



**HMCPSI**

HM Crown Prosecution  
Service Inspectorate

# Annual report 2022–23

## HM Chief Inspector of the Crown Prosecution Service

HM Crown Prosecution Service Inspectorate Annual Report  
for the period April 2022 to March 2023

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

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

**19<sup>th</sup> July 2023**

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His Majesty's Crown Prosecution Service Inspectorate

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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.

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

## Letter to the Attorney General

The Rt Hon Victoria Prentis MP

The year 2022/23 saw HMCSI continue and conclude the programme of Area inspection of all 14 CPS Areas which had commenced in March 2021. In 2022/23, I published the remaining eight CPS Area inspection reports for this two-year inspection programme. These reports highlight, once again, the dedication and commitment of prosecutors and operational delivery staff in the CPS. Every staff member of the CPS should take pride in their ongoing achievements during these continuously challenging times.

Our Area Inspection programme of the CPS focuses on casework quality for which we use two key measures: added value and 'grip'. We define added value as the CPS making good, proactive prosecution decisions by applying its legal expertise to each case, and grip as the CPS proactively progressing its cases efficiently and effectively.

The Area Inspection programme found that all Areas added value by largely ensuring that legal decision-making was in accordance with the Code for Crown Prosecutors and that it prosecuted the right people for the right offences. We found Areas made significant efforts to advance cases and provide a good overall service to victims, witnesses, and the public after charge. Nonetheless, we did find that there was room for improvement when considering the handling of victim and witness issues at the charging stage. Improvement is required in respect of the timeliness and quality of letters being written to victims. Our findings show that Areas need to improve the overall quality of legal reviews, disclosure decisions and explanation of trial strategies. Most Areas clearly demonstrated significant effort in gripping cases, as demonstrated by their ability to maintain and improve timeliness of legal decision-making during the pandemic.

These last eight Area reports highlight that the backlog and delays in the Crown Court are challenging the efficiency and operational effectiveness of the CPS. There has always been some level of delay in the Crown Court, and a degree of outstanding cases, so the courts can exercise their listing function effectively and keep courtrooms full, but that delay has been exacerbated by the pandemic and, more recently, by the Bar Strike. Crown Court caseloads have increased from 37,184 in February 2020 to 60,976 in March 2023 a degree which is now of serious concern and feeds into the view that the system is struggling to catch up with the backlog.

Long delays cause witness and victim attrition. During our Area Inspection programme, it has not been unusual to find cases that were charged in 2019 and still awaiting trial in 2022. In some instances, serious cases had to be dropped because victims and witnesses will no longer cooperate with the legal process after so much time has passed. Victims' needs are not being met and justice is not being done. This cannot be right in any case. It is worth noting that the backlogs in the magistrates' courts have significantly reduced, reducing to levels that were found prior to the pandemic. This is a fortunate development given that the majority of criminal cases proceed in the magistrates' court. Credit is due to judges, court staff, the CPS and those defending in the magistrates' court.



Once again, Area inspection highlighted the fundamental importance of the relationship between the CPS and the police service. The level of co-operation between the CPS and the police, and police file quality, will always affect outcomes at trial and thus the experience of victims in the Criminal Justice System. In certain specialist units where there is close collaboration between the CPS and police from the outset of a police investigation, outcomes are often excellent. In high volume crime, where the relationship between the CPS and the police is based exclusively on a digital system, outcomes vary, and police file quality can be inconsistent. My visits to CPS Areas do confirm that many prosecutors spend large parts of their day chasing down evidence from the police.

There is no doubt that the police service, like the CPS, is under immense operational pressure. Police leaders have had to regroup and reprioritise the tasks expected of them. The processes involved in gathering evidence have become more demanding in the last thirty years, with criminal law, procedures and evidence becoming more complex. Creating a case file for the CPS has become a more time-consuming task for the police than in the past. Resource constraints across policing have meant that the levels of supervision for front-line police officers producing case files have reduced.

The Initiative of Better Case Management In the Crown Court requires that cases are built and completed earlier and engagement with the defence should be at an early stage as well. This initiative should produce more effective outcomes earlier in the legal process. Our Area Inspection reports demonstrate that Better Case Management is not embedded and as a result there are still cases which are built between CPS and police in a piece meal sporadic fashion. Undoubtedly, this causes tensions between the police and the CPS. His Majesty's Chief Inspector of Constabulary Fire and Rescue, Mr Andy Cooke, and I have recognised that the relationship between the police and the CPS is fundamental to improvements in outcomes in the courtroom. We have commissioned a joint inspection, which I am leading personally, that will examine communication and collaboration between the police and the CPS. We will be looking at the effectiveness of the new charging model and overall, are seeking out best practices across England and Wales.

