

The Inspection of CPS Special Crime and Counter Terrorism Division

An inspection of governance, leadership,
resilience and stakeholder relationships

February 2019

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1 Summary

1.1 The Special Crime and Counter Terrorism Division came into existence in April 2011 and its current form was established in 2016 after the Crown Prosecution Service (CPS) Serious Casework Review. The Division is split into three operational units; Appeals and Review, Counter Terrorism, and Special Crime. The Division has a Head of Division and each unit has a Deputy Head of Division responsible for its operational efficiency and casework. The Division has almost 150 staff in total and has two main office locations, London and York.

1.2 Overall the leadership and governance of the Division is strong. Inspectors found that there was effective engagement with staff and strong aspects of leadership across most of the Division. There is sound financial management, and casework quality is the overriding aim of the current performance management regime. There are some improvements that can be made; the report highlights some issues, including the consistency of the Division's approach to mitigating risk, the way it liaises about cases that may result in media interest, and the need to improve performance oversight by CPS Headquarters. Inspectors are aware that work has commenced to develop a meaningful regime of performance oversight.

1.3 Staff engagement in the Division, as measured by the Civil Service People Survey, has been higher than the CPS average for a number of years. The Division implemented a range of engagement improvement plans after the 2017 Civil Service People Survey and 2018 survey scores indicate that the action taken, both at the Division and unit level, has been effective. All but one aspect of engagement shows improvement across the Division. The 2018 engagement score of 68% is better than the CPS average by 7%.

1.4 There are regular team meetings across the Division; this encourages engagement. Team meetings are used to share good news stories, to recognise work well done and to celebrate success.

1.5 There were some issues around how staff on long term cases that were not located in the main offices were engaged and supported. Despite the Division having provided some specific support to staff engaged on long term cases, they expressed to inspectors that they were unclear about specific plans to routinely deal with their welfare and mental well-being. The Division needs to ensure that, in line with its plans, staff on such assignments are suitably supported.

1.6 In addition, some staff based in the York office had a perception that opportunities for promotion are sometimes limited to staff based in London, which can prohibit the development of the best talent across the Division. Whilst we found high levels of staff awareness of matters that affected them, inspectors found that some work is needed to continue to build a more 'whole Division' feel, and recommend that more effective

Division-wide communication may help further break down some of the perception that those outside of London were not being offered the same opportunities.

1.7 The Division has a sound and systematic approach to the mitigation of risk. There is regular casework liaison, support and sharing of case information within units. We have, however, identified that processes would be strengthened through a more consistent approach to its risk plans and registers.

1.8 The Division holds regular case management panels and has formal reporting processes to ensure casework knowledge is not limited solely to individuals. In the casework units, risk is mitigated through regular and routine case monitoring to help casework continuity. Inspectors were assured that the systems and processes for case continuity and operational resilience were effective.

1.9 The Division holds a significant volume of specialist knowledge in aspects of law not routinely dealt with outside of the Division. It produces legal guidance and updates that it shares across the CPS. Work has taken place to capture learning from cases to inform future work and the appointment of new policy advisors for the Division will consolidate the work it already does to share knowledge. The Division deals with cases that are likely to attract media attention and a number of systems are in place to keep the Director of Public Prosecutions, the Attorney General's Office and the CPS Press Office up to date with progress in these cases. A review of these systems should be undertaken to streamline the process to ensure that the Attorney General's Office and the Director of Public Prosecutions are appropriately updated with targeted information on such cases that are likely to be of more immediate interest to the media

1.10 The Division has sound budgetary controls in place. There are good levels of understanding of delegation across the units.

1.11 Due to the nature of the work in the Division, the focus of performance is primarily upon casework quality as opposed to outputs. Consequently the Division has developed a performance review approach driven by casework quality as opposed to outputs or efficiency measures. This performance review process runs through the Division at all levels and there are examples of such information being used to make improvements. The CPS recognises that external challenge to Divisional performance requires strengthening and that CPS Headquarters is now revisiting this to develop a Casework Division-specific review and challenge process.

1.12 The Division consistently operates within its allocated budget. In 2016-17, against a budget of £17,669,842, the Division underspent by £303,085. In 2017-18, against an allocated

budget of £16,755,279, the Division underspent by £125,320 (0.7%). Financial monitoring is carried out both at a unit level and at a Divisional level. There are strong processes in place and financial controls are effective. Because of the nature of the work carried out by the Division, it acknowledges that it is hard to establish a definitive resource level as the complexities and demands of the casework can vary significantly. To help it better identify resource needs, a Resource and Efficiency Model specific to Casework Divisions is currently being developed.

1.13 The Division's senior managers promote an open and constructive approach with a wide range of criminal justice partners and stakeholders. The inspection identified several examples of the implementation of joint strategies to improve the prosecution process across the Division.

1.14 The CPS has clear guidance on the Casework Hub, which sets out the allocation criteria for the work to be dealt with by the Central Casework Divisions and the specific units within those Divisions. Issues around allocation of specific cases from Areas could usually be resolved without escalation. However, there had been some issues around inappropriate referral of hate crime cases which improved once the referral criteria had been circulated to CPS Areas. It is clear that in CPS Areas, there is still a feeling that certain aspects of the Division's blueprint were open to interpretation and some senior CPS managers stated that it was occasionally hard to predict whether a case would be accepted.

Good practice

1 Routine checks are undertaken on the quality of work carried out by the paralegal officers assigned to cases, to help mitigate risk and provide the opportunity to identify good practice (paragraph 3.8).

2 Legal manager quality checks that are applied in the Appeals and Review unit contain a compulsory section which covers strengths and areas for improvement (paragraph 4.8).

3 The Counter Terrorism unit demonstrated a good approach to capturing best practice and lessons learned and sharing these with the external agencies (paragraph 5.13).

4 The Special Crime unit single case team demonstrated a good approach to supporting the victims of the Hillsborough Enquiry and taking part in the Local Liaison Group, as well as an effective engagement strategy (paragraph 5.23).

Recommendations

1 The Division should work with the offices of the Director of Public Prosecutions and the Attorney General to review the current arrangements for providing targeted information and to ensure it is delivering the right level of service (paragraph 3.21).

2 The CPS needs to develop an effective mechanism of performance review to provide senior oversight of the Special Crime and Counter Terrorism Division at Board level (paragraph 4.11).

3 The Division needs to review its approach to sharing relevant good practice across the Division and wider CPS generally (paragraph 5.14).

Aspects for improvement

1 The Division should consider whether a regular newsletter covering all aspects of business would help consolidate the 'whole Division identity' and break down some of the perceptions that exist between the York and London teams (paragraph 2.10).

2 The Division needs to review the various business continuity plans in place in its units to develop a corporate plan using a standard format to enable better control for coordinators and assist periodic testing (paragraph 3.2).

3 The Division should consider whether the Counter Terrorism unit's use of a risk register on specific individual cases could be used in Special Crime on more complex cases to improve the management of casework risk (paragraph 3.11).

4 CPS Headquarters needs to consider revising the national individual quality assessment process to bring it in line with the Appeals and Review unit if this is accepted as national good practice. (paragraph 4.8)

5 The Division should systematically report on its deployment of prosecutors to higher court advocacy work to ensure that these are being deployed to deliver value for money for the Division (paragraph 4.14).

Context and methodology

1.15 Special Crime and Counter Terrorism Division (SCCTD) came into existence in April 2011 and its current form was established in 2016 after the Crown Prosecution Service (CPS) Serious Casework Review. The Division is split into three operational sections: the Appeals and Review unit, the Counter Terrorism unit, and the Special Crime unit. SCCTD is headed by a Head of Division and each section has a Deputy Head of Division responsible for its specific units, operational efficiency and case work. The Division has almost 150 staff in total and has two main office locations, London and York.

1.16 In the Court of Appeal (Criminal Division), the unit has conduct of all appeals against conviction, sentence and a range of other final orders. It also supports the Attorney General's Office in the administration of Unduly Lenient Sentence appeals. In the Administrative Court, the unit conducts all judicial reviews and case stated appeals against final rulings, including reviews of CPS decisions to prosecute or not to prosecute. The unit also conducts all cases in the Supreme Court to which the CPS is a party and has conduct of Criminal Casework Review Commission referrals, Victims' Right to Review and double jeopardy cases.

1.17 The Counter Terrorism unit deals with all cases involving terrorism, war crimes, crimes against humanity, crimes relating to the breach of the Official Secrets Act, piracy, racial and religious incitement, and hatred because of sexual orientation.

