



**HMCPSI**

HM Crown Prosecution  
Service Inspectorate

# **Area Inspection Programme**

**Composite report of the baseline  
assessments of the 14 Crown  
Prosecution Service Areas in  
England and Wales**

**September 2023**

If you ask us, we can provide this report in Braille,  
large print or in languages other than English.

For information or for more copies of this report,  
please contact us on 020 7210 1160,  
or go to our website:  
[justiceinspectorates.gov.uk/hmcpsi](https://justiceinspectorates.gov.uk/hmcpsi)

HMCPsi Publication No. CP001:1310

## 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

<b>1. Chief Inspector’s foreword.....</b>	<b>5</b>
Chief Inspector’s foreword .....	6
<b>2. Background to the Area Inspection Programme 2021-2022 .....</b>	<b>8</b>
Background to the Area Inspection Programme.....	9
Inspection framework .....	9
<b>3. Added value and grip.....</b>	<b>11</b>
Added value.....	12
Grip .....	12
Added value and grip scoring.....	13
<b>4. Casework Quality and the impact of the covid-19 pandemic .....</b>	<b>18</b>
The impact of the covid-19 pandemic on casework quality in CPS Areas.....	19
Our baseline assessment of CPS casework quality .....	22
Scoring casework themes .....	22
Pre-charge decision-making and reviews.....	24
Post-charge decision-making and reviews .....	26
Preparation for the plea and trial preparation hearing in the Crown Court .....	28
Do Areas fully comply with their duty of disclosure? .....	30
Do Areas address victim and witness issues appropriately? .....	33
<b>Annexes</b>	
A. Inspection Framework .....	37
B. Glossary .....	41
C. Casework themes .....	55

# **1. Chief Inspector's foreword**

## Chief Inspector's foreword

High quality casework is fundamental to an effective and efficient Crown Prosecution Service (CPS). The inspectorate has a history of assessing and reporting on the quality of legal casework produced by the CPS. It is one of the unique functions HMCSI carries out on behalf of the public.

Between 2016 and 2019 HMCSI produced a series of Area inspection reports – under the umbrella of the Area Assurance Programme. As well as assessing the quality of CPS legal decision-making, it provided assurance on the corporate aspects of CPS Area organisational governance. The reports covered topics such as leadership and financial management. They found that CPS Areas were generally well managed, leadership was strong, and finances and performance were controlled effectively. However, the programme did highlight the need for improvement in key aspects of legal decision-making and case management. These issues must be addressed in order to meet the CPS's own quality aspirations and, in our view, the reasonable expectations of the public.

Having made a series of recommendations in the Area Assurance reports I was keen to see if there had been improvement in legal decision-making and case management. Therefore, I developed a new programme of Area inspection with a focus on casework quality. The first phase was carried out between 2021 and 2022. It provided detailed baseline assessments of casework quality across magistrates' court, Crown Court and rape and serious sexual offences casework in each of the 14 Areas.

We hadn't planned for the 2021-22 programme to be undertaken during a pandemic. And we didn't expect social distancing and other pandemic restrictions across the whole of England and Wales. Courts closed and backlogs dramatically increased, making the effective management of casework much more difficult. In the interest of fairness, these circumstances were taken into consideration in the assessment. However, the expectation that legal decision-making is high quality should never be compromised. Therefore, our standards were unchanged.

We set out our findings in 14 individual Area reports published between October 2021 and November 2022.

This composite report brings together the themes from the individual documents.

I do not intend to summarise the findings here, but I do make some general observations. In many Areas we found elements of strong legal decision-making. Notably in the application of the Code for Crown Prosecutor and the selection of charges to reflect the criminal behaviour in a case. In most cases, the service provided to victims and witnesses was good. Appropriate orders were obtained at sentencing to protect them.

What is also of note when looking at the 14 Area reports is the geographical variation of performance. In all Areas but one, our findings demonstrate that there is a clear need for the CPS to improve key aspects of its casework. On too many occasions there was no clear analysis of the legal issues, or a well-developed strategy to progress and manage a case. If a prosecutor does not fully understand a case, it can lead to poor decisions around applications to support victims and witness, applications to strengthen the case and around the disclosure of unused material. A lack of analysis and case strategy can have a serious impact on victims, witnesses, defendants, and the overall effectiveness and efficiency of the criminal justice system. Sadly, there were too many instances of a lack of effective analysis and strategy impacting the final outcome of cases and the service provided to victims and witnesses.

The 14 Area reports published in 2021-22 set a clear baseline for performance levels. We scored each aspect of casework quality. I intend to follow this up with another Area inspection programme starting in 2024. It will report on whether the quality of CPS decision-making and the management of its casework, has improved. It will give a clear idea of direction of travel.

Through this programme of regular inspection we can provide assurance to the public and independent evidence to those that hold the CPS to account. The public expect the service they receive to be effective, efficient and of high quality. My on-going programme of CPS Area inspections will help to ensure that it is.

Andrew T Cayley CMG KC

## **2. Background to the Area Inspection Programme 2021-2022**

## Background to the Area Inspection Programme

2.1. Over the past two years we have carried out a programme of inspections across all 14 Crown Prosecution Service (CPS) geographical Areas. In detail, we have assessed the quality of volume casework in magistrates' court, Crown Court and rape and serious sexual offences (RASSO) teams. In each Area we assessed 90 cases (30 magistrates' court cases, 40 Crown Court cases and 20 RASSO cases). This report sets out thematic findings.

## Inspection framework

2.2. The Area Inspection Programme (AIP) framework was designed to focus on the CPS's delivery of quality casework. That is its core function and one of the five strands of the CPS 2025 strategy<sup>1</sup>. We examined 90 cases from each Area, requesting a range of documents from each. The case analysis and document review formed the basis of our findings, judgements and scoring. We assessed the other four strands of CPS 2025 (people, digital capability, strategic partnerships and public confidence) only in so far as they impacted on casework quality.

2.3. The inspection framework is set out in full in annex A.

2.4. We carried out AIP inspections in three tranches. In the first we settled on the approach for the rest of the programme and published all the reports on the same date. We published the Area reports in the subsequent tranches individually. The table below sets out the tranches and publication dates.

**Table 1: Area inspection report publication schedule**

CPS Area	Tranche	Publication Date
Cymru Wales	1	12 October 2021
West Midlands	1	12 October 2021
North East	1	12 October 2021
South East	1	12 October 2021
London South	2	17 February 2022
East of England	2	24 March 2022

<sup>1</sup>CPS 2025 is the CPS's strategy and vision for where it wants to be in 2025. [cps.gov.uk/sites/default/files/documents/publications/CPS-2025-strategy.pdf](https://cps.gov.uk/sites/default/files/documents/publications/CPS-2025-strategy.pdf)

CPS Area	Tranche	Publication Date
Yorkshire & Humberside	2	5 April 2022
Wessex	2	12 April 2022
London North	2	6 May 2022
South West	3	25 August 2022
Mersey-Cheshire	3	29 September 2022
East Midlands	3	13 October 2022
North West	3	27 October 2022
Thames and Chiltern	3	10 November 2022

## Scoring

**2.5.** Historically, HMCPsi has awarded a single score to a CPS Area at the conclusion of an inspection: excellent, good, fair or poor. This provided an overall score which was easily digestible but did not always reflect the variety of findings.

**2.6.** The AIP inspections focused on casework quality. We assessed whether the Area had added value to the prosecution through good, proactive decision-making and gripped case management. In chapter 3, we set out the definition of ‘added value’ and ‘grip’ along with our composite findings.

**2.7.** Our experience of previous Area inspections is that there can be variance in the quality of different types of casework across Areas. So that our reports can more specifically identify good and weaker aspects and recommend improvements, we made individual assessments of quality for magistrates’ court units, Crown Court units and rape and serious sexual offence units.

**2.8.** We have not replicated the question sets or the scoring methodology in full in this report. You can find them in the individual Area reports published on our website in the section entitled ‘Our reports’<sup>2</sup>

<sup>2</sup> [justiceinspectorates.gov.uk/hmcp/our-reports/](https://justiceinspectorates.gov.uk/hmcp/our-reports/)

### **3. Added value and grip**

**3.1.** As set out in chapter 2, the Area Inspection Programme's focus was the casework quality of the 14 CPS Areas. We assessed casework quality on two measures; adding value to the prosecution through good, proactive prosecution decision-making and gripping case management.

## Added value

### What is added value?

**3.2.** We defined added value as the difference made by prosecutors through good, proactive prosecution decision-making. To make our assessment we examined cases. The list below sets out the themes (a full set of the questions can be found in annex C):

- the decision to charge and with which offence.
- decisions about admissibility and credibility of evidence.
- choosing, then clearly and correctly drafting indictments in cases to be heard at the Crown Court.
- good quality reviews including, at all stages, cogent and clear analysis of the case.
- appropriate handling and decisions around unused material throughout the case.
- effective consideration and decision-making around victim and prosecution witness issues, including seeking appropriate orders to protect the victim, witnesses and the public.
- robust and fair decisions about custody and bail.
- Appropriate use of applications to strengthen the prosecution case, such as evidence of bad character of the defendant or hearsay evidence.<sup>3</sup>

## Grip

### What is grip?

**3.3.** When we assessed grip, we considered the effectiveness and efficiency of case progression and management of cases by Area. We looked at whether

---

<sup>3</sup> A statement not made in oral evidence that is evidence of any matter stated s114(1) Criminal Justice Act 2003.

the Area demonstrated grip by ensuring that cases were effectively progressed at each stage, if the required processes were carried out and whether timescales or deadlines were met. The themes included in our assessment were as follows (the questions included are set out in full in annex C):

- timeliness of reviews including timeliness of any decisions to discontinue cases
- effective preparation for first hearing
- compliance with court orders
- conferences, where mandatory, in rape and penetrative sexual offence cases
- appropriate and timely handling of correspondence from the police, court and defence
- timely and effective handling of correspondence with victims and witnesses
- audit trails of all aspects of casework on the CPS's case management system.