Finally, I share and support the view of His Majesty's Chief Inspector of Constabulary and Fire Rescue Service that the challenges we face in criminal justice today have never been more pressing. Now may be the time to establish a Royal Commission on Criminal Justice as was pledged in the 2019 Conservative party manifesto.

I am pleased to present to you this report on our inspection activity for the year 1 April 2022 to 31 March 2023.

Andrew T Cayley CMG KC

His Majesty's Chief Inspector

## **2. Overview of our inspection activity in 2022–23**

2.1. HMCPSP's assessment of the performance of the Crown Prosecution Service (CPS) is informed by inspection activity carried out between April 2022 and March 2023. The Serious Fraud Office (SFO) inspection activity also informs the assessment of the SFO's performance. Details of the reports published are set out in annex A.

2.2. This was the first full year in which I could plan the programme of inspection for the year ahead, rather than overseeing the implementation of the programme devised by my predecessor. There was one significant prior commitment, which was to complete the inspection of all CPS Areas which we had started in 2021-22. That was important and was completed on time. The remainder of the programme I devised, as ever, took into account the business needs and strategic priorities of the CPS and SFO, as well as the rightful expectations of the public that the CPS and SFO should provide a service that is of high quality, efficient and provides value for money. This annual report reflects the findings of that programme of inspection.

2.3. Whilst the COVID-19 pandemic has continued to influence how we inspect, its impact has reduced from previous years. This year, we have further evolved our inspection methodology, combining the best of our approach prior to the COVID-19 pandemic with the new ways of working that we introduced in its immediate aftermath. As a result, whilst conducting inspections, we have spent time both on-site in CPS and SFO offices, but on other occasions worked remotely using the technology available to us. This approach has allowed us to conduct high-quality inspections of the CPS and SFO whilst being mindful of the impact and consequences of the COVID-19 pandemic on everyone. By adapting our approach to inspections and being flexible in their implementation, I believe that our inspections have continued to drive improvements and build public confidence in the prosecution process. As the organisations we inspect continue to adapt to a changing world, I expect that our ability to evolve our methodology in the future will remain crucial in how we approach our inspections.

2.4. During my term, in collaboration with the CPS and SFO, one of my priorities is to ensure that our reports truly make a difference and drive recognisable improvements and efficiencies in our prosecuting authorities. Therefore, in 2022-23, I conducted an internal review of how we support the CPS and SFO in implementing the recommendations we make in our reports. I recognise that to achieve this our recommendations need to be unequivocal, clear and obvious. As a result, I have agreed that our future recommendations will be drafted in terms which are specific, measurable, achievable and, where possible, costed and timebound. Additionally, we intend to reduce the number of recommendations and focus only on those that will have the greatest impact and most effective outcomes. The impact of this can be seen already this year in the

recommendations attached to our thematic inspection into the service from the CPS to victims of domestic abuse.

2.5. In 2021-22, we returned to the inspection of CPS Areas and began an Area inspection programme (AIP), to examine CPS legal decision making and quality of casework in detail. In addition, the inspections assessed – in all aspects of volume casework – the ‘value added’<sup>1</sup> by the CPS and the ‘grip’<sup>2</sup> it had on cases.

2.6. This was the first phase of a rolling programme of Area inspections. In 2021-22, we published inspections of six CPS Areas, and subsequently, in 2022-23, we completed and published inspections of the remaining eight Areas. These inspections placed significant demand on our resources and took up most of the year to complete. Nonetheless, by concluding these inspections, we have established a baseline for each of the 14 CPS Areas which we can inspect against in the future.

2.7. The second phase of AIP will involve a series of inspections scheduled to start in 2023-24 and I expect to begin to report on those towards the end of the year. This will establish a clear assessment of the quality of CPS decision making and casework along with a direction of travel for each Area.

2.8. Another major inspection we conducted was a thematic inspection into the service from the CPS to victims of domestic abuse. The previous examination of domestic abuse casework took place in 2020, as part of a joint inspection with His Majesty’s Inspectorate of Constabulary Fire and Rescue Services (HMICFRS), assessing whether the police and CPS built viable evidence led prosecutions where appropriate. Domestic abuse accounts for nearly 13% of the CPS’s overall caseload. It was, therefore, important to revisit domestic abuse and inspect the service to victims due to it being such a high priority and a key aspect of CPS performance.

2.9. Towards the end of the year, we started several thematic inspections:

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<sup>1</sup> Value added refers to the difference made by prosecutors throughout the life of a case, through good and proactive prosecution decision-making in accordance with the legal framework, at both pre- and post-charge and throughout the case.

<sup>2</sup> Grip refers to the effectiveness and efficiency of case progression or management of cases by the Area. We looked at whether the Area made sure that cases had been effectively progressed at each relevant stage, whether required processes had been adhered to and whether any timescales or deadlines had been met.