1.18 The Special Crime unit deals with deaths in custody, corporate and medical manslaughter, serious and sensitive cases investigated by the Independent Office of Police Conduct, election offences, quality assurance of private prosecutions, assisted suicide, and cases of constitutional importance (including the prosecutions of high profile cases). Within Special Crime there is a separate team dealing with the Hillsborough Disaster.

1.19 In addition to providing early investigative advice and general advice, in 2017-18 the Special Crime unit prosecuted 98 cases and achieved conviction rates of 76.9% in its Crown Court cases and 71.4% in its magistrates' court cases. The Counter Terrorism unit prosecuted 92 cases and achieved conviction rates of 99% and 88.9% in its Crown Court and magistrates' court cases respectively. Over the same period, the Appeals and Review unit finalised 5,290 cases and reviewed 527 cases under the Victims' Right to Review scheme.

Methodology

1.20 Our fieldwork took place in October 2018. We spoke with CPS staff and representatives of partner agencies, both formally and informally, prior to which documentation submitted by the Division was examined and a survey of Divisional staff was undertaken.

1.21 Key Division performance data is set out in Annex A. The data incorporated into this report is for 2017-18.

1.22 The report sets out our findings in respect of each section of our inspection framework. The framework, including the more detailed sub-criteria, is set out in Annex B. The glossary is set out in Annex C.

2 Part A: Governance and leadership

Performance expectation:

The Division 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 the Division is committed to CPS values, senior managers act as role models and all staff are engaged, motivated and appropriately trained, to enable decisions to be made fairly, at the right time and at an appropriate level.

The Division provides effective leadership and engages with staff.

2.1 The Special Crime and Counter Terrorism Division (SCCTD) in its current form was established in 2016 after the Crown Prosecution Service (CPS) Serious Casework Review. The Review separated extradition into the International Justice and Organised Crime Division and retained Counter Terrorism, Special Crime and the Appeals and Review units in the SCCTD. To support this 'one Division' identity, the business plan was developed using a cross section of staff and a number of strategic meetings were held to formulate the draft plan. Once the plan was developed, it was circulated to all staff and managers who were engaged with the development of the objectives in the plan. The plan follows the CPS's four pillars and includes a number of core priorities. In the 2018 Civil Service People Survey (CSPS), 90% of staff said they understood how their work contributed to the overall CPS objectives. In the HMCPSI survey conducted before the inspection, 81% of staff stated that they were clear on all or most aspects of the Division's priorities or objectives as outlined in the CPS 2020 plan as well as the Division's annual plan.

2.2 During the inspection, interviews were held with a broad cross section of all SCCTD staff. Whilst it was felt that the Division had been through a lot of change, senior staff remained visible and most staff interviewed indicated that they were regularly engaged and kept informed of change via updates and emails. The recent move to Petty France for many of the staff in the Division was highlighted as a real success in how staff felt engaged and involved. The Division arranged pre-move visits to Petty France, which were appreciated by staff and highlighted as a demonstration of management listening and caring. In the CSPS, 72% of staff in the Division thought that senior managers were sufficiently visible and 77% felt that their manager helped them understand how they contributed to the CPS objectives.

2.3 The Division has staff based primarily in two locations, London and York, with a small single-project team based at a satellite office in Warrington. Overall, there was little difference between the main centres in the levels of engagement, the views expressed by staff about the visibility of management, or whether they felt part of the Division. However, there were some views expressed that at certain levels opportunities for promotion were

limited to those who were based in London. With the current smarter working practices that are used in CPS, this may be a limitation of culture as opposed to the reality of business need. The newly appointed Head of Division may wish to ensure that, where practical, all posts are advertised nationally to ensure the development of the best talent across the Division and change the perception that opportunities are restricted.

2.4 In the HMCPSI staff survey, 92% of staff stated that most or all senior managers act as role models and demonstrate commitment to CPS values. In the 2018 CSPA, 78% of staff felt that their line manager actively role modelled the behaviours set out in the Civil Service Leadership Statement, 17% better than the score for the CPS overall.

2.5 Regular team meetings take place across the Division. As part of the Division's engagement strategy and action plan, the Division has appointed a Communications Manager to support the Central Casework Divisions, with the aim of making internal communication integral to the Division. A number of key priorities and objectives have been set including:

- to ensure that communication is an integral part of the engagement strategy, staff survey and business planning processes
- to update staff regularly about initiatives, changes and involve them in improvements in line with the CPS commitment to staff briefings
- to make internal communication innovative, proactive and supportive of change
- to improve engagement with staff on change initiatives.

2.6 In the 2018 CSPA, all key measures that would be impacted by the engagement strategy have shown improvement. The questions relating to feeling involved in decisions that affect one's work, having the opportunity to provide views before change is made, and the handling and management of change in the Division all show improvement between the 2017 and 2018 surveys. Our own HMCPSI survey also indicated that 96% of staff felt that they were kept informed of matters that impacted them directly. These scores indicate that the processes and systems in the Division are very effective.

2.7 Team meetings are used by managers and the Division as an opportunity to ensure that all staff receive a consistent message and that there are regular discussions about unit and Divisional objectives and casework. The meetings are also used to share good news stories, recognise work well done and celebrate success.

2.8 Across the Division there are good levels of regular contact with managers. In response to the HMCPSI survey, 82.7% of respondents said that they had contact with their manager on most days and a further 14.7% at least once a week. The responses

were slightly more positive from operational delivery staff than legal staff but the difference was not significant. There was also a slight difference in score between those who were based in London and those based in York. In interviews, it appeared some of the differences could be a result of the operation of smarter working practices. Whilst staff generally thought that local management engagement and visibility were excellent, some staff in York had managers located in London, and we were told that this had a negative impact on senior management visibility, contact and engagement. The Division will want to undertake some further analysis once the more detailed 2018 CSPA results are available, with specific reference to any differences between the results for the Division's two locations.

2.9 To help build cohesiveness and enhance engagement, the Division holds a number of Divisional team away days and team events. The Appeals and Review unit holds team days twice a year where staff review performance data and staffing and discuss casework, with the York based staff joining those from London. There have been a number of whole Division events, including 'Respect' training days where all units join together, allowing interaction between teams and units. There have also been a number of Divisional planning days where colleagues from different units meet to exchange ideas; these are well regarded and have helped the Division to develop a 'whole team identity'. Across the units, staff spoken to at all levels felt that even though there was a geographical split in the Division, within their units they think of themselves as a team.

2.10 Some individual units in the Division have specific and tailored unit newsletters. In addition, the Central Casework Divisions have a newsletter prepared by the business operations centre (BOC), primarily focused on human resources (HR) topics relating all Casework Divisions. These central and unit newsletters are used to help keep staff up to date and inform them of change. Whilst we found high levels of staff awareness of matters that affected them and the 2018 CSPA reflects that 66% of staff said they were kept informed, the development of a Division newsletter may help break down some of the perception that those outside of London were not being offered the same opportunities and help further build a more 'whole Division' feel.

Aspect for improvement

The Division should consider whether a regular newsletter covering all aspects of business would help consolidate the 'whole Division identity' and break down some of the perceptions that exist between the York and London teams.

2.11 The performance development review process is fully embedded across the Division and a large proportion of managers hold monthly one-to-one meetings with their staff. In the HMCPSI survey, 80% of staff said they had meetings at least quarterly with their manager to discuss performance. In the 2018 CSPA, 84% of staff said that they regularly received feedback on their performance, 17% better than the CPS average, with 77% of staff thinking that this feedback helped them improve their performance, 14% better than the CPS average.

2.12 The Division shares the business operations centre (BOC) with the other Central Casework Divisions. This has resulted in some fragmentation of the roles carried out in the BOC, where staff can be driven by the priorities of the units that they support. This can create tensions and some staff said that the service delivered by the BOC did not always meet the wider organisational and Divisional priorities. Although one is in the process of being drafted, there is no service level agreement in place with the BOC and SCCTD. A defined agreement would ensure that the interface between the BOC and the Division is effective and provide clarity of expectation for staff.

The Division is committed to CPS values, equality and diversity policies and staff development. There is a commitment to staff engagement, resilience, effectiveness, well-being and morale.

2.13 In the 2018 CSPA, the Division had an employee engagement score of 68%, which is a 2% improvement from 2017 and 7% better than the CPS overall average. In most key indicators, the Division had scores better than the CSPA national averages. The only aspect where the Division had worse performance than the rest of the CPS was for pay and benefits, where staff in the Division recorded an 11% negative difference to the CPS. This is not something the Division can influence by itself.

