



HM Crown Prosecution
Service Inspectorate

Five Year Review and Annual Report 2014-2015

HM Chief Inspector of the Crown Prosecution Service



Five Year Review and Annual Report 2014-2015

HM Chief Inspector of the Crown Prosecution Service

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Michael Fuller
Her Majesty's Chief Inspector

Letter from HM Chief Inspector to the Attorney General

The Rt Hon Jeremy Wright QC

I am pleased to present to you this review of the activities of the Crown Prosecution Service Inspectorate for the five years that I have served as its Chief Inspector.

My term of office has seen major changes in the Crown Prosecution Service (CPS) and, as a result, in our approach to inspection. The CPS has seen substantial reductions in its resources, which resulted in the departure of many experienced staff and the adoption of new working practices. Fortuitously, these developments coincided with significant reductions in its caseload, although the proportion of more serious and challenging cases has increased noticeably. In the circumstances, casework outcomes have held up remarkably well.

The changes in the CPS, particularly a reorganisation into 13 large Areas, led me to move away from overall performance assessments. Instead, each year a small number of Area effectiveness inspections focussed on Areas whose performance gave cause for concern. Together with CPS Headquarters, we monitor action plans drawn up by Areas to address inspection findings. Our formal follow-up inspections have shown a pleasing response to our recommendations. In addition, our close monitoring of Areas that faced particular difficulties assisted their management teams successfully to address the relevant issues.

Assuring you and the public about the overall quality of CPS casework has, however, remained central to our work. For the last three years, we have conducted an Annual Casework Examination Programme (ACEP) based on a sample of files drawn from CPS Areas. The 2012 exercise provided a benchmark against which performance in later years can be judged. A significant drop in performance was apparent in 2013, but provisional findings for 2014 indicate that some of this has been recovered.

I have been able to respond to specific requests from you and the Director of Public Prosecutions (DPP) to review specific matters. These included work on the handling of disclosure in the case of *R v Mouncher and others* which led to major changes in the approach of the CPS and the Serious Fraud Office (SFO) to the management of disclosure in large and complex cases.

For the last three years, I have chaired the Criminal Justice Chief Inspectors' Group. Cross-cutting inspections have played an increasing role in our work - a trend that I expect to continue as the search for economies intensifies. Improved electronic transmission of documents across criminal justice agencies, including defence practitioners, is perhaps the most important way in which agencies can assist each other to avoid duplicating data entry and to develop ever more flexible working arrangements. For this reason, I expect that inspection work in the coming years will focus heavily on assessments of how well digitisation contributes to greater efficiency.

I was very pleased to see that the National Audit Office's February 2015 report, *Inspection: A Comparative Study*, identified a number of strengths in the Inspectorate. These included our robust follow-up regime, electronic access to data and the challenge to our work brought by the inclusion, unique among criminal justice inspectorates, of a non-executive director on our management board.

I wish my successor well as he or she sets the agenda for the Inspectorate, including the development of a methodology for regular inspection of the SFO.

Finally, I would like to close by expressing my gratitude to you, your predecessor, the Rt Hon Dominic Grieve QC, and your respective Solicitors General for your support, advice and encouragement during my time as Chief Inspector. And last, but by no means least, to the loyal and conscientious staff of the Inspectorate, who have worked hard and helped me so much.

A handwritten signature in blue ink that reads "Michael Fuller". The signature is written in a cursive style with a large, stylized 'F'.

Michael Fuller QPM BA MBA LLM LLD (Hon)
Her Majesty's Chief Inspector

Crown Prosecution Service geographical Areas



Overview

¹ Unlike previous annual reports, this one also reflects on developments over the five years that I have been Her Majesty's Chief Inspector of the Crown Prosecution Service. My term of office has coincided with the Government's initiatives to reduce the public sector deficit. The way in which HMCPSI responded to this is dealt with later. But it is useful to note at the outset just how much the nature of the CPS has changed during the last five years.

Changes in the CPS

² The CPS is now a very different organisation from the one that I began to inspect in 2010. Important developments include:

- The number of prosecutors¹ employed by CPS Areas and CPS Direct has fallen from 3,034.9 in April 2010 to 2,158.1 as at 31 December 2014 and the number of administrative staff from 3,784.1 to 2,607.1. These represent falls of 28.9 per cent and 31.1 per cent respectively in staff available to deal with Area cases. There have also been significant reductions in Headquarters' staff.
- The completion of a programme that began before 2010 of amalgamating 42 operational Areas to 13 much larger ones, with an associated reduction in the number of management posts. Along with this, there has been a sharp reduction in the number of offices from which it operates. This resulted in the CPS no longer having a base in some counties.

- Using Standard Operating Practices in a reduced number of locations, sometimes in a neighbouring county, to prepare the great majority of cases with an attendant loss of co-terminosity with criminal justice partners.
- The return of responsibility for a significant proportion of charging decisions to the police.
- Extending the role of its out-of-hours charging service, CPS Direct, to deal with almost all its responsibilities to authorise the police to charge suspects instead of using face-to-face consultations.
- A major expansion of digital working so that almost all magistrates' courts work is conducted electronically. Hearings, including trials, are now usually conducted from tablet computers.
- An increase in the number of contested cases handled by each lawyer as staff numbers have fallen and the proportion of cases likely to be contested has risen.

It is against these major developments that HMCPSI formed its assessments of CPS performance. An overall picture of CPS progress during the last five years is provided in paragraphs 7-45.

¹ This includes Crown Advocates, Crown Prosecutors and Associate Prosecutors. It excludes staff in Headquarters, the Central Casework Divisions and Chief Crown Prosecutors.

The changing inspection landscape

3 As the CPS and the wider criminal justice system changed, I shifted the emphasis of inspections. The revised CPS structure led me to move away from the previous overall performance assessments (OPAs), which had been conducted at the former 42 CPS Area level. We continue, however, to undertake Area effectiveness inspections (AEIs) of those Areas where our risk model indicates cause for concern. A programme of rigorous follow-up inspections tests their progress. In cases of particular concern, we work more closely with the Area to monitor progress and offer advice at more frequent intervals. A fuller account of this aspect of our work appears in paragraphs 34-42.

4 To ensure that I could provide an assurance to the Attorney General and the DPP about overall CPS performance, in 2012 I instituted a new Annual Casework Examination Programme. This differed from Area inspections. The methodology, which is set out in annex 3, relies on a file sample drawn from a number of Areas. A summary of the picture at national level was published in my annual reports for 2012-13 and 2013-14. The key results, including provisional findings from the 2014 exercise, can be found in annex 4.

5 My time in office has seen a renewed emphasis on joint working with other criminal justice inspectorates in response to Ministerial wishes that inspections should address issues that cut across departmental boundaries. In 2010-11 only one joint inspection report was published.² My business plan for the following year envisaged a modest commitment of 16 per cent of our resource to joint work. This enabled the Inspectorate to contribute to four joint reports. Thereafter the proportion of our resource allocated to joint work has risen sharply to about 30 per cent in 2012-13 with 50 per cent planned for 2014-15 covering some major issues.³

6 I have also tried to maintain capacity to carry out urgent reviews or audits. Some arose from analysis of our risk model, but requests for them also came from the Law Officers and the Director of Public Prosecutions. For example, in 2011 I undertook an assessment of the capacity of Area Complex Casework Units (CCUs) to take on additional work that the CPS was considering devolving from its Headquarters Divisions. I found that much of the work carried out by the CCUs was excellent, although there were significant variations between them. This led me to advise against further devolution at that stage unless a number of safeguards could be put in place. Other work in response to specific requests included a review of the handling of disclosure *R v Mouncher and others* (see paragraph 21) and also the handling of disclosure of medical records and counselling notes (see paragraph 22).