- A follow-up inspection to assess the CPS's timeliness and quality of responses to complaints,
- An inspection assessing whether the revised CPS policy on the prosecution of county line cases has resulted in effective management and decision making and whether there is a clear awareness at operational level of the revised policy,
- A follow up inspection on the SFO progress since our 2019 case progression inspection assessing whether the recommendations from that have been implemented, the SFO have a grip on the case progression issues raised in recent case failures, and have a judicious plan to minimise further risks to the SFO,
- As part of a joint inspection, together with HMICFRS and HM Inspectorate of Probation (HMI Probation) and HM Inspectorate of Prisons (HMI Prisons) an inspection into how well the criminal justice system meets the needs of victims,
- By invitation from the Criminal Justice Inspection Northern Ireland, a joint inspection to evaluate file quality, disclosure, case progression and trial recovery from the COVID-19 pandemic.

2.10. All these inspections are at advanced stages. I expect that they will be published in 2023-24 and I will report on them in my next annual report.

2.11. Additionally, the Chief Inspectors of the CPS, Constabulary, Probation and Prisons issued a follow up progress report to the original published in January 2021. The follow-up outlined the significant disruptions caused by the COVID-19 pandemic to services within the criminal justice system. This progress report was based on our collective inspection findings throughout 2021. Subsequently, all four Chief Inspectors provided evidence to the Justice Committee.

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

3.1. This chapter provides a summary of the findings from HMCPSI's inspection activity in 2022–23.

## COVID-19

### Impact on HMCPSI

3.2. The impact of the global COVID-19 pandemic, whilst still present, has decreased over the course of this year as the country moved away from domestic restrictions. As the year advanced, we returned to undertaking a significant proportion of our inspection activity on-site in the offices of those we inspect. However, instead of returning to previous working practices, we continued to utilise available technology to conduct some of our work remotely, when appropriate and aligned with our business needs. This blended approach of working ensured that our inspections maintained high quality, maximised efficiency and also delivered value for money.

3.3. We continued to prioritise the safety of our staff and the individuals we inspect, promoting the adoption of safer behaviours to minimise risk of infection.

## Crown Prosecution Service

### Area Inspection Programme (AIP)

3.4. In 2022-23 we published reports on the inspection of eight CPS Areas: East Midlands, London North, Mersey-Cheshire, North West, South West, Thames and Chiltern, Wessex, and Yorkshire and Humberside. The inspection into each Area detailed positive aspects of their performance as well as areas that required improvement.

#### CPS Yorkshire and Humberside (published April 22)

3.5. Our inspection found that CPS Yorkshire and Humberside generally ensured that its legal decision making was in accordance with the Code for Crown Prosecutors and that it prosecuted the right individuals for the right offences.

3.6. Additionally, the Area made significant efforts to advance cases and provide a good overall service to victims, witnesses, and the public after charge. This included ensuring that appropriate orders were sought to protect victims, witnesses, and the public in most cases. Nonetheless, we did find that there was room for improvement regarding the handling of victim and witness issues during the charging stage and the timeliness and quality of letters that were written to victims.

3.7. Our findings demonstrated that the Area needed to improve the overall quality of legal reviews, disclosure decisions and trial strategies to enhance the value it provides across all casework. The Area demonstrated significant effort into gripping cases, as demonstrated by its ability to maintain and improve timeliness in the processes of a range of its activities during the pandemic. However, it needed to be more proactive in preparing cases for first hearings, including ensuring that appropriate instructions are given in relation to bail and acceptable pleas.

#### **CPS Wessex (published April 22)**

3.8. Our inspection found that CPS Wessex performed strongly in making sound legal casework decisions in accordance with the Code for Crown Prosecutors and in the handling of unused material in Crown Court and rape and serious sexual offences (RASSO) cases.

3.9. Whilst the Area also provided a good service post-charge to victims, witnesses, and the public, the consideration of victim and witness issues at the pre-charge stage across the magistrates' court and Crown Court units needed to improve, as did the timeliness and quality of letters the Area wrote to victims.

3.10. We found that there was scope for the Area to add more value to its casework by improving the quality of legal analysis and case strategy to ensure that cases were prepared and prosecuted effectively. In addition, whilst there was a good level of grip in the Area's casework processes, there remained room for improvement across several aspects contributing to the effective preparation of cases for the first hearings in the magistrates' court and Crown Court.

#### **CPS London North (published May 22)**

3.11. Our inspection showed that CPS London North generally made the correct decisions to charge, selected the most appropriate charges, and continued post-charge to make review decisions that were compliant with the Code for Crown Prosecutors.

