



HMCPSI

HM Crown Prosecution
Service Inspectorate

Complex Casework Units

**How effective and efficient are
Complex Casework Units in
identifying and managing their
casework?**

March 2021

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Who we are

HM Crown Prosecution Service Inspectorate inspects prosecution services, providing evidence to make the prosecution process better and more accountable.

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

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

Contents

1. Summary	6
Background and context	7
Key findings	8
Recommendations, issues to address and good practice	10
2. Framework and methodology	12
Inspection framework	13
Methodology	14
3. Casework referral	16
Referral criteria	17
Casework acceptance	18
Records	20
4. Resources	22
Resource models, complexity and caseloads	23
Capacity	25
5. Pre-charge case progression	29
Early planning conference.....	30
Case strategy	32
Case progression	34
6. Local oversight of casework	38
Case management	39
Individual quality assessments.....	40
Local Case Management Panels	42
7. National oversight of casework	44
Methods of oversight	45
Press Office	46
8. Stakeholder engagement	47
External engagement	48
Internal engagement	50
9. Digital working	51
File submission.....	52
Case management tasks	53
Housekeeping.....	54

Annexes

Referral criteria.....	55
Inspection framework.....	59
File examination results.....	65

1. Summary

Background and context

1.1. The Crown Prosecution Service (CPS) operates across England and Wales, with 14 regional Areas prosecuting cases locally, three national Central Casework Divisions (the International Justice and Organised Crime Division, Special Crime and Counter Terrorism Division, and Specialist Fraud Division) and a dedicated Proceeds of Crime Division.

1.2. Within each of the Areas there is a Complex Casework Unit (CCU) responsible for the prosecution of complex cases. The only exception to this is London, where London North and London South combine to have one joint CCU which is managed by London South.

1.3. The CPS has developed criteria which determine whether a case is referred to a Central Casework Division or an Area and, if an Area, whether to the CCU or another unit in the Area. The criteria for cases to be referred to the CCU is set out in full in annex A.

1.4. CCUs therefore deal with cases which are the most complex within an Area but do not need to be prosecuted by one of the Central Casework Divisions.

1.5. All CCUs are managed by a CCU Head. In the large Areas that we inspected, the CCU Head is only responsible for that unit, but in the medium and small Areas we inspected, the CCU Head is often also responsible for the Rape and Serious Sexual Offences Unit.

1.6. CCUs receive their cases from several different stakeholders. Most of their work comes from investigations led by either Regional Organised Crime Units (ROCU) or local police forces, and can come from a number of different specialist units operated by those forces. In addition, CCUs receive cases from other agencies such as the National Crime Agency, the Independent Office for Police Conduct, the Office for Standards in Education, Children's Services and Skills (OFSTED), and the Care Quality Commission as well as others.

1.7. In addition to deciding which cases should be prosecuted and the most appropriate charges, CCUs have an important role providing early investigative advice to investigators before any decision is made about charges. Whilst this does happen in other units within a CPS Area, the complexity of CCU cases means that this is a significant part of the role CCUs carry out and can have a critical impact on any prosecution which results.

Key findings

1.8. CCUs were formally established by the CPS in 2007. They were set up to be centres of excellence within the Area structure, entrusted with prosecuting serious and complex crime. It is a pressured environment to work in and CCUs must operate effectively because if they do not, the implications are significant both for the CPS and the general public.

1.9. In our assessment, in general, CCUs are both effective and efficient in managing their casework. Whilst there are areas where they can improve, and we highlight those in this report, they should not detract from the overall high standard of work we saw during our inspection.

Stakeholders were keen to tell inspectors how highly they regarded CCU staff

1.10. CCUs are responsible for some of the most serious and complicated casework the CPS prosecutes. In our inspection, it was clear CCUs were staffed by a committed and confident workforce who demonstrated a high level of professionalism and skill in their work.

They are regularly required to deal with demanding work, often at short notice, and like many in the CPS, they commonly work significant hours outside what is normally expected. That they are willing to do so, where it is necessary, is a testament to their professionalism.

1.11. The CPS has in place clear allocation criteria for cases that should be referred to CCUs. These criteria are well understood and enforced consistently by most CCUs. Their internal case management processes are generally effective and the cases they prosecute exhibit a clear case strategy from the beginning, providing vital investigative advice to investigators. They have a broad range of different stakeholders and their relationships with the stakeholders we spoke to are generally very good. We found engagement to be constructive and the stakeholders were keen to tell inspectors how highly they regarded CCU staff.

1.12. CCU cases are regularly overseen at a local level by senior case managers and, in the most complex cases, at a national level by senior legal managers in CPS Headquarters.

1.13. We have noted in other reports that resourcing across the CPS in the current financial climate is challenging. That is also reflected in CCUs. Nevertheless, senior managers are aware of the casework being handled and attempt to adopt as flexible an approach as possible to resourcing CCUs, often to match fluctuating workloads. In the future, as crime trends involving serious

Complex Casework Units

and organised crime change, the CPS will need to review how it continues to resource CCUs.

1.14. CCUs need to be resilient. The cases they deal with are complicated, often contain vast quantities of material and can last for years. CCUs are therefore vulnerable to changes over time as staff members move or leave. Where we did find significant room for improvement was primarily in the recording of some of the work they undertake. They need to make sure that an accurate audit trail of decision making, actions, and oversight of cases is available on all their files. We did find that work is often completed but not evidenced in an easily accessible format. This could leave CCUs exposed in terms of resilience and efficiency.

1.15. That resilience is vital to managing the complex work they undertake and to enhancing it further. The CPS needs to make sure that the size of the CCUs it operates, together with the management structure they have and the legal expertise they use, enables them to exercise comprehensive oversight of their casework. Whether current structures allow this to happen is a matter that will need some further consideration, as the resilience of the smaller CCUs to manage staffing and caseload change will be a challenge.

Recommendations, issues to address and good practice

Recommendations
<p>As a discrete element of the Changing Nature of Crime Review, Crown Prosecution Service Headquarters should consider how the small and medium sized complex casework units are best equipped to deal with complex casework and consider how the composition and staffing of units (including management levels and grades of prosecutor) can support and guarantee the delivery of high quality casework. (paragraph 4.30)</p>
<p>Complex Casework Units should negotiate a Memorandum of Understanding with local police forces in accordance with the template agreed by Crown Prosecution Service Headquarters. (paragraph 5.39)</p>
<p>Complex Casework Units should ensure that, pre and post charge, processes and checks are in place to ensure ongoing compliance with:</p> <ul style="list-style-type: none">• case progression• mandatory casework assurance processes• individual quality assessments• completion of the Resource and Efficiency Model to provide accurate resourcing data• the creation and maintenance of appropriate audit trails within the case management system. (paragraph 6.26)

Issue to address
<p>Crown Prosecution Service Headquarters should clarify, in the guidance, the characteristics of allegations against persons serving with the police that should be referred to Complex Casework Units. (paragraph 3.17)</p>

Good practice

The West Midlands Complex Casework Unit's Service Level Agreement with the police for the digital submission of case files includes bespoke witness and exhibit lists structured into key events on the case and a one-line summary of each statement. (paragraph 9.4)

2. Framework and methodology

Inspection framework

2.1. The framework for this inspection consisted of one overarching question: “How effective and efficient are Complex Casework Units (CCUs) in identifying and managing their casework?”

2.2. The framework identified seven different aspects of CCU work to inspect in detail:

- Are cases identified and prosecuted in CCUs consistently in accordance with the legal guidance for the referral of cases to CCUs and are records completed and maintained, explaining decisions to accept or reject casework in CCUs?
- Are there effective means to allocate resources to CCUs flexibly in accordance with their caseload?
- Are cases in the pre-charge stage managed and progressed effectively and efficiently?
- Is there appropriate oversight of cases locally?
- Is there appropriate oversight of cases nationally, including whether the requirements to keep a sensitive case list and provide updates to Crown Prosecution Service (CPS) Headquarters, and any relationships with the Press Office, Directors of Services and the Director of Public Prosecutions’ Office, are effective?
- Do CCUs engage effectively with relevant internal and external stakeholders, including Central Casework Divisions?
- Is there a consistent approach within CCUs to prosecuting cases digitally, with appropriate use of the case management system (CMS) and shared drives?

2.3. The inspection framework is set out in full in annex B and the performance expectations and criteria are set out for each aspect.

2.4. We have not inspected the governance arrangements around CCUs.

Methodology

2.5. Six CCUs were inspected as a representative sample of the work across all CCUs. They consisted of two CCUs of each Area size: two large, two medium and two small. The CCUs inspected were:

- London (large)
- West Midlands (large)
- East Midlands (medium)
- Thames and Chiltern (medium)
- East of England (small)
- Mersey-Cheshire (small).

2.6. The inspection comprised a combination of file analysis, document review and fieldwork interviews in all six CCUs.

File examination

2.7. The size and complexity of the files prosecuted by CCUs meant it was impractical to examine large numbers of files in extensive detail. In total, 20 files in each CCU were inspected. We assessed all 20 files in each CCU against the referral criteria, examining local and national case oversight and consistency of approach to digital work. In six of the files in each CCU, we carried out a more detailed examination of case progression and case management undertaken in the pre-charge stage, between case acceptance and charge.

2.8. In total, we examined 120 CCU files. They were selected at random and the question sets our inspectors used were designed to allow a meaningful assessment of the seven aspects of the framework identified in paragraph 2.2. The full question set and file examination results are in annex C.

2.9. When reference is made in this report to percentage figures, the relatively small number of files analysed per CCU needs to be borne in mind. Particularly when the figures are broken down by Area, a small number of cases can have a large impact on the percentage figures.

Fieldwork

2.10. We conducted interviews virtually because of the coronavirus pandemic.

2.11. In each Area where a CCU was selected, we interviewed the Chief Crown Prosecutor, Area Business Manager, Deputy Chief Crown Prosecutor (where appropriate), CCU Head, Business Manager and two external stakeholders.

2.12. In addition, in each CCU we interviewed focus groups of four CCU lawyers and four paralegal officers and administrative staff.

2.13. In CPS Headquarters, we interviewed both Directors of Legal Services and representatives of the Central Casework Divisions, Proceeds of Crime Division and CPS Headquarters Press Office.

Documentation

2.14. We analysed a selection of documents and case logs supplied by CCUs and CPS Headquarters. These included local protocols or agreements, casework logs, referral records, performance reports, performance data, minutes of Local Case Management Panels and stakeholder meetings, and details of any local systems.

3. Casework referral

Referral criteria

3.1. The Crown Prosecution Service (CPS) produces national guidance that specifies the criteria for casework that must be referred to Complex Casework Units (CCUs). This guidance was last reviewed in February 2020 and confirms that the casework to be dealt with by CCUs will be “mainly from Level 1 and Level 2 crimes with broadly defined characteristics of complexity that distinguish them from non-complex crime”.

3.2. The guidance provides an extensive list of the characteristics generally associated with that crime. It also provides a general discretion for Chief Crown Prosecutors to direct cases that do not meet those characteristics to the CCU. The characteristics include large scale human trafficking; serious drug related offences involving substantial importation, manufacture or supply, particularly with an international dimension; major targeted local criminals in organised or international crime; and high profile, multi-victim and/or multi-defendant murders.

Overall, we found the referral criteria for cases to be considered by CCUs to be clear and comprehensive

3.3. The criteria are not solely based on the nature of the offence being alleged; that would be too simplistic an approach. Instead, they are based on the type of characteristics referred to in paragraph 3.2. This inevitably leads, in some instances, to scope for interpretation of the criteria as to the nature of casework to be

prosecuted by CCUs, but that does not detract from their clarity. Instead it allows for a flexible approach to cases which are at the margins of complexity.