2.14 The Division has developed a range of engagement improvement plans as a result of the 2017 CSPA. Each unit within the Division has an action plan and there is a Division staff focus group with staff from each unit. This group meets quarterly to discuss actions and consider how best to address staff concerns raised in the CSPA. As a means to encourage ideas and allow for open discussion, the focus group does not include any managers. The focus group feeds back to senior managers, who are charged with taking forward action. The 2018 CSPA scores indicate that the action taken both at the Division and unit level has been effective, as there has been a general improvement in most aspects of engagement as measured by the CSPA.

2.15 Inspectors noted some good examples of managers being considerate of staff welfare. The perception of staff interviewed was that generally managers are concerned about the welfare of staff and regularly look for ways to improve this. The Division has

recently run a series of courses for all staff on mental health issues and there are plans to hold another round, as the uptake was extensive. In the 2018 CSPA, 93% of staff in the Division felt that their manager was considerate of their life outside of work and 78% of staff felt that the CPS is committed to supporting individuals' health and well-being. This is 17% better than the CPS average.

2.16 However, this view was not universal. In interviews with some staff engaged on distinct long term cases, it was unclear to them that there were specific plans to routinely deal with welfare and mental well-being issues. The Division needs to make sure that its plans for staff engaged on long term cases are applied and effective. This will ensure that they are suitably supported and that their welfare and mental well-being are maintained.

2.17 Across the Division, there were individually tailored induction processes. All new starters in the Counter Terrorism unit are placed into an induction programme and receive an individual mentor to assist their development. The unit has also developed a roles and responsibilities documents for each grade. In the Appeals and Review unit, induction processes are well documented and an electronic manual has been developed to help staff understand their roles and responsibilities. In interviews, staff spoke highly of the induction process and the electronic manual as an excellent reference source. Special Crime induction packs were said to have been out of date, but more recently a new one has been created and feedback from new starters indicated that it was far more effective. As with other units, a peer support mentor is assigned. In general, staff spoken to felt that the Division had the most thorough induction process compared to those they had experienced in other parts of the CPS.

2.18 The 2018 CSPA highlights that staff feel that access to and suitability of learning and development is effective. 82% of staff felt able to access the right learning and development to do their job effectively, 14% better than the CPS average. 65% of staff felt that the learning and development activities undertaken in the last 12 months had improved their performance, 6% better than the CPS average. In our HMCPSI survey, 68% of staff felt that they had the right training and technology to deliver a quality service. 60% of staff also had used their Individual Learning Account (ILA). 16% indicated that there was a good reason for them not to utilise it.

2.19 Good performance is recognised across the Division. The CPS Simply Thanks scheme is widely used and staff are recognised for their good work with regular Head of Division commendations. Across the Division, there was evidence that individuals who have been recommended for commendations are named at regular team meetings. Successes and good performance were regular features at senior management team meetings. Individual performance is reflected on and recognised in performance development reviews.

2.20 The majority of staff spoken to felt that inappropriate behaviour or poor performance were dealt with adequately or appropriately by managers. In the HMCPSI staff survey, 61.3% of staff reported that inappropriate behaviour is challenged by managers all the time and 25.3% some of the time. In the 2018 CSPA, 52% of staff felt that poor performance is dealt with effectively in their team, 15% better than the CPS average.

2.21 The Division has improved its average working days lost (sickness levels) by 6.8 days compared to 2015-16, for an average of 5.3 days lost in the 12 months of June 2018-19. Divisional performance is better than the CPS level of ambition and also better than the CPS average of 7.2 days lost. The Area Business Manager supports managers to deal with the more complex absence cases. As set out above, the Division has also focused activity to improve managers' awareness of well-being, stress and mental health in the workplace.

3 Part B: Continuity, risk and knowledge management

Performance expectation

The Division assures itself that its risk management system and control mechanisms are effective (established and maintained) to manage the delivery of its casework. It manages its casework knowledge effectively and shares that knowledge with others across CPS.

The Division assures itself that its risk management system and control mechanisms are effective (established and maintained) to manage the delivery of its casework.

3.1 The Division maintains a risk register which covers all parts of the Division. Four key risks have been identified and assessed for likelihood and impact. Responsibility for monitoring and managing these risks has been assigned to a senior manager, either the Area Business Manager or the Head of Division. The risk register is regularly maintained and updated each quarter with specific issues identified and a note of any mitigating action taken. External challenge to the risk register by the Crown Prosecution Service (CPS) Headquarters Strategic Risk and Assurance team takes place on a quarterly basis. The risk register is well maintained with actions followed up and further actions identified where necessary.

3.2 There are a number of business continuity plans in place across the Division. Each part of the Division has its own plan and where a unit is split across the two sites, each team has its own plan. There is also an overall Division plan. Whilst all the plans cover the main requirements of effective and standard business continuity plans, there is not a standard format in place. A consistent approach across all units would enable better control for coordinators. Although the plans appear complete and cover the required aspects, it is not clear that periodic testing – a key requirement of such plans – has been carried out.

Aspect for improvement

The Division needs to review the various business continuity plans in place in its units to develop a corporate plan using a standard format to enable better control for coordinators and assist periodic testing.

3.3 At the operational level, the Division has a framework of regular meetings and written reports that ensures that awareness and knowledge of casework is not restricted to individuals. This clearly helps mitigate the risk of knowledge being lost if the reviewing lawyer is unavailable for any length of time.

3.4 In the Special Crime and Counter Terrorism units, reviewing lawyers produce a monthly report and have one-to-one meetings with the unit head, where they discuss progress in cases allocated to them. Our discussions with unit heads confirmed that they are happy that this process ensures they have a good working knowledge of all live cases. For particularly large or complex cases, the Counter Terrorism and Special Crime units also have a peer-support system in place where two lawyers are assigned to the case, with one lawyer taking a lead role. This helps ensure case continuity and mitigates the risk of knowledge of a case being lost if the reviewing lawyer is absent or leaves the Division. In the Appeals and Review unit, whilst some appeals may be particularly sensitive, they are not often complex. Therefore there is minimal risk to case continuity and appeals can be easily reassigned.

3.5 At the strategic level, cases of interest are included in discussions at the monthly Divisional Strategic Board, which the Deputy Heads of Division attend and the Head of Division (HOD) chairs. Additionally there is a process to provide updates to the HOD on specific cases where necessary. These systems are effective and allow the HOD to maintain close scrutiny of key sensitive cases.

3.6 The CPS digital Casework Hub provides a significant reference point for the Central Casework Divisions and for CPS Areas. It delivers a wealth of guidance, checklists and templates for activities ranging from the referral and allocation of cases to the project management of individual complex cases. It is a good source of material and also provides instructions for accessing specific help available to CPS Areas from the Division. However, the Casework Hub is not a complete knowledge management repository. It does not capture lessons learned and good practice from the teams that can be shared across all the Central Casework Divisions and CPS Areas.

3.7 In the absence of a Divisional intranet or Knowledge Information Management (KIM) site, the Division uses the Casework Hub to spread knowledge of cases through its units. The Hub contains a set of comprehensive documents which set out the levels of quality assurance and monitoring the Division operates, including the individual quality assessment (IQA) process, levels of authorisation in charging and terminating cases, mandatory documents to be completed in each case, and aspects of discussion at monthly meetings between lawyers and managers in the Division.

3.8 While the operation of the CPS IQA process is primarily focused on ensuring the quality of casework, in the Division, where cases are large and complex, it also facilitates another opportunity for managers to gain knowledge of the cases assigned to the lawyers they manage. The Division analyses the results of quality assessments to identify any trends or common issues, and action is discussed at unit senior management team

meetings. The Division's line managers also check the quality of work carried out by the paralegal officers assigned to the case. This is **Good Practice**. This helps mitigate the risks of poor case handling at both the lawyer and operational delivery level and also allows the opportunity to pick up on and promulgate any good practice that might be identified.

3.9 To help mitigate the risk of a lack of casework continuity, local case management panels are used to examine particular cases that have a significant impact on the resources of the criminal justice agencies involved. Such cases may also be subject to the Director of Public Prosecutions' case management panel, at which casework decisions and progress in cases are scrutinised. This process provides an opportunity to examine the issues in a case, test and challenge strategies, and examine the risks and mitigating action deployed. The use of panels is a very effective mechanism to learn from more experienced colleagues and to share themes and learning more widely.

3.10 Whilst this is not uniformly applied across the Division, the Counter Terrorism unit has a risk register approach specific to individual cases. In this unit, risk is considered from the outset of the case and a risk register is initiated and maintained throughout the case.