² A full list of joint reports is at annex 1.

³ A list of inspections in progress as at 31 December 2014 is at annex 2.

Overall CPS performance

7 At the same time as CPS staff numbers have reduced, the volume of cases to be considered by the CPS has fallen sharply over the last five years. Figures for the 12 months to 31 December 2014 show a fall of 31.5 per cent in the number of magistrates' courts cases since 2010-11, to 575,794. The fall in Crown Court cases over the same period to 96,766 is less marked at 17.2 per cent and the number has begun to rise again. The reasons for these reductions are not fully understood but are likely to include falling rates of certain offences. The return to the police of charging powers for a significant range of offence types has also had an impact on CPS workloads. Between 2010-11 and the 12 months to 31 December 2014 the number of charging decisions made by CPS lawyers fell by 36 per cent from 466,611 to 298,657. The fall has, however, been mainly in less serious or complex cases resulting in a more challenging mix of cases to be handled by the CPS.

Casework outcomes and decision-making

8 Overall CPS case outcomes have remained broadly stable for most of the last five years. In view of resource reductions faced by the CPS, which has resulted in the loss of many experienced staff under voluntary early severance schemes, and the associated major changes in management structures and operating procedures, this is a commendable achievement. Indeed, in the Crown Court successful outcomes showed a modest improvement for some years, reaching almost 81 per cent in 2013-14. Data for the 12 months to 31 December 2014, however, shows that they have reverted to the 2010-11 rate of 79.6 per

cent. In the magistrates' courts the position has also begun to deteriorate a little. Successful outcomes had remained comfortably above 86 per cent until last year when they dropped to 85.7 per cent. The figure for the 12 months to 31 December 2014 shows a further fall to 84.6 per cent. Similarly, after remaining between 9.6 and 9.8 per cent from 2010-11 to 2013-14, the magistrates' courts discontinuance rate has also increased. It reached 10.4 per cent in the 12 months to 31 December 2014.

9 These signs of a recent deterioration in overall case outcomes are consistent with the findings of the ACEP exercises in 2013 and 2014.⁴ Improvements in the appropriateness of charging decisions, particularly in 2012,⁵ have since been reversed. In the following two years the proportion of CPS decisions that did not meet the Code for Crown Prosecutors' (Code) test rose from 6.5 to 8.5 per cent. The return of substantial charging powers to the police has also had an effect. The proportion of cases in which police charging decisions did not meet the Code test reached 16.9 per cent in 2013, although the 2014 exercise indicates some improvement on this. The police failures would matter less if they were corrected promptly by the CPS. Inspectors found, however, that this often did not occur at all or for some time, resulting in cases spending more time than necessary in the court system. Some were later discontinued after a number of court hearings

4 The ACEP findings are set out more fully in annex 4. The data for 2014 is provisional as the exercise had not been finalised when this report was prepared.

5 2012 was the first ACEP exercise. Comparisons with earlier years refer to data collected in AEs and other inspections which focussed on Areas whose performance gave cause for concern. The standard of decision-making in earlier years may therefore have been better than suggested by the data.

and unnecessary extra file building by the police. Of the cases that were dropped in the 12 months to 31 December 2014, 34.7 per cent were dropped after the third or subsequent hearing. This was, however, a marked improvement on the figure of 44.2 per cent in 2010-11.

10 Application of the Code test was generally better in more serious cases, particularly those dealt with by Complex Casework Units or other specialists. But in 'volume' cases some Code test failures related to very common offences, such as assaults, burglaries and robberies. A number in the last two years arose from failure to apply the law properly to identification evidence, forensic evidence, self-defence and joint enterprise. These are offences and issues that lawyers deal with on a daily basis and should rarely result in errors.

11 Encouragingly, there is evidence that Area and CPS Direct managers are showing more determination to tackle the quality of charging decisions by lawyers. The quality of MG3s⁶ has improved steadily since the introduction of ACEP. The proportion assessed as poor has fallen from 18.3 per cent in 2012 to 14.5 per cent in 2014. In addition, when we assessed managers' monitoring of casework quality during the 2012 ACEP exercise, we found some evidence of greater robustness, albeit from a low starting point in respect of Code test failures.

⁶ The form on which a prosecutor writes up his or her decision whether to charge a suspect.

12 The assessed decline in the quality of charging decisions, and some evidence that the police were charging offences outside their authorised parameters, prompted me to consider a further review of charging arrangements. In 2015, along with Her Majesty's Inspectorate of Constabulary (HMIC), the Inspectorate will publish the results of a joint inspection of charging decisions. The report will take into account a number of major revisions to charging arrangements that have occurred since the last joint report, which was published in 2008. These include the power of police officers to take more charging decisions themselves and a presumption that most CPS charging decisions take place without the face-to-face contact with the investigator or other police officer that was a central feature of earlier arrangements. The inspection will also seek to assess whether the changes have represented value for money for the justice system as a whole.

13 The CPS continues to make progress in dealing with cases involving violence against women and girls (VAWG). Our examination of files during AElS and the ACEP exercises confirm that Code compliance is generally better in rape, serious sexual offences and other VAWG cases than for the generality of offences. The CPS maintains robust management information about such cases. Conviction rates for VAWG have risen steadily in recent years from around 71.5 per cent in 2010-11 to more than 74 per cent in the last two years. There has, however, been some slippage recently in the conviction rates for rape, which is the most serious of these offences. My inspection of a selection of the CPS's RASSO (Rape and Serious Sexual Offences) units in early 2015 will consider

the reasons for this and seek to identify good practice that can be applied throughout the country in order to improve national performance. It will also assess the extent to which the CPS has addressed the findings of the 2012 joint review of rape cases⁷ about improvements in building a case strategy from an earlier stage of investigations and securing third party material more efficiently.

14 Hate crimes raise sensitive issues. The CPS, together with police forces, has made considerable progress in recent years in tackling racially and religiously aggravated, and homophobic offending. There has been a slight increase in successful outcomes, which are now close to those for the generality of offences. As with VAWG, this shows how sustained focus on quality and outcomes can improve performance, particularly where independent external review is expected; for example by the CPS's Hate Crime Scrutiny Panels.

15 More recently, the criminal justice system has extended the definition of hate crime to include disability hate crime (DHC). A number of high profile cases prompted a joint review with HMIC and HM Inspectorate of Probation on this topic in 2013.⁸ The joint review showed that progress had been slow and that all agencies needed to improve their performance quickly. There was under reporting of DHC, inconsistent identification of it by the police and CPS in cases that proceeded, and evidence that courts were not always reminded of their powers to increase the sentence under section

146 Criminal Justice Act 2003 to reflect the hate element. Although some good practice was identified, this was localised or sporadic. We made a number of recommendations with a short timeframe for their implementation with a view to the appropriate treatment of DHC becoming embedded in the work of all three organisations.

16 Stakeholders who were consulted for the 2013 review sought assurances about the joint inspectorates' proposals for monitoring progress. In line with this, inspectors conducted a short snapshot survey of performance in early 2014, as a result of which I decided, in conjunction with HMIC and HM Inspectorate of Probation, that it was necessary to proceed with a fuller joint follow-up inspection, which is due to report in spring 2015. In the meantime the CPS has updated its action plan to reinvigorate its approach to DHC.