## Added value and grip scoring

**3.4.** Every Area was assessed for added value and grip for each casework type. Scores were determined using the following scoring rule:

- two points for each question marked as fully meeting the expected standard
- one point for each question marked as partially meeting the standard
- no points for questions marked as not meeting the standard.

**3.5.** We expressed the total points awarded as a percentage. The table below shows the 14 Area average for the for each casework unit we assessed. This is a national average of all 14 Area scores.

**Table 2: National added value and grip scores**

Casework type	Added Value	Grip
Magistrates' courts	63.3%	65.9%
Crown Court	63.5%	75.6%
RASSO	67.6%	75.8%

## Ranges for Added Value scores

**3.6.** As shown in table 3 below there were significant differences between Areas and casework types.

**Table 3: Added value score range:**

Added Value			
Casework type	National Average %	Highest scoring Area %	Lowest Scoring Area %
Magistrates' courts	63.3%	74.1%	54.4%
Crown Court	63.5%	72.0%	55.8%
RASSO	67.6%	80.5%	53.9%

**3.7.** All Areas scored well across all casework types for correctly applying the Code for Crown Prosecutors<sup>4</sup> at both the pre and post charge stage. In general, they selected the most appropriate charges in all three casework types, too. These findings demonstrate that good prosecutorial decisions were being made. On the whole, defendants were being prosecuted for the correct offences. The charges brought to court reflected the offending behaviour and afforded the court appropriate sentencing powers.

**3.8.** All areas, especially in magistrates' court and RASSO cases, were following up that good work by applying for necessary orders once a case had ended. Performance was weaker in Crown Court cases, with some Areas needing to improve. However, our overarching finding was that the CPS made applications for appropriate orders at the conclusion of criminal proceedings. These are essential to protect victims and the public from criminal activity and there was a clear focus throughout the CPS on delivering them.

**3.9.** We identified two elements of casework that required improvement across all Areas and all strands. First, the quality of case analysis and strategy (in both pre and post charge reviews). Second, the disclosure decision-making – in particular the prosecution's compliance with its initial disclosure duties.

**3.10.** RASSO teams are specialist units, usually staffed by experienced lawyers and often benefitting from better quality police files. Over the past few years there has been intense national scrutiny of RASSO cases. The CPS has responded to this by providing specialist training to its RASSO lawyers as well as ensuring the units are properly resourced. Therefore, it is no surprise that

<sup>4</sup> *The Code for Crown Prosecutors*; CPS; October 2018.  
<https://www.cps.gov.uk/publication/code-crown-prosecutors>

the average added value score for RASSO casework was the highest of the three casework strands. Despite all of this, many Areas could do more to add value in RASSO cases.

**3.11.** The Areas that added the greatest value in their casework, delivered a better service to victims, witnesses and defendants. Those Areas are more likely to secure successful outcomes, obtain appropriate bail conditions and secure early resolution of cases with guilty pleas. These achievements significantly benefit victims and represent an efficient use of resources. The Areas adding the most value had more coherent trial strategies and were prepared to respond to defence arguments and undermining material. The Areas that performed less well, were far more likely to have to drop cases due to evidential weaknesses. Weaknesses which should have been identified at an earlier stage. They also regularly failed to anticipate a clear defence to the charge. The higher performing Areas made good use of bad character provisions to strengthen cases. Whereas in the Areas that added less value there was a clear pattern of prosecutors failing to explore bad character evidence (when appropriate). This led to missed opportunities to strengthen prosecution cases and made unsuccessful outcomes more likely.

## Grip

**Table 4: Grip score range:**

Grip			
Casework type	National Average %	Highest scoring Area %	Lowest Scoring Area %
Magistrates' courts	65.9%	80.8%	51.4%
Crown Court	75.6%	86.4%	65.8%
RASSO	75.8%	84.7%	65.2%

**3.12.** There was also significant disparity in grip scores across Areas and casework types. Table 4 above, sets out our findings and the variations found between the best and worst performing Areas.

**3.13.** Good casework grip is achieved by ensuring that key stages and core processes are well managed. This is often the remit of operational delivery staff who follow guidance codified in the CPS's national standard operating procedures. Many Areas had well managed operational delivery teams and adherence with the standard operating procedures was commonplace.

**3.14.** Across all CPS Areas grip was consistently better than added value, particularly in Crown Court and RASSO units. Grip in the magistrates' court units needed to improve. It should be noted that in Crown Court and RASSO cases there is far more oversight of cases from both operational delivery staff and paralegal officers. So it is no surprise to see processes and case progression managed far better on these cases than those in the magistrates' courts where there is limited support.

**3.15.** Most Areas scored well for timeliness measures across all casework strands.

**3.16.** Every Area was good at warning witnesses for trial. 88.4% of all relevant files (935 out of 1058) assessed fully met the standard. And most Areas scored highly on this measure across all casework strands. Ensuring witnesses are correctly notified that they need to attend court is critical to ensuring an efficient criminal justice process.

**3.17.** In magistrates' court units, no Area was especially strong at preparation for the first hearing. Most Areas were poor at serving hard media in advance of that first hearing. These could both be contributing to inefficiency, by causing, for example, trial rescheduling or late guilty pleas. The issue requires urgent attention.

**3.18.** In Crown Court cases, Areas were generally better at preparing for the first hearing. Those with better grip scores were more likely to ensure that such hearings were effective. Being better prepared can result in securing early guilty pleas and minimise further hearings. Ensuring that all material (including hard media) is served in advance and instructions on acceptable pleas are provided best serves the needs of victims and helps deliver an efficient service. Lower performing Areas were more likely to have outstanding material to serve. Often, they had not provided instructions to prosecutors on acceptable pleas, which contributed to failed opportunities to resolve cases early and avoid unnecessary court hearings.

**3.19.** RASSO cases were prepared better for the first hearing than magistrates' or Crown Court cases. But there remains room for improvement in a number of CPS Areas.

**3.20.** In magistrates' court cases no Area scored well for compliance with court directions. Over half of all files (51.5%) did not meet the required standard. Failing to comply with court directions has an adverse impact on the effective and efficient progression of cases. In turn it influences the service provided to victims, witnesses and defendants. We saw a number of examples of cases which failed due to the prosecution not complying with directions. Poor case

progression and grip can also mean that victims and witnesses are not provided with special measures to assist them in giving evidence (an entitlement). These failures often result in wasting court time and adding to the overall pressure on the CPS and wider criminal justice system.

**3.21.** Compliance with Judges' orders in Crown Court casework was far better. Of all the cases we examined, 68.6% fully met the standard, 24.4% partially met it and 7.0% did not meet it. Most Areas performed well. There was no pattern of case failures or wasted hearings caused by the prosecution failing to comply with directions. Case progression was more effective overall.

**3.22.** Compliance with Judges' orders was slightly weaker for RASSO units than Crown Court units. For RASSO, 64.6% of files fully met the standard, 27.4% partially met it and 8.3% did not meet it. Most Areas, however, performed well, with no Area causing any particular concern.

**3.23.** We found in most Crown Court cases that if counsel had not provided timely advice, Areas were almost universally poor at chasing it up. Only two Areas did this well, the remaining 12 needed to improve considerably (nationally 65.7% of Crown Court cases assessed did not meet this standard). Advice from instructed counsel should add value to a case. Failing to chase and secure it is a missed opportunity to involve the trial advocate in the identification and rectification of failings. This is particularly important given the issues we identified with case analysis in CPS reviews. We saw examples of cases which failed late when the evidential issues could either have been rectified or identified at an earlier stage. Late case failure can cause poor outcomes for victims and allow defendants to be subject to a prosecution for longer than necessary. Court time and CPS resources are also wasted.

**3.24.** Even more concerningly, we found a similar picture in RASSO cases. These are often highly sensitive and trial counsel should be briefed from the outset. Early advice is necessary to ensure that cases are progressed with the minimum of delay, given their nature and the impact on victims. In a large number of cases, no advice was provided and Areas were poor at chasing.

## **4. Casework quality and the impact of the covid-19 pandemic**

## The impact of the covid-19 pandemic on casework quality in CPS Areas

**4.1.** In 2019, the government announced that the CPS would be allocated £85 million of additional funding over a two-year period. In part to deliver a programme of recruitment of legal personnel. The extra resource was allocated to help deal with the rise in violent crime and match the expected rise in case numbers resulting from an increase in police numbers. More lawyers would have meant fewer cases being carried by each prosecutor. So there should have been a material impact on casework quality. The Area inspection programme was developed, in part, to set a baseline of CPS performance. As newly recruited personnel settled, we planned another phase of inspections to assess their impact.

