for the first time, to carry out an inspection of the SFO and CPS at the same time. Both organisations have units that deal exclusively with the proceeds of crime; this structure will allow me to undertake an inspection which will allow for comparison between both organisations. I am convinced that this will enable the inspection to identify aspects which are cross-cutting and allow us to identify best practice.

**5.37.** I remain committed to working with the other criminal justice inspectorates as much as possible, because looking at complete criminal justice processes often adds more value than concentrating on a particular part carried out by a single agency.

## Joint work

**5.38.** We shall be concluding key pieces of work jointly with HMICFRS which are intended to be published in 2019–20.

## Crimes against older people

**5.39.** The population of England and Wales is ageing. While research shows that those in this age group are less at risk of crime overall than other groups, some crime types – such as those linked to physical, mental, or financial abuse – disproportionately affect older people. This inspection assesses, for the first time, the responses of the police and CPS to a range of offences affecting older people. Estimated publication for the report is currently July 2019.

## Domestic abuse evidence led prosecutions

**5.40.** As a continuation of the extensive work on domestic abuse undertaken by inspectorates jointly and separately, HMCPST and HMICFRS are conducting a joint inspection on the effectiveness of cases which are prosecuted on evidence other than that provided directly by the victim. The inspection's focus is on assessing whether police forces and the CPS are using the potential of evidence led prosecutions in domestic abuse cases to ensure offenders are brought appropriately to justice. It is anticipated that the report will be published in late summer 2019.

## Released under investigation

**5.41.** The Police and Crime Act 2017 brought changes to the way the police use pre-charge bail. These include introducing the presumption that unless bail can be justified, the police will release detainees without any obligation to return to police custody whilst the investigations continue.

**5.42.** This inspection is intended to examine the use of releasing detainees under investigation. It is estimated that the final report will be published early in 2020.

## File quality

**5.43.** Our file examination regularly highlights the impact that file quality has on the overall outcomes and efficiency of the criminal justice system. Both the police and the CPS recognise that good quality at the outset improves the overall efficiency of the system. We intend to scope a joint inspection with HMICFRS to undertake a joint examination of file quality and the impact this has on the overall efficiency of the system. The inspection will identify the barriers to effective and consistent practice and make recommendations to promote improvements in this area.

## **6. HMCPSI corporate issues**

## Performance against the business plan

**6.1.** The 2018–19 business plan set out the strategic objectives of HMCPST:

- To deliver high quality, evidence based assessments of the CPS and SFO to inform them and those who hold them to account.
- To work collaboratively with other inspectorates and develop effective working relationships.
- To promote HMCPST to targeted stakeholder and media audiences to widen and maintain interest in the work of the inspectorate.
- To deliver reports to our target audience which are understandable and convey the message effectively.
- To recruit and develop the best people so HMCPST has a high performing workforce with the right skills and values for the job.
- To run an efficient and effective organisation that meets the best standards of a government department in order to provide value for money.

**6.2.** Our 2018–19 inspection activity has enabled me to meet the objectives. As set out in the next section, this work has been carried out within budget and it has been well received by stakeholders.

**6.3.** We concluded the AAP inspection work which started in 2016–17, carried out new inspections of CPS Central Casework Divisions and also undertook inspection work in the SFO; these reports will be published in 2019–20.

**6.4.** We have also carried out joint work with HMICFRS, reviewing crimes against older people and evidence led prosecutions in domestic abuse cases. Both of these pieces of work will have joint reports published in 2019–20.

## Finance

**6.5.** The Inspectorate's budget comprises part of the overall Government Legal Department's (GLD) budget vote. The final outturn for 2018–19 was £2,210,000, which is within the budget allocated for the financial year.

**6.6.** My review of staffing and organisational structure during 2016–17 put us in a strong position to face the challenges of the decreasing budget. Further reviews of our grade mix and the size and structure of our corporate support

team have continued to deliver efficiencies. Our future resourcing will significantly stretch our capacity to undertake our inspection programme. Our levels of resilience are currently challenged. Increased training and the placement of inspectors within the SFO and units within the CPS increase our understanding of the two organisations and result in better informed reports, but reduce the number of inspectors available to undertake inspections. An increase in the number of inspectors would allow us to deliver an effective programme of inspection.