Case preparation

17 Effective trial rates have improved, particularly in the Crown Court where data from the Ministry of Justice shows that more than half of trials (51 per cent) went ahead on time in 2013 compared with only 44 per cent in 2010. Data for the first three quarters of 2014 indicates that this improvement has been sustained. There may be a number of reasons for this. More robust judicial management of contested cases is likely to be a factor. But I am pleased to note that CPS has played an active role in the Early Guilty Plea (EGP) scheme⁹ and in helping to

⁷ *Forging the links: Rape investigation and prosecution*, February 2012. www.justiceinspectorates.gov.uk/cjji/inspections/forging-the-links-rape-investigation-and-prosecution/

⁸ *Living in a different world: Joint review of disability hate crime*, March 2013. www.justiceinspectorates.gov.uk/cjji/inspections/joint-inspection-of-disability-hate-crime/

⁹ An initiative by the Senior Presiding Judge under which prosecutors identify Crown Court cases that appear to be suitable for an early guilty plea. If appropriate, the cases are then managed separately by the court to ensure their swift disposal.

improve effective trial rates. Since my 2011 audit of CPS compliance with judges' orders¹⁰ the CPS has made significant strides in complying with them in a timely manner. Although inspectors discovered that the CPS's electronic management information system overstates compliance, the files they examined confirmed that there has been a very substantial improvement in timely compliance. There is, however, still some way to go before compliance can be regarded as satisfactory.

18 In the magistrates' courts, however, AELs show that there is still too much last minute preparation, even in cases where the file upgrade has been received from the police in good time. A thematic review in 2012 of the implementation the CPS's Optimum Business Model (OBM)¹¹ revealed that, where well managed, OBM units had improved trial readiness and contributed to significant cross-agency savings. But the units were not being effectively managed everywhere and there was a lack of specific performance and validation data to confirm or otherwise the CPS's impression of their effectiveness. All three ACEP exercises indicate that 'grip' on case preparation in the magistrates' courts is weaker than in the Crown Court. The CPS's Standard Operating Practices need to embed a culture of firm case management so that unnecessary adjournments are avoided.

¹⁰ *Effectiveness of recording and monitoring judges' orders audit report*, October 2014. www.justiceinspectorates.gov.uk/hmcpai/inspections/effectiveness-of-recording-and-monitoring-judges-orders-audit-report/

¹¹ *Thematic review of the CPS Optimum Business Model for case progression*, July 2012. www.justiceinspectorates.gov.uk/hmcpai/inspections/cps-optimum-business-model-thematic/

Disclosure



19 HMCPAI's last full thematic review of the CPS's compliance with its duties of disclosure was published in 2008. There was a follow-up report in 2009. Although both reports identified some improvements

compared with assessments from earlier years, they also noted a number of shortcomings, as did the OPAs conducted in 2005 and 2007. Our initial ACEP findings in 2012 painted a relatively reassuring picture with significant improvements on the performance found in earlier AELs. Handling of disclosure was rated as excellent or good in nearly half (46.7 per cent) of cases. Later AELs also indicated continuing improvements in the Areas inspected.

20 Unfortunately, the 2013 ACEP exercise revealed a substantial deterioration in both initial and continuing disclosure. Only 23.5 per cent of cases attracted an excellent or good rating with those rated poor more than doubling to 29.6 per cent.¹² Most shortcomings related to the timing of disclosure or weak application of standard processes. Only a few failures related to the non-disclosure of material that should have been made available to the defence. None gave rise to a miscarriage of justice but all had

¹² Although ACEP findings are not directly comparable between years, they provide a reasonable basis for comparison. Whilst the size of the file sample varies and the Areas from which it is drawn change, care is taken to ensure that they give a fair representation of the range of higher, medium and lower performing Areas.

the potential to do so. Although the 2014 ACEP exercise indicates some improvement, performance is not yet back to the 2012 level. The time is approaching when consideration should be given to a further full review of disclosure.

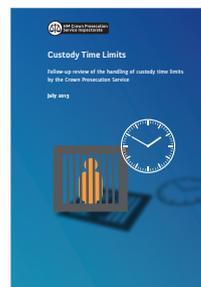
21 AElS and ACEP findings confirm that, in general, disclosure is handled better in more serious cases such as homicide, sexual offences and child abuse. Whilst this is reassuring, some very large and complex cases have given rise to public concern. In 2012, at the request of the then Director of Public Prosecutions, I began a detailed review of the prosecution's handling of disclosure in *R v Mouncher and others*.¹³ This was the latest in a series of high profile cases that had been stopped because of concerns about disclosure. The review identified a number of failures by the CPS. As a result the Director, in his published response to the review, made far reaching changes to the way in which disclosure is managed in large and complex cases. These included the creation of a Disclosure Gateway Review under which a senior prosecutor independent of the case reviews the management of disclosure and provides an independent written assessment for consideration at a Case Management Panel.¹⁴ The SFO has also taken on board the review's findings (see paragraph 47).

13 *Review into the disclosure handling in the case of R v Mouncher and others*, May 2013. www.justiceinspectorates.gov.uk/hmcp/inspections/disclosure-handling-in-r-v-mouncher-and-others-south-wales/

14 The panels are required in large or complex cases in which the trial is expected to take eight weeks or more. They are chaired by Chief Crown Prosecutors and, in some cases, by the Director of Public Prosecutions herself.

22 Third party disclosure of very sensitive information about families held by doctors, social services departments and others remains a particular challenge. In 2013, at the request of the Attorney General, I conducted a review of how medical records and counselling notes are dealt with during prosecution cases.¹⁵ Again, the standard of disclosure handling was better than in cases overall. Material was correctly considered in 82.0 per cent of cases. These findings masked some procedural issues, however, including the need to ensure that the complainant's consent to disclosure of such personal information is properly recorded.

Custody time limits



23 Our 2013 audit of the handling of custody time limits¹⁶ (CTLs) found that there had been a number of improvements since the previous report in 2010. We found fewer miscalculations and, where these had occurred, they were corrected at the initial checks. There had also been improvements in the quality of file endorsements relating to CTLs.

15 *Disclosure of medical records and counselling notes in rape and sexual offence cases*, July 2013. www.justiceinspectorates.gov.uk/hmcp/inspections/disclosure-of-medical-records-and-counselling-notes-in-rape-and-sexual-offence-cases/

16 *Follow-up review of the handling of custody time limits by the Crown Prosecution Service*, July 2013. www.justiceinspectorates.gov.uk/hmcp/inspections/cps-custody-time-limits-handling-follow-up/

24 The fact that the Director of Public Prosecutions takes a personal interest in failures to comply with CTLs has understandably led to improved compliance and greater focus on this aspect of work. Although some failures still occur, there has been a marked reduction. In 2010-11, 50 failures were reported. By 2013-14, this had fallen to ten. The picture for the first nine months of 2014-15 shows a slight deterioration with 13 failures, most of them in London and Greater Manchester. Most failures are now due to the lack of due diligence, including all those so far in 2014-15, rather than system failure. In other words, the CTL is more likely to be correctly calculated and monitored, but the prosecution could not always show that it had acted expeditiously in preparing the case for trial so that the court would grant an extension (or further extension) to the CTL.

Advocacy



25 In 2012, I published a major follow-up report¹⁷ to my predecessor's 2009 full review of the CPS's advocacy strategy. There were two main strands to the strategy: the deployment of Associate Prosecutors to

conduct a range of (mainly non-contested) cases in the magistrates' courts; and the expansion of the role of in-house Crown Advocates in the Crown Court.