**4.2.** As we finalised the inspection scope, the context and challenges CPS Areas were facing changed dramatically due to the Covid-19 pandemic.

**4.3.** In June 2020<sup>5</sup> we reported how the CPS were handling, what had been office-based activities, remotely using digital channels. They did it with high levels of efficiency and continued to deliver an effective service. The report also highlighted that some police forces had taken the opportunity, provided by lockdown and the consequent reduction in crime, to work on long-running cases and clear backlogs. These cases came into the system as pre-charge receipts and increased both the number of cases in Areas and the courts.

**4.4.** Court closures during the first lockdown from March to May 2020 also increased the number of cases awaiting hearings and caseloads for all case types within the CPS. This resulted in significant backlogs of cases awaiting court hearings. After the initial lockdown, there were further national and local lockdowns across the UK.

**4.5.** After the series of lockdowns ended, there was a focus on eradicating the backlogs in the magistrates' courts. This exercise was mainly successful but brought with it added pressure for the CPS. They had to deal with more cases, in a short time, without any additional resource.

**4.6.** In the Crown Court, due to social distancing, the degree of recovery was significantly more limited. In March 2021, we published a report looking at the

---

<sup>5</sup> *CPS response to COVID-19: 16 March to 8 May 2020*; HMCPsi; June 2020. [justiceinspectors.gov.uk/hmcpsi/wp-content/uploads/sites/3/2021/04/2020-11-03-CPS-COVID-19-accessible.pdf](https://justiceinspectors.gov.uk/hmcpsi/wp-content/uploads/sites/3/2021/04/2020-11-03-CPS-COVID-19-accessible.pdf)

CPS’s response to the continuing pandemic<sup>6</sup>, with a focus on how it was coping with increased caseloads and backlogs. Every CPS Area had seen substantial court backlogs build up due to the closure and restricted operation of both magistrates’ courts and Crown Courts. The increase in caseloads affected every Area, although there were geographical variations.

## Caseloads and backlogs

**4.7.** The backlogs in magistrates’ courts were most severe in the early days of the pandemic. By the middle of 2022, most Areas had caseloads that were back to pre-pandemic levels. However, Crown Court caseloads continued to rise. Difficulties listing trials, caused delays and the subsequent bar strike<sup>7</sup> added further pressure. In many Areas the backlog of Crown Court cases continued to grow throughout 2022.

**4.8.** Table 5 shows the changes between Quarter 1 of 2020–21 (April to June 2020) and Quarter 1 of 2022–23 (April to June 2022) in the number of live cases the CPS was carrying nationally. The difference columns show the comparison between the February 2020 pre-pandemic numbers of live cases and the 2022 numbers. The 2021 figures show the situation being faced by the CPS at the height of the pandemic, especially the impact of court closures and social distancing. By May 2021 the increase in the magistrates’ court caseload had started to diminish. The major increases were seen during the first national lockdown when all courts were closed for all but the most serious cases.

**Table 5: Changes in live cases 2020–22**

Month	2020 #	2021 #	2022 #	Difference # Feb 20	Difference % Feb 20
<b>Magistrates’ courts</b>					
February	58,348	100,078	67,582	+9,234	+15.8%
April	86,528	91,935	66,823	+8,475	+14.5%
May	99,836	88,865	67,014	+8,666	+14.9%
June	111,164	85,388	67,101	+8,753	+15.0%
<b>Crown Court</b>					
February	43,392	66,344	66,426	+23,034	+53.1%
April	42,485	67,967	66,816	+23,424	+54.0%

<sup>6</sup> CPS response to COVID-19: dealing with backlogs; HMCPsi; March 2021. [justiceinspectors.gov.uk/hmcpai/inspections/cps-response-to-covid-19-dealing-with-backlogs/](https://justiceinspectors.gov.uk/hmcpai/inspections/cps-response-to-covid-19-dealing-with-backlogs/)

<sup>7</sup> Barristers took a period of industrial action between June and October 2022 in relation to the level of fees being paid.

Month	2020 #	2021 #	2022 #	Difference # Feb 20	Difference % Feb 20
May	49,171	68,036	67,235	+23,843	+54.9%
June	54,752	68,562	67,889	+24,497	+56.5%

**4.9.** The table shows the CPS had considerable success in working through the magistrates' courts case backlogs. Although case numbers remain higher than they were pre-pandemic. This may be due to the expected rise in crime reporting accompanying the increase in police numbers and the increase in CPS budget announced in 2019.

**4.10.** CPS Area Crown Court units are still significantly affected by the substantial increase in caseload which has occurred over the past two and a half years. The increase in sitting days and the resolution of the bar strike means that there is more opportunity to list cases. However, the backlogs are still putting considerable pressures on Area Crown Court and RASSO units. The result is delayed justice for victims, witnesses and defendants.

## Staffing

**4.11.** The Covid-19 pandemic caused considerable staffing difficulties for every CPS Area. Even with the additional funding allocated to the CPS in 2019, ten of the 14 Areas are still short-staffed. This is generally most acute at the senior crown prosecutor grade, so many units are unable to function at full capacity. Unfilled lawyer posts add further pressures, with an almost inevitable impact on the ability to deliver improvement in casework quality.

**4.12.** The CPS made the decision to continue its recruitment programme during the pandemic and saw many new staff joining throughout lockdown. Although Areas were adding to their prosecutor teams, many recruits were newly qualified. As a result, more experienced prosecutors' caseloads increased as new prosecutors were inducted and developed. This put pressure on lawyer managers, many of whom were also new and inexperienced.

## Our baseline assessment of CPS casework quality

### Background

**4.13.** The following sets out our findings from a composition of the 14 Area reports. All the figures quoted are averages derived from those fourteen Areas.

**4.14.** In chapter 3 our findings regarding overall added value and grip. In this chapter, we set out our findings for the casework themes we evaluated. The themes were:

- pre-charge decision-making and review
- the quality of post-charge reviews and decision-making
- preparation for the plea and trial preparation hearing in the Crown Court
- compliance with duties of disclosure of unused material
- victims and witnesses

### Scoring casework themes

**4.15.** One core element of the Area inspection programme was the requirement to generate scores by examining files.

As explained above (paragraph 3.4) our assessment of quality resulted in a score of two, one or zero points being awarded, depending on Area performance. An overall score was then expressed as a percentage. We then used that to rate the Area as fully, partially or not meeting the expected standard. The table below sets out how we converted percentages into ratings. A detailed explanation of our scoring methodology can be found in each of the 14 individual Area reports.

**Table 6: Conversion of percentages into ratings**

Rating	Score range
Fully meeting the standard (FM)	70% or more
Partially meeting the standard (PM)	60% to 69.99%
Not meeting the standard (NM)	59.99% or less

**4.16.** The table below shows the 14 Area average for each casework theme.

**Table 7: Scoring for casework quality**

Question	Magistrates court Score (rating)	Crown Court Score (rating)	RASSO Score (rating)
<b>Pre-charge decision-making and review</b>			
Compliance with the Code for Crown Prosecutors <sup>8</sup> at pre-charge decision	94.4% (FM <sup>9</sup> )	92.5% (FM)	96.5% (FM)
Selection of most appropriate charge(s) at pre-charge decision	88.2% (FM)	85.2% (FM)	92.3% (FM)
Pre-charge decisions contain a clear analysis of the case and sets out a cogent case strategy	47.0% (NM <sup>10</sup> )	45.5% (NM)	50.1% (NM)
<b>The quality of post-charge reviews and decision-making</b>			
Compliance with the Code for Crown Prosecutors post-charge	93.9% (FM)	93.0% (FM)	97.5% (FM)
Post-charge reviews contain a clear analysis of the case and set out a cogent case strategy, including custody and/or bail	58.6% (NM)	57.0% (NM)	56.2% (NM)
<b>Preparation for the plea and trial preparation hearing in the Crown Court (relevant to Crown Court and RASSO casework only)</b>			
	N/A	65.9% (PM)	66.7% (PM <sup>11</sup> )
<b>Disclosure of unused material</b>			
	55.3% (NM)	66.7% (PM)	70.6% (FM)
<b>Victims and witnesses</b>			

<sup>8</sup> Code for Crown Prosecutors, 8th edition; CPS; October 2018.

<https://www.cps.gov.uk/publication/code-crown-prosecutors>

<sup>9</sup> FM fully meeting the standard, PM partially meeting the standard and NM not meeting the standard.

<sup>10</sup> ibid

<sup>11</sup> ibid

Question	Magistrates court Score (rating)	Crown Court Score (rating)	RASSO Score (rating)
	70.3% (FM)	71.5% (FM)	72.5% (FM)

## Pre-charge decision-making and reviews

**4.17.** As set out in chapter 3, all 14 CPS Areas scored well for compliance with the Code for Crown Prosecutors at the pre-charge stage. They all fully met the standard for each casework strand.

**4.18.** All Areas fully met the standard for selection of charges at the pre-charge stage across all casework types.

**4.19.** We saw examples of excellent reviews that added clear value, but the overall quality of the pre-charge reviews was poor across all Areas. Thirteen of the 14 Areas did not meet the standard for the quality of their case analysis in every casework strand (one Area partially met the standard for both its Crown Court and RASSO casework). The lowest combined score was 33.9%.