3.12. The Area added value by ensuring that appropriate orders were sought to protect victims, witnesses, and the public during sentencing and in RASSO cases by completing disclosure management documents appropriately.

3.13. The Area does need to improve the quality of its legal analysis and strategy, ensuring full compliance with disclosure obligations, particularly in the magistrates' court and Crown Court units, to ensure cases progress effectively and efficiently. The quality and appropriate use of legal applications to strengthen the prosecution case required improvement, as well as the Area's



grip of casework. The Area needed to work on several aspects of its preparation for first hearings in the magistrates' courts and the Crown Court.

### **CPS South West (published August 22)**

3.14. Our inspection found that CPS South West made sound legal casework decisions, ensuring that the right people were appropriately charged with the correct offences in accordance with the Code for Crown Prosecutors. The Area added value with some good quality decision-making, especially regarding the continuous disclosure of unused material in Crown Court and RASSO casework. In most cases, the Area sought the right orders to protect victims, witnesses, and the public.

3.15. We did find that the Area needed to improve the quality of its case analysis and strategy, as well as ensuring full compliance with the initial disclosure of unused material across all casework. Additionally, the Area also needed to improve the effective preparation of cases for the first hearing in both magistrates' court and the Crown Court, along with improving communication with victims.

3.16. In all of the Area's casework, a consistent theme was the effective and efficient handling of decisions to discontinue cases. However, there was generally stronger evidence of this grip in Crown Court and RASSO casework compared to the magistrates' court cases.

### **CPS Mersey-Cheshire (published September 22)**

3.17. Our inspection found that CPS Mersey-Cheshire had maintained a clear focus on casework quality and demonstrated strong performance in many aspects of its casework. It added value through good legal decision making, particularly in post charge case reviews and had effectively progressed and managed its casework.

3.18. We identified areas where the Area's case analysis could be improved, both during and after charge. Although many aspects of victim and witness care added value, there is need for better consideration of measures and applications to support victims and witnesses during the pre-charge stage. Further improvement was also required in disclosure, especially in the less serious cases.

3.19. The Area demonstrated good timeliness in most charging decisions, reviews, decisions to discontinue, dealing with correspondence and in the disclosure of unused material. However, there is a need for improvement in the timeliness of charging decisions in RASSO casework and the prompt service of hard media to all parties involved.

### **CPS East Midlands (published October 22)**

3.20. Our inspection found that CPS East Midlands generally applied the Code for Crown Prosecutors correctly at charge, particularly in magistrates' court and RASSO cases, and made appropriate charge selections. Furthermore, the Area consistently made good review decisions after charge.

3.21. The Area added value by applying for appropriate orders at the end of proceedings to protect victims, witnesses, and members of the public, particularly in magistrates' court and RASSO cases. Additionally, it made suitable applications for special measures to support victims and witnesses giving evidence, particularly in Crown Court and RASSO cases.

3.22. Several areas requiring improvement were identified across all casework types, particularly in the overall quality of pre-charge and post-charge reviews in relation to case analysis, case strategy and when complying with initial disclosure. Furthermore, the Area's magistrates' court casework required improvement in the preparation of cases for the first hearing and compliance with court orders to ensure cases progressed efficiently.

### **CPS North West (published October 22)**

3.23. Our inspection found that CPS North West made good decisions regarding the charges that defendants should face and what their bail status should be after charge. We observed that Area prosecutors added value through the legal quality of disclosure management documents in RASSO cases, and by seeking appropriate orders to protect victims, witnesses, and the public during sentencing hearings.

3.24. We found that across all casework types, the quality of case analyses and trial strategies required improvement. In many of the cases we found a lack of evidence indicating that the prosecutor had taken into account one or more evidential or other factors that should have been properly considered. This was also reflected in our findings regarding the legal assessment of unused material across all casework types, revealing insufficient deliberation in decision making and rationale.

3.25. Good grip was found in many aspects of Crown Court and RASSO casework through the Area's timely compliance with processes. However, there was still room for improvement in certain areas, including the timeliness of charging decisions, initial disclosure in magistrates' court, and service of hard media on all parties.

### **CPS Thames and Chiltern (published November 22)**

3.26. Our inspection found that in most cases, CPS Thames and Chiltern made correct charging decisions which are compliant with the Code for Crown Prosecutors and selected charges appropriately. There was also strong evidence that the Area added value in its work with victims and witnesses, particularly in ensuring that appropriate orders were imposed at the conclusion of a case to protect victims, witnesses and the public.

3.27. Improvement was required in certain areas, particularly in the quality of case analysis and strategy during the pre-charge stage. A lack of thoroughness was observed in analysing evidence, and trial strategies were absent. Overall, case analysis and strategy in Crown Court casework was better post charge than for pre-charge casework, but there was still significant room for improvement. Furthermore, the quality of initial disclosure in all casework types required improvement.