26 In the magistrates' courts, the 2012 follow-up review found that a larger proportion of Crown Prosecutors overall were competent than in 2009, although cross-examination techniques still needed improvement. It also confirmed a recurring theme from AEIs about the high quality of advocacy provided by most Associate Prosecutors. They received widespread praise from magistrates and District Judges alike for the standard of their preparation and presentation. Their use represents very good value for money and is a major achievement by the CPS. I have, however, recently noted a (small) reduction in their deployment because, in some Areas, there are fewer courts in which they can appear. It is important that Areas continue to work with Her Majesty's Courts and Tribunals Service (HMCTS) to ensure that this valuable resource is commensurate with need and can be fully deployed.

27 At the other end of the advocacy spectrum, however, the CPS continues to struggle to obtain value for money from its Crown Advocates. The 2009 review found that the Crown Advocate strategy had focussed heavily on achieving financial savings. To some extent that had been at the expense of quality. It also noted that the CPS had created too many Crown Advocates for the quantity of appropriate work available to them.

28 The 2012 review found a decline in the overall quality of Crown Advocate performance since 2009. Although there had been some improvements in some aspects of trial advocacy, such as cross-examination, by those in-house advocates who appeared in the Crown Court regularly, Crown Advocates were less likely to be prepared for both non-contested hearings and trials than they had been in 2009. Some

¹⁷ *Follow-up report of the thematic review of the quality of prosecution advocacy and case presentation*, March 2012. www.justiceinspectorates.gov.uk/hmcp/inspections/cps-advocacy-thematic-follow-up/

still lacked confidence and too often missed tactical opportunities or failed to challenge clearly inadmissible evidence. In 2014 inspectors carried out a further review of the CPS's advocacy strategy. It indicated that many of the issues identified in 2009 and 2012 remain outstanding. Although the number of Crown Advocates has fallen by almost a third since 2011, as some have left the CPS and others have reverted to Senior Crown Prosecutor, there are still too many and some are not developing their experience of contested cases sufficiently. Whilst CPS Headquarters no longer sets targets for annual savings¹⁸ compared with the cost of instructing independent counsel, it is perhaps inevitable that at a time of severe pressure on budgets, Areas continue to rely on the calculated savings to help to balance their budgets. As a result there is still too little attention given to quality and individual development needs. The deployment of some to identify cases suitable for early guilty pleas in the Crown Court is useful, but the use of others in general case preparation remains a troubling use of resources at a time of financial restraint.

¹⁸ The data does not take into account the cost of trained Crown Advocates who are doing other work. We also found that some records of preparation time were unrealistic.

Securing value for money

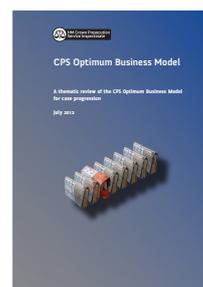


²⁹ It is sometimes difficult to measure value for money in the criminal justice system where, as we pointed out in a joint report with HMIC,¹⁹ changes in one agency can have unintended consequences

for other agencies. The CPS has introduced many initiatives designed to make efficiency savings, but their effectiveness has been mixed.



A review led by the National Audit Office²⁰ found that the implementation of an important joint project, the streamlined process for likely guilty pleas in the magistrates' courts, was not subjected to robust evaluation. Our review of the CPS's implementation of its Optimum Business Model reached a similar conclusion. Although these projects have undoubtedly led to some improvements in efficiency and performance,



the extent of the gains, and the scope for further gains, is not as clear as it ought to be.

¹⁹ Paragraph 2.6, *Stop the Drift 2: A Continuing Focus on 21st Century Criminal Justice*, June 2013. www.justiceinspectorates.gov.uk/cji/inspections/stop-the-drift-2-a-continuing-focus-on-21st-century-criminal-justice/

²⁰ *Crown Prosecution Service: the introduction of the Streamlined Process*, November 2011. www.nao.org.uk/report/crown-prosecution-service-the-introduction-of-the-streamlined-process/



30 We also found that efforts to obtain improved value for money from business as usual missed opportunities for considerable savings. Most payments to independent counsel for their advocacy in the

Crown Court are made under a Graduated Fee Scheme (GFS) agreed with the Bar Council. Our 2011 audit of its operation²¹ found that it did not offer the best value for money. The scheme was too complex and staff did not fully understand it. Error rates remained too high in spite of efforts by Area managers to improve the accuracy of fees calculations. But just as importantly, the majority of potential savings found could have been influenced by CPS lawyers. Nearly all lawyers, including Crown Advocates, were unaware of how GFS costs were calculated. With a little more thought, the page count (which is the key factor in the calculations) could have been reduced in more than a quarter (29 per cent) of the sampled cases. Substantial savings could also have been made by better legal decision-making in cases that ought not to have been charged or reached the Crown Court at all. Since the audit the CPS has agreed a revised scheme which is simpler and less likely to result in errors.

²¹ *A value for money inspection of the application of the CPS Graduated Fees Scheme*, May 2011. www.justiceinspectorates.gov.uk/hmcp/inspections/cps-graduated-fees-scheme-vfm/

Handling complaints

31 Complaints provide an opportunity to learn from past events so that future work can avoid the same problems. My predecessor's 2009 report identified several issues with the CPS's approach to dealing with complaints, including a general culture of perceiving them as a nuisance rather than as an opportunity to improve services. Following this, the CPS updated its policy and guidance to make it easier for members of the public to complain about its service and introduced an opportunity for informal resolution of complaints.



32 My 2013 audit²² found that the rate of excellent replies had increased substantially (but only to 18 per cent) and was still exceeded by poor responses (20 per cent). Too often replies were

defensive, lacked empathy, and did not address all the points raised. Capturing lessons from complaints was also weak. Overall, it is evident that the CPS culture towards handling complaints had not improved as much as we would have expected, particularly taking into account the commitment to treating victims and witnesses well. There are, however, signs that the appointment of an independent complaints assessor may be beginning to bear fruit.

²² *Review of complaints handling by the Crown Prosecution Service follow-up inspection*, January 2013. www.justiceinspectorates.gov.uk/hmcp/inspections/cps-complaints-handling-follow-up-thematic/

33 In 2011 a Court of Appeal judgement²³ set a victim’s right to request a review of any decision not to prosecute, or to discontinue a case or substitute a less serious charge. More than half (58 per cent) of the cases examined in the 2013 audit included a complaint about the decision not to prosecute or to drop a case. This demonstrates the importance of effective procedures to deal with this category of complaint, which has been characterised as an appeal. I have not yet carried out a review of how well the CPS tackles this important element of its work, which has the potential to affect public confidence in the CPS. Provisional findings from the 2014 ACEP exercise, however, suggest that victims were not informed of their rights under the scheme in 38 per cent of relevant cases.

Close monitoring of problem Areas

34 London is the largest CPS Area, typically representing about 17-18 per cent of the national caseload. Its performance therefore has a disproportionate effect on CPS’s overall performance. It has long exerted a negative influence on national case outcomes. My predecessor’s final Area report, published in March 2010, found that performance had deteriorated since the OPAs in 2005 and 2007 gave the Area a fair²⁴ rating. By early 2010, he concluded that more than half the 19 Borough teams inspected were providing a poor service. I decided therefore that it was important for HMCPsi to develop a continuing and supportive

relationship with CPS London rather than wait for a normal follow-up inspection a year or two later to assess its progress in implementing our recommendations. Inspectors visited CPS London on a number of occasions over the ensuing two years to provide (unpublished) independent reports on progress for managers.