**6.7.** I will continue to drive efficiencies through a culture of continuous improvement and further exploration of how working with other organisations will improve value for money.

## Organisational structure and accommodation

**6.8.** As I reported in 2017–18, I decided to change the overall senior structure in HMCPST. The change resulted in me being directly supported by a Head of Inspection and a Head of Corporate Services. These roles have continued in 2018–19 and form my Senior Management Team. This has been essential to the day-to-day running of the organisation and has allowed me to make a number of internal changes which are effectively supported.

**6.9.** As I stated last year, we will move from our current premises in London, as part of the GLD's general relocation. Although where we are to move is yet to be finalised, we shall remain in central London. In York we continue to share premises with the CPS at Foss House.

## Human resources

**6.10.** As reported last year, we have a much closer alignment with the GLD's employment policies and now have a much more streamlined corporate service group.

**6.11.** When advertising roles within the Civil Service, I have taken the step of offering more roles on a loan basis to ensure that we have the right balance of experienced inspectors and staff with recent operational experience, particularly where that experience is gained in the organisations we inspect.

**6.12.** We continued to utilise associate inspectors in 2018–19. This gives us the flexibility to allocate additional resources at 'pinch points' in our work programme.

## Communication

**6.13.** We continue to use our shared internet site ([www.justiceinspectors.gov.uk](http://www.justiceinspectors.gov.uk)) to act as an outward face of HMCPST. All new inspection reports are launched on the web site. The GLD Communications team continue to provide us with support to communicate the findings from inspection reports to our stakeholders.

**6.14.** Our Intranet continues to be a key tool for communicating within the organisation.

**6.15.** During the year, we undertook activity to consider our external and internal communication. I was keen to look at the vision and values of the organisation as part of this work. With all staff, I developed a revised vision and simplified values for the Inspectorate. We launched these at an all staff day in February, and staff feedback has been universally positive.

## Learning and development

**6.16.** HMCPST has invested heavily in core skills training during 2018–19. All inspectors received refresher training on three aspects of key inspection skills: report writing, interviewing, and gathering evidence and making judgements. Additionally, all inspectors have engaged in leadership development and training, including one to one coaching followed by workshops. Participants in the workshops looked at how leadership within the organisation can be enhanced to help make HMCPST a better organisation.

**6.17.** As well as centrally managed training, staff continue to access a wide range of learning opportunities related to both our core business and their personal development.

## Employee engagement

**6.18.** We have continued to focus efforts on improving internal communication and have undertaken activity to maintain effective employee engagement. I was pleased to see that our efforts are having positive results. In 2018 the engagement index increased by 16% compared to 2017. I am proud to say that at 69% we are now 3% better than the 'high performing' Civil Service departments. This is an achievement and takes us from a low point in 2016. I will continue to focus upon building on this approach with the aim to be better on all the survey themes, since there were still a small number in the 2018 survey which were lower than the Civil Service high performers.



## Equality and diversity

**6.19.** HMCPST reviews performance against the equality objectives on a six monthly basis. HMCPST has reviewed its equality and diversity objectives during the latter half of 2018–19 and we will be publishing revised objectives in 2019–20.

## Liaison with other jurisdictions

**6.20.** During the year we hosted the Kenyan Director of Public Prosecution (DPP), Mr Noordin Haji, and a delegation of other senior officials from his office. Inspectors shared with the Kenyan delegation the benefits of independent inspection and how scrutiny can lead to improvement. As a result, two of my inspectors will be visiting Kenya later this year, funded by the Foreign and Commonwealth Office, to help the DPP and his team begin the process of creating an independent office of inspection.

**6.21.** We also hosted a visit by Brigitte Confait, Senior State Counsel for the Attorney General's Office in the Seychelles. We shared with Brigitte how the inspectorate works in England and Wales.