**4.20.** There were a number of common critical elements in many of the reviews assessed as inadequate. These were:

- a failure to recognise the strengths and weaknesses of the case
- no proper assessment of the legal points to prove
- an absence of a coherent trial strategy
- a failure to address undermining material
- overlooking or misunderstanding information provided by the police
- a failure to address defences raised in interview
- a failure to identify reasonable lines of enquiry
- reciting the facts of the case with no analysis.

**4.21.** The above failings can have a significant adverse impact on victims, witnesses, defendants and the efficiency of the wider criminal justice system. Charges should not be brought if there is not a realistic prospect of conviction. It gives false hope to victims, wastes the time of witnesses and defendants must face the ordeal of being prosecuted unnecessarily.

## Case analysis and strategy

**4.22.** Cases without a coherent trial strategy are more likely to be unsuccessful, which means victims are denied justice. Failing to clearly express the prosecution case also makes it harder to secure an early guilty plea. This means victims don't get early resolutions and the cases contribute to court backlogs.

**4.23.** If a prosecutor does not fully understand their case and the evidence, it is unlikely they will make sound disclosure decisions. Poor initial case analysis can be directly linked to overall poor performance on initial disclosure. Getting disclosure right is crucial to a successful outcome and to ensuring that the prosecution acts fairly and miscarriages of justice do not occur.

**4.24.** Inadequate and poor-quality reviews make it far harder for another prosecutor to deal with the case or present it at court. That means they will have to redo the work or risk missing something in court that the review should have covered.

**4.25.** Unnecessary requests to the police stretch their limited resources and mean that they cannot devote time to other cases.

**4.26.** The CPS has accepted our findings and Areas have developed individual action plans to address the issues specific to them. We're planning a follow-up inspection programme to commence in Spring 2024. It will allow an assessment of the progress made.

## Instructions to prosecutors

**4.27.** Instructions to prosecutors need to improve. Nationally, across all casework strands, only 17.9% of 1088 cases (where instructions to prosecutors were required) fully met the standard. A further 48.9% partially met it, but 33.2% did not. The main issue was that prosecutors regularly failed to address bail in pre-charge reviews. This happened in all Areas and across all casework strands. The CPS must ensure prosecutors address bail properly in pre-charge reviews. Prosecutors should be aware that bail conditions can be sought in cases where suspects have been released under investigation by the police. The failure to obtain suitable bail conditions to protect victims and witnesses can cause anxiety and put them at risk. Victims are also more likely to lose faith in the prosecution and may no longer be willing to give evidence, if measures to protect them are not put in place.

**4.28.** There was frequently no reference to acceptable pleas, resulting in opportunities for potential early resolutions being missed. Those cases will then take up court time that could have been more usefully spent. The victims will also go through the ordeal of a trial unnecessarily.

### **Action plans and ancillary matters**

**4.29.** There were few Areas in which magistrates' court or Crown Court casework scored well for action plans. Action plans are necessary to request further reasonable lines of enquiry by the police. It was clear that in many cases the poor quality of the charging review led directly to failures to consider reasonable lines of enquiry. This is inevitable if a prosecutor has not considered the key legal points, defences raised or any undermining material. We found that action plans set in RASSO casework were generally of better quality, with far fewer missing key reasonable lines of enquiry. This perhaps points to the more specialist nature of the casework. The quality of the police investigation and the file submitted for advice impacts on the CPS. Many action plans are hampered by poor police file quality. As a result, the CPS often needs to set action plans with a lack of key material from the police or in cases where they have not followed obvious, reasonable lines of enquiry. This represents a failure of police supervision and results in cases taking far longer to be ready for a final charging decision than should be the case. This doesn't serve the interests of either victims nor defendants.

**4.30.** During pre-charge reviews, applications and ancillary matters should be considered. They can evidentially strengthen a case, ensure appropriate applications are made upon sentencing and protect victims and witnesses. We found that Areas failed to address bad character evidence, special measures, and victim personal statements. In addition, on RASSO units, Sexual Harm Prevention Orders weren't considered at this early stage. This led to additional reviews and delays, missed opportunities to strengthen cases and a failure to support victims from this early stage.

### **Conclusions**

**4.31.** There is a clear need for the CPS to improve several aspects of pre-charge decision-making. Especially, if the CPS wants to better serve the needs of victims and deliver a more efficient service. It must make the best use of limited court resources, which means prosecutors need to review cases more thoroughly to ensure that they are progressed expeditiously.

## **Post-charge decision-making and reviews**

**4.32.** Post-charge, Areas complied with the Code for Crown Prosecutors in most cases and every Area fully met the standard.

### **Case analysis and strategy**

**4.33.** The overall quality of post-charge reviews was better than that of pre-charge reviews but was still disappointing due to a frequent lack of cogent case analysis. We saw some very good examples which rectified the shortcomings

of a poor pre-charge review, but overall there was a recurring failure to address the weaknesses of defective pre-charge reviews. Every Area scored better across every casework strand for the quality of its post-charge reviews compared to pre-charge reviews. However, only one Area was assessed as fully meeting the standard for this measure in any of the casework strands (for its magistrates' court and Crown Court reviews). Eleven of the remaining 13 Areas were assessed as partially meeting the standard. There was significant disparity between Areas, with several scoring below 50.0% for at least one casework type. Surprisingly, given their specialist nature and the additional training their lawyers receive, five RASSO units scored below 50.0% for this measure.

**4.34.** Poor quality reviews adversely affect the outcomes of cases, contribute to delays and deny victims the quality of service to which they are entitled. The CPS are afforded opportunities to review and rectify any issues in their cases at several stages in criminal proceedings. Each stage at which they fail to do so, has the potential to lead to further delay, wasted resource and uncertainty for victims, witnesses and defendants. We saw numerous cases which were dropped close to the trial date, after multiple court hearings, because there was no realistic prospect of conviction. The CPS had allowed the cases to drift when there was no chance of a successful outcome from the outset. We also saw many cases in which there was a late guilty plea. This was often because a lesser plea, which should have been agreed much earlier, was finally accepted or key material was served late. Both issues stem from a failure to properly review the case.

**4.35.** All CPS Areas understood many of the factors that impacted on casework quality. They had attempted to put in place measures to improve it, but issues persisted. The CPS uses Individual Quality Assessments (IQA) as the main tool to drive up casework quality. We are therefore planning to conduct an inspection around IQA, as set out in our current business plan.<sup>12</sup>

### **Action plans and ancillary matters**

**4.36.** The use of applications to strengthen the prosecution case (such as the service of a bad character notice) was a mixed picture across the country and the different casework strands. In terms of magistrates' court casework, almost every Area was poor. This was reflected in the fact that over half of files (52.2% nationally) did not meet the standard. Performance was better on Crown Court cases, with a comparatively good with 73.0% of files fully or partially meeting the standard. However, many Areas still needed to improve. Most Areas did well at using applications to strengthen RASSO cases, with 60.0% of files fully

---

<sup>12</sup> *HMCPsi Business plan 2023-24*; HMCPsi; 11 April 2023.  
[justiceinspectors.gov.uk/hmcp/inspections/hmcp-business-plan-2023-24/](https://justiceinspectors.gov.uk/hmcp/inspections/hmcp-business-plan-2023-24/)

meeting the standard and less than a fifth (18.1%) not meeting it. The bad character evidence provisions, give the prosecution a significant opportunity to strengthen the case. They also provide additional credibility to the victim, which is too often missed. We saw many cases in which the use of bad character evidence would have changed the outcome of an unsuccessful case. The failure to make appropriate applications has a tangible effect on the service victims receive and their chances of receiving justice.

**4.37.** Police file quality was very similar across all casework strands. Nationally we found 53.8% of the cases complied with the National File Standard. The other 46.2% did not. Police service disclosure was also poor, with fewer than a third (32.7%) of cases fully meeting the standard. A significant number (40.3%) partially met it, but 27.0% did not. It means that in many cases the CPS need to explain to officers what is needed in a case file. This diverts legal resources away from casework. We saw cases which either failed or suffered significant delays, due to the poor quality of the police file.

**4.38.** CPS feedback to the police on file quality needs to improve. We found that it gave no feedback in over half of the cases in which it should have done (56.5%). If CPS Areas want to see improved file quality from their police forces, they must hold them to account for their failings and draw their attention to defective files. We were told that all CPS Areas engage at a strategic and operational level with their local police forces. However, we saw little evidence that this engagement translated into effective action and improvement in police file quality. HMCPsi is currently carrying out a joint inspection with His Majesty's Inspectorate of Constabulary and Fire & Rescue Services. The theme is prosecution case building in accordance with both HMCPsi's 2023-24 Business Plan<sup>13</sup> and the Criminal Justice Joint Inspection Business Plan 2023-25<sup>14</sup>.