35 In February 2012 I published a follow-up inspection report on CPS London²⁵ so the public could see whether improvements were taking place. There had been significant progress,

including the merging of a number of units to provide them with greater resilience and the re-allocation of a number of central posts to front-line roles. A management development programme was helping to improve the skills of managers and a new performance management and compliance regime was providing firm foundations to tackle casework standards.



36 In April 2014 I published a full AEI report on CPS London.²⁶ This concluded that the Area had made considerable progress since 2010. The Area’s structure is now much more coherent and resources are deployed far more efficiently. Although overall casework remains poor successful case outcomes in the

²³ *R v Killick* [2011] EWCA Crim 1608.

²⁴ This was the third of four possible ratings. The others were excellent, good and poor.

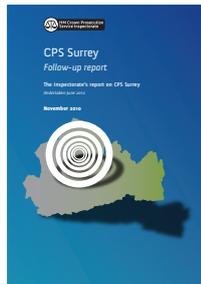
²⁵ *CPS London follow-up report*, February 2012. www.justiceinspectorates.gov.uk/hmcpai/inspections/cps-london-area-follow-up/

²⁶ *CPS London inspection report*, April 2014. www.justiceinspectorates.gov.uk/hmcpai/inspections/cps-london-area-3/

Crown Court, where the most serious cases are dealt with, have improved (from 70.9 per cent in 2010-11 to 72.4 per cent in the 12 months to 31 December 2014) along with a reduction in judge ordered acquittals (from 17.7 per cent to 16.2 per cent in the same period). In the magistrates' courts, however, success rates have declined noticeably, both in cases where the CPS made the decision to charge and those in which the police made the decision. Insufficient attention is given to correcting police charging mistakes, including reviewing promptly cases that the police are not authorised to charge under the Director's Guidance.²⁷ The Area has now created an Initial Case Review Team to address this.

37 I believe that the close scrutiny that we gave to CPS London from 2010 onwards, including the provision of unpublished management reports, helped to give managers confidence that the Area was heading in the right direction and enabled them to persist with their programme of reform. Staff morale improved in spite of larger than average reductions in staff which has resulted in caseloads per prosecutor that are higher than national averages. There is a limit to the capacity of HMCPSI to carry out this kind of work, but it was important to undertake it in an Area that has such a major impact on national performance as CPS London.

²⁷ *The Director's Guidance On Charging 2013 - fifth edition* (revised arrangements), May 2013. www.cps.gov.uk/publications/directors_guidance/dpp_guidance_5.html



38 I also ensured that inspectors worked closely with two of the former 42 CPS Areas, Surrey and Gwent, that had given rise to concern for some time. The OPAs carried out by my predecessor found that Surrey's performance had declined from fair to poor between 2005 and 2007. An AEI in 2009 showed limited progress. In Gwent an AEI in 2010 revealed significant problems.



39 I ordered a follow-up inspection of Surrey in 2010²⁸ which indicated very limited further progress. As a result, I took the unusual step of directing a second follow-up inspection in 2011.²⁹



40 Inspectors made a number of monitoring visits to Gwent to assist a new management team in identifying solutions. A follow-up inspection in 2012³⁰ showed that the new team had acted swiftly and decisively to address the serious failings that the monitoring visits had identified, including introduction of clear standards and a strong performance management culture. In both

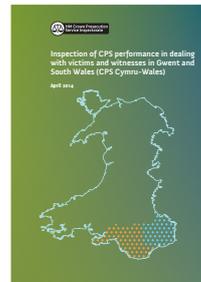
²⁸ *CPS Surrey follow-up report*, November 2010. www.justiceinspectorates.gov.uk/hmcpsi/inspections/cps-surrey-aei-follow-up/

²⁹ *CPS Surrey second follow-up report*, June 2011. www.justiceinspectorates.gov.uk/hmcpsi/inspections/cps-surrey-aei-second-follow-up/

³⁰ *CPS Gwent and CPS South Wales follow-up inspection*, March 2012. www.justiceinspectorates.gov.uk/hmcpsi/inspections/cps-gwent-and-cps-south-wales-follow-up/

Surrey and Gwent, it was clear that the rigour of the inspection regime had assisted the Areas to focus on improved performance management and also to rebuild trust among staff and the confidence of partner organisations.

41 Similarly, although I have scheduled a full AEI of CPS South East for the final quarter of 2014-15, I asked inspectors to pay a number of visits to CPS South East in 2014. Performance on most measures is in the lower ranges of Areas and some casework backlogs have developed. Inspectors are offering advice to the senior management team on matters that need urgent attention and could not wait until the completion of the full AEI.



43 In contrast, I commissioned a focussed inspection of the treatment of victims and witnesses in South Wales and Gwent to find out why performance was generally good with a view to identifying good practice that could be applied elsewhere.³² Good partnership working and the willingness of the units to account to external stakeholders undoubtedly played a part in maintaining the strong commitment to treating witnesses well. However, the generally good picture concealed some problems including late applications for special measures and weak identification of cases requiring Direct Communication with Victims (DCV) letters for vulnerable and intimidated victims.

Focussed inspections

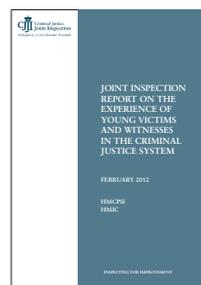


42 During 2014, I have published a number of reports focussed on narrow issues. Our ACEP findings had confirmed the contribution of the Thames Valley unit to the consistent appearance of Thames and Chiltern Area

in the lower part of CPS performance league tables. The CPS's (impressive) national system of quarterly reviews of Area performance had not translated into significant improvements. It was necessary to make a number of published recommendations³¹ designed to tighten performance management and to set realistic standards and expectations of staff across the generality of cases.

³¹ *CPS Thames Valley unit focussed inspection*, February 2014. www.justiceinspectorates.gov.uk/hmcpsi/inspections/thames-valley-unit-focussed/

Treatment of victims and witnesses



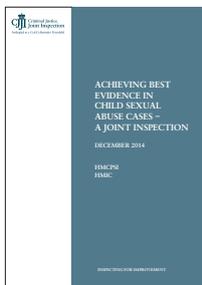
44 In 2012, I and HM Chief Inspector of Constabulary published a joint report on the experience of young victims and witnesses in the criminal justice system.³³ We also took the opportunity to follow-up a 2009 joint

report on the experiences of witnesses in general. We were concerned to find that there had been only limited progress in addressing the

³² *Inspection of CPS performance in dealing with victims and witnesses in Gwent and South Wales (CPS Cymru-Wales)*, April 2014. www.justiceinspectorates.gov.uk/hmcpsi/inspections/cps-south-wales-and-gwent-units-victims-and-witnesses-focussed/

³³ *Joint inspection report on the experience of young victims and witnesses in the criminal justice system*, February 2012. www.justiceinspectorates.gov.uk/cjji/inspections/joint-inspection-report-on-the-experience-of-young-victims-and-witnesses-in-the-criminal-justice-system/

majority of the recommendations made in the earlier report, particularly in identifying witness needs at the point of charge and ensuring that victims are made aware of the opportunity to provide a Victim Personal Statement. Since then, our ACEP work suggests that compliance with policies for victims has declined in spite of the new DPP rightly emphasising the importance of the CPS's treatment of victims. For example, the proportion of good quality DCV letters fell from 58.5 per cent in 2012 to only 27.2 per cent in 2013, although there has been some recovery in 2014 to 33.1 per cent. Compliance with the Victims' Code and Prosecutors' Pledge has also fallen over the same period. I am conducting a further review of CPS communications with victims as part of my 2014-15 inspection programme.