3.4. Overall, we found the referral criteria for cases to be considered by CCUs to be clear and comprehensive and – having been recently reviewed – up to date. All the CCUs used the national guidance to decide which cases should be within their unit.

3.5. We found that the guidance was easily accessible and generally understood by those involved. When interviewing members of staff in all six CCUs, we found that all were aware of how to access the allocation criteria and understood it.

3.6. In addition, the senior police stakeholders we interviewed were also aware of the criteria and could access it when required. Whilst they were less familiar with all the detail, as we would expect, they were aware of the distinction between casework which should go to the CCU and that which should go to another unit or Central Casework Division.

3.7. In our interviews with CCU staff, it was clear that not all individual police officers (as opposed to senior police officers) were aware of the criteria. That is not surprising and whilst it caused issues with police officers' expectations on occasion, it was generally managed well by CCUs, who explained the referral criteria to those officers.

3.8. Where there was any confusion amongst the police over the application of the referral criteria, CCU Heads were proactive in reinforcing the criteria with the police. By way of example, to reinforce the referral process and criteria in the East of England Area, the CCU Head confirmed that they had recently re-circulated the criteria to local police and requested single points of contact for each local force to be put in place at a senior level.

Casework acceptance

3.9. In total, we assessed 120 cases from the six CCUs to decide whether they met the referral criteria. In 109 cases (90.8%) the referral criteria were correctly met. In three of the CCUs, all cases met the referral criteria.

3.10. All 11 cases (9.2%) which did not meet the criteria were assessed as being appropriate to be dealt with by other units in their Areas. No cases were assessed as being more suitable to be dealt with by any of the Central Casework Divisions.

3.11. Where we assessed a case as not meeting the criteria, before we made a final decision, the relevant CCU Head was given an opportunity to comment whether they agreed or whether there were any circumstances not apparent from the file which had resulted in a case being retained by the CCU.

In three of the CCUs, all cases met the referral criteria

3.12. Thames and Chiltern was the only CCU where we assessed a significant number of cases as not meeting the criteria. Of their 20 cases, seven (35%) were assessed as not being appropriate. In four of those cases, senior managers accepted that during part of 2018, throughout 2019 and up to the present time, the Area Crown Court Unit has carried vacancies which led to assistance being provided by their CCU. As a result, the CCU did deal with a small number of cases which would not ordinarily meet the referral criteria.

3.13. Whilst we understand the reasons given, this is not an appropriate approach. It creates problems with the resourcing of the CCU and frustrations among CCU staff. Staff expressed concern during our interviews, not only that resources were an issue, but that they were being diverted from CCU work to

deal with other, less serious cases. This increased burden intensified the pressure on them and affected the resilience of the CCU.

3.14. The other three cases from the Thames and Chiltern CCU raise a wider issue. These are all cases involving the investigation of police officers by either the Independent Office for Police Conduct (IOPC) or police force Professional Standards Departments. Depending on the nature of the allegation, some of these cases are dealt with by the CPS Central Casework Division (Special Crime and Counter Terrorism Division). However, if the allegations do not meet the threshold to be dealt with by that Division, it is less clear whether they should be dealt with by CCUs or other units in an Area. These types of cases are not specifically referred to under the characteristics in the referral criteria and this has resulted in different Areas adopting different approaches as to whether they should routinely be referred to CCUs.

3.15. Thames and Chiltern's view is that there is a national agreement that such cases are dealt with by CCUs. The referral criteria do not explicitly support that, and it was not seen in the other CCUs except for London. The London CCU approached these cases on the basis that any case investigated by the IOPC met the referral criteria automatically, as it fulfilled one of the characteristics under the referral criteria: namely "complex or serious case involving professional misconduct".

3.16. In the other Areas, these cases were not considered to be automatically part of the referral criteria. Each case was considered on its own merits and, if such a case was not considered to meet the criteria, it was generally allocated within another unit – either to a specialist or as an opportunity to develop a lawyer by involving them in this work.

3.17. We consider that some further clarity is required in relation to this type of casework.

Issue to address
Crown Prosecution Service Headquarters should clarify, in the guidance, the characteristics of allegations against persons serving with the police that should be referred to Complex Casework Units.

3.18. Cases referred to CCUs are frequently long running, complex investigations. They are often referred to CCUs and accepted at an early stage, whilst those investigations are developing, and may subsequently change. We found several cases in our file analysis which had the potential to meet the referral criteria in the initial stages, but by a later stage the extent of the allegations had changed sufficiently that they no longer met that criteria. All the evidence suggested that a pragmatic approach is being taken to these cases.

CCU Heads retain cases within their unit where significant work has already been done on a case. This avoids unnecessary duplication of that work by referring the case to another unit and prosecutor. This is a sensible approach to adopt.

3.19. In several CCUs, there was evidence of a small number of cases which would not normally meet the referral criteria nevertheless being placed in the CCU at the request of the Chief Crown Prosecutor or Deputy Chief Crown Prosecutor. This was primarily the result of an assessment of risk rather than complexity. That is allowed under the referral criteria, but did leave some lawyers believing that some cases were allocated to them which did not meet the criteria. This is easily resolved by improving communication with CCU lawyers about why cases have been referred to the unit when they would not normally meet the referral criteria.

Records

3.20. It is important for the CPS to be assured that the correct types of cases are being prosecuted in CCUs. For that reason, the decision for a case to be accepted into a CCU should be made at the right level and there should be a clear record of the reasons for it.

3.21. Most cases are initially notified to a CCU either by direct referral to the CCU Head or by referral from another unit or senior manager in the Area. On occasion, a referral can be made by an investigator directly to a lawyer within the CCU, because of lawyers' close working relationships with individual investigators. Where that occurs, we found that lawyers know not to accept the case themselves but to refer the case to the CCU Head for consideration.

3.22. The evidence we found confirms that all cases are considered for acceptance into the CCUs, and assessed against the criteria, by CCU managers.

The decision for a case to be accepted into a CCU should be made at the right level

3.23. However, we also found that there is an inconsistent approach to recording this. As a result, not all CCUs maintain complete and easily accessible records showing the reasons why cases are accepted or rejected.

3.24. The record keeping detailing the reasons for cases being accepted or rejected by CCUs was very different between the six CCUs inspected. Some CCU Heads store emails and documentation on personal drives; one CCU maintains a specific referral email box which holds all the records; other CCUs keep separate logs. Specific

Complex Casework Units

records and reasons are rarely kept on individual cases on the CPS case management system. Where they are, this appears to be by chance rather than design.

3.25. The lack of an audit trail of complete records can affect the consistency of decision making around the referral criteria, not only within a CCU but also between CCUs. This is particularly relevant to cases at the margins of the referral criteria, cases where the Chief Crown Prosecutor exercises their discretion, and cases which are rejected by CCUs, for which there is no record of them ever being considered. As staffing changes over time, it is important to maintain a level of consistency about the reasons for casework being accepted or rejected. A lack of consistency has potential repercussions for investigators and CCUs. If CCUs are to remain resilient, they need to be assured that they are dealing with the correct cases. This can only be achieved by complete and accurate records. This is an overriding theme and we address this within our recommendation at paragraph 6.26.

4. Resources

4.1. Each Complex Casework Unit (CCU) employs a combination of staff including a Business Manager, lawyers, paralegal officers and administrative assistants. Each CCU we considered employs different numbers of staff and has different caseloads depending on its size.

Resource models, complexity and caseloads

4.2. The resourcing of the CCUs in Areas is not always straightforward. There are a number of sources of data available to Areas including National Resource Model data, Resource and Efficiency Model (REM) data, caseload complexity figures and case lists to help assess resource need. The interviews we held with senior managers made it clear that most of them emphasised all those sources when assessing how the Area decided to resource CCUs.

4.3. Areas look first to the National Resource Model. This model calculates the resources required for each task at all grades by applying a formula to various component parts. The resulting formula provides an indicative figure for staff within the CCU. The majority of Chief Crown Prosecutors (CCPs) and Area Business Managers (ABMs) expressed the view that because the National Resource Model has evolved over a period of time, it is now a more accurate picture for resourcing, which they value.

4.4. CCPs and ABMs are, however, prepared to be flexible and diverge from the National Resource Model figures where they feel it appropriate – thereby acknowledging that it provides indicative figures only. An example of this was in the West Midlands Area where, according to the National Resource Model, the indicative figure for lawyers in the CCU was 7.3 – but in fact it is currently staffed by 11 lawyers. The reason for this increase was the number of cases the unit had received from Operation Venetic (see paragraph 4.23) and other large cases they were dealing with.

4.5. Areas also relied upon a feel for the accuracy of resourcing based on their knowledge of the scope and complexity of casework being undertaken in CCUs. CCUs are unique in this regard as senior managers have greater knowledge of CCU cases through the case oversight arrangements that are in place (see chapter 6). For example, the regular casework discussions between lawyers, CCU Heads and senior managers, and the holding of Local Case Management Panels, mean that managers are more aware of the extent of the casework. This assists them in assessing the resourcing requirements of the unit.

4.6. In addition, senior managers we interviewed indicated that in their view, the quality of the output from CCUs was often indicative of resourcing, but not exclusively. The size of some cases within the CCU also had a significant impact. In some CCUs, senior managers acknowledged that some cases were so large they effectively required one lawyer to work on them almost exclusively. This had to be taken into account when allocating resources.

4.7. The REM was introduced into CCUs in April 2019, having previously been in place in magistrates' court and Crown Court units. The REM tool is intended to provide a standard way of measuring how long it takes to complete specific work and activities within CCUs. The tool gathers data to be used at a unit level. Again, it provides indicative figures only, to enable resourcing decisions to be based in part on REM data.

Areas also relied upon a feel for the accuracy of resourcing based on their knowledge of the scope and complexity of casework

4.8. Both the evidence we considered from the REM data and the interviews on site showed that compliance with recording of REM data is inconsistent between CCUs. By way of example, one of the important pieces of data to be recorded in the REM is the complexity of cases within the CCU. However, the data showed a significant variance in recording by CCUs. One CCU had not recorded the

complexity level in 97% of cases, whilst another had recorded the complexity level in 91% of cases. This level of disparity in completion was matched in other aspects that should be recorded.

4.9. Whilst all the senior managers we interviewed within Areas stated that they were positively encouraging the completion of REM data by their staff, we found that overall, there is a lack of confidence at all levels in REM as a measure of what resources are required in CCUs. Unless it is completed uniformly and accurately across all CCUs, the value of the data it produces is considerably reduced.

4.10. Our overarching recommendation at paragraph 6.26 sets out action needed to address the issue.

Capacity

4.11. The large Areas differ from the medium and small Areas in the way CCUs are resourced and managed.

4.12. In the large Areas, the CCUs are led by a Unit Head who is dedicated to the CCU. They are not responsible for any other unit in the Area and report to a Deputy Chief Crown Prosecutor who has management responsibility for the CCU. In the small and medium sized Areas, the CCUs are led by a Unit Head who has additional responsibility for managing the Area's Rape and Serious Sexual Offences (RASSO) Unit. Three out of those four CCU Heads also reported to a Deputy Chief Crown Prosecutor, the exception being Mersey-Cheshire, where the CCU unit head reports directly to the Chief Crown Prosecutor.

4.13. During our interviews, we found that this imbalance in management responsibility has a significant impact on the amount of time CCU Heads can devote to the management of the CCU as, inevitably, they are also involved in the day to day management of the RASSO Unit.

4.14. In the two large Areas we inspected, the CCUs employ two District Crown Prosecutors (DCPs). These provide an extra layer of lawyer management within the unit, managing between four and five lawyers each. The small and medium Area CCUs we inspected employed no DCPs until recently.