3.28. Our file examination highlighted a significantly stronger level of grip in the Area's Crown Court and magistrates' court casework than in RASSO casework. In addition, improvements were necessary in the quality of case preparation for the first hearing in magistrates' court and the Crown Court to ensure effective progress of cases.

## **Thematic inspections**

3.29. We conducted and published one thematic inspection during the year.

### **The service from the CPS to victims of domestic abuse (published March 2023)**

3.30. This inspection focused on assessing the effectiveness and efficiency of the CPS in building strong cases that supported and protected victims of domestic abuse.

3.31. Our inspection found that the CPS does recognise domestic abuse as a priority area and strives to achieve justice in all possible domestic abuse cases. This is reflected in a continuing commitment of resources, training, and support to this area of work.

3.32. The CPS is a driving force in work across the criminal justice system to improve domestic abuse prosecutions and the service provided to victims. It works closely with the police through a joint plan, aimed at improving the handling of domestic abuse cases and improving victim experience. This includes identifying necessary actions both locally and nationally.

3.33. We found that both domestic abuse leads at local and national levels, as well as the Area staff involved in domestic abuse cases, possess a strong dedication and commitment to improving performance and wanting to achieve

the best possible outcome for victims. However, they fear that competing demands and workloads sometimes mean that they do not invest the time and attention that is needed at every stage of the case.

3.34. Although we found some strong aspects regarding casework quality and the service provided to victims, we also found that there are areas that require improvement to ensure that strong cases are built and that victims receive an effective service and appropriate support.

3.35. We made the following six recommendations:

- By March 2024, the CPS to introduce a system for domestic abuse cases that identifies any summary time limit applicable on receipt from the police at pre-charge and ensures that the case is progressed effectively and efficiently within that summary time limit.
- By July 2023, the CPS to implement a process where, on a domestic abuse case where the summary time limit is due to expire within eight weeks, all communications with the police, including any pre-charge advice or decisions, are clearly marked with the relevant summary time limit.
- By December 2023, the CPS to have communicated the need for prosecutors to review the risk assessment in all domestic abuse cases before completing the pre-charge decision (unless there are specific factors in the case such that the decision to charge cannot be delayed) and that where the risk assessment has been omitted in the file provided, or is referenced simply by level (standard, medium or high), the full risk assessment is requested. This approach to be embedded by March 2024.
- By December 2023, the CPS to embed a process to ensure that in all magistrates' court domestic abuse cases involving a Newton hearing or trial, all up-to-date relevant information about victims, including information relevant to ancillary orders, is requested in a timely manner for the sentence hearing.
- By December 2023, the CPS to develop a consistent approach to trauma training across violence against women and girls (VAWG) casework that reflects engagement with specialist VAWG organisations, and which focuses on how understanding trauma can improve casework and the service to victims of domestic abuse.

- From July 2023, the CPS to ensure that a minimum of one individual quality assessment (IQA) per year is conducted on a domestic abuse case for prosecutors dealing with magistrates' court domestic abuse cases.

## Serious Fraud Office

3.36. Whilst we did not publish an inspection into the SFO this year, one of our Deputy Chief Inspectors was seconded to assist Sir David Calvert-Smith in conducting an independent review into the SFO's handling of the Unaoil case – R v Akle & Anor, the review was published in July 2022.

3.37. In addition, we have been engaged in a follow up inspection assessing the progress of the SFO since our 2019 case progression inspection. We expect to publish this in April 2023. This inspection includes an update on SFO's progress regarding the issues raised in both the independent review and another review conducted by Brian Altman KC (R v Woods & Marshall).

## Joint inspections

### **A joint thematic inspection into the impact of the Covid-19 pandemic on the criminal justice system – a progress report (published May 22)**

3.38. This report follows up on the 'State of the nation' report, published in January 2021. The initial report outlined the significant disruptions caused by the COVID-19 pandemic across the criminal justice system.

3.39. It is based on the combined inspection findings of HMCPSP, HMI Prisons and HMI Probation during 2021. The report's structure follows the workflow through the CJS from policing to prisons. It sets out findings from our inspections, as well as cross-cutting themes, and highlights the successes of the criminal justice system, but also the challenges that it has faced and still faces.

3.40. It finds that most agencies have not fully recovered to their pre-COVID-19 position. It warns that, without a coordinated whole-system plan, recovery is likely to be disjointed and risks further fracturing the criminal justice system in England and Wales. The report does not include any recommendations.