# **Annex A**

## **Inspection review and audit reports published between April 2018 and March 2019**

Report	Date
<b>Inspection reports, reviews and audits</b>	
Area Assurance inspection of CPS London North	October 2018
Area Assurance inspection of CPS London South	October 2018
Inspection of CPS International Justice and Organised Crime Division	January 2019
Inspection of CPS Special Crime and Counter Terrorism Division	February 2019
Area Assurance inspection of CPS South West casework	May 2019
Area Assurance inspection of CPS Cymru-Wales casework	May 2019
<b>Thematic review and bespoke inspections</b>	
Victim Liaison Units: letters sent to the public by the CPS	November 2018
<b>Joint inspections</b>	
Joint inspection of the handling of cases involving disability hate crime	October 2018
National Crime Agency search applications and production order processes (referred to in annual report 2017–18)	May 2019
<b>Reports to be published in 2019–20</b>	
Serious Fraud Office casework progression	Estimated mid-2019
Serious Fraud Office leadership review	
Domestic abuse evidence led prosecutions (joint with HMICFRS)	Estimated late summer 2019
Crimes against older people (joint with HMICFRS)	Estimated July 2019
Crown Court disclosure review	Estimated October 2019
Area Assurance Programme full composite review	Estimated late 2019

# **Annex B**

## **Inspection framework**

## Area Assurance Programme inspection framework

### Introduction

The framework is split into four sections: “The success of CPS people”, “Continuously improving”, “High quality casework” and “Public confidence”. Each section has a performance expectation and a number of criteria against which evidence will be gathered. Sub-criteria have been identified for each section, which can be used as a guide to help assess performance.

The framework aligns significantly with the current CPS priorities and considers other key initiatives such as Standard Operating Practice, Transforming Summary Justice and Better Case Management.

Overall, inspectors are looking to see that the CPS delivers the maximum benefit for users and stakeholders with the resources available. This means the right people doing the right things at the right time for the right cost, and delivering the right outcome.

### Part A: The success of CPS people

#### Performance Expectation

The Area is led and managed effectively to ensure it has the right people equipped with the appropriate tools and skills for the job to deliver a high quality service. This is achieved by ensuring all staff have the right technology, systems and skills, to enable decisions to be made fairly, at the right time and at an appropriate level.

#### Criteria

1. Senior management demonstrates effective leadership and engages with staff to identify and utilise opportunities to deliver a quality service.
  - a. Senior managers act as role models, demonstrating commitment to CPS values and equality and diversity policies.
  - b. Senior managers have effective engagement with staff on strategic and operational matters.
  - c. Senior managers effectively communicate the vision, values and direction of the CPS.

- d. All managers motivate staff, build effective teams, and challenge inappropriate behaviour.
  - e. All managers understand and take responsibility for implementing senior management decisions.
  - f. Regular and open dialogue occurs through team meetings, with feedback to senior managers of relevant information.
  - g. Senior managers take time to make themselves available to staff at key points in the business calendar or during change processes.
2. Senior managers work effectively and are influential with criminal justice partners.
- a. Senior managers promote an open and constructive approach with criminal justice colleagues.
  - b. The Area works effectively with Local Criminal Justice Boards (or similar where applicable).
3. The Area is committed to CPS values, equality and diversity policies and staff development to deliver improvement in staff engagement, effectiveness, well-being and morale.
- a. The Area has integrated equality into all relevant strategies and plans, including the Area training plan, and there is equality of access to training.
  - b. The Area is implementing a plan to improve staff engagement levels, which is delivering results.
  - c. Sickness absence reduction targets have been set and actions taken to meet them.
  - d. Good performance is identified and rewarded, and poor performance tackled appropriately.

## Part B: Continuously improving

### Performance Expectation

The Area continuously improves how it works, deploying resources to work effectively and using efficient processes.

### Criteria

1. The Area's key performance data is analysed effectively and used to inform resource allocation, to robustly identify the Area's strengths and weaknesses and to drive improvement.
  - a. There is regular and robust analysis of performance by the Area Management Team, which is based on reliable and timely performance data and other relevant information.
  - b. Analysis of performance informs decision-making and resource allocation, leads to remedial action being taken where appropriate, and contributes to improving performance.
  - c. There is effective benchmarking of performance across the Area, against other Areas, national performance and CPS levels of ambition, which informs decision-making and resource allocation.
  - d. Performance information is disseminated in a readily understood format to staff.
  - e. Area quality assurance and performance monitoring measures identify aspects for improvement and good practice, which are shared with staff and which drive improvements in service delivery.
  - f. Teams are held to account for their performance.
  - g. Senior managers assess performance robustly, using regular reality checks (such as dip-samples, reviews of failed cases and court observations) to inform their understanding of front-end delivery levels.
  - h. The Area Performance Review process is applied robustly and openly and used to improve performance.