4.15. We found evidence from the file analysis and the interviews with staff that, where DCPs are deployed in a CCU, it is a factor which allows for greater resilience and improved management. The impact of this is reflected in performance across all aspects of this framework, but particularly in our findings related to the extent and regularity of local management oversight of cases (see chapter 6) and stakeholder engagement (chapter 8). This appears to be accepted by some of the Areas; very recently Mersey-Cheshire has appointed a DCP, Thames and Chiltern has created a DCP post (who will also have a strategic RASSO role) and East of England is conducting a general DCP recruitment exercise from which it may appoint a DCP to its CCU. We have addressed the staffing of CCUs within our recommendation at paragraph 4.30.

4.16. In the large Areas, the CCUs employ members of staff either at Specialist Prosecutor grade or as Level E lawyers. These are legal posts with no extra management responsibility. None of the other CCUs employ people at that level and all their non-manager lawyers are Senior Crown Prosecutors.

4.17. The role of the Specialist Prosecutor would appear to be primarily to prosecute more complex casework within a CCU. This appears inconsistent,

because the size of an Area CCU does not generally dictate the seriousness or complexity of the casework – more the volume – and each Area CCU we inspected, whether large, medium or small, prosecutes extremely complicated casework.

4.18. The evidence also showed that, in several Areas, experienced Senior Crown Prosecutors were lost when they pursued opportunities at the better paid Specialist Prosecutor level within other units in the Crown Prosecution Service (CPS). That is a significant blow to the resilience of CCUs, as they lose the expertise of their lawyers.

The movement of Senior Crown Prosecutors is one way at present. Our view is that this is a risk

4.19. This is likely to increase in the future and affect more Areas as the move towards remote working removes some geographical boundaries, because many of the Specialist Prosecutor roles were based in London. From what we were told, the movement of Senior Crown Prosecutors is one way at present. Our view is that this is a risk,

and having opportunities for Specialist Prosecutors to move in either direction – between CCUs and Central Casework Divisions– would be beneficial to individuals and the whole organisation. That requires the recruitment of some Specialist Prosecutors in all CCUs.

4.20. The interviews unearthed a degree of confusion amongst Area senior managers over the latitude of Areas to employ Specialist Prosecutors and their value to CCUs. However, the Directors of Legal Services were clear that all Areas were able to employ Specialist Prosecutors in their CCUs and indeed, Area senior managers were encouraged to do so. There nevertheless appeared to be resistance amongst senior managers in the medium and small CCUs to doing so.

4.21. During our interviews with staff, some concerns were raised about the potential divisive impact of employing Specialist Prosecutors alongside Senior Crown Prosecutors within a CCU. We came across no evidence to support this in the two large CCUs we inspected and saw no reason why this would be a problem, if it were managed properly. Any concerns should be outweighed by the opportunity it would provide to develop skills, allow for personal development and build CCU resourcing resilience. We have addressed the staffing of CCUs within our recommendation at paragraph 4.30.

4.22. In the interviews we conducted, many staff within CCUs, particularly lawyers, felt that resourcing was an issue and they were not adequately resourced. They were extremely committed to their roles but felt under

significant pressure with their caseload and appeared, at times, to be working quite extensive hours. This was not exclusive to the CCUs in small and medium sized Areas, but did appear to be more significantly widespread in those units.

4.23. For example, it was particularly acute in East Midlands and Thames and Chiltern for a number of reasons. East Midlands has recently appointed a new Unit Head, lost two experienced lawyers to Specialist Prosecutor posts in Central Casework Divisions, and also had vacancies at lawyer and administrative level. Thames and Chiltern had also recently appointed a new Unit Head and, as referred to in chapter 3, has a significant number of cases in its CCU which were assessed as not meeting the referral criteria. The framework of the inspection did not allow us to assess whether CCU resourcing was an issue, but where there were vacancies, it was obviously a cause of concern and action needed to be taken quickly.

Operation Venetic

4.24. One of the additional factors staff mentioned to us which had affected resourcing was Operation Venetic.

4.25. Operation Venetic is the biggest and most significant operation of its kind in the UK. The police and the National Crime Agency infiltrated an encrypted communication platform in what is reported to be the biggest ever law enforcement operation of its kind in the UK. At very short notice, this resulted in a large number of cases coming into Areas. A significant number of these cases met the referral criteria for CCUs.

4.26. All Areas have had to adapt to cope with that sudden increase in their caseloads and it has had a significant impact on resourcing. Each Area and CCU has responded flexibly to the challenge, but there is no consistent pattern between Areas as to how these cases are being managed.

4.27. By way of example, Mersey-Cheshire has put all its cases into the CCU on the basis that they have sensitive disclosure issues and would benefit from being dealt with in a single unit, and that most fit the criteria for CCUs in any event. Thames and Chiltern, East of England and London allocated Venetic cases between their CCUs and Crown Court Units and keep a log of cases. As a short-term solution in East of England, one case was allocated to a crown advocate outside the CCU.

4.28. West Midlands adopted a different approach and instructed a special team of outside counsel to assist with Operation Venetic cases. They are instructed in pre-charge and post-charge work. The team were briefed by the CPS Central Casework Division (International Justice and Organised Crime Division). In addition, West Midlands seconded two Area crown advocates to the

Complex Casework Units

CCU, partly to deal with cases from Operation Venetic. The Area is also proposing to create a serious violence and organised crime team to sit alongside its CCU which, amongst other things, will allow the CCU Head to have oversight of Operation Venetic cases.

4.29. Cases emanating from Operation Venetic are causing considerable strain on all Area CCUs, particularly those in small and medium sized Areas which find it more difficult to cope with the increased volume of cases. This evidence shows that, whilst there are some similarities in approach, there are also significant differences in the way cases from the same Operation are being dealt with between Areas and their CCUs.

4.30. Whilst the Areas and CCUs have shown a flexibility in their approach to the demands made upon them from Operation Venetic, we do have concerns about the lack of uniformity in approach and the resulting impact that may have on how the cases are managed. Large Area CCUs can arguably cope better with operations of this nature and the interviews we conducted suggested an expectation that large operations of this kind will become more frequent. The potential impact of that on the size and resilience of CCUs in the future is something which the CPS's Changing Nature of Crime Review is better placed to investigate.

Recommendation
As a discrete element of the Changing Nature of Crime Review, Crown Prosecution Service Headquarters should consider how the small and medium sized complex casework units are best equipped to deal with complex casework and consider how the composition and staffing of units (including management levels and grades of prosecutor) can support and guarantee the delivery of high quality casework.

5. Pre-charge case progression

5.1. It is an established principle that wherever possible, in cases of a complex nature, investigators should seek guidance and advice from lawyers at an early stage of the investigation.

5.2. Reference to this is contained in several different guidance and protocol documents, including:

- the Director's Guidance on Charging, fifth edition, which was in force at the time of this inspection
- the Director's Guidance on Charging, sixth edition, which came into force on 31 December 2020
- the Complex Casework Unit–Association of Chief Police Officers Pre-charge protocol for serious and complex casework, dated April 2010
- the Memorandum of Understanding between the Regional Organised Crime Units and the Crown Prosecution Service (CPS), dated December 2018.

5.3. Most cases referred to Complex Casework Units (CCUs) should, by their very definition, be the subject of early investigative advice before a charging decision is required. That initial contact should be in the form of an early planning conference. There is no requirement for a conference to be held face to face, although this does occur in most cases. Conferences can also be held over the phone or by videoconferencing. Since some of the cases we inspected took place during the coronavirus pandemic, there were several examples of that occurring.

5.4. Investigators seeking early investigative advice are usually police officers, but that is not exclusively the case. We have referred to other investigative bodies who deal with CCUs earlier in this report.

Early planning conference

5.5. We examined 36 files to assess whether early planning conferences took place and how quickly they were arranged once an investigator had contacted a CCU.

5.6. In 30 cases (83.3%) an early planning conference took place and in 29 of those cases (96.7%) there was evidence that a case strategy was agreed. In all the cases where a case strategy was not agreed at the early planning conference, it was agreed later at the pre-charge stage, which is a high level of performance.

5.7. We found that CCU performance was also generally good when it came to the timeliness of setting up early planning conferences with investigators.

5.8. 27 cases (75%) were accepted by CCUs within seven days of the investigator making contact. In 33 cases (91.7%) a lawyer was allocated within seven days of the case being accepted. After a specific case lawyer had been allocated, contact was made with the investigator within seven days in 24 cases (66.7%). Whilst this does leave room for some improvement, overall it is a good level of performance.

5.9. Arranging the early planning conference did take longer. This is not surprising, as it involves the lawyer having an opportunity to consider the documentation submitted as part of the request, which on many occasions will be substantial. There are also often practical issues resulting from the working patterns of the senior investigator and team. An early planning conference took place within 14 days of contact being made with the investigator in 17 cases (56.7%). Among those 17 cases, the conference took place within 0-2 days in 11 (36.7%), within 3-7 days in two (6.7%) and within 8-14 days in four (13.3%).

5.10. We found that in 21 cases (70%), there was no unreasonable delay between a CCU accepting the case and either an early planning conference being held or (where there was no conference) a pre-charge decision being made.

5.11. However, that means that in nine cases (30%), there was a delay. We assessed that there were five cases in our sample where sole responsibility for the delay lay with the CPS, two cases where sole responsibility lay with the investigator and two cases where there was fault attributable to both parties. In three of the cases where some fault was attributable to the CPS, the delay was identified by internal case management process and appropriate action taken. In the other cases where some fault was attributable to the investigator, all were identified by the CPS and action taken. Therefore, amongst the 36 cases we inspected, there was unreasonable delay that was not identified correctly by CPS in four cases (11.1%). Whilst this is of concern in those cases, and is capable of being improved upon through improved case management processes, our view is that this is an acceptable level of performance.

Case strategy

Prosecution Strategy Document

5.12. A Prosecution Strategy Document (PSD) is a mandatory document for use by lawyers in CCU cases unless the case has been exempted by the CCU Head. It is described in CPS guidance as a “living document” which must be started as soon as a lawyer has a relevant case which appears likely to result in a prosecution. It must be continually updated throughout the life of the case to form an audit trail recording the key prosecution strategy and all decision making. It contains various sections which detail, amongst other aspects, the evidence, charging strategy, timeline and disclosure strategy.

The completion of a PSD is not embedded in CCUs

5.13. Some of the content of a PSD may be contained in other documentation produced by a lawyer, such as review notes, charging decisions, a Disclosure Management

Document, correspondence and so on. CPS guidance allows for such documents to be embedded in the PSD so long as the information is easily accessible through the PSD.

5.14. In our file examination of 36 files, only six cases (16.7%) had evidence of a PSD being completed. There was no evidence of any formal exemption being given to the other 30 cases. Five of the cases where there was compliance were from Mersey-Cheshire and one from Thames and Chiltern. This indicates that the completion of a PSD is not embedded in CCUs other than Mersey-Cheshire (where there was a PSD in five of the six cases we examined).

5.15. In two of the cases where a PSD was completed, it was not completed fully in accordance with the guidance: there was no evidence of the disclosure strategy within the document.

5.16. There were 30 cases where there was no PSD. In 26 of the 30 cases (86.7%), inspectors considered there to be a comprehensive case strategy appropriate to the case contained in other documents on the case file. Because they did not follow the overall structured format of the PSD, at times the audit trail was more difficult to piece together through these documents.

5.17. Our findings in the file examination was supported by the interviews we conducted with focus groups of CCU lawyers. Most were clear in their view that they rarely completed a PSD. They believed it did not add any value and was a duplication of effort, because the same information was normally contained in several different documents they had already produced on a case file, such as

review documents and briefing notes. Their view was that completing a PSD was time consuming and a duplication of work which distracted them from other legal work on cases. Some even admitted that they only completed a PSD on a case if they knew it was likely to be subject to more detailed scrutiny, such as a Local Case Management Panel with a senior manager.

5.18. We found no evidence in any of the CCUs we inspected that records were kept detailing cases that had been exempted from requiring a PSD. We found no evidence in our interviews that conversations about exemptions regularly took place.