45 In December 2013, along with the Chief Inspector of Constabulary, I published a joint review of the use of video interviews of witnesses in cases of child sexual abuse.³⁴ The review found serious

shortcomings in many of the interviews examined. Whilst responsibility for carrying out the interviews rests with the police, we noted a lack of feedback to the police from CPS lawyers who considered the interviews when deciding whether to charge a suspect. There was also limited evidence of feedback about the interviews from trial advocates, which could help to identify ways in which future interviews could be conducted more effectively.

34 The interviews are conducted by specially trained police officers under the Achieving Best Evidence in Criminal Proceedings guidance. *Achieving Best Evidence in child sexual abuse cases - a joint inspection*, December 2014. www.justiceinspectorates.gov.uk/cji/inspections/achieving-best-evidence-in-child-sexual-abuse-cases/

Inspecting other prosecuting authorities

Serious Fraud Office



46 An important change during my time as Chief Inspector has been the development of an inspection role in relation to the Serious Fraud Office. Initially, it was not part of my statutory function, but started by invitation of the then Director of the SFO and with the approval of the then Attorney General. In 2012 I published a report that identified a number of long standing and deep rooted structural and cultural

problems.³⁵ It made eight major recommendations for improvement. A follow-up inspection in 2014³⁶ found that substantial progress had been made on three recommendations and limited progress on four.³⁷ SFO managers and staff have shown commendable commitment to making the necessary changes. They have brought up to date the operational handbook and substantially improved the utility of its guidance. A new standardised process for recording key decisions and steps in cases provides a sound foundation for casework quality assurance to be undertaken by managers.

47 Disclosure of unused material poses particular challenges in large and complex cases. Disclosure problems in such cases have attracted judicial criticism both in SFO and CPS cases. The SFO, like the CPS, was aware of some of the reasons for this before the initial inspection. The initial inspection identified further issues. SFO has now updated its guidance on disclosure and taken on board the findings of the South Wales Case Review (the handling of disclosure in *R v Mouncher and others*).

48 There is no standard framework for SFO inspection as there is with CPS inspections. The frameworks for both the initial and follow-up reviews were bespoke for their specific purposes. Now that HMCPsi's inspection of the SFO has been placed on a statutory footing,³⁸ it will be necessary to develop such a framework in conjunction with its Director and the Attorney General. I have recruited a fraud specialist and a business management inspector to assist with the development of a framework and methodology to enable inspection of the SFO to take place on a routine basis.

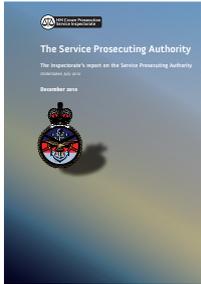
³⁸ Section 149 Anti-Social Behaviour, Crime and Policing Act 2014.

³⁵ *Report to the Attorney General on the inspection of the Serious Fraud Office*, November 2012. www.justiceinspectorates.gov.uk/hmcpai/inspections/serious-fraud-office/

³⁶ *Follow-up inspection of the Serious Fraud Office*, November 2014. www.justiceinspectorates.gov.uk/hmcpai/inspections/serious-fraud-office-follow-up/

³⁷ The remaining recommendation was no longer relevant.

Service Prosecuting Authority



49 One of my first inspections, finalised in December 2010, concerned the then recently created Service Prosecuting Authority (SPA).³⁹ The inspection of the SPA does not form part of my

statutory remit. Inspections therefore take place only by invitation of its Director.

50 The arrangements for setting up the new authority, which brought together the previous departments of each of the three Services, were well planned. The standard of casework decisions was sound, aided by a detailed written analysis and the willingness of investigators to seek pre-charge advice. Files were maintained in good order. As with other prosecuting authorities, I found some concerns about the handling of unused material. The arrangements for selecting and training advocates, who need not be lawyers, depended on tours of duty and could have been improved. I also recommended that the SPA provide training to develop a cadre of specialist rape prosecutors in line with the CPS.

³⁹ *The Service Prosecuting Authority*, December 2010. www.justiceinspectorates.gov.uk/hmcpsi/inspections/service-prosecuting-authority/

Corporate issues

51 In line with Government measures to address the public sector deficit, our budget has been reduced each year during my term of office. Details are shown in annex 5. Total financial provision fell from £3.66m in 2009-10 to £2.95m in 2014-15,⁴⁰ a reduction of more than 19 per cent. We have, however, been able to make substantial savings on accommodation costs as a result of moving to shared accommodation with the Treasury Solicitor's Department in London, where we have been able to expand our use of shared services.⁴¹ I also increased electronic publication of our reports and reduced our travel and subsistence expenditure by extending the use of video conferencing and tightening the on-site element of inspection timetables (for example, seeking more views from CPS staff by questionnaire). We continue to be assisted by full electronic access to CPS casework systems which has enabled us, where practicable, to read more files remotely rather than by obtaining, logging and storing paper files.

52 These economies enabled me to maintain expenditure on staff over the five year period. In 2010-11 staff costs (salaries and national insurance contributions) were £2.37m. At the start of 2010-11, we had 41.7 staff in post (SIP). Expenditure remained around the same level in the following two years, although this required careful management of vacancies. More recently we have experienced significant underspends on staff costs. In 2013-14 we planned to spend £2.52m on staff, but the outturn was only

£2.02m as SIP fell below 30. The shortfall arose mainly from a number of temporary vacancies as staff left HMCPSP and time was needed to replace them under Civil Service rules limiting external recruitment. In 2014-15, I allocated £2.45m to staffing. Again, the time required for recruitment processes to replace those on secondment who have returned to the CPS, moved to the CPS on promotion, or gone to jobs elsewhere means that there is likely to be another underspend. By 31 December 2014 SIP had recovered to 33.6.

53 Staff survey results have shown that overall levels of staff satisfaction have improved, particularly in the last year or so, although they remain below the Civil Service average. They also reveal an improvement in the way that staff view internal communications. Whilst our staffing budget has been broadly stable, I acknowledge that delays in filling vacancies and major changes to our approach to inspection can be very unsettling for everyone. I am very grateful to the Inspectorate's loyal and conscientious staff who have continued to show high levels of commitment to its objectives and purpose and to produce high quality work under such circumstances.

54 The Inspectorate Management Board has been assisted by a non-executive director. I am very grateful to Professor Stephen Shute and Dr Jacki Tapley, who succeeded him. The constructive external challenge that they brought to our thinking has been a strength of the Inspectorate on which the National Audit Office has commented favourably.⁴²

40 These figures exclude exceptional items in 2009-10 and 2011-12 for dilapidations at our former offices. The move resulted in substantial annual rental savings.

41 In 2013 we also moved to new offices in York along with part of CPS Headquarters when the CPS moved to fresh accommodation, but this did not result in any financial savings.

42 *Inspection: A comparative study*, February 2015. www.nao.org.uk/report/inspection-a-comparative-study/

55 We have been privileged to host a number of overseas delegations during the last five years. A full list appears at annex 6. These visits enable us to share experience with colleagues from other jurisdictions and to learn from their practices. We have also visited our Scottish counterparts and my Deputy visited Pakistan in February 2015 for discussions with Ministers and senior officials about our respective prosecution services and the role of inspection in the criminal justice system.