3.11 In one particularly large and complex case, a chart was created which mapped the interdependencies between the various agencies involved in the case to ensure that work could progress. The unit also maintained a case risk register. Both these documents present a structured means by which to manage the actions needed and mitigate risks to drive prompt and effective action.

Aspect for improvement

The Division should consider whether the Counter Terrorism unit's use of a risk register on specific individual cases could be used in Special Crime on more complex cases to improve the management of casework risk.

3.12 Identification and discussion of risk forms part of business planning for different parts of the Division and one of the units has added risk as a standard item to its senior management team agenda. It is clear that consideration of risk forms part of the discussion at management meetings in all parts of the Division. Risk is considered in relation to, for example, resources, staff turnover, sickness issues and security.

3.13 One key element of risk in the Division is ensuring that sufficient and skilled resources are available to deal with the caseload. To support this process, intelligence

is gathered from a number of sources regarding any potential increases expected in the caseload. This has allowed the Division to make submissions for additional resources to mitigate the risk of becoming unable to cover the caseload with trained staff at the right level. The Division does acknowledge that there are limited opportunities to share resources between its different units because of the specialist nature of its work, but there are some examples of where this has happened, which shows that there is some effective mitigation action taken to reduce risk.

The Division manages its casework knowledge effectively and shares that knowledge with others across the CPS.

3.14 Specialist guidance held by the Division is readily accessible to its staff. Each part of the Division maintains specialist guidance, usually in an electronic format on the shared drive for that unit, which is available to those working in that part of the Division. Staff in other units do not deal with the same types of work so there is little need to share the information. For the same reason, there is little need to make this information available to staff generally in CPS Areas.

3.15 However, the Counter Terrorism unit has trained a number of single points of contact from CPS Area complex casework units, who are assigned a mentor who is able to assist them. Each Counter Terrorism lawyer has a specialism and they are responsible for keeping the guidance on the shared drive up to date and training new staff as part of the induction process. Allocating a second lawyer to work with a specialist on a case is also used as a means of passing on specialist casework knowledge.

3.16 The Special Crime unit maintains up to date guidance on the Casework Hub and the Appeals and Review unit has a comprehensive electronic guidance manual available to its staff. Whilst the Special Crime and Counter Terrorism units deal with cases and specialist areas of law that are not normally relevant to CPS Areas, we saw examples of the Division offering assistance to Areas and making specialist guidance available to Areas via the Casework Hub, which is used by lawyers across the CPS. All staff that we spoke to were able to locate guidance if they needed it.

3.17 Casework knowledge is shared at team meetings in all parts of the Division. Learning from particular cases may be discussed, or meetings may be focused on a particular theme. We saw evidence of a number of presentations focused on specific legal themes or on learning from individual cases. These were delivered within the unit or at Division days when all parts of the organisation meet. In the Special Crime and Counter Terrorism units, some cases are subject to a review when the case has been finalised to identify any learning points or good practice for both the CPS and the police.

3.18 There is good liaison between the Division and CPS Areas. Shared learning with parts of the CPS is in place. For example, in addition to the Casework Hub, the Appeals and Review unit has regular contact with staff in the Areas. The Appeals and Review unit also ensures that the judgements from appeal cases that have an impact on casework undertaken in CPS Areas are promptly forwarded to Area lawyers. We noted specific examples where unit heads from the Appeals and Review unit had delivered presentations in all CPS Areas explaining the work of the unit and emphasising that expertise is available for specialist advice.

3.19 The Special Crime unit has contact with CPS Areas in relation to its oversight of decisions regarding private prosecutions made by the Areas. The unit has also produced guidance on the prosecution of Health and Safety Executive offences and on corporate manslaughter. It also offered assistance to Area staff when some lower level Independent Office for Police Conduct cases were taken on by the Areas, as well as providing a helpdesk service until Area staff had received the necessary training.

3.20 The nature of the cases dealt with in the Division often results in media attention, often at a national level. The Director of Public Prosecutions (DPP) and the Attorney General's Office (AGO) are likely to be the focus of these media enquiries so it is important that they are informed about cases highlighted by the media. The Division has a number of systems in place to inform the DPP, the AGO and the CPS Press Office. Information is relayed to the DPP's Private Office, the AGO and Press Office on a weekly and monthly basis using a variety of lists and tables.

- A weekly list is shared with the DPP's Private Office and AGO with cases from across the Division in which significant progress has been made or which are listed in court for the following week. This is intended to be a highlight report detailing the cases that are likely to generate media interest. The list is relatively short.
- Each part of the Division produces a monthly list of cases. The Special Crime unit maintains a sensitive case list which is updated monthly, the Appeals and Review unit creates an appellate case schedule covering high profile appeal cases, and the Counter Terrorism unit maintains a case table document, all of which are shared with the AGO and DPP.
- The DPP is provided with a briefing note on all Counter Terrorism cases that have been charged.

3.21 All of this work should ensure that information is available to the DPP's Private Office, the AGO and the CPS Press Office on a significant number of cases being dealt with across the Division. However, these lists can run over 60 pages in some instances. Whilst the development of a short highlight report has been a recent effort to focus the information on a small number of cases that are more likely to be in the media that week,

it does not appear to have put the DPP and the AGO in a position to respond to media enquiries on all cases raised with them.

Recommendation

The Division should work with the offices of the Director of Public Prosecutions and the Attorney General to review the current arrangements for providing targeted information and to ensure it is delivering the right level of service.

3.22 The Division's Communications Strategy has an objective to maintain staff capacity to deal with media work. This is supported by setting objectives for staff where appropriate, by working closely with the CPS Press Office and by considering a media strategy as part of the case strategy. In most instances we were assured that staff were aware of the need to consider the nature of press interest in the cases they dealt with.

3.23 The CPS Press Office works closely with the Division, with a Press Officer attending the senior management team in one unit. Reviewing lawyers work closely with the Press Office when necessary and alert them to any high profile case by completing a media form. The Press Office felt that they were well informed and were confident that if they had an enquiry from the media on a particular case, they would have no issues contacting the Division for information.

4 Part C: Performance improvement and resource management

Performance expectation

The Division manages its performance, finances and resources effectively to deliver key business objectives.

The Division manages its performance effectively.

4.1 Because of the nature of the work in the Special Crime and Counter Terrorism Division, the focus of performance management is primarily on casework quality as opposed to outputs. The level of casework numbers in both the Special Crime and Counter Terrorism units means that output measures such as conviction rate could indicate significant variations in performance from only small caseload changes. In addition, the work of the Appeals and Review unit is fundamentally different in nature to both the Special Crime and Counter Terrorism units, and has no comparable output measures. Consequently the Division has developed a performance review approach driven by casework quality as opposed to outputs or efficiency measures such as hearings per case.

4.2 The Division reviews performance for each unit on a quarterly basis. Quarterly performance reviews are compiled for each unit and reviewed by the Divisional Strategic Board, which comprises the Head of Division, Area Business Manager, Deputy Heads of Division, Divisional Business Managers and the Human Resources Business Partner. The reviews cover a range of information which varies between the various units due to the differing nature of their operations. The information covers data such as caseload volume and breakdown amongst case types, conviction rates, sickness absence levels, budget performance, fee timeliness, compliance with Judges' orders, and timeliness of case finalisations.

4.3 We noted some examples where this information has recently been used to help the Divisional Strategy Board make improvements. For example, the Board identified the need to improve fee timeliness and the recording of compliance with Judges' orders. Actions were consequently put in place by the Division to focus on improvements.

4.4 The performance dashboards used by the Division and its units are produced by the business operations centre (BOC). Performance information provided by the BOC appears useful to the units and we noted positive feedback on its usability. The units and Division overall have generally been left to develop their own performance format and key measures and it appears that different managers focus on different performance aspects. The unit dashboards have recently been revisited and their layouts revised by the BOC following feedback from unit managers and it is acknowledged by the Division that these are still developing. The BOC performance manager has arrangements in place to meet

with the Head of Division and the Area Business Manager to gain their input into the type and level of performance information produced and recorded. The Division would benefit from undertaking trend analysis as part of its performance regime, because its casework numbers mean that results are subject to high fluctuations, making meaningful analysis difficult.

4.5 Team meeting minutes illustrate that the level of review and discussion of performance data differs between the units. This was confirmed by onsite discussions with staff. It is recognised that the primary focus of most of the team meetings is casework quality and driving forward cases, with a lesser focus on performance outcomes and efficiency measures. Because the casework being carried out by each unit differs significantly, the Division acknowledges that there is little opportunity for casework learning across the units. Any learning is therefore concentrated within each unit and often driven by the unit heads following individual casework analyses and ongoing reviews and discussions – which are routinely carried out in each of the units.