5.19. Senior managers appear to have overlooked the full requirements in the guidance in relation to the need for either a PSD or an exemption. They have not embedded the requirements as part of their case management or case oversight in CCUs.

5.20. CPS guidance is clear as to when a PSD should be started and when it can be exempted. This is not being complied with. The requirement for a PSD is a sensible and necessary requirement in CCU cases where lawyers are giving advice in circumstances where the investigation is incomplete and the circumstances and evidence are complex.

5.21. The benefits of one document containing the full strategy adopted throughout the life of a case are substantial. It gives a clear and accurate account of why decisions were made, the risks anticipated, and the strategy pursued. Lawyers do not always retain responsibility for a case throughout its entirety. This can be for several reasons but, when that happens, a PSD allows others who are required to take over to understand exactly what has happened and why. In addition, if the CPS is called on at a later stage to explain its decision making, it is in a much stronger position to do so if a PSD has been accurately completed.

Disclosure Management Document

5.22. CPS guidance currently states that completion of a Disclosure Management Document (DMD) is mandatory in all CCU Crown Court cases. It is essential that disclosure issues are addressed pre-charge where possible. When a lawyer is asked to provide advice on a case, from the very outset, decisions need to be made and recorded about what documentation will be needed. If completed during the pre-charge stage it is not expected that a DMD will be finalised, particularly in the early stages of an investigation, because lines of enquiry and disclosure issues will change and transform as the investigation progresses.

5.23. However, there is a clear overlap in the early investigative stage between the completion of a DMD and a PSD, which also contains a section dealing specifically with disclosure strategy and management. During our interviews with CPS Headquarters they were clear that their expectation was for lawyers to document their disclosure strategy at the early investigative stage in the PSD. If that were done, then only as the case came nearer to charge would they expect a DMD to be prepared for court. The current CPS guidance sets out that a DMD should be started by lawyers at the very outset of the case, which does not entirely reflect the intention of the guidance. We understand that the guidance will be amended to make this distinction clearer and this should address some of the concerns raised by lawyers about the need to duplicate disclosure documentation.

5.24. In our file examination, if a case had a PSD with the disclosure strategy section completed correctly, then we did not expect a separate DMD.

5.25. Our file examination showed that there were 32 files where a the disclosure strategy section in a PSD or the DMD should have been started. In 21 of these cases (65.6%) there was no evidence that it had been started which reflects our findings above that PSDs are not being routinely completed. Inspectors considered there to be a comprehensive case strategy appropriate to the case contained in other documents in 86.7% of cases. This comprehensive case strategy would include a disclosure strategy. Our findings do not mean that there was no disclosure strategy, as that was often dealt with elsewhere on a case, such as in review notes.

5.26. At present, on too many CCU cases, no clear audit trail of decision making is begun at the outset in the pre-charge stage. This is a significant risk for the CPS and we have addressed this within our recommendation at paragraph 6.26.

Case progression

5.27. Cases where investigators seek early legal advice from a CCU at an early planning conference usually result in a series of actions being agreed on the part of either the investigator or the lawyer in order to further the investigation. In complex cases, those actions can be extensive and time consuming and should have realistic milestones set so that the progression of the case can be managed. It is important that an effective working relationship exists between the parties, so that any work is undertaken in accordance with those agreed timescales; that there is regular contact; and that the investigation and case building progress in a timely manner specific to the circumstances of the case.

5.28. During the file examination, we analysed 36 files to assess how cases progressed following the early planning conference and whether they were managed appropriately by the CCU.

5.29. In 34 of the 36 cases we considered (94.4%), there was evidence of milestones being set, in the form of actions for the police to complete as part of the investigation and re-submit to the CCU. However, the inspectors assessed those milestones as appropriate in only 27 cases (75%). In the seven cases (19.4%) where the milestones were not considered appropriate, it was usually because inspectors considered the action dates set for the police to be too soon or too vague for what was being requested from the investigator.

5.30. We acknowledge that setting milestones for investigators to complete actions on a case is not an exact science and will differ depending upon the action required, the complexity and the investigative resource available. It will often be difficult for CCU lawyers to predict realistic timescales and therefore it is important to speak to investigators and gain their agreement to any milestones before they are set.

Setting milestones for investigators to complete actions on a case is not an exact science

5.31. We assessed milestones as being proactively managed if there was evidence that they were monitored by the CCU and action was taken to make sure they were adhered to or amended where appropriate.

5.32. We assessed that the CCU fully met the standard for proactive management of milestones in 11 cases (32.4%) and partially met the standard in 12 cases (35.3%). There were 11 cases (32.4%) where there was no evidence of proactive management.

5.33. In assessing compliance with milestones, we relied upon a combination of the evidence located on the CPS's case management system (CMS) or any evidence that could be located on any separate case management log, if that had been made available to us. It is possible that some of these cases were being managed by lawyers outside of those methods – for example, through telephone calls or by storing evidence on individual lawyer work email accounts outside of the CMS (see chapter 9). If that was the case, but it was not properly recorded, it could not be identified or considered.

5.34. We found that 13 cases (36.1%) had progressed efficiently following the early planning conference through the pre-charge stage. Amongst the other 23 cases (63.9%) we assessed that in 14 (60.9%), the lack of timely progress was the sole responsibility of investigators, in 8 (34.8%) it was the responsibility of

both the CCU and investigators, and in one case (4.3%) it was the sole responsibility of the CCU.

5.35. In the nine cases (39.2%) where the CPS had either joint or sole responsibility for the delay, we found no evidence that such delay had been identified and appropriate action taken.

5.36. In short, in our file analysis, we found that following the early planning conference, in a significant number of cases, investigators do not comply with timescales that are set out in action plans; the ongoing contact between the CCU and the investigator is irregular; and the CCU do not routinely and proactively seek updates to those ongoing investigations and we have addressed this within our recommendation at paragraph 6.26.

5.37. Case progression would be significantly improved if there were agreements in place with all investigative bodies that provided minimum standards to be followed and a clear framework detailing how that should be enforced. Since December 2018, there has been a Memorandum of Understanding between the CPS and Regional Organised Crime Units which is comprehensive and deals with issues around case progression. It covers expectations related to the referral of cases, liaison arrangements and escalation. Part of those expectations is that consistent case building timescales and file standards are understood and adhered to.

5.38. CCUs, however, deal with several different investigative teams, not just Regional Organised Crime Units. Their main stakeholders are local police forces. The only equivalent national memorandum or protocol between CCUs and local police forces is the 2010 Association of Chief Police Officers' Protocol for Serious and Complex Crime. All CCU Heads confirmed that this is no longer practically followed, because it is out of date. Whilst several of the CCUs have agreements with local forces and other investigators, those agreements do not have the detailed framework contained within the Memorandum of Understanding. In order to improve case progression, it would assist both police forces and CCUs if an equivalent document to the Memorandum of Understanding was agreed with local police forces, monitored and enforced.

5.39. We have been informed that the Legal Services Team in CPS Headquarters is in the process of agreeing a standard template to be used by Areas to reach such an agreement with their individual police forces. If implemented, this should provide a consistent expectation of the standards required and allow for performance to be measured in the future.

Recommendation

Complex Casework Units should negotiate a Memorandum of Understanding with local police forces in accordance with the template agreed by Crown Prosecution Service Headquarters.

5.40. Similar arrangements should also be agreed with all other significant investigative bodies. We are pleased to note that some are already being negotiated. For example, the London CCU is currently leading on drafting a Memorandum of Understanding between the Department of Education, the Office for Standards in Education, Children's Services and Skills (OFSTED) and the CPS.

6. Local oversight of casework

Case management

6.1. Complex Casework Units (CCUs) are responsible for some of the most complex and lengthy investigations and prosecutions of cases. Lawyers can work on these cases, together with investigators, for months if not years. It is important, therefore, that CCUs have in place clear and effective processes that allow for oversight of cases by managers within the unit. These should provide a high level of casework assurance for senior managers within the Area and also provide support for lawyers and paralegals responsible for the casework.

In all CCUs, we found evidence of regular meetings between lawyers and CCU managers to discuss casework

6.2. All the CCUs we inspected have systems in place at both the pre-charge and post-charge stages of a case, which allow for cases to be overseen. Each CCU has developed their own systems and processes and therefore they do vary.

6.3. In all CCUs, we found evidence of regular meetings between lawyers and CCU managers to discuss casework. These include either the CCU Head or, in CCUs which have them, District Crown Prosecutors (DCPs). The regularity of these meetings differed between the CCUs, but most had meetings every 4-8 weeks with lawyers to discuss the progress of all their casework. These meetings were not formal to the extent that there were minutes kept; to do so would be too time consuming, especially with the extent and regularity of the meetings. The consensus from the managers and lawyers we interviewed was that these meetings were demanding, effective, and a good means to ensure case issues can be discussed.

6.4. In addition to the casework meetings, all CCUs except Mersey-Cheshire also maintained separate logs of cases. These logs covered cases in the pre-charge and post-charge stages and were normally kept on the Area Shared Drive. The logs were effectively an audit trail of the progression of cases. In most CCUs, the expectation was that the logs would be updated before or after the casework meetings to reflect any developments since the last meeting.

6.5. We found that the extent of the detail contained in the logs and the updates varied. It was also something of a concern that actions agreed at these meetings were not regularly updated on the Crown Prosecution Service's (CPS) case management system (CMS) file for each case. It was often necessary to consider both the log and CMS to understand what had been agreed on a case. Therefore, CMS was not always a complete audit trail of decision making in a case. Lawyers do not always retain responsibility for a case, so it is important

that there is a case file on CMS containing full details, to give a full and accurate account of how the case has progressed.

6.6. In addition, the completion of a Prosecution Strategy Document needs to form a regular part of the case oversight meetings to provide assurance to the CCU Head that cases are being progressed efficiently and that there is a clear audit trail on CMS. We have addressed all these issues within our recommendation at paragraph 6.26.

6.7. In addition, we found that CCU cases are also discussed regularly between the CCU Head and either the Chief Crown Prosecutor (CCP) or the Deputy Chief Crown Prosecutor (DCCP) at performance meetings, separate meetings or (for example) the Casework Quality Board.

6.8. These processes allow CCPs and DCCPs to be notified of cases as required under national guidance and to provide a local level of assurance and oversight. The CCPs and DCCPs we interviewed were confident that they had knowledge and oversight of the most sensitive and complex cases in the CCU. We cover this in more detail in chapter 7.

Individual quality assessments

6.9. Individual quality assessments (IQAs) are another method by which CCUs should exercise case oversight. They are designed to complement the Casework Quality Standards and are used across the CPS, including in CCUs, to improve the quality of the service. Assessments are completed by managers. The guidance states that there should be a minimum of one assessment every month for each lawyer in the CCU and the assessment should be of an activity on a file that is live at the time of the assessment.

6.10. In the small and medium sized Areas, IQAs are completed by the CCU Head, since they directly line manage the lawyers in their team. In the large Areas, IQAs are completed by the DCPs, since they line manage the lawyers. Those with line management responsibility for the managers conducting assessments are required to quality assure a sample of the IQAs undertaken in their Area by dip sampling. There is an Area percentage target for dip sampling, rather than a specific CCU target.

6.11. In the CCUs we inspected, the number of IQAs undertaken shows that insufficient volumes are being completed. The number of assessments made is significantly below the levels mandated, except in the two large Area CCUs, in London and the West Midlands. The senior managers in the other CCUs were aware of this and stated that they had begun taking steps to address the issue.