The impact of inspection

56 I am pleased to report that follow-up inspections show that CPS Areas are generally implementing recommendations from our AEI reports well. In addition to formal follow-up inspections we have six monthly meetings with CPS Headquarters to review CPS action plans prepared in response to our reports and to agree how outstanding actions will be followed up. In the Areas subject to follow-up inspection in 2014, there had been substantial progress or better on all recommendations. The picture on some thematic reviews and joint inspections⁴³ is, however, less reassuring. Whilst CPS Headquarters introduced the recommended changes, their implementation at Area level was patchy.⁴⁴

43 For example, *Joint inspection report on the experience of young victims and witnesses in the criminal justice system* (see paragraph 44) and *Follow-up report of the thematic review of the quality of prosecution advocacy and case presentation* (see paragraphs 25-28).

44 See for example the results of a snapshot survey of the CPS response to the joint report *Living in a different world: Joint review of disability hate crime*, described at paragraphs 14 and 15.

57 More generally, I have been keen to develop a closer working relationship with the CPS. I attend most emerging findings meetings with Chief Crown Prosecutors. In 2010-11, my staff helped the CPS to design its Core Quality Standards Monitoring (CQSM) framework, which was then a key element of its internal assurance regime. Inspectors also assisted with a number of workshops to give CPS lawyer managers a better understanding of the process of quality assessment. In spite of this inspectors continued to find evidence that CPS managers did not always fully understand the process or took an unreasonably lenient view of their lawyers' work. There has, however, been some evidence of improvement in this respect and I was pleased to see that the CPS's revised CQSM framework places greater emphasis on assessing the performance of individuals under a new Individual Quality Assurance scheme.

58 Inspection is useful only if it provides robust assurance of the inspected organisation's performance and helps it to improve and deliver value for money. This five year review has identified a number of areas in which inspections, reviews or audits have contributed to improved CPS performance and assisted it to provide better value for money. For example, the CPS now complies better with judges' orders and has improved its handling of custody time limits. The CPS made significant changes for the better in its management of disclosure in large and complex cases following my review of the collapse of the trial in *R v Mouncher and others*. At the Area level, close working with those Areas that adversely affected overall CPS performance has helped management teams to turn things around (Gwent and Surrey) and assisted the largest Area (London) to put itself on a more resilient footing.

59 The number of Crown Advocates (whose pay scales are higher than Senior Crown Prosecutors) has been reduced substantially to bring their number closer into line with the realistic need for their services. The Graduated Fee Scheme has been amended to save expenditure on counsel's fees for Crown Court work.

60 Overall CPS case outcomes have been remarkably resilient in the face of major resource reductions and the disruption caused by the consequential changes to its operating model. Although the number of cases handled by the CPS has also fallen, the main reductions have been in simpler cases that are dealt with in the magistrates' courts with a corresponding increase in the proportion of more serious cases. More could still be done in the magistrates' courts, however, to identify at an earlier stage those cases in which there is not a realistic prospect of conviction, perhaps by drawing on the lessons of the Crown Court Early Guilty Plea scheme.

61 I have been particularly pleased to see the findings of a number of joint inspections which have identified the scope for greater efficiency across the criminal justice system, including more joined up working between the police and CPS in sensitive casework areas such as rape. A number of issues, however, remain ripe for further improvement by closer co-operation between criminal justice agencies. These include the electronic transfer of case information, which is the key to delivery of the further efficiency savings that are likely to be required and, in spite of considerable inspection activity, the treatment of victims and witnesses. Both these matters are now the subject of further inspection.

62 The Inspectorate's developing role in relation to the SFO has helped it to revise its operational model and processes to provide better management of its cases. The SFO also took on board the lessons from the disclosure problems that arose in the CPS case of *R v Mouncher and others*. It now remains to establish a firm framework for SFO inspections.

The future

63 As available resources are likely to tighten further, the Inspectorate will need to continue to show imagination in designing its programmes in order to focus on issues on which it can help the CPS to sustain and improve its performance. The need for criminal justice agencies to remain independent of each other must not allow them to lose sight of the interdependence of their systems and processes if they are to improve their performance. In this context, the single most important focus of inspections over the next few years is likely to be the effectiveness of plans for digitising the criminal justice system. The transfer of data from the police to the CPS and from the CPS to the courts and others needs to be efficient and reliable. The variety of different electronic case preparation systems, each with its own range of functionality, used by police forces presents a challenge to this. Within the CPS, the full realisation of the potential benefits of digitisation depends significantly on establishing Standard Operating Practices throughout its operations. It is not clear to me that this has yet occurred in spite of the determination of senior CPS managers that it should.

64 My staff have been working with colleagues in HMIC on the scoping of a joint review of digitisation. We have delayed commencement of the review to enable the criminal justice agencies to pilot some new developments before we assess progress. It is likely to be a topic that is visited more than once in the next few years because of its importance to improving efficiency across the criminal justice system as a whole.

65 I believe that prosecutors should continue to sustain a focus on the quality of their work. It is important that they continue to take pride in their profession and in delivering justice to victims. The Inspectorate will continue to assess the performance of the prosecuting services we inspect in this regard.



Annex 1: Reports published 1 April 2010 to 31 December 2014

Area effectiveness inspections	Date
Nottinghamshire	September 2010
Bedfordshire	October 2010
South Wales	November 2010
Mersey-Cheshire Group	March 2011
Yorkshire and Humberside Group	September 2011
East of England	November 2012
North East	April 2013
London	April 2014
Area follow-ups	
Leicestershire and Rutland	September 2010
Surrey	November 2010
Surrey second	June 2011
Bedfordshire	December 2011
London	February 2012
Former Areas of Gwent and South Wales	March 2012
Former Area of Nottinghamshire	September 2012
Former Areas of Merseyside and Cheshire	February 2013
Former Areas of Yorkshire and Humberside	February 2014
East of England	October 2014
Reviews and audits	
Abandoned prosecutions: an audit of CPS performance relating to the handling of discharged committals	October 2010
Equalities driving justice follow-up report: a report on the thematic review of equality and diversity in employment practice in the CPS	December 2010
Audit report on the handling of warrant files in the CPS	March 2011
A value for money inspection of the application of the CPS Graduated Fees Scheme	May 2011
Audit of the Crown Prosecution Service handling of judges' orders in the Crown Court	September 2011
Audit of the handling of correspondence by the CPS	December 2011
Review of complaints handling by the Crown Prosecution Service follow-up	January 2013
Review into the disclosure handling in the case of R v Mouncher and others	July 2013
Follow-up review of the handling of custody time limits by the Crown Prosecution Service	July 2013

Reviews and audits	Date
A review of CPS compliance with rules and guidance in relation to disclosure of complainants' medical records and counselling notes in rape and sexual offence cases	July 2013
Thames Valley unit focussed	February 2014
Focussed inspection into unsuccessful outcomes in Dorset and Northamptonshire	April 2014
South Wales and Gwent units: victims and witnesses focussed	April 2014
Effectiveness of recording and monitoring judges' orders audit	October 2014
Thematic reviews	
Thematic review of youth offender casework	November 2011
Follow-up report of the thematic review of the quality of prosecution advocacy and case presentation	March 2012
Thematic review of the CPS Core Quality Standards Monitoring scheme	March 2012
Thematic review of the CPS Optimum Business Model for case progression	July 2012
Thematic review of youth offender casework follow-up	October 2013
Thematic report on CPS assurance and performance	November 2013
Joint inspections	
Not making enough difference: a joint inspection of youth offending court work and reports (with HM Inspectorate of Probation)	March 2011
Exercising discretion: the gateway to justice. A study by Her Majesty's Inspectorate of Constabulary and Her Majesty's Crown Prosecution Service Inspectorate on cautions, penalty notices for disorder and restorative justice	June 2011
Equal but different? An inspection of the use of alternatives to custody for women offenders (with HM Inspectorate of Probation and HM Inspectorate of Prisons)	October 2011
Crown Prosecution Service: the introduction of the Streamlined Process (led by the National Audit Office, HMIC also assisted)	November 2011
Joint inspection report on the experience of young victims and witnesses in the criminal justice system (with HMIC)	February 2012
Forging the links: rape investigation and prosecution (with HMIC)	February 2012
Improving the criminal justice system: lessons from local change projects (led by the National Audit Office, HMIC and HM Inspectorate of Probation also assisted)	May 2012
Facing up to offending: use of restorative justice in the criminal justice system (with HMIC, HM Inspectorate of Probation and HM Inspectorate of Prisons)	September 2012
Living in a different world: a joint review of disability hate crime (with HMIC and HM Inspectorate of Probation)	March 2013
Stop the drift 2: A continuing focus on 21st century criminal justice (with HMIC)	June 2013
Getting cases ready for court: A joint review of the quality of prosecution case files by HMIC and HMCPSI	July 2013
Joint inspection of the treatment of offenders with learning disabilities within the criminal justice system: Phase 1 from arrest to sentence (with HMIC, HMI Probation and the Care Quality Commission)	January 2014
Achieving Best Evidence in child sexual abuse cases (with HMIC)	December 2014