## Preparation for the plea and trial preparation hearing (PTPH) in the Crown Court

**4.39.** This theme related to Crown Court and RASSO cases only.

**4.40.** The CPS was partially meeting the standard for preparation for the first hearing. It received an average score of 65.9% for Crown Court and 66.7% for

---

<sup>13</sup> Business plan 2023-24; HMCPsi; April 2023.  
[justiceinspectorates.gov.uk/hmcpsi/wp-content/uploads/sites/3/2023/05/2023-04-04-Business-Plan-2023-24-3.pdf](https://justiceinspectorates.gov.uk/hmcpsi/wp-content/uploads/sites/3/2023/05/2023-04-04-Business-Plan-2023-24-3.pdf)

<sup>14</sup> Joint inspection business plan; Criminal Justice Joint Inspection.  
[justiceinspectorates.gov.uk/cjii/wp-content/uploads/sites/2/2023/03/CJJI-Joint-inspection-business-plan-2023-25-web.pdf](https://justiceinspectorates.gov.uk/cjii/wp-content/uploads/sites/2/2023/03/CJJI-Joint-inspection-business-plan-2023-25-web.pdf)

RASSO casework. CPS Areas delivered mixed results. For Crown Court casework, five Areas fully met the standard, five Areas partially met it and the remaining four did not. For RASSO casework, three Areas fully met the standard, eight partially met it and three did not. The most significant improvement the CPS needs to make is in the quality of its instructions to advocates. The overall inadequacy of instructions was the biggest factor in lowering the score for this theme in both Crown Court and RASSO casework.

### **Engagement with the defence**

**4.41.** Defence engagement prior to the PTPH was a real strength for some Areas, but a weakness for others. Historically defence engagement has always been better in some Areas than others. This is often dependent upon factors outside the CPS's control. The pandemic made direct contact with the defence more challenging. Some Areas continued to do this extremely well, but where it was already difficult, the pandemic exacerbated the problem. Within the Areas, we found little difference in this measure between Crown Court and RASSO casework. Engaging meaningfully with the defence prior to the PTPH has the potential to reduce the number of disputed issues in a case. This can save court time and can improve the experience of victims and witnesses when giving evidence. Good engagement can also lead to appropriate pleas being offered and accepted and result in a swift resolution of the case. This can save victims the anxiety of the case proceeding to trial.

### **Indictments and instructions**

**4.42.** We found that most indictments were drafted well in all Areas. Across the 14 Areas, 69.1% of cases fully met the standard and 21.7% partially met it. The other 9.2% did not meet it. This is important because an ambiguous or incorrect indictment can, in the worst scenario, cause a case to fail.

**4.43.** The timeliness of service of the indictment and key evidence was good across both Crown Court and RASSO casework. A significant, 72.8% of cases fully met the standard and 17.1% partially met it. The other 10.1% did not. This level of performance will result in PTPHs being effective, thus reducing the need for adjourned hearings and maximising efficient use of court time.

**4.44.** Instructions to advocates were poor across most Areas for Crown Court casework (nationally 57.0% of cases did not meet the standard). They were of higher quality in RASSO casework, but still require improvement (nationally 34.6% of RASSO cases did not meet the standard). Providing advocates with proper instructions is vital to ensure that court hearings are effective and that cases progress as efficiently as possible. In many cases we found that no bespoke instruction document had been prepared. Even when an instruction

document did exist, there was frequently no reference to acceptable pleas or to appropriate applications.

**4.45.** If it's possible to resolve a case by means of an acceptable guilty plea, it is critical that this is done as early as possible. As explained in paragraph 4.36, missing an opportunity to strengthen a case by making an appropriate application, reduces the likelihood of a successful outcome. In addition, if the advocate is not instructed to make an appropriate application for special measures the victim or witness can be affected. They will be denied the reassurance that at an order to help them give their best has been made. The lack of instructions to advocates is likely to have contributed, at least in part, to the absence of proper advice. Specifically, guidance on evidence being provided by instructed counsel as set out in paragraphs 3.22 and 3.23.

## Do Areas fully comply with their duty of disclosure?

**4.46.** CPS performance on disclosure varied considerably across the three casework strands. While RASSO casework fully met the standard, Crown Court casework only partially met it and magistrates' court casework did not. Several high-profile rape cases collapsed in 2017 due to serious disclosure failings by the police and the CPS. In response, the National Police Chief's Council, the CPS, and College of Policing, conducted a lengthy and detailed review into the handling of disclosure. It led to the joint National Disclosure Improvement plan, which took place in three phases<sup>15</sup> over four years. This has clearly made a positive difference to RASSO cases, however improvement is still needed, particularly in magistrates' court and Crown Court cases. We did not identify any potential miscarriages of justice resulting from disclosure failures in any of the cases we examined, either in any casework type or CPS Area. However, we did see cases which were unsuccessful due to errors made in the disclosure process.

**4.47.** The average score for disclosure in magistrates' court cases was 55.3% – significantly worse than either Crown Court or RASSO cases. No Area fully

---

<sup>15</sup> *National Disclosure Improvement Plan*; NPCC, COP and CPS; January 2018.  
<https://www.cps.gov.uk/sites/default/files/documents/publications/National-Disclosure-Improvement-Plan-May-2018.pdf>

*National Disclosure Improvement Plan (NDIP) Report on Phase Two - March 2021*; NPCC, COP and CPS; March 2021.

[cps.gov.uk/publication/national-disclosure-improvement-plan-ndip-report-phase-two-march-2021](https://www.cps.gov.uk/publication/national-disclosure-improvement-plan-ndip-report-phase-two-march-2021)

*National Disclosure Improvement Plan (NDIP) Report on Phase Three – Review Reflect Refresh*; NPCC, COP and CPS; July 2021.

[cps.gov.uk/sites/default/files/documents/publications/NDIP-Phase-Three-July-2021.pdf](https://www.cps.gov.uk/sites/default/files/documents/publications/NDIP-Phase-Three-July-2021.pdf)

met the standard for disclosure for magistrates' court casework. Five Areas partially met the standard and the remaining nine did not meet it. The average score for disclosure in Crown Court cases was 66.7%. Six Areas fully met the standard for disclosure for Crown Court casework. Six Areas partially met the standard and two did not meet it. The average score for disclosure in RASSO cases was 70.6%. Nine Areas met the standard for disclosure for RASSO casework and a further three partially met it. Two did not meet the standard.

**4.48.** It is positive to see the majority of RASSO units performing so well on disclosure. It reflects the significant joint work to improve. RASSO units tend to be staffed by more experienced prosecutors and the caseloads per prosecutor are generally lower. The caveat to this is the RASSO performance on initial disclosure which we cover in paragraph 4.49 below. We observed a pattern throughout AIP, of Areas putting newer, less experienced recruits into magistrates' court units. This was to allow more experienced prosecutors to deal with the more complex Crown Court and RASSO casework. It is unsurprising then, that there has been an impact on the quality of disclosure in magistrates' court casework. As this large cohort of new prosecutors gain experience, the handling of disclosure should improve. We will be able to assess this in our follow-up programme. Prosecutors in Crown Court units have seen rising caseloads due to backlogs. This means they have less time to devote to each case and no doubt explains some of the issues we observed with disclosure in Crown Court units.

#### **Operating initial disclosure**

**4.49.** Initial disclosure was dealt with poorly across all three casework strands. In magistrates' court cases 36.6% fully met the standard, 31.2% partially met the standard and 32.2% did not meet the standard. In Crown Court cases 32.9% fully met the standard, 40.2% partially met the standard and 27.0% did not meet it. In RASSO cases, 30.7% fully met the standard, 45.9% partially met the standard and 23.3% did not meet it. These performances are disappointing, especially on RASSO units. They can be directly linked to the poor case analysis we found in pre and post-charge reviews across all three casework strands. These are set out in paragraphs 4.20–4.24 and 4.33–4.34. To get initial disclosure right, a prosecutor must understand what their case is. They must understand what evidence supports their case, what material undermines it, what the disputed and which lines of enquiry have and have not been pursued. Our findings on review quality indicate that in many instances the prosecutor has not grasped these issues. It is no surprise then, when a prosecutor does not properly comply with their disclosure obligations. Often they are unable to properly assess what material needs to be disclosed to the defence, or what additional material ought to be listed on a schedule of unused material.

### **Duty of continuing disclosure**

**4.50.** The duty of continuing disclosure arises rarely in the magistrates' court, and only applied in 4.8% of the cases we examined. Continuing disclosure (relevant in 72.5% of the Crown Court cases examined) was dealt with better in Crown Court cases than initial disclosure. Still, only 55.9% of cases fully met the standard, 25.9% partially met the standard and 18.2% did not meet it. Continuing disclosure (relevant in 78.9% of the RASSO cases examined) was dealt with well in RASSO units, where 62.4% of cases fully met the standard. A further 23.1% partially met the standard and only 14.5% did not. Continuing disclosure is triggered by the defence. They will serve a defence statement in which they set out what their case is (and often make specific requests for disclosure of material). Continuing disclosure is dealt with better than initial disclosure. This is because, at the stage it is completed, the prosecutor will understand, through that defence statement, what the disputed issues are. Therefore, they are far more able to make a proper assessment of what material needs to be disclosed or added to a schedule of unused material. The continuing disclosure stage is vital. It provides an opportunity for any errors made at the initial disclosure stage to be corrected before the trial. Good performance here, means that trials are more likely to be effective. This is in the interests of all parties and contributes to an efficient use of resources. Crucially, it serves to prevent disclosure failures which in the worst case could lead to a miscarriage of justice.

### **Sensitive and third-party material**

**4.51.** Sensitive material was only relevant in 6.9% of magistrates' court cases. It was dealt with poorly in Crown Court cases in all but one Area. In contrast, most Areas dealt with sensitive material very well in RASSO cases. These cases are most likely to have sensitive material and the prosecutors on the units have been well trained in handling it. Mishandling sensitive material can have extremely harmful consequences for victims and witnesses. It can result in highly personal information being wrongly provided to the defence. Equally, it is extremely unfair on a defendant, if material which could assist them or undermine the prosecution's case is not disclosed. Worse still, if its existence is not even revealed. The CPS will no doubt want to provide Crown Court lawyers with training and support in this area. So that they can match the competence of their RASSO colleagues.