## Intelligence gathering

3.41. As a result of a series of conversations I had with Resident Judges, I became aware of concerns that some of the judiciary had in relation to two discrete aspects of CPS work. Consequently, I decided to commission

intelligence gathering reviews into those areas to gather current information on the issues that were raised, in order to assess the need for any inspection work.

### **Crown Court contact**

3.42. Some Resident Judges had expressed concerns that external advocates occasionally faced difficulties contacting a CPS representative from Court to take instructions on casework. As a result, this issue caused instances of unnecessary delay and hindered the efficient progress of cases. To provide a balanced view, several Resident Judges I met with spoke favourably about the contact arrangements between instructed counsel and the CPS at their court.

3.43. Therefore, the aims of this review were to determine:

- whether there are effective systems in place which enable timely contact between external advocates prosecuting in the Crown Court and the CPS, and;
- to identify good communication practices between external advocates prosecuting in the Crown Court and the CPS.

3.44. The CPS was informed about this review, and inspectors used a combination of engagement with CPS employees, questionnaires, and unannounced site visits at Crown Court centres to gather information.

3.45. Overall, the review found a mixed picture. While there were instances where instructed counsel faced challenges in contacting the CPS to seek instructions, resulting in delays and inefficiencies, we also found that in most locations, systems have been implemented to mitigate this issue. However, communication problems occasionally persisted despite the existing systems. Close adherence to the principles set out in the recently launched Better Case Management Revival Handbook will help. Our conversations with CPS senior managers provided strong evidence of their commitment to fulfilling their obligations.

### **Assaults on emergency workers**

3.46. Some Resident Judges raised concerns that since the Assaults on Emergency Workers (Offences) Act 2018 came into force, many offences which would have previously been prosecuted in magistrates' courts were now being heard and sentenced in the Crown Court. This was considered unnecessary, as the sentences imposed for these offences were commensurate with the magistrates' courts sentencing powers.

3.47. The aims of this review were to establish:

- the consequences of the CPS policy position on the Assaults on Emergency Workers (Offences) Act 2018 (the Act), including whether cases are reaching the correct venue based on the level of sentencing powers required,
- the level of compliance with aspects of the Joint Agreement on Offences Against Emergency Workers, particularly concerning the presentation of body worn video footage during trial and sentencing, and the reading of a Victim Personal Statement during sentencing.

3.48. Inspectors used a combination of data provided by CPS on volumes of offences appearing in magistrates' courts and the Crown Court since 2018. Additionally, inspectors performed their own analysis of a random selection of cases focused on adult offenders convicted of stand-alone offences, where a police officer was the victim of an assault.

3.49. The review found a general increase in prosecutions of assaults on emergency workers since the Act was introduced. The reasons for this are unclear but may in part be explained by the COVID-19 pandemic. This coincided with a large shift in the way assaults on police officers and all emergency workers have been prosecuted. Offenders are now rarely charged with the specific offences of common assault or assault on a police officer, which they would have been before the Act was introduced. Instead, defendants are routinely charged with the offence of assault on an emergency worker under the Act, which is an either way offence that allows them a right to elect Crown Court trial.

3.50. In addition, since 2018 there has been a large increase in the number of these cases being heard in the Crown Court which reflects in part the observations of the judiciary. Although exact figures are not available to determine the extent of this increase, it seems clear from the cases inspectors analysed that it is likely defendants elected a Crown Court trial in many of these cases. The impact of the cases appearing in the Crown Court is that they have taken much longer to finalise than if they had been dealt with in magistrates' courts and when considered in isolation most sentences imposed for offences under the Act do not justify a Crown Court hearing.

3.51. Finally, inspectors found strong evidence of non-compliance regarding certain aspects of the Joint Agreement on Offences Against Emergency Workers.

## **4. HMCPSI corporate issues**



## Performance against the business plan

4.1. 2021–22 business plan outlined HMCPSP's strategic objectives.

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

4.2. Our inspection activities in 2022-23 have allowed me to fulfil these objectives. As set out in paragraph 4.5, this work has been carried out within budget and it has been well received by stakeholders.

4.3. We published nine reports related to the CPS, including our recently published report "The service from the CPS to victims of domestic abuse".

4.4. This year we also carried out a joint inspection in conjunction with all four criminal justice inspectorate colleagues, "The impact of the Covid 19 pandemic on the criminal justice system – a progress report".

## Finance

4.5. The Inspectorate's budget comprises part of the overall Government Legal Department's (GLD) budget vote. The final outturn for 2022-23 was £2,766,679 which remained within the allocated budget for the financial year.

## Organisational structure and working practices

4.6. HMCPsi continued to support flexible working arrangements, as it has done for some time.

4.7. In person inspection activity has increased throughout the reporting period, HMCPsi is always conscious not to add to the burden of those being inspected.