4.6 Performance data is used and cascaded in team meetings. The effectiveness of this communication differs between units. Across the Division, posters are used to provide headline performance messages. Group feedback is also provided on individual quality assessment (IQA) performance. The Appeals and Review unit meets twice a year and performance data is provided to all staff present, focusing on case volumes, progress against the case management system, fees and compliance with Judges' orders.

4.7 In the Appeals and Review unit, statistical data is provided to staff once a quarter, mainly around the number of files the unit has dealt with. This is supplemented with a monthly update on how the unit is performing. In some units, emails regarding unit performance in terms of timeliness are also provided. Staff did acknowledge that these updates usually focus on how they are doing rather than updates on outcomes. Our onsite discussion identified that staff appear to generally be aware of some performance information. In the HMCPSI survey, 90.7% thought that performance information was shared in an easily understandable format, 74.7% fed back that they were routinely set performance targets and 93.4% thought performance discussions led to improvements.

4.8 The Division undertakes routine monitoring of casework quality through a comprehensive IQA process. The checks carried out again differ between the units because the nature of their work differs. The quality checks in the Counter Terrorism and Special Crime units cover issues such as early advice, charging and review, casework preparation, casework presentation, letters of request, instruction and use of experts. A different quality check form is used in the Appeals and Review unit for reviewing appeals and Victims' Right to Review requests. These checks include paralegal manager checks such

as 'consider receipt of file', 'allocation', 'chase lawyer' and 'liaison with Area'. Legal manager checks cover aspects such as timeliness, compliance with the Code for Crown Prosecutors, and compliance with policy. The quality checks applied in the Appeals and Review unit contain a required section for completion which covers strengths and areas for improvement. This is **Good Practice**, unlike the checklists applied in both the Counter Terrorism and Special Crime units. However, again, there appears to be very little use of these for learning across the units; learning again takes place on an individual unit by unit basis.

Aspect for improvement

CPS Headquarters needs to consider revising the national individual quality assessment process to bring it in line with the Appeals and Review unit if this is accepted as national good practice.

4.9 The survey carried out by HMCPSI specifically for this inspection noted that when staff were asked if they had regular meetings to discuss performance with their manager, 80% said that these did take place and at least quarterly. Just under half of respondents identified that these took place as frequently as every month.

4.10 In a specialist case-specific team there was evidence of bespoke performance management taking place. Routine performance monitoring takes place with the key stakeholders and a Strategic Liaison Group reviews the progression of the case from a strategic level. An Operation Working Group, which also monitors progress, is attended by senior stakeholders and chaired by the Crown Prosecution Service (CPS). This working group coordinates the progress of the prosecutions at a working level, and provides an effective level of assurance.

4.11 Division oversight at the CPS Board level has not been effective, because it fell into abeyance several years ago. Unlike CPS Areas, the Division was so specialist in its nature that the process of holding the Division to account rested with the Head of Division. CPS Headquarters is now revisiting this. The Directors of Legal and Business Services are working to develop casework-specific performance review processes which utilise meaningful dashboards to drive improvement and help hold all Central Casework Divisions to account.

Recommendation

The CPS needs to develop an effective mechanism of performance review to provide senior oversight of the Special Crime and Counter Terrorism Division at Board level.

Finances and resources are managed effectively to deliver key business objectives.

4.12 The Division has a good track record of operating within budget. In 2016-17, against a budget of £17,669,842, the Division underspent by £303,085. In 2017-18, against an allocated budget of £16,755,279, the Division underspent by £125,320 (0.7%).

4.13 Financial governance and control are effective across the Division. Financial monitoring is carried out both at a unit level and at a Divisional level. There are monthly finance meetings for each part of the Division, where the financial performance is reviewed. Units' paralegal business managers prepare monthly reports on spend with variance analysis and predicted spend. These are subject to monthly check and challenge exercises by the Divisional business managers before feedback and review with the Area Business Manager.

4.14 Inspectors noted a gap in the Division's financial information. The Division does not have prosecutors recruited to carry out the Crown Advocate role but has some with higher court advocacy rights. Since the replacement of corporate financial information systems, the Division has not systematically reported on whether such prosecutors have been deployed to such work. Without this information, senior managers cannot be assured that the Division's deployment of prosecutors to higher court advocacy work has been delivering value for money.

Aspect for improvement

The Division should systematically report on its deployment of prosecutors to higher court advocacy work to ensure that these are being deployed to deliver value for money for the Division.

4.15 In addition to helping the Division operate within its allocated budget, financial monitoring has helped identify the payment of counsel fees within 20 days as an issue which has subsequently seen improvement. The good levels of financial understanding and processes, including effective monitoring, enabled the Division to return money to CPS Headquarters in the last financial year as a result of recruitment levels being lower than anticipated and budgeted for.

4.16 The Division has carried out an informal audit of fees in the York office of the Special Crime unit, which identified just one issue related to offence codes. The formal audit completed by the CPS national Court Business Unit audit team took place in March 2018. The report confirmed an error rate of 0.9% and resulted in no recommendations. To help ensure that the capture and compilation of financial records is accurate, additional finance training was held at the start of the financial year.

4.17 The Division applies financial delegation limits across the units. These are subject to a formal annual review of appropriateness. Although delegation is subjected to a formal annual review, individual delegations are considered throughout the year and changed if needed following consideration and approval by the Area Business Manager. Our onsite discussion with managers and staff indicated that they were generally clear on the level of financial delegations they were working to and that the limits allocated were sufficient for their day-to-day operational needs. It was also clear that where limits created problems in the past, these had been amended accordingly, indicating a level of flexibility and an acknowledgement of changing needs.

4.18 The Area Business Manager has overall responsibility for the accuracy of accruals. The Division has a process in place to ensure that paralegal business managers and Divisional business managers monitor accruals on a weekly and monthly basis, in conjunction with the finance manager in the business operations centre. Meetings are held with the Area Business Manager to ensure that submissions to CPS Finance are appropriately challenged.

4.19 Because of the nature of the work carried out by the Division, it acknowledges that it is hard to establish a definitive resource level, because the complexity and demands of casework can vary significantly. In addition, the Division has had delays in appointing new staff, which affects its ability to respond quickly to resource change. Getting the right staff with the right skills into post takes time. The Division acknowledges that each unit is very different and it is not easy to look at staffing needs across the Division as a whole. Consequently, each part of the Division is reviewed in isolation. Inspectors accepted that, given the structure of the Division, this was appropriate. Current resources across the Division are under complement. This adds some pressure to those in post, but in the 2017 CSPS, 74% of staff indicated that they had an acceptable workload, 18% better than the CPS average.

4.20 There are good examples of where new work coming to the Division has been clearly linked to resource need. For example, there have been plans for the Special Crime unit to take on gross negligent manslaughter cases from CPS Areas. A bespoke business case was submitted to the Director of Legal Services and the Director of Business Services setting out

the resourcing requirements to take on gross negligence manslaughter casework. The resultant business case was approved.

4.21 The CPS recognises that Central Casework Divisions generally need to better identify resource needs. To assist this, a Resource and Efficiency Model is currently being developed for the Central Casework Divisions and CPS Area Complex Casework Units. The Head of Division and Area Business Manager sit on the project board and workshops have recently taken place to get input from staff on the measures and activities. This model is expected to take into account the differences in the types of casework and processes, allowing for a greater understanding of the resources required to manage complex casework.

4.22 The Division acknowledges that caseload and complexity of cases can fluctuate significantly. This, linked with the delay in filling resource to the right level quickly, does pose a risk to the Division. There is some movement of staff within the Division and a limited number of staff working between the Special Crime and Counter Terrorism units, but again this is difficult, because specific specialisms and security clearances are required in some parts of the Division. The Appeals and Review unit provided some resource to the CPS London Rape and Serious Sexual Offences unit to undertake a specific piece of work on disclosure reviews. Lawyers from the Counter Terrorism and Special Crime units subsequently assisted the Appeals and Review unit in handling its Victims' Right to Review scheme cases. Special Crime staff have helped Counter Terrorism staff and also covered a Counter Terrorism court to help out logistically.

4.23 The Division has built up some resilience by trying to make extra resource available more quickly. For example, it has some lawyers on a waiting list, who will be invited to attend induction training and the Division's Counter Terrorism conference. Security clearance will also be applied for in advance. The Counter Terrorism unit also has single points of contact in some CPS Areas. These resources are sometime drawn on if needed.