**4.52.** Third party material was relevant in only 3.3% of magistrates' court cases. The majority of Areas dealt with third party material in Crown Court and RASSO cases very well. It was a notable strength and a real positive, since disclosure of third-party material can present a significant challenge to the prosecution. If they get it wrong, material such as medical or social services records, or forensic data may be wrongly disclosed or withheld. This risks, in

the worst cases, a miscarriage of justice. A victim may be harmed by the mistaken disclosure of information to the defence or a trial be rendered ineffective.

**4.53.** Disclosure management documents (DMDs) were relevant in only 13.9% of Crown Court cases examined. Their use was sporadic, and 32 of the 78 documents required (41.0%) were not completed. Those that were completed were largely accurate. In most RASSO cases a DMD was required and completing one was a real strength for most Areas. They were properly completed in 75.2% of cases. A solid 61.8% fully met the standards for accuracy and completeness, 29.7% partially met those standards and 8.5% did not meet them. The advantage of a DMD is that it sets out what lines of enquiry have been pursued and helps the prosecution and defence to understand what material exists. The strong performance of RASSO units on this measure was a factor in them fully meeting the standard for the overall disclosure theme.

## Do Areas address victim and witness issues appropriately?

**4.54.** The CPS was fully meeting the standard for the theme of victims and witnesses for every casework strand. We saw a considerable amount of good work in many CPS Areas, for which they should be commended.

**4.55.** Seven Areas fully met the standard for the theme of victims and witnesses in the magistrates' court. The other seven Areas partially met it. Nine Areas fully met the standard in Crown Court casework. The remaining five partially met it. Ten Areas fully met the standard for RASSO casework. The remaining four Areas partially met it. No Area failed to meet the standard for the victim and witness theme for any casework strand.

**4.56.** There are several aspects of victim and witness care that CPS Areas were universally very good at. Witness warning was generally excellent across all Areas and casework strands and represents a real strength for the CPS. We assessed 88.4% of all files fully met the standard. Equally, correspondence from Witness Care Units was dealt with very well, with 72.7% of all cases fully meeting the standard. It is vital to the administration of justice that trial listings are effective. This means ensuring court time is not squandered and victims, witnesses and defendants do not waste their time attending court for hearings that don't happen. To that end, the CPS must warn the correct witnesses in advance of trials. It is extremely commendable that they do this so well. Equally, ensuring correspondence from the Witness Care Units is addressed in a timely manner, ensures that witness difficulties are addressed before the trial

date. This prevents ineffective hearings and provides victims and witnesses with the necessary reassurance and information.

### **Protecting victims and witnesses**

**4.57.** Obtaining appropriate orders at sentencing is critical. It protects victims, witnesses and the wider public, and ensures that justice is served. This is something else the CPS does extremely well and was a significant strength for every Area, in virtually every casework strand. Performance was especially strong on magistrates' court and RASSO units, where 83.7% and 82.6% of files respectively, fully met the standard. Crown Court performance was also solid, with 69.9% of files fully meeting the standard. From a victim's perspective, a protective or restorative order at the conclusion of criminal proceedings can be as important as any sentence. Sometimes more so. A restraining or compensation order may be the most tangible aspect of justice the victim will receive. It is a real positive that the CPS are ensuring such orders are made.

**4.58.** In most cases the CPS was consulting victims and witnesses when it should. Performance was similar across all units; with 58.1% of magistrates' court, 58.4% of Crown Court and 55.7% of RASSO cases assessed as fully meeting the standard. Generally, the CPS was good at consulting victims when lesser pleas were offered. This is important, because although it is ultimately the CPS's decision whether to accept a lesser plea, the views of the victim should be considered. The biggest single issue we identified was one of record-keeping. A failure to properly document that an advocate had complied with the CPS Speaking to Witnesses at Court initiative (STWAC) on the hearing record sheet (or elsewhere). Eleven of the 14 Area reports commented on this. We did see good practice in one Area, which had mandated the use of a separate form to record that STWAC had been complied with. This led to strong compliance which was clearly evidenced. Giving evidence can be a traumatic event for a witness and STWAC was introduced by the CPS to help alleviate witness anxiety. They provide witnesses with information about the trial process and issues in the case in advance of them giving evidence. It is important then, that the CPS ensures its advocates follow STWAC. The best way of doing this is requiring a record to be made by that advocate.

### **Considering application to support victims**

**4.59.** Generally, all CPS Areas need to improve their consideration of relevant applications and ancillary matters. This is necessary to support victims and witnesses at the pre-charge stage which we have commented on above (paragraph 4.30). We saw individual examples of proactive and helpful actions to support victims in some cases. However, the overall scores are concerning. Only 31.5% of cases fully met the standard, 31.1% partially met the standard

and 37.4% not meet it. Failing to consider this issue risks hampering case progression and represents a missed opportunity to provide reassurance to victims and witnesses at an early stage. It is important to note that one of the major reasons for cases being unsuccessful is victim attrition.

**4.60.** In contrast, Areas are better at securing special measures for victims and witnesses post-charge with 49.0% of magistrates' court cases and 52.6% of Crown Court cases fully met the standard for this and 59.8% of RASSO cases did so too. Prosecutors, especially on RASSO units, are mindful of special measures applications which enable victims and witnesses to give their best evidence. We would, however, expect these reasonable performances to improve if such matters were routinely considered earlier in the pre-charge stage.

### **Provision of victim personal statements**

**4.61.** Victims are entitled, but not obliged, to provide a Victim Personal Statement (VPS). They can choose to read it at sentencing, have it read out in court on their behalf, or allow the Judge to read it. Performance was similar across all casework strands, but there was a mixed picture across CPS Areas. Some Areas performed strongly. Others needed to improve. The two most prevalent issues were as follows; record sheets did not state whether the victim's wishes were complied with and the views of the victim were not sought if the police had not supplied them. There was a pattern in some Areas of VPSs not being considered in reviews or instructions to advocates. This would need to be addressed to improve performance. The VPS is important to the sentencing function of the Court. It allows the victim to have a voice in a situation where the focus can seem to be entirely on the defendant. It is therefore imperative that the CPS offers a VPS to the victim and brings it to the Court's attention.

### **Victim care letters**

**4.62.** The prosecution has a duty to write to a victim and explain a decision to drop or substantially reduce a charge. In our sample there were 302 files which required the CPS to write to the victim. In total 224 Victim Communication and Liaison scheme (VCL) letters were sent. CPS Areas failed to send letters in 78 cases (25.8%). The missed letters were fairly evenly spread across the casework strands. On Crown Court cases, there were 35 missing letters (25.7%), on magistrates' court cases, 21 (22.3%) and on RASSO cases, 22 (30.6%). This is a concern given the amount of resource Areas were putting into managing this process.

**4.63.** Performance on timeliness and quality of VCL letters was mixed across CPS Areas and casework strands. A considerable number of Areas performed

poorly on these measures. This was disappointing given the findings of our 2020 report on the quality of VCL letters<sup>16</sup>. We did see individual examples of good letters with clear, empathetic explanations, but overall improvement was needed. National figures for Crown Court and magistrates court cases were markedly similar. Only 47.1% and 51.1% of relevant cases respectively fully met the standard for timeliness. A further 11.8% and 18.1% respectively partially met the standard. Significantly, 41.2% and 30.9% respectively, did not meet the standard. RASSO figures for timeliness were notably poorer. Only 40.3% of files fully met the standard for timeliness. A further 9.7% did partially meet the standard, but a worrying 50.0% did not.

**4.64.** The position was substantially different when it came to assessing whether the VCL letters were of a high standard. Again, Crown Court and magistrates' court figures were similar with 35.6% of relevant cases for both fully meeting the standard. An additional 40.6% of Crown Court and 38.4% of magistrates' court cases partially met the standard. The remaining 23.8% of Crown Court and 26.0% of magistrates' court cases did not meet the standard. In contrast 60.0% of RASSO cases fully met the standard, 24.0% partially met the standard and 16.0% did not meet it. Victims have a right to be told if a case is dropped, (or charges substantially altered) and why. It can be a very difficult outcome for them and they need to know the reason behind it. Following our 2020 report, the CPS put in place a Victim Transformation programme to fundamentally change and improve how it interacts with, and serves, victims.

---

<sup>16</sup> *Victim Communication and Liaison scheme: letters to victims*; HMCPsi; October 2020. [justiceinspectors.gov.uk/hmcp/inspections/victim-communication-and-liaison-scheme-letters-to-victims/](https://justiceinspectors.gov.uk/hmcp/inspections/victim-communication-and-liaison-scheme-letters-to-victims/)

# **Annex A**

## **Inspection framework**

## **Area Inspection Programme Framework 2021-22**

Section A casework quality will be scored. The remaining sections B–E will be assessed and inspected but not formally scored. A report will be prepared covering all sections of the framework.

### **A. Quality casework**

Does the Area deliver excellence in prosecution by ensuring the right person is prosecuted for the right offence, cases are progressed in a timely manner and cases are dealt with effectively?