2. Resources are systematically managed and deployed effectively.
  - a. The Area's budget is systematically controlled through appropriate delegation, proper monitoring, and accurate knowledge of committed expenditure.
  - b. The Area's budgetary allocation and planning support strategic and operational delivery.
  - c. The Area has an effective and transparent system of allocating funds to budget holders. There are clear financial delegation limits, which are understood by staff.
  - d. Area managers are effective in negotiating financial matters with CPS Headquarters and partners.
  - e. The Area has effective systems for assessing the most appropriate staffing structure and staffing levels across the Area, which are used to ensure that work is conducted by staff at the right level.
  - f. The balance between usage of in-house prosecutors and agents represents a good use of resources.
3. Joined up working is effective and delivers improvements in outcomes for users.
  - a. There are effective arrangements for joint performance management with criminal justice partners, which include robust quality assurance processes.
  - b. Relevant performance information, areas for improvement and good practice are shared between criminal justice partners and used to identify strengths and weaknesses.
  - c. Joint improvement strategies are implemented, actions are followed up and improvement results.



## Part C: High quality casework

### Performance Expectation

The Area delivers justice through excellent, timely legal decision-making, casework preparation and presentation, leading to improved outcomes.

### Criteria

#### Magistrates' courts casework

1. Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; are properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction.
  - a. The Area checks that all files received from the police comply with the National File Standard and the principles of Transforming Summary Justice. Unresolved issues are escalated when appropriate.
  - b. The Area feeds back effectively to the police where they do not comply with the Code for Crown Prosecutors or the Director's Guidance on Charging.
  - c. The Area ensures that there is a timely and proportionate review in all cases requiring one, and that it is appropriately recorded.
  - d. Reviews and decisions comply with the Code for Crown Prosecutors and any relevant policy or guidance; include a prosecution case theory or trial strategy to maximise the prospects of a successful outcome; and identify when ancillary orders or additional information may be requested at sentencing.
  - e. The Area complies with its duties of disclosure in relation to unused material.
2. Case preparation and progression is effective and timely.
  - a. Area systems support the effective progression of cases, including compliance with Criminal Procedure Rules and Standard Operating Practice.
  - b. The Area ensures that cases progress at the first magistrates' court hearing in accordance with Transforming Summary Justice principles.

- c. The Area ensures that the number of effective trials and successful outcomes are increasing through effective case preparation and progression.
- d. The Area has an effective system for the management and monitoring of custody time limits.

#### **Crown Court casework**

- 3. Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; are properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction.
  - a. The Area checks that all files received from the police comply with the National File Standard and the principles of Better Case Management. Unresolved issues are escalated when appropriate.
  - b. The Area feeds back effectively to the police where they do not comply with the Code for Crown Prosecutors or the Director's Guidance on Charging.
  - c. The Area ensures that there is a timely and proportionate review in all cases requiring one, and that it is appropriately recorded.
  - d. Reviews and decisions comply with the Code for Crown Prosecutors and any relevant policy or guidance; include a prosecution case theory or trial strategy to maximise the prospects of a successful outcome; and identify when ancillary orders or additional information may be requested at sentencing.
  - e. The Area complies with its duties of disclosure in relation to unused material.
- 4. Case preparation and progression is effective and timely.
  - a. Area systems support the effective progression of cases, including compliance with Criminal Procedure Rules and Standard Operating Practice.
  - b. The Area ensures that cases progress in the Crown Court in accordance with Better Case Management principles.

- c. The Area ensures that the number of effective trials and successful outcomes are increasing through effective case preparation and progression.
- d. The Area has an effective system for the management and monitoring of custody time limits.

## Part D: Public confidence

### Performance Expectation

The service provided to victims and witnesses is central to the work of the Area. It ensures that decisions are appropriately explained and that its interaction with victims and witnesses takes account of their needs, is open and direct, and shows empathy.