6.12. This is linked to the structure of CCUs and the resources they have available to undertake appropriate case oversight. It is why we recommend the Changing Nature of Crime Review considers the staffing of CCUs at paragraph 4.30. The CCUs in London and West Midlands have DCPs who manage the lawyers, but the other CCUs do not. We found that one of the main reasons IQAs are not completed as required is the lack of a DCP grade in the small or medium sized Area CCUs, which results in responsibility for completion resting solely with the CCU Head. The CCU Head is also responsible for the Rape and Serious Sexual Offences Unit in those Areas, so a combination of the management span and lack of DCP resource has resulted in them completing fewer IQAs. The additional layer of management provided by DCPs creates more resilience in the management structure and enables them to drive forward completion of IQAs.

6.13. In addition, during our interviews with managers, it was clear that the completion of IQAs was not being routinely combined with case oversight meetings or Local Case Management Panels. If this was done, it would allow for a more detailed assessment to be completed on targeted cases and for a more efficient approach to case oversight. Instead, IQAs are currently seen as a standalone system, outside of the other existing case management processes adopted by CCUs. This results in less emphasis being placed on the completion of IQAs and more reliance placed on those other processes. However, none of those other processes assesses the handling of casework in the same depth that IQAs allow. This is therefore a missed opportunity for more specific and detailed case oversight.

6.14. All this has the effect of reducing the perceived value of IQAs amongst CCU lawyers. During several of the interviews, lawyers and some senior managers questioned whether IQAs are the most effective way of assessing casework quality in the CCUs. If IQAs were incorporated into the existing case management processes, more IQAs were completed and feedback was provided to lawyers, then they would be more likely to be valued and of use.

6.15. CCUs need to incorporate IQAs within their existing procedures, avoid any duplication of effort and promote them within CCUs and we have addressed this within our recommendation at paragraph 6.26.

6.16. In the London and West Midlands CCUs, there was evidence that feedback on issues identified through IQAs was provided not only individually to lawyers, but also on themes at group meetings such as lunch and learn sessions, legal forums and team meetings.

Local Case Management Panels

6.17. A Local Case Management Panel (LCMP) is one of the ways in which a CCP should have oversight of complex or sensitive cases. There is national guidance that stipulates the criteria for an LCMP. The criteria are based around the perceived risk either that the case has the potential to involve expenditure that is significant on a local scale, or that the case has the potential to cause significant reputational damage to the CPS from a local perspective. LCMPs are not solely for CCU cases, but the nature of CCU casework means a significant proportion of LCMPs are on CCU cases.

6.18. We found that LCMPs were taking place on cases that matched the criteria. Each CCU was able to give us examples of LCMPs that had occurred together with copies of minutes resulting from them.

6.19. In addition, we found evidence from cases considered as part of our file examination that LCMPs had taken place on cases that met the criteria. We found no cases where we thought there should have been an LCMP but one had not taken place.

6.20. The overall number of cases subject to an LCMP recently was relatively small. That appeared to be partly because of the current coronavirus pandemic and the consequent lack of case progression on some cases at court over recent months.

LCMPs were taking place on cases that matched the criteria

6.21. Each CCU had a system for selecting LCMPs, although they all varied depending on the Area. In all CCUs, we found evidence that the need for an LCMP would usually be identified by the CCU Head or the

CCP or DCCP, often in discussion at their casework meetings. In some instances, lawyers themselves requested an LCMP. Whilst the criteria for LCMPs was generally followed, there were instances where, if a CCP had a concern about a case which did not exactly meet the criteria, they still held an LCMP. This is a sensible use of LCMPs in appropriate cases.

6.22. In all LCMPs, a briefing document was produced – normally by the lawyer, although in Mersey-Cheshire, the CCU Head often completed the document. Following the LCMP, minutes were completed, with actions noted on them.

6.23. Whilst the conduct of LCMPs was not part of the framework of our inspection, the lawyers we interviewed, with a few exceptions, felt that LCMPs were rigorous and amounted to a meaningful exercise where they were

Complex Casework Units

constructively challenged where necessary. Most appeared to welcome the scrutiny and the support LCMPs gave them as lawyers. Senior managers also saw them as a welcome assurance process for both managers and lawyers.

6.24. We did identify concerns related to the audit trail which followed an LCMP in some CCUs, and it was clear that the audit trail would benefit from being strengthened. This confusion surfaced in our file examination; the minutes from LCMPs were often not retained on CMS and it was unclear whether the expectation was for them to be retained by the CCU Head or the lawyer, in a separate log or on the casefile. In addition, updates and actions from LCMPs were not always detailed on the separate case management log, which is often a key document for oversight of all cases. This was backed up by our interviews with CCU staff, who were often unclear what was expected.

6.25. This links to the importance of a Prosecution Strategy Document (PSD), discussed in chapter 5, and a full audit trail being recorded on the case file in the CMS to provide an accurate account of decision making in one place. As the minutes from LCMPs contain discussions and rationales for decisions together with any actions that need to be taken, it is important that they are retained on case files and detailed on case management logs and the PSD.

6.26. We have highlighted a number of issues throughout this report with the compliance and adherence to existing processes relating to case allocation, management, assurance and resourcing. We have addressed all these issues within one recommendation.

Recommendation

Complex Casework Units should ensure that, pre and post charge, processes and checks are in place to ensure ongoing compliance with:

- case progression
- mandatory casework assurance processes
- individual quality assessments
- completion of the Resource and Efficiency Model to provide accurate resourcing data
- the creation and maintenance of appropriate audit trails within the case management system.

7. National oversight of casework

Methods of oversight

7.1. The Crown Prosecution Service (CPS) has clear national guidance that specifies which cases must be referred to CPS Headquarters for information or for decision making. That guidance is not solely for cases prosecuted by the Complex Casework Units (CCUs), but the nature of their casework means a significant proportion of the guidance relates to CCU casework.

7.2. The type of cases which require referral to CPS Headquarters is very specific and not encountered very often. Therefore during our file analysis, we came across very few cases where this applied. None of the cases we inspected required referral to Private Office. In total there were four cases which required referral to the Director of Legal Services, primarily because they involved decisions to charge juror misconduct offences. In all four cases, there was evidence that the case had been referred to the Director of Legal Services as required under the guidance.

7.3. There are three additional ways in which Areas should report complex or sensitive cases: a monthly Top Ten List, a Sensitive Case List and a National Case Management Panel (NCMP).

7.4. In relation to the Top Ten List and Sensitive Case List, we found clear evidence that the systems were comprehensive, well understood and applied to CCU cases as appropriate. The systems are followed and CCU cases are included as well as cases from other Area units. Areas generally used their existing case management processes and local case oversight meetings to identify these cases.

7.5. Some Areas used the collation of these lists to create their own to assist them. For example, Mersey-Cheshire created a top ten of CCU cases, Thames and Chiltern created a shadow top ten list for the Area, and London created a high-risk case log. Whilst these were not submitted nationally, it was clear that the national system had allowed Areas to focus attention locally on other cases which did not quite make the national lists.

7.6. An NCMP is another way in which a CCP should report complex or sensitive cases. There is national guidance that stipulates the criteria for an NCMP. The criteria are based around the perceived risk either that the case has the potential to involve expenditure that would be significant on a national scale, or that the case has the potential to cause significant reputational damage to the CPS from a national perspective. NCMPs are not solely for CCU cases, but the nature of CCU casework means a significant proportion of NCMPs are on CCU casework.

7.7. In our file analysis, we inspected only one case which met the criteria for an NCMP and that had been completed in accordance with the guidance. CCUs provided a small number of other examples of cases where NCMPs had been held. In addition, during interviews, some of the lawyers confirmed their involvement in cases which required an NCMP.

7.8. Overall, Chief Crown Prosecutors (CCPs) expressed confidence that all CCU cases that should be referred nationally were being referred. They felt that the Top Ten List and Sensitive Case List system assisted with ensuring that the right cases are identified for scrutiny locally and nationally.

Press Office

7.9. The CPS Press Office must be notified of any case which attracts national media interest. As a consequence of the nature of cases prosecuted by CCUs, a significant number of their cases either meet these criteria or have the potential to meet them. It is not, however, always easy to define or predict which cases will attract national media interest.

7.10. The Press Office confirms that Areas notify them in most of these cases, through a variety of means, including direct contact from CCU Heads, CCPs or Area Communication Managers. This was reflected during our interviews with CCU Heads and CCPs, who confirmed that in cases where there was national media interest, they welcomed the assistance of the Press Office and worked proactively with them either directly or through their Area Communication Managers. In addition, the Press Office does also receive notification of some cases from CPS Headquarters, primarily through the provision of information submitted by Areas on the Top Ten or Sensitive Case List.

7.11. As a result of the difficulty in predicting which cases will attract national media interest, CCUs and the Press Office do have to be more reactive than is ideal on occasion. However, the system for notifying the Press Office has improved considerably over recent years, and there is an increased level of confidence that they are being notified correctly about appropriate cases.

8. Stakeholder engagement

External engagement

8.1. Complex Casework Units (CCUs) have several external stakeholders, most of which are common to the rest of their Crown Prosecution Service (CPS) Areas. They include local police forces, HM Courts and Tribunals Service, the Bar and defence solicitors. Extracting CCU engagement with stakeholders from wider Area engagement is therefore not straightforward; a lot of engagement is undertaken on an Area basis, particularly by Chief Crown Prosecutors and Deputy Chief Crown Prosecutors.

8.2. The main CCU stakeholders are the police. They come from a variety of different bodies including the National Crime Agency, Regional Organised Crime Units, Central Specialist Crime Teams within the Metropolitan Police, and local police forces. In addition, CCUs have a wide range of other stakeholders including the Independent Office for Police Conduct, the Office for Standards in Education, Children's Services and Skills (OFSTED), the Care Quality Commission and Coroner's Services.

8.3. We asked each CCU inspected to provide a list of their main stakeholders, from which we selected two in each Area to interview. We decided to speak with the police at a regional and local level, since they are the most regular stakeholders to interact with CCUs. The relationship with the police is pivotal, particularly so in CCUs, as the nature of their casework often requires them to work closely with police colleagues during the course of an investigation and any subsequent prosecution.

8.4. It is apparent from the interviews we conducted with police stakeholders that relations across all the CCUs we inspected are generally very good. There are clear contact points at an appropriate level in CCUs and stakeholder organisations, and arrangements are in place for urgent engagement where it is required.

8.5. Arrangements are in place for escalation where there are issues to be resolved, although some CCUs have more formal arrangements than others. All CCUs and stakeholders indicated that the need for formal escalation was very rare because of their working relationships, but that should not be mistaken for a lack of robustness during the engagement. Most of those interviewed gave examples of when they had forthright and honest exchanges of views with their counterparts, but that did not affect the long-term relationship between them.

8.6. Those arrangements will be strengthened further across all CCUs if they agree a Memorandum of Understanding with local police forces to improve case progression in the pre-charge stage, as we recommend in chapter 5.

8.7. The good working relationships are clearly based on the work undertaken by CCUs and CCU Heads. It is apparent from all our interviews that most CCU staff go beyond normal expectations in their commitment to cases, and view this as part and parcel of their role within the CCU. This is greatly appreciated by stakeholders and is a major reason for the good working relationships. Several examples of this commitment were quoted to us by stakeholders in all the CCUs we inspected.

Most CCU staff go beyond normal expectations in their commitment to cases, and view this as part and parcel of their role

8.8. It was also clear to us from the interviews we held that stakeholders valued the expertise and experience of both CCU Heads and the CCU lawyers highly. Indeed, investigators' concerns usually arose only if their case did not meet the criteria for it to be referred to a CCU. The inclusion of Specialist Prosecutors in all CCUs, which we refer to in chapter 4, would embed this further. The additional expertise

they would bring to CCUs, especially if combined with a breadth of experience as they move between CCUs and Central Casework Divisions, would enhance the relationship with stakeholders.