4.24 The Counter Terrorism unit's caseload relies heavily on data and information from the police. The unit has been working more closely with SO15, the Counter Terrorism Command of the Metropolitan Police Service, and the unit feels that the police and security services are now able to more accurately identify the levels of future work. These linkages have allowed the Division to be proactive. Indications last year were that a possible 30% increase in the Counter Terrorism unit's caseload and demand could be possible. In response, following a business case, the unit appointed two lawyers from the waiting list and initiated their training.

5 Part D: Stakeholder management and public confidence

Performance expectation

The Division works effectively and influences partners, stakeholders and users and delivers improvement in outcomes for users. There are relevant structures and mechanisms in place to ensure all services for all users, including the public, are delivered effectively and efficiently, and in the interests of justice.

The Division works effectively and influences partners, stakeholders and users and delivers improvement in outcomes for users.

5.1 The Division's senior managers promote an open and constructive approach with a wide range of criminal justice partners and stakeholders. In our staff survey, 89.3% of those who responded thought that the relationship with the police and the courts was good or excellent. When asked whether partnership working was delivering positive results, 93.3% stated that they believed it was. The inspection team found several examples of the implementation of joint strategies to improve the prosecution process across the Division.

5.2 The Special Crime unit has a wide range of stakeholder interests that need to be managed. It deals with cases from police forces across England and Wales and has strategic responsibility for the Independent Office for Police Conduct (IOPC), which handles the most serious complaints made against police forces. Regular meetings take place between the Deputy Head of Division and the IOPC Deputy Director General to discuss strategic and escalated operational issues. Unit heads meet regional IOPC managers quarterly to discuss case progression and operational issues. Inspectors were informed that relationships were good and much improved in recent years and that the two organisations work collaboratively, at a strategic level, with an emphasis on driving improvement and better cooperation.

5.3 In response to a Ministerial push to improve the investigation and prosecution process covering deaths in custody, the Division is undertaking several strands of work. The Division has developed a death in custody action plan for 2018-19, which includes objectives around early engagement with the Health and Safety Executive (HSE), IOPC referral to the Crown Prosecution Service (CPS), early investigative advice timescales, expert witness strategy and disclosure. The Division has also engaged with those affected by cases in an attempt to improve and inform future systems and processes. Arrangements have also been made for prosecutors to meet with the Inquest Lawyer Group, to build mutual understanding by discussing issues.

5.4 Recent work with the IOPC has also resulted in a memorandum of understanding about how death in custody cases should be handled. Stakeholder feedback is that the CPS has been a key driver in making this significant progress.

5.5 The Special Crime unit is represented on the Work Related Death Liaison Committee, which meets at a national and regional level. This has resulted in the development of a new protocol. Work has also resulted in a practical guide to assist those who deal with work related deaths. Inspectors were informed that CPS representatives on these groups are influential and that they made a significant contribution to the practical guide.

5.6 Earlier this year, members of the Special Crime unit engaged with Professor Sir Norman Williams's policy review into the issues pertaining to gross negligence manslaughter. The report acknowledged the expertise in the Special Crime unit. More recently, the team has engaged with Dame Clare Marx's review, which is considering similar issues from the General Medical Council's perspective. Feedback illustrates that the CPS has been influential on these reviews.

5.7 The CPS is currently working on producing legal guidance on gross negligence manslaughter, which will include a dedicated section on medical manslaughter. This should be available early in 2019. It will provide the medical profession and the wider public with greater clarity about the CPS's approach to dealing with these cases.

5.8 The Special Crime unit is responsible for the prosecution of election offences. It has election specialist prosecutors who liaise with the Electoral Commission and act as points of contact. In more recent years a closer, more positive relationship has developed between the unit and the Electoral Commission and inspectors were told that there was effective communication when this was required. The CPS has engaged with the recent Law Commission review of electoral offences and a CPS specialist attended a new course of training on electoral law for police officers run by the City of London Fraud Academy. Positive feedback was noted as resulting from this work.

5.9 The Appeals and Review unit has less recourse to engage with partners but where this happens, feedback was generally positive. The unit liaises with the Attorney General's Office and the Director of Public Prosecutions' Private Office and also has links with the Criminal Cases Review Commission. The unit's engagement at the Criminal Procedure Rule Committee and the Court of Appeal user group meetings illustrates an open and constructive relationship between the organisations which has facilitated a number of improvements. These include the identification of cases suitable for joint hearings, the timely provision of respondent notices to assist the judiciary, better use of text information in appeals against sentence, and judicial agreement around the need to adjourn appropriate cases where leave to appeal is granted to enable victims of crime to be present.

5.10 The Counter Terrorism unit works closely with SO15, the Counter Terrorist Command of the Metropolitan Police Service, and also with the four regional counter terrorist units.

The nature of national security work means that much of the high level strategic liaison is done in cross Government boards and forums, although there are regular operational liaison meetings where issues and business are discussed at various levels. There appears to be a good working relationship in place with no need to escalate issues, because solutions to problems were always found.

5.11 High level liaison with the judiciary and the courts service to discuss terrorist cases is in place. The Head of Division and Deputy Head of Division meet with the terrorist case management Judge to discuss performance; both the CPS and the Judge find this helpful. Resultant actions include small amendments to the Notification Form, the creation of templates for contempt of court orders and working with the Judge to manage the case list. The Judge also highlighted good examples of timeliness and jury documents which were fed back to the team to be used in future cases.

5.12 The Division has a number of memorandums of understanding and service level agreements with stakeholders and service users. Whilst some of these documents are under review, it would be useful to review the document list and ensure that all these agreements are relevant and kept up to date on a regular basis.

5.13 The Counter Terrorism unit is proactive in capturing best practice and lessons to be learned and does share these with the other external agencies. Regular debrief meetings are held in all counter terrorism cases involving the lawyers, managers, investigators and prosecution counsel. It is understood that some debriefs had directly impacted on later cases and changed the way that the police worked, improving the performance in later operations. This is **Good Practice**. At the time of the inspection, debrief meetings were being introduced in appropriate cases in the Special Crime unit and this needs to be developed. A strategic priority in the Community and Stakeholder Engagement and Diversity and Inclusion Strategy 2018-19 anticipates that debriefs will take place in every case.

5.14 There was a mixed response from those interviewed as to the extent that knowledge is shared across the Division. Each of the units is a centre of specialism for the work that it undertakes. There is an annual training day for the whole Division which focused on disclosure in 2018. Some examples were provided of the units engaging with the wider CPS, including the Appeals and Review unit roadshows and Special Crime unit lawyers contributing to a training day on gross negligence manslaughter; this training was shared across two CPS Areas. Whilst senior managers in the CPS Areas expressed a view that staff across the Division were approachable on a case by case basis, some concerns were expressed about the absence of sharing good practice and guidance more generally. Inspectors felt that more could also be done to share experience with the wider CPS.

Recommendation

The Division needs to review its approach to sharing relevant good practice across the Division and wider CPS generally.

5.15 The Appeals and Review unit does refer relevant judgements to the policy unit in CPS Headquarters to enable details to be cascaded to Area staff. The recent appointment of a policy advisor dedicated to the Division should facilitate this process once the post is embedded.

5.16 There are many varied examples of the Division sharing relevant training opportunities with its external partners. At the time of the inspection, much work was being done around disclosure. This included Special Crime unit prosecutors providing training to Independent Office for Police Conduct (IOPC) staff and the Counter Terrorism unit hosting a summer conference to highlight to stakeholders the challenging disclosure issues faced in counter terrorism trials. The Division also benefits from presentations from its partners on a diverse range of topics including the family liaison officer role, police restraint techniques, the modern view of human memory and its implications, lone actor terrorists and the Law Commission review into misconduct in public office.

There are relevant structures and mechanisms in place to ensure all services for all users, including the public, are delivered effectively and efficiently, and in the interests of justice.

5.17 The CPS has clear guidance on the Casework Hub which sets out the allocation criteria for the work to be dealt with by the Central Casework Divisions and the specific units within those Divisions. The general view of the managers working within the Division was that the case criteria was clear and those interviewed stated that any issues with the CPS Areas could usually be resolved without escalation. However, there had been some issues around inappropriate referral of hate crime cases which improved once the referral criteria had been circulated to the CPS Areas. From an Area perspective, it was felt that certain aspects of the Division blueprint were open to interpretation and some senior CPS managers stated that it was occasionally hard to predict whether a case would be accepted.