### Criteria

1. Communications with victims under all applicable initiatives, Codes or policies (including consulting victims on discontinuance or pleas, letters under the Victim Communication and Liaison scheme, communications with bereaved families, and the Victims' Right to Review scheme) occur where required, and are timely and of a high standard.
  - a. The needs of victims and witnesses are fully considered and there is timely and appropriate liaison and support throughout the prosecution process.
  - b. The Area ensures compliance with the requirement to consult victims in appropriate cases, including discontinuance and acceptance of pleas.
  - c. The Area ensures that communications with victims and bereaved families are sent where required and are of a high standard, with reference to sources of support or additional rights (including the Victims' Right to Review scheme) where appropriate.
2. The views and interests of the victim, witnesses and public are reflected and protected by the appropriate use of remand or bail conditions, Victim Personal Statements and ancillary orders at sentencing.
  - a. The Area ensures that victim and witness issues are considered at the pre-charge stage, and clear instructions are provided to advocates for all hearings.

- b. The Area ensures that applications to refuse bail, seek bail conditions or appeal the grant of bail are appropriate and proportionate, and are effective in protecting the victim and the public.
  - c. The Area ensures that the opportunity to make a Victim Personal Statement has been provided in applicable cases, and that prosecutors take the necessary steps to present it to the court in the way that the victim chooses, as far as possible.
  - d. Area processes ensure that the right ancillary orders are sought at sentencing or other disposal to protect the victim, witnesses or public.
3. The Area is responsive to community groups, victims and witnesses, complainants, other stakeholders and the public and uses their feedback robustly to identify strengths and weaknesses and to improve service delivery.
- a. Senior managers are committed to engaging with and securing the confidence of victims and witnesses, other stakeholders and the public.
  - b. The needs of victims and witnesses are identified, addressed and incorporated into the core business of the Area.
  - c. The Area prioritises engagement with stakeholders or community groups at the greatest risk of exclusion and discrimination.
  - d. Complaints, Victims' Right to Review communications, and other feedback from stakeholders, community groups and the public are used to identify aspects for improvement.
  - e. Actions identified from feedback are implemented effectively and followed up robustly.
  - f. The Area can demonstrate improvement in service delivery, engagement or community confidence as a result of actions taken on feedback received.
  - g. The Area engages effectively with witness care units, victim and witness support agencies, and other criminal justice partners to deliver improvements in victim and witness care at court.

## Part E: Efficiency and value for money

### Performance Expectation

The Area ensures it delivers the maximum benefit for users and stakeholders with the resources available. It has the right people doing the right things at the right time for the right cost, and delivering the right outcome. It is focused on ensuring that successful outcomes and quality service delivery are achieved through proper governance, casework quality, effective use of resources, and efficient and effective processes that avoid unnecessary, duplicated or additional work.

### Criteria

1. Area managers actively promote the concept of value for money throughout the Area.
2. Effective and efficient case progression is avoiding duplication and minimising waste by ensuring that only appropriate cases are brought to court in an expedient manner.
3. High quality casework is maximising the likelihood of a successful result.
4. Partnership working is delivering positive results in outcomes for users.
5. Through effective management, the Area makes best uses of its resources to optimise their effectiveness and deliver successful outcomes.

# **Annex C**

## **Inspection resource activity**

## HMCPST Annual Report 2018–19

To complete the inspection work in 2018–19, we visited the SFO, CPS Headquarters and all CPS Areas. To undertake our inspection, we carried out the following activity.

Casework files examined by inspectors	3,722
Documents provided by those we inspected and reviewed	3,554
Number of on-site inspector days	426
Number of CPS and SFO staff interviewed	849
Number of formal stakeholder interviews (non-CPS and SFO staff)	59