8.9. The regularity and formality of police stakeholder meetings appeared to differ between the CCUs in the large Areas (London and West Midlands) and the other CCUs we inspected. In the two large Areas, there was evidence of CCUs having regular and formal meetings with their police counterparts. In the other CCUs there was evidence that this engagement is generally more impromptu and that the quality of recorded minutes and actions is poorer.

8.10. This links back to the structure of CCUs and the resources they have available for regular and formal stakeholder meetings. It is why we refer to the inclusion of District Crown Prosecutors in CCUs in chapter 4 and recommend the Changing Nature of Crime Review considers staffing of CCUs at paragraph 4.30. In the small and medium sized Areas, the CCU Head's responsibility for the Rape and Serious Sexual Offences Unit and the lack of District Crown Prosecutor resources affects the regularity of stakeholder meetings. The additional layer of management provided by District Crown Prosecutors creates more resilience in the management structure and enables the CCUs to be more proactive in stakeholder relations.

8.11. We found that engagement with HM Courts and Tribunals Service, the Judiciary, the Bar or defence solicitors is usually carried out by the Chief Crown Prosecutor or Deputy Chief Crown Prosecutor on a wider Area basis and is not specific to the CCU.

Internal engagement

8.12. Outside of their own Area, CCUs also engage with the CPS Central Casework Divisions (CCDs) and Proceeds of Crime Division (CPSPD). We interviewed senior managers within each of the CCDs and CPSPD and they acknowledged that they had good working relationships with the CCUs. They confirmed that the current referral guidance had resulted in clearer lines between the casework of CCUs and the Divisions and, as a result, there are fewer disagreements between them. Where disagreements occurred, these were resolved amicably by discussion with the CCU Head, although there was an escalation procedure in place if necessary. None of the CCU Heads reported any difficulties in this relationship.

8.13. In addition, the CCDs and CPSPD attend the national CCU Heads meetings when they take place. This provides them with an opportunity to share good practice. The only concern raised was that the regularity of these meetings has decreased during the coronavirus pandemic.

9. Digital working

File submission

9.1. The nature of the cases considered by Complex Casework Units (CCUs) means that a significant number are extremely large with numerous statements, documents, exhibits and unused material. It has long been established that to store all this material on the general Crown Prosecution Service (CPS) case management system (CMS) is not practical. Our interviews with staff confirmed that on occasions in the past, where large volumes of material are stored on individual cases within CMS, the system struggles to cope and there is a delay involved in accessing or working on those cases in CMS.

9.2. In 2017, CPS Headquarters issued guidance that, in some large cases, it is necessary to store evidence on an Area shared drive rather than on the CMS. The guidance does not detail which cases this should apply to, but it does stipulate the process for receiving and processing digital material onto shared drives. It provides guidance on the police digital file structure which should be submitted and how the files should be stored, including the folder and sub-folder structure that should be used. It also provides additional guidance on service of the case, security considerations and the archiving process.

9.3. All the CCUs operate this system and, whilst some incorporate this into guidance documents for police forces, others have more formal Service Level Agreements (SLAs).

9.4. An example of where this works well is in the West Midlands Area, where the CCU have signed a comprehensive SLA with their regional police forces and the British Transport Police on the digital submission of case files. The SLA provides a commitment on behalf of the police to provide witness statements, exhibits and unused material in a structured manner on disc. As part of the SLA, a West Midlands CCU lawyer designed the witness and exhibit lists; they are structured into key events on the case and have a one-line summary of each statement. This allows the lawyers to see all the evidence relating to each event or stage together on submission of the file. The lists have proved invaluable to the CCU lawyers, prosecution counsel, the courts and the defence in understanding the case. In some cases, they have resulted in better case management and led to earlier guilty pleas.

Good practice

The West Midlands Complex Casework Unit's Service Level Agreement with the police for the digital submission of case files includes bespoke witness and exhibit lists structured into key events on the case and have a one-line summary of each statement.

9.5. Not all CCU cases contain large volumes of material and need to be dealt with in this way. Some cases are of a more normal size, as experienced routinely in other CPS units. These cases, can be supplied as normal, directly into CMS where the material is stored, as in other units.

9.6. In our file analysis, we inspected 120 files at the pre-charge and post-charge stages to assess whether evidence was being submitted and stored on CMS or shared drives.

9.7. Of the cases we assessed, 69 (57.5%) had evidence stored on both, 39 (32.5%) solely on CMS and 10 (8.3%) solely on shared drives. In those cases with evidence stored on both, the vast bulk of the material was contained in shared drives, with a smaller amount of material on CMS.

9.8. Despite the guidance, all staff in the CCUs we interviewed expressed frustration at times with the police files submitted, particularly around file structures and naming conventions for documents. This was consistent with our file examinations and, whilst not exclusive to CCU cases, clearly has a greater impact on larger cases, which are usually located in CCUs. That said, most staff we interviewed also acknowledged that, because the investigators they dealt with tended to be from more specialist units, the quality of submissions was better than on other casework within Areas.

Case management tasks

9.9. The CPS Headquarters guidance not only confirms how the case material should be stored on shared drives, but also confirms the case management tasks which should continue to be completed on CMS. This guidance is extensive.

9.10. During our file analyses, we concentrated only on part of the case management tasks that must be completed on CMS. We assessed specifically whether CMS had been used to undertake and record all advice or documents created by CCUs.

9.11. Of the 120 files considered, we marked 91 cases (75.8%) as fully meeting the requirement and 28 (23.3%) as partially meeting it. Therefore 119 cases (99.1%) either fully or partially met the requirement. Given our findings in other inspections, this is impressive.

9.12. However, whilst we found that staff at all levels within the CCUs possess an appropriate level of understanding of the requirements for digital working, we also identified concerns within all CCUs that not all correspondence with

investigators, particularly emails, were recorded on CMS. This is important, because it results in an incomplete audit trail of case progression in case files on CMS.

9.13. From our interviews with staff, it is clear that in some instances, case material will be stored in individual lawyers' work email accounts, outside CMS. Because we conducted the file examination solely using CMS and shared drives, we could not confirm this. We have been informed that identifying a solution to this question is the subject of ongoing work by CPS Headquarters. This may account for some of the apparent omissions in case progression in chapter 5, where we found that having systems in place to ensure timely case progression in the pre-charge stage was an issue CCUs needed to address.

Housekeeping

9.14. It was also apparent from our file analysis that in some CCUs, it is sometimes difficult to navigate around some of the Area shared drives. It was clear that housekeeping and archiving files was an issue in CCUs.

9.15. These aspects were not specifically recorded as part of our file analysis, but were generally accepted as being an issue by senior managers and staff that we interviewed.

Annex A

Referral criteria

Complex Casework Units

Complex casework to be dealt with in Area Complex Casework Units (CCUs) will be mainly from Level 1 and Level 2 crimes with broadly defined characteristics of complexity that distinguish them from non-complex crime. The cases will normally bear one or more of the following characteristics:

- substantial and complex fraud
- large-scale human trafficking
- serious drug-related offences involving substantial importation, manufacture or supply, particularly with an international dimension
- major targeted local criminals in organised or international crime
- major large-scale public disorder offences of a political, racial or religious nature, or which cause particular local concern
- complex/serious cases involving professional misconduct
- hate-related murders
- 'mercy' killings/euthanasia (note 'suicide pacts should be handled as a defence to murder, rather than a possible assisted suicide)
- high profile/multi-victim/multi-defendant murders
- serious/complex animal rights extremism cases especially across several police force areas
- complex restraint and confiscation of assets
- cases involving complicated public interest immunity issues
- complicated betting/lotteries cases
- sensitive, serious or complex cases of major media interest, e.g. allegations involving individuals or organisations with a high public profile
- corporate manslaughter involving unincorporated partnerships (all other corporate manslaughter cases are currently dealt with in the Special Crime and Counter-Terrorism Division)
- cases where consideration is being given to issues of immunity and restricted use agreements under the Serious Organised Crime and Policing Act 2005 (but not in relation to approving a letter of agreement with a co-operating defendant)

Complex Casework Units

- all applications for a witness anonymity order
- all cases involving the negotiation of jurisdiction with the USA
- all cases in which the CPS Regional Asset Team Recovery lawyer has been involved in advising upon prosecution (applicable Areas only)
- cases investigated by a Counter Terrorism Unit which fall short of being terrorist offences and thus are not prosecuted by the Special Crime and Counter-Terrorism Division (applicable Areas only)
- breach of sexual offence complainant anonymity requiring Attorney General's consent
- any case that raises the issue of liability under section 5(1)(a) or section 5(1)(c) of the Sexual Offences (Amendment) Act 1992, or the defence under section 5(5), or any other other unusual complexities
- all cases involving a breach of reporting restrictions under section 39 and section 49 of the Children and Young Persons Act 1939
- homicide cases where the death occurs either:
 - more than three years after an initial injury is sustained
 - after a person has previously been convicted of an offence committed in the circumstances connected with the death.

There is a presumption that all cases in the Crown Court which are likely to last for 40 days or more and thus fall within the Very High Cost Case (VHCC) scheme will be dealt with by the CCU, Rape and Serious Sexual Offences (RASSO) Unit or, in London, the Homicide Unit. This presumption can be overridden with the agreement of the Chief Crown Prosecutor (CCP) if a VHCC case is considered to be suitable for handling by a Crown Court Unit or it has started elsewhere the CCP is content for it to remain on the original unit.

In addition, cases may be referred to the CCU by agreement or at the direction of the Chief Crown Prosecutor and which are likely to feature one or more of the following:

- unusual legal or evidential issues (including the Regulation of Investigatory Powers Act)
- complex expert evidence or multiple experts
- extensive confiscation issues

Complex Casework Units

- significant or multiple foreign enquires or liaison with foreign law enforcement agencies
- protected witnesses
- multi-agency involvement
- resident source
- extensive undercover police operations/multiple use of sources
- where the skills of a CCU prosecutor are deemed necessary.

Annex B

Inspection framework

Complex Casework Units

The framework for this inspection consisted of one overarching question: “How effective and efficient are Complex Casework Units (CCUs) in identifying and managing their casework?”

The framework identified seven different aspects of CCU work to inspect in detail.

1. Are cases identified and prosecuted in CCUs consistently in accordance with the legal guidance for the referral of cases to CCUs and are records completed and maintained explaining decisions to accept or reject casework in CCUs?

Performance expectation

The Crown Prosecution Service (CPS) has in place clear allocation criteria for cases that should be prosecuted by Area CCUs. Such criteria are enforced consistently by CCUs and records are kept showing why cases have been accepted or rejected.

Criteria

CPS has in place clear and effective allocation criteria for cases to be dealt with in CCUs.

The criteria are comprehensive and kept up to date.

The criteria are easily accessible and understood by those involved in allocating cases to CCUs.

Cases are accepted by CCUs in accordance with the criteria.

Records are kept showing why cases have been accepted or rejected by CCUs.

2. Are there effective means to allocate resources to CCUs flexibly in accordance with their caseload?

Performance expectation

CPS has in place a means to correctly assess resourcing requirements of CCUs. Such a means is utilised effectively, and appropriate flexibility is adopted to allow for fluctuating workloads at any point in time.

Complex Casework Units

Criteria
A system is available that allows the resourcing requirements of CCUs to be assessed.
That system is used by Area managers to assess resourcing on a regular basis.
Resourcing of CCUs is amended to reflect the requirements the system identifies.
Flexibility in resourcing is adopted to reflect short term increases or decreases in work within CCUs.

3. Are cases in the pre-charge stage managed and progressed effectively and efficiently?

Performance expectation
Internal case management processes are effective and ensure timely progression of cases. Cases prosecuted within CCUs have a clear case strategy from their inception and the cases are progressed to a final charging decision as effectively and efficiently as possible.