5.18 At the time of the inspection, there was some discussion with CPS Areas regarding the approach to gross negligence manslaughter cases. The Divisional business plan 2018-19 includes a priority to set out the principles for the transfer of all gross negligence manslaughter cases from the CPS Areas to the Special Crime unit. It was unclear whether this change was to take place. It is understood that since the onsite period of the

inspection, following consultation with CPS Areas, gross negligence manslaughter cases will now be brought into the Special Crime unit and effective planning is in place.

5.19 The Division provided good examples of a capacity to learn from and reflect changes in its policies using stakeholder feedback. A significant action in the Divisional business plan 2017-18 was to create a policy for supporting victims of disasters and multi-fatality cases including terrorist incidents. This has resulted in the publication of a policy guidance document.

5.20 The Division also used what it learned from the Hillsborough and Grenfell disaster cases to develop a policy which is now used to form engagement strategies in cases with more than three fatalities. Another example is a change in procedures following extensive liaison with the family of a murder victim in March 2018. The change goes beyond the requirements of the Victims' Code and enhances the service provided to bereaved family members.

5.21 The Division has an experienced, dedicated complaints coordinator who manages complaints, feedback, parliamentary questions, MPs' correspondence and more general enquiries. Matters are referred to managers and individuals as appropriate and a comprehensive log of actions is maintained and made accessible to relevant staff. The majority of the correspondence that the coordinator deals with consists of feedback and general enquiries.

5.22 It is clear that much thought is given to the content and tone of communications with victims and witnesses and bespoke arrangements are made around delivery to meet particular circumstances. The unit heads responsible for the Victims' Right to Review scheme and Victim Communication and Liaison scheme letters consider and proofread all such letters before they are sent out to the complainants, illustrating a strong commitment to the experience of victims and witnesses. Victim and witness care is viewed as a priority by staff at every level. In the HMCPSI survey, 61.3% of staff who responded thought that the Division was good at working with others and that it has improved the service for victims and witnesses; 93.3% felt that the standard of service given was either good or excellent.

5.23 The Special Crime unit has a single-case small team who face a particularly unique challenge in the delivery of their service to the families of victims, but who have various mechanisms in place. The stated aim of the CPS is to give a better service than that required of it. The associated Local Liaison Group is chaired by the CPS and aims to help with the smooth running of the court hearings by making sure the correct facilities are available for anyone who needs them. There is a hearing support action plan in place

which covers aspects such as live links in court, emotional support, security, defence involvement, communication with families, and seating in court. There are newsletters prepared for the families to keep them updated and a dedicated email inbox for queries from them. Arrangements are made for a special crime prosecutor to be present at each hearing to deal with the families at court. The team are committed to providing a good service to the families and work hard to meet the considerable challenges. Some of the lessons learned have already informed policy guidance for supporting victims of disasters and multi-fatality cases. This is **Good Practice**.

Annexes

A Division performance and statistics

Key

MC: magistrates' courts

CC: Crown Court

Pre-charge decision	2016-17	2017-18	12 months to June 2018
Special Crime	475	406	409
Counter Terrorism	305	289	285
Caseload			
Special Casework	15 (MC) 59 (CC)	7 (MC) 91 (CC)	12 (MC) 76 (CC)
Counter Terrorism	7 (MC) 83 (CC)	9 (MC) 83 (CC)	14 (MC) 96 (CC)
Conviction rate			
Special Casework	73.3% (MC) 57.6% (CC)	71.4% (MC) 76.9% (CC)	100% (MC) 76.3% (CC)
Counter Terrorism	85.7% (MC) 83.1% (CC)	88.9% (MC) 88.0% (CC)	92.9% (MC) 88.5% (CC)
Special Crime and Counter Terrorism Division			
Compliance with Judges' orders	77.2%	74.3%	86.5%
Fee timeliness			
Days to payment	17.1	18.0	29.0
Appeals and Review unit			
Appeals finalised (cases)	5,556	5,290	
Victims' Right to Review scheme (reviewed)	557	527	

Staffing average – full-time equivalent (year to date)	2016-17	2017-18	12 months to June 2018
Legal	71.2	71.7	74.5
Operational and senior staff	87.1	69.9	73.3
Total	158.3	141.6	147.8

	2016-17	2017-18
Budget	£17,669,842	£16,755,279
Special Crime unit – London	£2,713,161	£2,183,963
Special Crime unit – York	£1,807,145	£1,814,672
Special Crime unit – Hillsborough	£1,637,643	£2,538,802
Appeals and Review unit	£4,758,886	£4,878,326
Counter Terrorism unit – internal	£5,003,599	£4,579,889
SCCTD management team	£673,803	£759,627
Area operations centre (old)	£1,075,605	£0
Spend	£17,366,757	£16,629,959
Special Crime unit – London	£2,692,018	£2,159,855
Special Crime unit – York	£1,777,846	£1,798,754
Special Crime unit – Hillsborough	£1,626,755	£2,527,507
Appeals and Review unit	£4,755,486	£4,854,957
Counter Terrorism unit – internal	£4,786,118	£4,540,085
SCCTD management team	£666,332	£748,693
Area operations centre (old)	£1,062,202	£108

Average working days lost	2016-17	2017-18	12 months to June 2018
SCCTD	6.3 days	5.7 days	4.5 days

B Inspection framework

CPS SCCTD Inspection framework

The focus of the inspection is governance and leadership, stakeholder management, and relationships and knowledge management. The inspection also examines the effective use of resources and performance management. The inspection also assesses organisational resilience, training, the contingency plans in place for the effective management and control of casework, and whether there are effective plans in place at all levels within the Divisions.

A – Governance and leadership

A1 The Division provides effective leadership and engages with staff.

- 1.1 The Division clearly links its business planning and objective setting to the CPS strategy and this is reflected in its own strategy and plans.
- 1.2 Senior managers in the Division act as role models, communicate effectively and demonstrate commitment to the CPS vision, values and equality and diversity policies.
- 1.3 There is effective engagement by senior management across the Division and with all staff.
- 1.4 Senior managers take time to make themselves available to staff at key points of the business calendar or during change processes.
- 1.5 Managers display ‘corporacy’, understand and take responsibility for implementing senior management decisions.
- 1.6 There is effective and fair engagement with all units and staff on strategic and operational matters.
- 1.7 Managers motivate and build effective teams.

A2 The Division is committed to the CPS values, equality and diversity policies and staff development. There is a commitment to staff engagement, resilience, effectiveness, well-being and morale.

- 2.1 The Division is implementing a plan to improve staff engagement levels which is delivering results.
- 2.2 There is consideration of staff welfare and work-life balance as well as business needs when considering matters such as recruitment, rotation plans, smarter working and other matters.

- 2.3 There is a sound induction process in place for new staff.
- 2.4 There is fair and balanced access to training to ensure the Division can deliver excellence and provide essential resilience in casework and process management, balancing this with the needs of individuals.
- 2.5 Sickness absence reduction targets have been set and appropriate action has been taken to reduce/manage sickness.
- 2.6 The Division celebrates success, good performance is identified and rewarded, and poor performance is tackled appropriately.

B – Continuity, risk and knowledge management

B1 The Division assures itself that its risk management system and control mechanisms are effective (established and maintained) to manage the delivery of its casework.

- 1.1 The Division maintains an overall risk register and there is a robust business continuity plan in place for the management of operational risks including casework.
- 1.2 The Division can demonstrate that overall risk and casework risk are considered during business planning and are subject to regular strategic business review.
- 1.3 Managers and staff have the appropriate knowledge, skills and tools to manage risk effectively.
- 1.4 Clear accountability and reporting arrangements are in place for the management of risk. Managers and case leads consider risk as part of case management, including how risk in long running cases is managed and controlled.
- 1.5 Decisions and mitigation of risk are coordinated appropriately across the Division.
- 1.6 The Division can demonstrate sound management of risks around loss of specialist knowledge on long running cases and can ensure continuity of cases.

B2 The Division manages its casework knowledge effectively and shares that knowledge with others across the CPS.

- 2.1 The Division has effective knowledge management processes and can demonstrate sound management of information it holds.

- 2.2 There are secure and controlled systems in place to manage knowledge internally and externally, including effective sharing of knowledge with others in the CPS, like Headquarters, Complex Casework Units, Areas and Divisions.
- 2.3 Systems are in place to effectively manage media requests and challenges, including any adverse publicity.
- 2.4 There are effective links with CPS Headquarters Communications and the Press Office and these result in effective external proactive and reactive communication.
- 2.5 The Division is proactive in policy development, capturing best practice and lessons learned, and these are shared with others internally.
- 2.6 There is a list of national leads, specialisms and liaison arrangements in place for other CPS Areas, Complex Casework Units and Divisions.
- 2.7 Other CPS colleagues, Complex Casework Units and Divisions have access to specialist resources from the Division when required.