4.8. We have continued to ensure that the structure of HMCPsi is fit for purpose.

## Human resources

4.9. HMCPsi shares services with the GLD, and we continue to work with our GLD colleagues covering all aspects of HR.

4.10. When advertising roles within the Civil Service, we offer more roles on a loan basis to make sure that we have a balanced mix of experienced inspectors and staff with recent operational experience, particularly where that experience is gained in the organisations we inspect. To attract the most qualified individuals for the roles, we have also adopted a more flexible offering with part time positions and work from home options.

4.11. In 2022-23, we continued to utilise associate inspectors.

## Communication

4.12. We continue to use our shared internet site<sup>3</sup> as an outward representation of HMCPsi. All newly published inspection reports are launched on the website.

4.13. We have a shared communications service with the Attorney General's Office (AGO). As part of this shared service, the AGO supports us with press related matters.

## Learning and development

4.14. All HMCPsi staff are still required to complete all mandatory Civil Service learning courses, and each staff member has a personal development plan. We provide all new inspectors with a core skills training package, which includes

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<sup>3</sup> Criminal Justice Inspectorates [www.justiceinspectorates.gov.uk/](http://www.justiceinspectorates.gov.uk/)

training on file examination, evidence and judgements, interview skills, and report writing.

4.15. We have access to some of the CPS training. Additionally, we use the GLD's Learning Management System.

## Employee engagement

4.16. We are proud to report that the Civil Service People Survey results for HMCPSI remain very positive. Once again, HMCPSI has achieved the highest engagement score in the Civil Service, at 86%.

4.17. We continue to work towards maintaining clear internal communications and effective staff engagement.

## Equality and diversity

4.18. HMCPSI continues to regularly assess its performance against equality objectives.

4.19. We continue to focus on this area and to strengthen staff networks across the wider Civil Service. We have appointed a Diversity Champion who actively promotes inclusivity and equality and maintains regular dialogue with all members of HMCPSI.

4.20. To increase awareness of HMCPSI and Inspection, this year we initiated engagement and dialogue with the CPS's National Black Crown Prosecutors Association (NBCPA). We have worked to develop a model with the NBCPA to give members of the Association an opportunity to join an inspection for a short period, thereby enhancing awareness and potential future recruitment. This engagement will be ongoing as we move forward.

## Liaison with other jurisdictions

4.21. HMCPSI maintains positive relationships with several stakeholder organisations. In July of this year, we delivered a virtual session to the Albanian High Inspector of Justice Office sharing best practices and our experiences of thematic inspections. Additionally, after a ten year absence, we made the decision to re-join the International Association of Prosecutors. This step aims to enhance our understanding of international issues and raise international awareness of Inspection. As part of this effort, two members of our staff attended the Annual Conference in Tbilisi.

# **Annex A**

## **Inspection review and audit reports published between April 2022 and March 2023**

Report title	Published
<b>Inspection reports, reviews and audits</b>	
Area Inspection Programme CPS Yorkshire and Humberside	April 2022
Area Inspection Programme CPS Wessex	April 2022
Area Inspection Programme CPS London North	May 2022
Area Inspection Programme CPS South West	August 2022
Area Inspection Programme CPS Mersey-Cheshire	September 2022
Area Inspection Programme CPS North West	October 2022
Area Inspection Programme CPS East Midlands	October 2022
Area Inspection Programme CPS Thames and Chiltern	November 2022
<b>Thematic and bespoke inspections</b>	
The service from the CPS to victims of domestic abuse	March 2023
<b>Joint inspections</b>	
A joint thematic inspection into the impact of the Covid 19 pandemic on the criminal justice system – a progress report	May 2022

# **Annex B**

## **Inspection resource activity**

To undertake our inspection, we carried out the following activity:

Casework files examined by inspectors	1020
Documents provided by those we inspected and reviewed	2,849
Number of on-site inspector days	75
Number of CPS and SFO staff interviewed	72
Number of stakeholder interviews (non-CPS and SFO staff)	30