Criteria
Areas have in place clear and effective internal case management processes.
CCU cases have an early planning conference with the investigative authority.
A clear case strategy is established at that conference.
Such a strategy is documented appropriately and shared with the investigative authority.
The case is progressed in accordance with that strategy.
Internal case management processes are utilised effectively.
There is regular and timely contact between CCU and investigative authority throughout the pre-charge stage as appropriate to the nature of the case.

4. Is there appropriate oversight of cases locally?

Performance expectation

Cases are regularly overseen locally as appropriate.

Criteria

Areas have in place a clear and effective system for CCU cases to be overseen including the use of Local Case Management Panels.

The systems are comprehensive and kept up to date.

The systems are easily accessible and understood.

The systems are followed as appropriate.

5. Is there appropriate oversight of cases nationally including whether the requirements to keep a sensitive case list, provide updates to CPS Headquarters and any relationships with Press Office and Directors of Services and the Director of Public Prosecutions' Office are effective?

Performance expectation

Cases are regularly overseen nationally as appropriate.

Criteria

CPS has in place clear and effective systems for appropriate cases to be overseen nationally including the National Case Management Panels, Top Ten and Sensitive Case List.

The systems are comprehensive and kept up to date.

The systems are easily accessible and understood.

The systems are followed as appropriate.

Effective communication occurs with Press Office in appropriate cases.

6. Do CCUs engage effectively with relevant internal and external stakeholders, including Central Casework Divisions?

Performance expectation

CCUs engage consistently and effectively with internal and external stakeholders.

Criteria

CCUs have a clear understanding of which organisation are their internal and external stakeholders.

CCUs have clear contact points at an appropriate level within those stakeholder organisations.

Formal arrangements are in place for the regular meeting and recording of any engagement.

Arrangements are in place for urgent engagement where appropriate.

Engagement is effective.

7. Is there a consistent approach within CCUs to prosecuting cases digitally with appropriate use of the case management system (CMS) and shared drives?

Performance expectation

A system is in place to determine how CCUs should store files electronically and how they should utilise digital operating systems in the prosecution of those cases.

Criteria

CPS has in place systems which optimise digital working within CCUs, in particular the use made of CMS and shared drives.

The systems are comprehensive and kept up to date.

Complex Casework Units

The systems are easily accessible and understood.

The systems are followed.

Annex C

File examination results

Overall results

Table 1: Does the case meet the Crown Prosecution Service (CPS) legal guidance for the referral of cases to Complex Casework Units (CCUs)?

Answer	Number	Percentage
No	11	9.2%
Yes	109	90.8%
Total	120	100%

Table 2: If the case does not meet the criteria should it have been submitted to a Central Casework Division or to another unit in the Area?

Answer	Number	Percentage
Area	11	9.2%
Not applicable	109	90.8%
Total	120	100%

Table 3: Who are the investigating authorities?

Answer	Number	Percentage
CID	17	47.2%
MIT	2	5.6%
Other	9	25.0%
ROCU	8	22.2%
Total	36	100%

Table 4: Where was the first contact with CPS made about this case?

Answer	Number	Percentage
Area unit	12	33.3%
CCU	24	66.7%
Total	36	100%

Table 5: Was the initial request for early legal advice or a pre-charge decision?

Answer	Number	Percentage
ELA	25	69.4%
PCD	11	30.6%
Total	36	100%

Table 6: How many days were there between first contact with the Area and the case being accepted by the CCU?

Answer	Number	Percentage
0-2	23	63.9%
3-7	4	11.1%
8-14	2	5.6%
15+	7	19.4%
Total	36	100%

Table 7: How many days were there between the case being accepted in CCU and a lawyer being allocated?

Answer	Number	Percentage
0-2	27	75.0%
3-7	6	16.7%
15+	2	5.6%
Unknown	1	2.8%
Total	36	100%

Table 8: How many days were there between a lawyer being allocated and contact being made with the senior investigator?

Answer	Number	Percentage
0-2	19	52.8%
3-7	5	13.9%
8-14	2	5.6%
15+	9	25.0%
Unknown	1	2.8%
Total	36	100%

Table 9: Did an early planning conference take place?

Answer	Number	Percentage
No	6	16.7%
Yes	30	83.3%
Total	36	100%

Table 10: How many days were there between contact being made with the senior investigator and an early planning conference or pre-charge decision taking place?

Answer	Number	Percentage
0-2	11	36.7%
3-7	2	6.7%
8-14	4	13.3%
15+	13	43.3%
Not applicable	6	
Total	36	100%

Table 11: Was there unreasonable delay between the CCU accepting the case and an early planning conference or pre-charge decision taking place?

Answer	Number	Percentage
No	21	70.0%
Yes	9	30.0%
Not applicable	6	
Total	36	100%

Table 12: If there was unreasonable delay which agency was a significant contributor to that delay?

Answer	Number	Percentage
Both	2	22.2%
CCU	5	55.6%
Investigator	2	22.2%
NA	27	
Total	36	100%

Table 13: If there was unreasonable delay and a contributor was the CCU, is there evidence that such delay was identified by any case management process and appropriate action taken?

Answer	Number	Percentage
No	4	57.2%
Yes	3	42.8%
Not applicable	29	
Total	36	100%

Table 14: If there was unreasonable delay and a contributor was an agency other than CCU is there evidence that such delay was identified and escalated?

Answer	Number	Percentage
Yes by reviewing lawyer	1	25.0%
Yes by internal case management process	3	75.0%
Not applicable	32	
Total	36	100%

Table 15: Is there evidence that a case strategy was agreed at the early planning conference?

Answer	Number	Percentage
No	1	3.3%
Yes	29	96.7%
Not applicable	6	
Total	36	100%

Table 16: If a case strategy was not agreed at an early planning conference was one agreed later in the pre-charge stage?

Answer	Number	Percentage
Yes	7	100%
Not applicable	29	
Total	36	100%

Table 17: Was a case strategy recorded in writing in a Prosecution Strategy Document?

Answer	Number	Percentage
No	30	83.3%
Yes, following the early planning conference	6	16.7%
Total	36	100%

Table 18: Was a Prosecution Strategy Document exempted by the Head of CCU?

Answer	Number	Percentage
No	30	100%
Not applicable	6	
Total	36	100%

Table 19: Was the Prosecution Strategy Document completed in accordance with the guidance?

Answer	Number	Percentage
No	2	33.3%
Yes	4	66.7%
Not applicable	30	
Total	36	100%

Table 20: If a Prosecution Strategy Document was completed but not in accordance with the guidance what were the key issues not completed?

Answer	Number	Percentage
Disclosure strategy and management of unused material	2	100.0%
Not applicable	34	
Total	36	100%

Table 21: If a case strategy was not recorded in a Prosecution Strategy Document was it in another document?

Answer	Number	Percentage
MG3	24	80.0%
Review note	6	20.0%
Not applicable	6	
Total	36	100%

Table 22: Where there was no Prosecution Strategy Document did the other document(s) provide a comprehensive case strategy for the circumstances of the case?

Answer	Number	Percentage
No	4	13.3%
Yes	26	86.7%
Not applicable	6	
Total	36	100%

Table 23: Was there evidence that the case strategy within the Prosecution Strategy Document or other document(s) was fully updated subsequent to any further request for advice or conference?

Answer	Number	Percentage
No	1	2.9%
Yes	34	97.1%
Not applicable	1	
Total	36	100%

Table 24: Was a separate Disclosure Management Document completed?

Answer	Number	Percentage
No – but detail contained in PSD	4	12.5%
No – not done at all	21	65.6%
Yes	7	21.9%
Not applicable	4	
Total	36	100%

Table 25: Was the Disclosure Management Document completed accurately and fully in accordance with the guidance?

Answer	Number	Percentage
No	1	14.3%
Yes	6	85.7%
Not applicable	29	
Total	36	100%

Table 26: Is there evidence that appropriate milestones have been agreed for the agencies to jointly work towards during the pre-charge stage?

Answer	Number	Percentage
No – no milestones set	2	5.6%
No – milestones set but not appropriate	7	19.4%
Yes – appropriate milestones	27	75.0%
Total	36	100%

Table 27: Is there evidence that where appropriate the CCU has proactively managed those milestones?

Answer	Number	Percentage
Fully met	11	32.4%
Partially met	12	35.3%
Not met	11	32.4%
Not applicable	2	
Total	36	100%

Table 28: Has the case been progressed efficiently following the early planning conference through the pre-charge stage?

Answer	Number	Percentage
No	23	63.9%
Yes	13	36.1%
Total	36	100%

Table 29: If the case has not been progressed efficiently which agency was a significant contributor to any unreasonable delay?

Answer	Number	Percentage
Both	8	34.8%
CCU	1	4.3%
Investigator	14	60.9%
Not applicable	13	
Total	36	100%

Table 30: Where a contributor to unreasonable delay was the CCU is there evidence that such delay was identified by any case management process and appropriate action taken?

Answer	Number	Percentage
No	9	100%
Not applicable	27	
Total	36	100%

Table 31: Where a contributor to unreasonable delay was an agency other than the CCU is there evidence that such delay was identified and escalated?

Answer	Number	Percentage
No	17	77.3%
Yes by reviewing lawyer	1	4.5%
Yes by internal case management process	4	18.2%
Not applicable	14	
Total	36	100%

Table 32: Was the case referred to Private Office for consent?

Answer	Number	Percentage
Not applicable	120	100%
Total	120	100%

Table 33: Was the case referred for decision or notified and briefed to the Director Legal Services?

Answer	Number	Percentage
Yes	4	100%
Not applicable	116	
Total	120	100%

Table 34: If notified and briefed was the decision to charge taken by the Chief Crown Prosecutor (CCP)?

Answer	Number	Percentage
Yes	1	100%
Not applicable	119	
Total	120	100%

Table 35: Was the case subject to a National Case Management Panel?

Answer	Number	Percentage
Yes	1	100%
Not applicable	119	
Total	120	100%

Table 36: How is the case material supplied by the investigator stored?

Answer	Number	Percentage
Area shared drive	10	8.3%
CMS	39	32.5%
Both	69	57.5%
Other	2	1.7%
Total	120	100%

Table 37: Has the case management system (CMS) been used effectively to undertake and record all advice or documentation created by CCUs?

Answer	Number	Percentage
Fully met	91	75.8%
Partially met	28	23.3%
Not met	1	0.8%
Total	120	100%

Results by CCU Area – totals

Table 38: Did the case meet the CPS legal guidance for the referral of cases to CCUs?

CCU Area	Yes	No	Total
East Midlands	20		20
East of England	18	2	20
London South	10		20
Merseyside & Cheshire	18	2	20
Thames & Chiltern	13	7	20
West Midlands	20		20
Total	109	11	120

Table 39: If the case does not meet the criteria should it have been submitted to a Central Casework Division or to another unit in the Area?

CCU Area	Area	Not applicable	Total
East Midlands		20	20
East of England	2	18	20
London South		20	20
Merseyside & Cheshire	2	18	20
Thames & Chiltern	7	13	20
West Midlands		20	20
Total	11	109	120

Table 40: Who are the investigating authorities?

CCU Area	CID	MIT	Other	ROCU	Total
East Midlands	1		1	4	6
East of England	5		1		6
London South	2		2	2	6
Merseyside & Cheshire	5	1			6
Thames & Chiltern	2		3	1	6
West Midlands	2	1	2	1	6
Total	17	2	9	8	36

Table 41: Where was first contact with CPS made about this case?

CCU Area	Area	CCU	Total
East Midlands	2	4	6
East of England	2	4	6
London South	2	4	6
Merseyside & Cheshire		6	6
Thames & Chiltern	3	3	6
West Midlands	3	3	6
Total	12	24	36

Table 42: Was the initial request for early legal advice or a pre-charge decision?