C – Performance improvement and resource management

C1 The Division manages its performance effectively.

- 1.1 There is clear, timely and consistent performance information available to all managers.
- 1.2 There is effective analysis of data to inform decision making and resource allocation, leading to remedial action being taken where appropriate, and there is evidence of improvement in performance and outcomes or effective action taking place.
- 1.3 There is effective benchmarking across the Division and, where appropriate, with other similar internal Divisions.
- 1.4 Performance information is disseminated to staff in a readily understood format.
- 1.5 Managers implement controls and assurance and undertake regular assurance checks, casework reviews and audits to ensure accuracy, timeliness and high quality outputs and inform understanding of front-end delivery.
- 1.6 The quarterly and annual performance review processes are effective and used to drive performance improvement.
- 1.7 Managers and teams are held to account for performance.

C2 Finances and resources are managed effectively to deliver key business objectives.

- 2.1 There are good financial management controls in place and the Division systematically controls its budget through appropriate delegation, proper monitoring and accurate knowledge of committed expenditure.
- 2.2 Financial business decisions are timely and achieve business objectives. The Division's budgetary allocation and planning support strategic and operational delivery.
- 2.3 The Division has an effective and transparent system of allocating funds, ensuring equity of resources across units.
- 2.4 The Division has checks and controls in place to provide financial assurance and probity.
- 2.5 The Division has effective systems for assessing the most appropriate staffing structure and staffing levels across its units, which ensure that work is conducted by staff at the right level.
- 2.6 The Division is effective in negotiating financial matters with CPS Headquarters and partners.
- 2.7 The Division has an effective advocacy strategy which balances quality, personal development and value for money considerations.
- 2.8 Use of resources in the Division takes account of value for money and in particular matters such as of cost of cases, specialist resources, staff turnover, experience and rotation, wasted costs, overseas travel and crown advocate utilisation.

D – Stakeholder management and public confidence

D1 The Division works effectively and influences partners, stakeholders and users and delivers improvement in outcomes for users.

- 1.1 Senior managers promote an open and constructive approach with criminal justice colleagues and stakeholders. There are appropriate liaison arrangements in place with police, Independent Office for Police Conduct and other external partners.
- 1.2 The Division works effectively with key stakeholders: joint strategies are implemented, actions are followed up and outcomes are improving or there are effective improvement plans in place.

- 1.3 The Division has agreed with stakeholders and service users appropriate service level agreements that improve outcomes or ensure that agreed processes are adhered to.
- 1.4 There are secure and controlled systems in place to manage knowledge externally, including effective sharing of knowledge, including with the Attorney General's Office.
- 1.5 There are effective systems in place to effectively manage media requests and challenges, including any adverse publicity.
- 1.6 There are effective links with the CPS Press Office and these result in effective proactive and reactive external communication.
- 1.7 There are effective arrangements for joint performance management with criminal justice partners, which include robust quality assurance processes.
- 1.8 Joint performance information is fully analysed and used to identify strengths and weaknesses.
- 1.9 The Division is proactive in capturing best practice and lessons learned and these are shared with other agencies.
- 1.10 The Division identifies and shares relevant joint training opportunities with partners.

D2 There are relevant structures and mechanisms in place to ensure all services for all users, including the public, are delivered effectively and efficiently, and in the interests of justice.

- 2.1 Criteria for case acceptance are clear and accord with the Division's business objectives.
- 2.2 There are clear escalation and appeals procedures with stakeholders and these are adhered to.
- 2.3 The Division learns from and reflects changes in its policies using stakeholder feedback.
- 2.4 Complaints, Victims' Right to Review scheme cases and any matters raised by victims, witnesses and other agencies are handled in a manner that is timely, empathetic, and meets the needs of the complainant.
- 2.5 Issues arising from complaints lead to or feed into casework and process reviews to improve service delivery, decision making and casework handling.

2.6 The Division has a robust appeals process in place for escalating complaints.

2.7 Systems and processes for dealing with Parliamentary Questions, MPs' correspondence and high level briefings are effective.

C Glossary

Area Business Manager (ABM)

The most senior non-legal manager at CPS Area level or Division level. The operational delivery profession lead.

Attorney General (AG)

A law officer whose duties include superintending the Crown Prosecution Service, the Serious Fraud Office, and other government lawyers with the authority to prosecute cases.

Attorney General's Office (AGO)

Provides legal advice and support to the Attorney General and the Solicitor General (the law officers).

Business continuity plan

A plan to ensure that an organisation could continue to operate in the event of disruption to its normal running.

Case Management Panel (CMP)

A panel involving a live case's prosecution team and senior legal managers, held either for case management or case review purposes. There are specific criteria for local panels and the Director's panel, including that there is a perceived risk that the case has the potential to cause significant reputational damage to the CPS, or is particularly high profile, but it can be held in any case where the panel considers a review would be of benefit.

Casework Hub

An internal CPS website of national operational and legal guidance. It gives practitioners links and signposts to what is already available, but not always readily accessible or used. It incorporates the CPS's toolkit for maximising the quality of investigative and charging advice and case management in more serious cases, draws on quick guides and other aids that practitioners in various units have drawn up to help deal with specific aspects of casework in practice, and sets out minimum expectations of quality assurance and scrutiny by legal managers.

Central Casework Divisions (CCDs)

The International Justice and Organised Crime Division, Special Crime and Counter Terrorism Division, Specialist Fraud Division and CPS Proceeds of Crime.

Complex Casework Unit (CCU)

A unit within each CPS Area which handles the most serious cases, such as organised crime, people or drug trafficking, and complex frauds.

Court Business Unit

A CPS internal business unit which handles a variety of court business functions and related expenditure including the monitoring, forecasting and audit of expenditure on prosecution costs

Crown Advocate (CA)

A lawyer employed by the CPS who has a right of audience in the Crown Court.

Deputy Head of Division

The most senior legal manager at Casework unit level and the person who is held to account, along with the DBM, for its assurance controls and performance.

Director of Public Prosecutions (DPP)

A Senior Civil Servant who is the head of the CPS.

Divisional Business Manager (DBM)

The most senior non-legal manager at the unit level. The operational delivery profession lead of the unit.

Head of Division (HOD)

The most senior legal manager at Casework Division level and the person who, along with the ABM, is held to account for its assurance controls and performance.

Individual quality assessment (IQA)

The CPS scheme to assess the performance of individuals and compliance with the CPS' Casework Quality Standards.

Infonet

An internal digital information network used by the CPS.

Judges' orders

An order or direction made by the Judge at a case progression hearing requiring the prosecution to comply with a timetable of preparatory work for a trial. These orders are often made under the Criminal Procedure Rules.

Knowledge Information Management (KIM)

An application on the digital CPS Network.

Legal Guidance

A digital workspace which contains the CPS Legal Guidance for the prosecution of casework.

Memorandum of understanding

A formal agreement between two or more parties. Not legally binding, but carries a degree of seriousness and mutual respect.

Paralegal Business Manager (PBM)

Responsible for coordinating and managing the work of paralegal officers and assistants.

Paralegal officer/assistant

A member of CPS staff who deals with or manages day-to-day conduct of a prosecution case under the supervision of a crown prosecutor and, in the Crown Court, attends court to assist the advocate.

Quarterly Performance Review (QPR)

A review of key performance indicators to assess an Area or Division's performance and drive improvement.

Resource Efficiency Model (REM)

A collection of timing measures for standard casework operations, used to assess the efficiency of operations.

Simply Thanks scheme

A tool enabling managers to show appreciation for effort and achievement, which can encourage best practice and motivate employees.

Smarter working

Occasional, ad hoc and temporary flexible working requests. The agreements and arrangements reached between individuals and line managers as a result do not constitute regular working patterns or changes in contractual status.

Victims' Right to Review (VRR) scheme

Under this scheme, victims can seek a review of CPS decisions: not to charge; to discontinue (or withdraw in the magistrates' courts) all charges, thereby ending all proceedings; to offer no evidence in all proceedings; and to leave all charges in the proceedings to 'lie on file' (this is the term used in circumstances where the CPS makes a decision not to proceed and requests that the charges be allowed to 'lie on the file' marked 'not to be proceeded with without the leave of this Court or the Court of Appeal').

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