# Annex D

## Budget expenditure



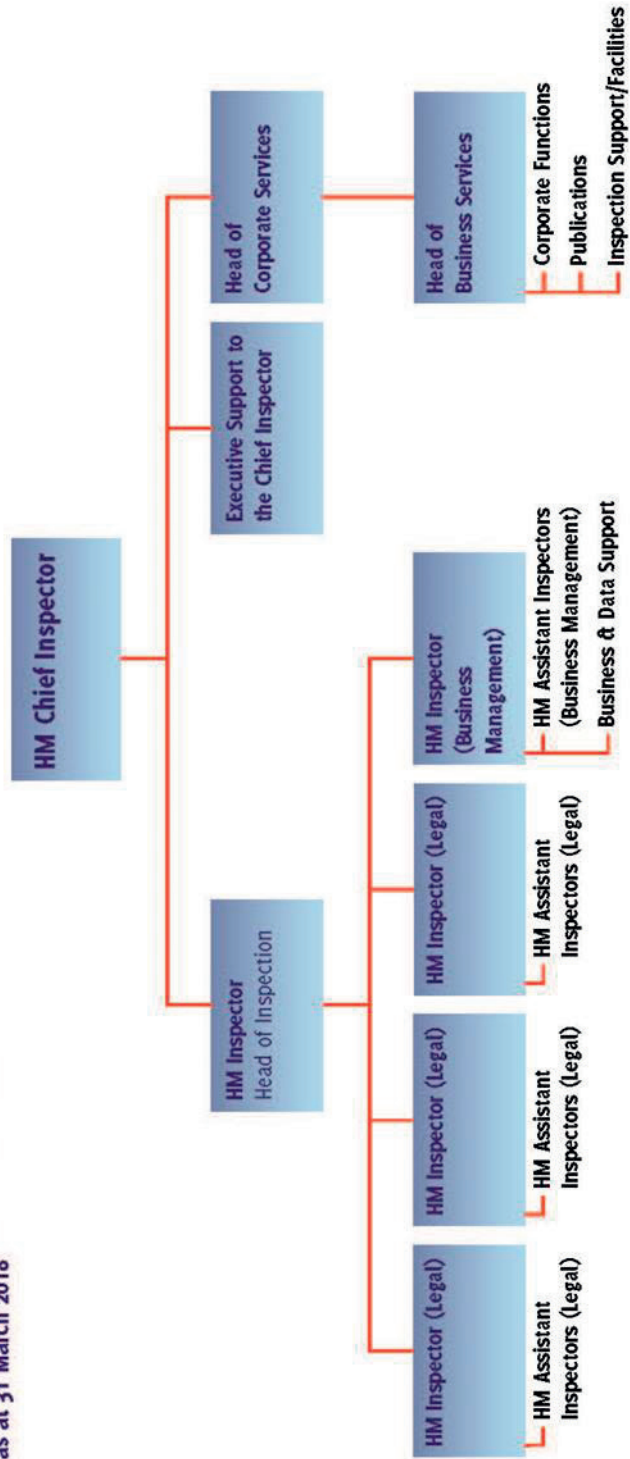
HMCPST Annual Report 2018–19

	2015–16		2016–17		2017–18		2018–19	
	Cost £000	% of total costs	Cost £000	% of total costs	Cost £000	% of total costs	Cost £000	% of total costs
Staff	2,237	80.0	2,123	82.3	1,999	81.6	1,664	75.3
Recruitment and training	30	1.1	5	0.2	6	0.2	42	1.9
Accommodation	233	8.3	235	9.1	199	8.1	236	10.7
Travel and subsistence	124	4.4	108	4.2	102	4.2	62	2.8
Consultancy	26	0.9	12	0.5	0	0	0	0
Suppliers and other services	128	4.6	80	3.1	142	5.8	195	8.8
Dilapidation provision	0	0	0	0	0	0		
Rental income	0	0	0	0	0	0		
Income – recovery of direct costs	0	0	0	0	-14	-0.6		
Non cash costs (depreciation and NAO audit fee)	20	0.7	17	0.7	17	0.7	12	0.3
<b>Total</b>	<b>2,798</b>	<b>100</b>	<b>2,580</b>	<b>100</b>	<b>2,451</b>	<b>100</b>	<b>2,210</b>	<b>100</b>

# **Annex E**

## **HMCPSI organisation chart**

**HMCPST Organisation Structure**  
as at 31 March 2018







If you ask us, we can provide this report in Braille,  
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HMCPsi Publication No. HC 2477



## **HM Crown Prosecution Service Inspectorate**

### **London Office**

One Kemble Street  
London WC2B 4TS  
Tel. 020 7210 1160

### **York Office**

Foss House, Kings Pool  
1–2 Peasholme Green  
York, North Yorkshire, YO1 7PX  
Tel. 01904 54 5490

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