Other reports	
Service Prosecuting Authority	December 2010
Report to the Attorney General on the inspection of the Serious Fraud Office	November 2012
Follow-up inspection of the Serious Fraud Office	November 2014

Annex 2: Inspections, reviews and audits in progress as at 31 December 2014

Area effectiveness inspection of CPS South East

Follow-up to CPS North East Area effectiveness inspection

Follow-up to the thematic review of advocacy

Thematic review of Rape and Serious Sexual Offences Units

Audit of communications with victims

Joint inspections

Local Criminal Justice Partnerships

Digitisation

Vulnerable and intimidated witnesses

Charging

Follow-up to disability hate crime

Follow-up to fatal road traffic incidents

Annex 3: The methodology of the Annual Casework Examination Programme

ACEP was devised in order to report to the CPS, Attorney General and the public on the standard of performance of the CPS nationally. The exercise, now in its third year, takes a sample of files from CPS Areas and subjects them to a detailed analysis resulting in findings on key casework matters such as the correctness of Code test decisions,⁴⁵ quality of case preparation and treatment of victims and witnesses. Findings for each Area, highlighting their strengths and weaknesses, are shared with the relevant Chief Crown Prosecutor and CPS Headquarters. Senior managers and the DPP also receive a report on overall CPS performance.

In 2012, the file sample was determined according to the volume of casework dealt with by each of the former 42 CPS Areas. In 2013, a sample of 50 files was taken from units in each of the new 13 Areas except London, from which 150 were obtained. The units were selected to provide a balance across the range of Area performance levels. In 2014, a cross-section of files was chosen from all the Areas apart from CPS London, again reflecting a range of performance.

Each year the file samples contained a mix of magistrates' courts and Crown Court cases involving adult and youth offenders. They comprised a range of outcomes including guilty pleas, convictions and acquittals after trial, and discontinuances. The samples also contained a variety of case types including those involving offences of domestic violence, rape and other serious sexual assaults, child abuse and hate crime.

Subject to the above, the file samples were randomly selected, but all included a mix of cases charged by the police and the CPS, whether by CPS Direct or an Area.

The selected cases were considered against a standard set of questions. Some were common to each year's exercise while others were amended to reflect the changing focus of inspections. There is a rigorous internal quality assurance process. Every case where an inspector considers there was a Code test failure (see footnote in previous column), is reviewed by a senior inspector. Consistency exercises, dip samples and checks on the accuracy of data are also carried out. Additionally, Areas that are also subject to other inspection activity are given the opportunity to peer review a sample of their cases where inspectors have determined there was a Code test failure or other serious concern about an aspect of casework preparation.

Casework Quality Assurance Monitoring

In 2012, inspectors examined a subset of 502 cases from the file sample which had previously been assessed by CPS legal managers as part of the CPS Core Quality Standards Monitoring (CQSM) regime. The objective was to assess the level of convergence between inspectors and CPS legal managers in answering the 34 questions used by CPS managers in CQSM. The answers were used to produce scores for inspectors and Unit Heads' ratings using the CPS weighting method, and compared the two scores to give a measure of robustness in the CPS assessment of quality. Where the CPS and

⁴⁵ Significant case decisions (such as to charge, not to charge, to advise a caution or other out of court disposal, to proceed to trial or to discontinue or offer no evidence) must be compliant with the Code for Crown Prosecutors. www.cps.gov.uk/publications/code_for_crown_prosecutors/

inspectors' answers differed, the CPS answers were categorised as reasonable or unreasonable, with the latter being further divided into overly-lenient or overly-robust in order to give an indicator of the accuracy of the application of CQSM. The findings from that assessment were used to inform the progress the CPS is making in its effective use of the CQSM regime.

Annex 4: Annual Casework Examination Programme findings

Question		Finding 2012	Finding 2013	Finding 2014 provisional*
The CPS decision to charge was compliant with the Code test		93.5	91.0	91.5
The police decision to charge was compliant with the Code test		87.4	83.1	84.8
Rate the overall quality of the MG3/3A	Excellent	3.3	0.5	0.8
	Good	40.7	38.6	40.4
	Fair	37.7	43.4	44.2
	Poor	18.3	17.5	14.5
The lawyer or team complied with the duty of continuous review in accordance with the Code		93.6	90.4	89.6
The lawyer or team exercised sound judgement, had a grip on the case and progressed it efficiently and effectively		53.7	46.3	31.5
Rate the overall handling of unused material	Excellent	3.0	0.0	0.5
	Good	43.7	23.5	35.8
	Fair	40.7	46.9	41.7
	Poor	12.2	29.6	19.1
Where CTLs applied, the case was handled in accordance with national standards		84.1	68.8	57.1
The Victims' Code, Prosecutors' Pledge and any other policy on the treatment of witnesses was complied with		91.1	80.9	62.0
There was timely DCV communication when required		62.3	59.4	51.9
The DCV communication was of a high standard		58.5	27.2	33.1

* A small number of cases have still to be examined and some validation checks have not yet been completed. These matters are unlikely to alter our findings significantly.

Annex 5: HMCPSI expenditure 2010-11 to 2014-15

	2010-11 Cost £000	2011-12* Cost £000	2012-13 Cost £000	2013-14 Cost £000	2014-15 Budget £000
Staff	2,374	2,381	2,310	2,016	2,445
Recruitment and training	17	6	15	14	21
Accommodation	715	188	239	230	221
Travel and subsistence	158	156	114	120	103
Consultancy	-	10	5	55	-
Suppliers and other services	96	365	162	101	160
Income – recovery of direct costs	-	(5)	(36)	(24)	-
Non-cash costs (depreciation and NAO audit fee)	-	20	23	25	-
TOTAL	3,360	3,121	2,832	2,537	2,950

* The accounts for 2011-12 shown here omit exceptional items relating to vacating accommodation at Old Queen Street

Annex 6: Visits hosted by HMCPSI between 1 April 2010 and 31 December 2014

Israeli State Attorney's Office

South Korea Office of Inspection on Prosecution Service

Delegation from Serbia

Delegation from India

Chinese Delegation from Supreme People's Procuratorate

Her Majesty's Chief Inspector of Prosecution in Scotland

The Netherlands Security and Justice Inspectorate

Delegation from Jordanian Ministry of Justice

Pakistani delegation of prosecutors (twice)

Delegation from Turkish Prime Ministerial Inspection Board

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