CCU Area	ELA	PCD	Total
East Midlands	5	1	6
East of England	4	2	6
London South	3	3	6
Merseyside & Cheshire	4	2	6
Thames & Chiltern	5	1	6
West Midlands	4	2	6
Total	25	11	36

Table 43: How many days were there between first contact with the Area and the case being accepted by the CCU?

CCU Area	0-2	3-7	8-14	15+	Total
East Midlands	4			2	6
East of England	4			2	6
London South	4	1		1	6
Merseyside & Cheshire	5	1			6
Thames & Chiltern	3	1	1	1	6
West Midlands	3	1	1	1	6
Total	23	4	2	7	36

Table 44: How many days were there between the case being accepted in CCU and a lawyer being allocated?

CCU Area	0-2	3-7	15+	Unknown	Total
East Midlands	4		1	1	6
East of England	6				6
London South	4	2	1		6
Merseyside & Cheshire	3	2			6
Thames & Chiltern	6				6
West Midlands	4	2			6
Total	27	6	2	1	36

Table 45: How many days were there between a lawyer being allocated and contact being made with the senior investigator?

CCU Area	0-2	3-7	8-14	15+	Unknown	Total
East Midlands	3			2	1	6
East of England	3	1	1	1		6
London South	3	1	1	1		6
Merseyside & Cheshire	4	1		1		6
Thames & Chiltern	3	1		2		6
West Midlands	3	1		2		6
Total	19	5	2	9	1	36

Table 46: Did an early planning conference take place?

CCU Area	Yes	No	Total
East Midlands	5	1	6
East of England	4	2	6
London South	6		6
Merseyside & Cheshire	5	1	6
Thames & Chiltern	5	1	6
West Midlands	5	1	6
Total	30	6	36

Table 47: How many days were there between contact being made with senior investigator and an early planning conference/pre-charge decision taking place?

CCU Area	0-2	3-7	8-14	15+	Not applicable	Total
East Midlands	2			3	1	6
East of England	3			1	2	6
London South	1			5		6
Merseyside & Cheshire	3		2		1	6
Thames & Chiltern		1	1	3	1	6
West Midlands	2	1	1	1	1	6
Total	11	2	4	13	6	36

Table 48: Was there unreasonable delay between the CCU accepting the case and an early planning conference/pre-charge decision taking place?

CCU Area	Yes	No	Not applicable	Total
East Midlands	3	2	1	6
East of England	1	3	2	6
London South	4	2		6
Merseyside & Cheshire		5	1	6
Thames & Chiltern		5	1	6
West Midlands	1	4	1	6
Total	9	21	6	36

Table 49: If there was unreasonable delay which agency was a significant contributor to that delay?

CCU Area	CCU	Investigator	Both	Not applicable	Total
East Midlands	3			3	6
East of England	1			5	6
London South	1	1	2	2	6
Merseyside & Cheshire				6	6
Thames & Chiltern				6	6
West Midlands		1		5	6
Total	5	2	2	27	36

Table 50: If there was unreasonable delay and a contributor was the CCU is there evidence that such delay was identified by any case management process and appropriate action taken?

CCU Area	Yes	No	Not applicable	Total
East Midlands	1	2	3	6
East of England		1	5	6
London South	2	1	3	6
Merseyside & Cheshire			6	6
Thames & Chiltern			6	6
West Midlands			6	6
Total	3	4	29	36

Table 51: If there was unreasonable delay and a contributor was an agency other than the CCU is there evidence that such delay was identified and escalated?

CCU Area	Yes – by reviewing lawyer	Yes – by internal case management process	Not applicable	Total
East Midlands			6	6
East of England			6	6
London South		3	3	6
Merseyside & Cheshire			6	6
Thames & Chiltern			6	6
West Midlands	1		5	6
Total	1	3	32	36

Table 52: Is there evidence that a case strategy was agreed at the early planning conference?

CCU Area	Yes	No	Not applicable	Total
East Midlands	5		1	6
East of England	4		2	6
London South	5	1		6
Merseyside & Cheshire	5		1	6
Thames & Chiltern	5		1	6
West Midlands	5		1	6
Total	29	1	6	36

Table 53: If a case strategy was not agreed at an early planning conference was one agreed later in the pre-charge stage?

CCU Area	Yes	Not applicable	Total
East Midlands	1	5	6
East of England	2	4	6
London South	1	5	6
Merseyside & Cheshire	1	5	6
Thames & Chiltern	1	5	6
West Midlands	1	5	6
Total	7	29	36

Table 54: Was a case strategy recorded in writing in a Prosecution Strategy Document?

CCU Area	Yes – following the EPC	No	Total
East Midlands		6	6
East of England		6	6
London South		6	6
Merseyside & Cheshire	5	1	6
Thames & Chiltern	1	5	6
West Midlands		6	6
Total	6	30	36

Table 55: Was a Prosecution Strategy Document exempted by the Head of CCU?

CCU Area	No	Not applicable	Total
East Midlands	6		6
East of England	6		6
London South	6		6
Merseyside & Cheshire	1	5	6
Thames & Chiltern	5	1	6
West Midlands	6		6
Total	30	6	36

Table 56: Was the Prosecution Strategy Document completed in accordance with the guidance?

CCU Area	Yes	No	Not applicable	Total
East Midlands			6	6
East of England			6	6
London South			6	6
Merseyside & Cheshire	3	2	1	6
Thames & Chiltern	1		5	6
West Midlands			6	6
Total	4	2	30	36

Table 57: If a Prosecution Strategy Document was completed but not in accordance with the guidance what were the key issues not completed?

CCU Area	Disclosure strategy and management of unused material	Not applicable	Total
East Midlands		6	6
East of England		6	6
London South		6	6
Merseyside & Cheshire	2	4	6
Thames & Chiltern		6	6
West Midlands		6	6
Total	2	34	36

Table 58: If a case strategy was not recorded in a Prosecution Strategy Document was it in another document?

CCU Area	MG3	Review note	Not applicable	Total
East Midlands	6			6
East of England	5	1		6
London South	4	2		6
Merseyside & Cheshire	1		5	6
Thames & Chiltern	5		1	6
West Midlands	3	3		6
Total	24	6	6	36

Table 59: Where there was no Prosecution Strategy Document did the other document(s) provide a comprehensive case strategy for the circumstances of the case?

CCU Area	Yes	No	Not applicable	Total
East Midlands	4	2		6
East of England	6			6
London South	6			6
Merseyside & Cheshire	1		5	6
Thames & Chiltern	4	1	1	6
West Midlands	5	1		6
Total	26	4	6	36

Table 60: Was there evidence that the case strategy within the Prosecution Strategy Document or other document(s) was fully updated subsequent to any further request for advice or conference?

CCU Area	Yes	No	Not applicable	Total
East Midlands	6			6
East of England	5		1	6
London South	6			6
Merseyside & Cheshire	5	1		6
Thames & Chiltern	6			6
West Midlands	6			6
Total	34	1	1	36

Table 61: Was a separate Disclosure Management Document completed?

CCU Area	Yes	No – but detail contained in PSD	No – not done at all	Not applicable	Total
East Midlands	1		4	1	6
East of England	1		4	1	6
London South	1		5		6
Merseyside & Cheshire		3	2	1	6
Thames & Chiltern	1	1	3	1	6
West Midlands	3		3		6
Total	7	4	21	4	36

Table 62: Was the Disclosure Management Document completed accurately and fully in accordance with the guidance?

CCU Area	Yes	No	Not applicable	Total
East Midlands	1		5	6
East of England	1		5	6
London South	1		5	6
Merseyside & Cheshire			6	6
Thames & Chiltern	1		5	6
West Midlands	2	1	3	6
Total	6	1	29	36

Table 63: Is there evidence that appropriate milestones have been agreed for the agencies to jointly work towards during the pre-charge stage?

CCU Area	Yes	No – no milestones set	No – milestones set but not appropriate	Total
East Midlands	5	1		6
East of England	6			6
London South	4		2	6
Merseyside & Cheshire	4		2	6
Thames & Chiltern	4		2	6
West Midlands	4	1	1	6
Total	27	2	7	36

Table 64: Is there evidence that where appropriate the CCU have proactively managed those milestones?

CCU Area	Fully met	Partially met	Not met	Not applicable	Total
East Midlands		1	4	1	6
East of England		2	4		6
London South	2	4			6
Merseyside & Cheshire	4	1	1		6
Thames & Chiltern	3	2	1		6
West Midlands	2	2	1	1	6
Total	11	12	11	2	36

Table 65: Has the case been progressed efficiently following the early planning conference through the pre-charge stage?

CCU Area	Yes	No	Total
East Midlands	1	5	6
East of England		6	6
London South	2	4	6
Merseyside & Cheshire	5	1	6
Thames & Chiltern	2	4	6
West Midlands	3	3	6
Total	13	23	36

Table 66: If the case has not been progressed efficiently which agency was a contributor to any unreasonable delay?

CCU Area	CCU	Investigator	Both	Not applicable	Total
East Midlands	1	1	3	1	6
East of England		3	3		6
London South		3	1	2	6
Merseyside & Cheshire		1		5	6
Thames & Chiltern		3	1	2	6
West Midlands		3		3	6
Total	1	14	8	13	36

Table 67: Where a contributor to unreasonable delay was the CCU is there evidence that such delay was identified by any case management process and appropriate action taken?

CCU Area	No	Not applicable	Total
East Midlands	4	2	6
East of England	3	3	6
London South	1	5	6
Merseyside & Cheshire		6	6
Thames & Chiltern	1	5	6
West Midlands		6	6
Total	9	27	36

Table 68: Where a contributor to unreasonable delay was an agency other than CCU is there evidence that such delay was identified and escalated?

CCU Area	Yes – by reviewing lawyer	Yes – by internal case management process	No	Not applicable	Total
East Midlands			4	2	6
East of England			6		6
London South		3	1	2	6
Merseyside & Cheshire			1	5	6
Thames & Chiltern		1	3	2	6
West Midlands	1		2	3	6
Total	1	4	17	14	36

Table 69: Was the case referred to Private Office for consent?

CCU Area	Not applicable	Total
East Midlands	20	20
East of England	20	20
London South	20	20
Merseyside & Cheshire	20	20
Thames & Chiltern	20	20
West Midlands	20	20
Total	20	20

Table 70: Was the case referred for decision or notified and briefed to the Director Legal Services?

CCU Area	Yes	Not applicable	Total
East Midlands		20	20
East of England	1	19	20
London South		20	20
Merseyside & Cheshire	1	19	20
Thames & Chiltern	1	19	20
West Midlands	1	19	20
Total	4	116	120

Table 71: If notified and briefed was the decision to charge taken by CCP?

CCU Area	Yes	Not applicable	Total
East Midlands		20	20
East of England		20	20
London South		20	20
Merseyside & Cheshire	1	19	20
Thames & Chiltern		20	20
West Midlands		20	20
Total	1	119	120

Table 72: Was the case subject to a National Case Management Panel?

CCU Area	Yes	Not applicable	Total
East Midlands		20	20
East of England		20	20
London South		20	20
Merseyside & Cheshire	1	19	20
Thames & Chiltern		20	20
West Midlands		20	20
Total	1	119	120

Table 73: How is the case material supplied by the investigator stored?

CCU Area	Area shared drive	CMS	Other	Both	Total
East Midlands	2	7		11	20
East of England	2	5	1	12	20
London South		6		14	20
Merseyside & Cheshire	1	3		16	20
Thames & Chiltern	2	15		3	20
West Midlands	3	3	1	13	20
Total	10	39	2	69	120

Table 74: Has CMS been used effectively to undertake and record all advice or documentation created by CCUs?

CCU Area	Fully met	Partially met	Not met	Total
East Midlands	13	6	1	20
East of England	17	3		20
London South	16	4		20
Merseyside & Cheshire	15	5		20
Thames & Chiltern	13	7		20
West Midlands	17	3		20
Total	91	28	1	120

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