# **Annex C**

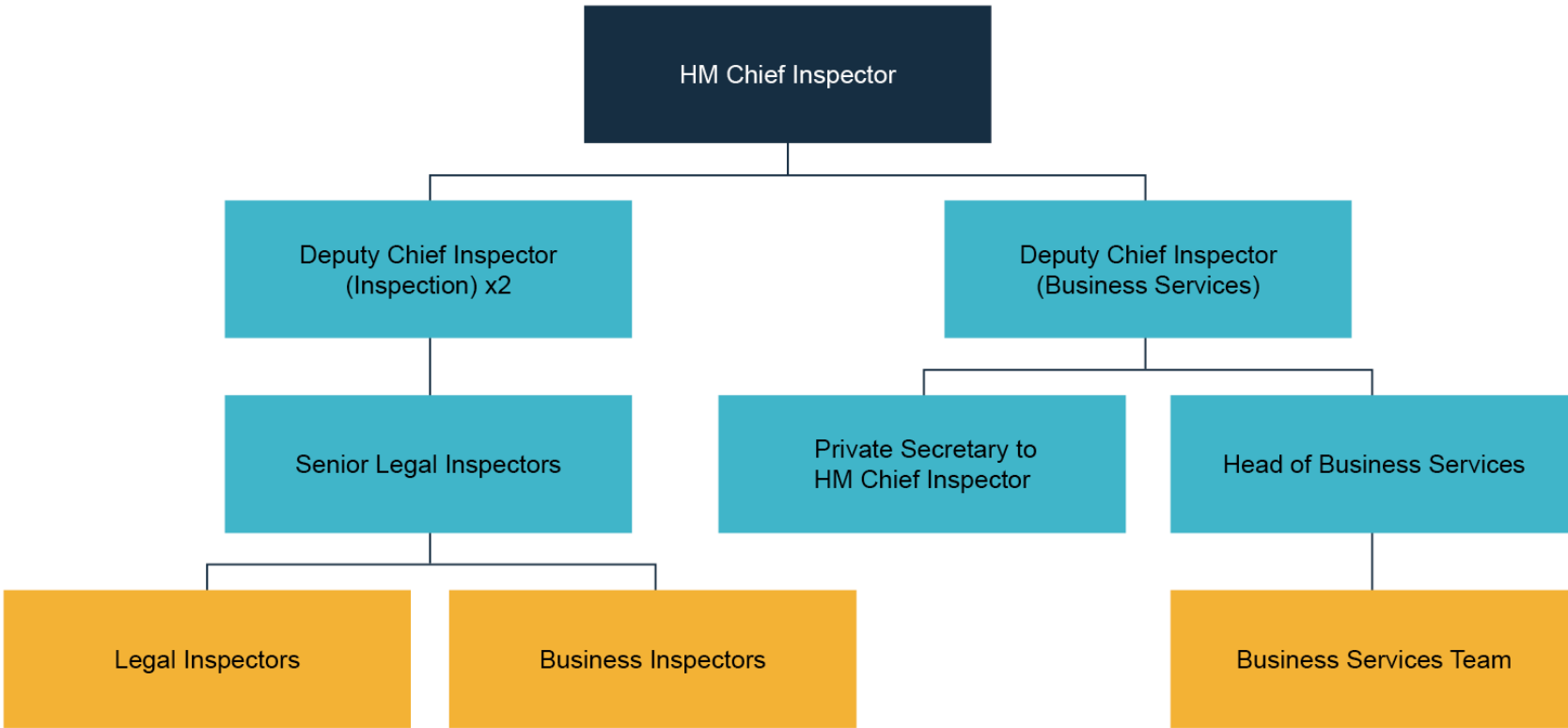
## **Budget expenditure**



	2018-19		2019-20		2020-21		2021-22		2022-23	
	Cost (£000)	% of total costs	Cost (£000)	% of total costs	Cost (£000)	% of total costs	Cost (£000)	% of total costs	Cost (£000)	% of total costs
Staff	1,664	75.3	1,865	79	2,475	85	2,272	82.5	2,354	85
Recruitment and training	42	1.9	3	0.13	0.31	1	12.6	0.5	12.2	0.45
Accommodation	236	10.7	236	10	132	4.2	129	4.7	129	4.65
Travel and subsistence	62	2.8	101	4.3	0.1	0.3	19	0.7	91.5	3.3
Consultancy	0	0	0	0	0	0	0	0	0	0
Suppliers and other services	195	8.8	144	6.1	222	7.3	316	11.5	175	6.3
Dilapidation provision	0	0	0	0	0	0	0	0	0	0
Rental income	0	0	0	0	0	0	0	0	0	0
Income – recovery of direct costs	0	0	-8	-0.3	0	0	0	0	0	0
Non-cash costs (depreciation and NAO audit fee)	12	0.3	21	0.8	6	2.2	5	0.2	5	0.3
<b>Total</b>	<b>2,210</b>	<b>100</b>	<b>2,362</b>	<b>100</b>	<b>2,835</b>	<b>100</b>	<b>2,754</b>	<b>100</b>	<b>2,767</b>	<b>100</b>

# **Annex D**

## **HMCPSI organisation chart**



HM Crown Prosecution Service Inspectorate

London Office

7th Floor, Tower

102 Petty France

London SW1H 9GL

Tel. 020 4574 3218

York Office

Foss House, Kings Pool

1–2 Peasholme Green

York, North Yorkshire, YO1 7PX

Tel. 01904 54 5490

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