#### **Magistrates' courts casework**

- The Area exercises sound judgement and adds value in its pre-charge decision-making in magistrates' court cases.
- The Area's reviews and other magistrates' courts casework decisions are timely and of good quality.
- The Area fully complies with its duty of disclosure throughout its magistrates' courts casework.
- The Area addresses victim and witness issues appropriately throughout its magistrates' courts casework.
- The Area progresses its magistrates' courts casework effectively and efficiently.
- The Area exercises sound judgement and adds value in its magistrates' courts casework.
- The Area has a clear grip of its magistrates' courts casework.

#### **Crown Court casework**

- The Area exercises sound judgement and adds value in its pre-charge decision-making in Crown Court cases.
- The Area's reviews and other Crown Court casework decisions are timely and of good quality.
- The Area fully complies with its duty of disclosure throughout its Crown Court casework.

## Area Inspection Programme CPS North East

- The Area addresses victim and witness issues appropriately throughout its Crown Court casework.
- The Area prepares its Crown Court cases effectively for the plea and trial preparation hearing in the Crown Court to ensure progress is made.
- The Area progresses its Crown Court casework effectively and efficiently.
- The Area exercises sound judgement and adds value in its Crown Court casework.
- The Area has a clear grip of its Crown Court casework.

### **Rape and serious sexual offence (RASSO) casework**

- The Area exercises sound judgement and adds value in its pre-charge decision-making in RASSO cases.
- The Area's reviews and other RASSO casework decisions are timely and of good quality.
- The Area fully complies with its duty of disclosure throughout its RASSO casework.
- The Area addresses victim and witness issues appropriately throughout its RASSO casework.
- The Area prepares its RASSO cases effectively for the plea and trial preparation hearing in the Crown Court, or first hearing in the youth court, to ensure progress is made.
- The Area progresses its RASSO casework effectively and efficiently.
- The Area exercises sound judgement and adds value in its RASSO casework.
- The Area has a clear grip of its RASSO casework.

Evidence will be drawn from:

- baseline file examination
- charging dashboard (timeliness)
- adverse outcome reports
- disclosure Board minutes

- local Case Management Panel minutes (volume casework)
- self-assessment meeting with Area CPS.

## **B. Public confidence**

Does the CPS provide a fair experience for victims and witnesses?

## **C. CPS people**

Does the Area support their people with the skills and tools they need to succeed and develop?

## **D. Digital capability**

Does the CPS use data to drive change to improve casework quality?

## **E. Strategic partnerships**

Does the CPS influence change through trusted partnerships to improve casework quality across the criminal justice system?

# Annex B

## Glossary

### **Achieving best evidence (ABE)**

The police video-record the account of a victim or witness rather than taking a written statement from them. The recording is played at trial instead of the victim or witness giving evidence. This is one of a range of special measures (see below) and permission must be granted by the court. The recording is known as an 'achieving best evidence' recording, or an "ABE". This is based on a guidance document of the same name from the Ministry of Justice. It covers interviewing victims and witnesses and using special measures.

### **Agent**

A lawyer from outside the CPS who is employed, when required, to prosecute cases at court on behalf of the CPS. They cannot make decisions about cases under the Code for Crown Prosecutors and must take instructions from the CPS.

### **Ancillary orders**

As well as imposing a sentence, the Judge or magistrates may impose orders on a defendant. A compensation order, for example, requires a defendant to pay a sum of money to the victim. These are known as 'ancillary orders.'

### **Area Business Manager (ABM)**

The most senior non-legal manager at CPS Area level. They are responsible for the business aspects in an Area, such as managing the budget. Working with the Chief Crown Prosecutor (see below), they are responsible for running the Area effectively and efficiently.

### **Area Champion**

A CPS lawyer with specialist knowledge or expertise in a legal area, such as disclosure. They act as a source of information and support for colleagues and deliver training.

### **Associate Prosecutor (AP)**

A non-lawyer employed by the CPS who conducts uncontested (guilty plea) cases at the magistrates' courts on behalf of the prosecution. With additional training, APs can undertake contested (not guilty) hearings.

### **Attorney General (AG)**

The main legal advisor to the Government. They superintend the Crown Prosecution Service.

### **Bad character/bad character application**

Evidence of previous bad behaviour, including convictions for earlier criminal offences. Normally, bad character cannot be included as part of the evidence in

a criminal trial. To be allowed, either the prosecution and defence must agree it can be used, or an application must be made to the court, based on specific reasons set out by law.

### **Barrister/Counsel**

A lawyer with the necessary qualifications to appear in the Crown Court and other criminal courts. They are paid by the CPS to prosecute cases at court, or by the representative of someone accused of a crime to defend them.

### **Basis of plea**

Sets out the basis upon which a defendant pleads guilty to an offence.

### **Better Case Management (BCM)**

The national initiative to improve case management in the Crown Court for the benefit of all concerned in the criminal justice system. Focuses on the way cases are processed through the system.

### **Case management system (CMS)**

The IT system used by the CPS for case management.

### **Casework Quality Standards (CQS)**

Issued by the Director of Public Prosecutions. They set out the benchmarks of quality that the CPS strives to deliver against in prosecuting crime on behalf of the public. They include the CPS's responsibilities to victims, witnesses and communities, legal decision-making and the preparation and presentation of cases.

### **Charging decision**

A decision by the CPS (or the police in certain circumstances) as to whether there is sufficient evidence and it is in the public interest to charge a suspect with a particular offence. The process is governed by the Director's Guidance on Charging.

### **Chief Crown Prosecutor (CCP)**

Each of the 14 CPS Areas has a CCP who, with the Area Business Manager (see above), runs the Area. The CCP is responsible for the legal aspects of running an Area. They oversee the quality of legal decision-making, case progression, and working with stakeholders, communities and the public to deliver quality casework.

### **Cloud video platform (CVP)**

A video communication system that enables court hearings to be carried out remotely and securely.

**Code for Crown Prosecutors (the Code)**

A public document, issued by the Director of Public Prosecutions, that sets out the general principles CPS lawyers should follow when they make decisions on cases. Cases should proceed only if there is sufficient evidence against a defendant to provide a realistic prospect of conviction and it is in the public interest to prosecute.

**Common platform**

A digital case management system which allows all parties involved in criminal cases to access case information.

**Complex Casework Units (CCUs)**

Units responsible for some of the most serious and complicated casework the CPS prosecutes, such as large-scale international cases.

**Contested case**

Where a defendant pleads not guilty or declines to enter any plea at all, and the case proceeds to trial.

**Court order/direction**

An instruction from the court requiring the prosecution or defence to carry out an action in preparation for trial. For example, sending a particular document or some information to the other party or the court.

**CPS Direct (CPSD)**

A service operated by CPS lawyers which provides charging decisions for priority cases. Much of its work is out of hours, enabling the CPS to provide charging decisions 24 hours a day, 365 days a year.

**Cracked trial**

A case which ends on the day of trial, either because of a guilty plea by the defendant or because the prosecution decides to stop the case.

**Criminal Procedure Rules (CPR)**

Rules about procedure which give criminal courts powers to effectively manage cases waiting to be heard. The main aim of the CPR is to progress cases fairly and quickly.

**Crown advocate (CA)**

A lawyer employed by the CPS who is qualified to appear in the Crown Court.

**Crown Court**

The court which deals with graver allegations of criminal offence such as murder, rape and serious assaults. Some allegations can be heard at either the Crown Court or the magistrates court (see 'either-way offence').

**Crown Prosecutor (CP)**

A lawyer employed by the CPS whose role includes reviewing and preparing cases for court and prosecuting cases at the magistrates' courts. CPs can progress to become senior crown prosecutors.

**Custody time limit (CTL)**

The length of time that a defendant can be kept in custody awaiting trial. It can be extended by the court in certain circumstances.

**Custody time limit failure**

A custody time limit failure occurs when the court refuses to extend a CTL. It can do so on the grounds that the prosecution has not acted with the necessary due diligence and expedition. Or, when no valid application is made to extend the CTL before its expiry date.

**Defendant**

Someone accused of and charged with a criminal offence.

**Defence statement (DS)**

A written statement setting out the nature of the accused's defence. Service of the defence statement is part of the process of preparing for trial and is meant to help the prosecution understand the defence case better. That way they can decide if there is any more unused material that ought to be disclosed (see 'disclosure' above).

**Deputy Chief Crown Prosecutor (DCCP)**

Second-in-command to the Chief Crown Prosecutor (see above) for legal aspects of managing the Area.

**Digital Case System (DCS)**

A digital/computerised system for storing and managing cases in the Crown Court. The defence, prosecution, court staff and Judge all have access.

**Direct Defence Engagement Logs (DDE)**

Written record of discussions with the defence about a case. The prosecution and defence are obliged by the Criminal Procedure Rules to engage and identify the issues for trial. This is so that court time is not wasted hearing live evidence about matters that can be agreed.

### **Director's Guidance on Charging**

Issued by the Director of Public Prosecutions in relation to charging decisions (see above). It includes guidance for the police and CPS on how to prepare a file for charging, who can make the charging decision, and what factors should influence the decision. It also sets out details of the 'threshold test'; the requirements that must be met before police can ask to keep a suspect in custody and charge them before all the evidence is available. The latest edition (the sixth, also called 'DG6') came into effect on 31 December 2020.

### **Director of Public Prosecutions (DPP)**

The head of the CPS with responsibility for its staff and the prosecutions it undertakes every year. In certain cases the personal consent of the DPP is required for prosecutions to proceed.

### **Disclosure/unused material**

The police have a duty to record, retain and review material collected during an investigation. If it's relevant but not being used as prosecution evidence they must reveal it to the prosecutor. The prosecutor then has a duty to provide the defence with copies of, or access to, all material capable of undermining the prosecution case and/or assisting the defendant's case.

### **Disclosure management document (DMD)**

Used for rape and other Crown Court cases, the DMD sets out the approach of the police and CPS to the disclosure of unused material in a case. It may, for example, explain the parameters used by the police to search data held on a mobile phone or other digital device (such as the dates used, or key words). It may cover what action the police are and are not taking in relation to possible avenues of investigation. The DMD is shared with the defence and court so that everyone is aware of the approach being taken. This enables the defence to make representations if they do not agree with that approach (for example, if they think different search terms should be used). It also helps ensure that disclosure is undertaken efficiently and fairly.

### **Disclosure record sheet (DRS)**

Sets out the chronology of all disclosure actions and decisions, and the reasons for those decisions. It is an internal CPS document that is not shared with the defence or court.

### **Discontinuance**

Where the prosecution stops the case because there is not sufficient evidence to carry on, or it is not in the public interest to do so.

### **District Crown Prosecutor (DCP)**

A lawyer who leads and manages the day-to-day activities of prosecutors and advocates.

### **Domestic abuse (DA)**

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over. Specifically, between those who are, or have been, intimate partners or family members, regardless of gender or sexuality.

### **Effective trial**

Where a case proceeds to a full trial on the date that it is meant to.

### **Either-way offence**

An offence that can be prosecuted in the magistrates' courts or the Crown Court. The prosecution makes representations to the court on where the case should be heard. The magistrates or a District Judge (who sits alone in the magistrates' courts) can decide if the allegation is serious enough to go to the Crown Court. If they decide it can be heard in the magistrates' courts, the defendant can choose to have the case sent to the Crown Court, where it will be heard by a jury. If the defendant agrees, the trial will be heard in the magistrates' courts.

### **Full Code test (FCT)**

A decision where the prosecutor applies the Code for Crown Prosecutors. A prosecution must only start or continue when the case has passed both stages of the Full Code Test: the evidential stage followed by the public interest stage. The Full Code Test should be applied when all outstanding, reasonable lines of inquiry have been pursued. Or, prior to the investigation being completed, if the prosecutor is satisfied that any further evidence or material is unlikely to affect the application, whether in favour of or against a prosecution.

### **Graduated fee scheme (GFS)**

The scheme via which lawyers are paid for Crown Court cases. For Counsel appearing on behalf of defendants who qualify for assistance (called 'Legal Aid'), the GFS is set and managed by the Legal Aid Agency. For Counsel appearing for the prosecution, the rates are determined by the CPS GFS, and the CPS pays Counsel.

### **Guilty anticipated plea (GAP)**

Where the defendant is expected to admit the offence at court. It is based on the available evidence and any admissions made during interview.

### **Hate crime**

The law recognises offences as hate crimes when the defendant has been motivated by or demonstrated hostility towards the victim based on what the defendant thinks their race, disability, gender identity or sexual orientation is. Targeting older people is not (at the time of writing) recognised in law as a hate crime, but the CPS monitors crimes against older people in a similar way.

### **Hearing record sheet (HRS)**

A CPS electronic record of what has happened during the course of a court hearing and any actions that need to be carried out afterwards.

### **His Majesty's Courts and Tribunal Service (HMCTS)**

Responsible for the administration of criminal, civil and family courts and tribunals in England and Wales.

### **Honour based violence (HBV)**

A collection of practices which are used to control behaviour within families or other social groups. They are undertaken to protect perceived cultural and religious beliefs and/or honour. It can take the form of domestic abuse and/or sexual violence.

### **Inclusion and community engagement strategy**

Sets out the CPS's commitment to promoting fairness, equality, diversity and inclusion across the criminal justice system. It involves engaging with community groups and those at risk of exclusion.

### **Indictable-only offence**

An offence triable only in the Crown Court.

### **Indictment**

The document that contains the charge or charges faced by the defendant at trial in the Crown Court.

### **Individual Learning Account (ILA)**

CPS employees can access an allowance of £350 per person, per year, for professional development.

### **Individual quality assessment (IQA)**

An assessment of a piece of work done by a CPS member of staff, usually a prosecutor. Some Areas also carry out IQAs for certain operational delivery staff. The assessment will be carried out by a manager and feedback on the assessment given to the member of staff. Areas also use IQAs to identify areas for improvement and training needs across a team or the whole Area.

### **Ineffective trial**

A case that does not proceed to trial on the date that it is meant to. This can be for a variety of reasons, including non-attendance of witnesses, non-compliance with a court order by the prosecution or defence, or lack of court time.

### **Initial details of the prosecution case (IDPC)**

The material to be provided before the first hearing at the magistrates' courts. It enables the defendant and the court to take an informed view on plea, where the case should be heard, case management and sentencing. The IDPC must include a summary of the circumstances of the offence and the defendant's charge sheet. Where the defendant is expected to plead not guilty, key statements and exhibits (such as CCTV evidence) must be included.

### **Intermediary**

A professional who facilitates communication between a victim or witness and the police, prosecution, defence and/or the court. Their role is to ensure that the witness understands what they are being asked, can give an answer and can have that answer understood. To do this, they will assess what is needed, provide a detailed report on how to achieve that, and aid the witness in court. An intermediary may be available at trial, subject to the court agreeing it is appropriate. For example, if the defence or prosecution witnesses are eligible for special measures on the grounds of age or incapacity, or a defendant is vulnerable.

### **Key stakeholders**

The organisations and people with whom the CPS engages, such as the police, courts, the judiciary, and victim and witness services.

### **Local Criminal Justice Boards (LCJBs)**

Made up of representatives of the CPS, police, HMCTS and others. LCJBs were originally set up in all 43 force areas by central government and received central funding. They now operate as a voluntary partnership in most counties in England. The Boards' purpose is to work in partnership to improve the efficiency and effectiveness of the criminal justice system and the experience of victims and witnesses.

### **Local Scrutiny Involvement Panels (LSIPs)**

Made up of representatives of the local community and voluntary sector, especially those representing minority, marginalised or at-risk groups. They meet regularly with their local CPS Area to discuss issues of local concern and provide feedback on the service the Area provides. Their goal is to improve the delivery of justice at a local level and to better support victims and witnesses.

### **Manual of Guidance Form 3 (MG3)**

One of a number of template forms contained in a manual of guidance for the police and CPS on putting together prosecution files. The MG3 is where the police set out a summary of the evidence and other information when asking the CPS to decide whether a suspect should be charged with a criminal offence, and the CPS then record their decision.

### **National File Standard (NFS)**

A national system that sets out how the police should prepare criminal case files. It allows investigators to build only as much of the file as is needed at any given stage – whether that is for advice from the CPS, the first appearance at court or the trial. The latest version was published in December 2020.

### **Newton hearing**

A hearing in criminal proceedings required when a defendant pleads guilty to an offence but there is disagreement with the prosecution as to the facts of the offence.

### **Not guilty anticipated plea (NGAP)**

Where the defendant is expected to plead not guilty at court, based on an assessment of the available evidence and any defence(s) put forward during interview.

### **Offer no evidence (ONE)**

Where the prosecution stops the case, after the defendant has pleaded not guilty, by offering no evidence. A finding of 'not guilty' is then recorded by the court.

### **Paralegal officer (PO)**

Provides support and casework assistance to CPS lawyers and attends court to take notes of hearings and assist advocates.

### **Personal Development Review (PDR)**

Twice yearly review of a CPS employee's performance against a set of objectives specific to their role.

### **Plea and Trial Preparation Hearing (PTPH)**

The first hearing at the Crown Court after the case has been sent from the magistrates' courts. The defendant is expected to enter a plea to the offence(s) with which they have been charged. If the defendant pleads guilty, the court may be able to sentence them immediately, but if not, or if the defendant has pleaded not guilty, the court will set the next hearing date, and for trials, will also set out a timetable for management of the case.

### **Postal requisition**

A legal document notifying a person that they are to be prosecuted for a criminal offence and are required to attend the magistrates' courts to answer the allegation.

### **Rape and serious sexual offences (RASSO)**

Allegations of rape and other serious sexual offences perpetrated against men, women or children. In the CPS, the prosecution of RASSO cases is undertaken separately from other cases, in RASSO units or teams.

### **Restraining order (RO)**

A type of court order made as part of the sentencing procedure to protect the person(s) named in it from harassment or conduct that will put them in fear of violence. They are often made in cases involving domestic abuse, harassment, stalking or sexual assault. The order is intended to be preventative and protective and usually includes restrictions on contact by the defendant with the victim. It may also include an exclusion zone around the victim's home or workplace. A restraining order can be applied after a defendant has been acquitted, if the court thinks it is necessary to protect a person from harassment.

### **Review**

The process whereby a CPS prosecutor determines that a case received from the police satisfies, or continues to satisfy, the legal test for prosecution in the Code for Crown Prosecutors. This is one of the most important functions of the CPS.

### **Section 28 Youth Justice and Criminal Evidence Act 1999**

Provides the option to pre-record the cross-examination evidence in advance of a trial for vulnerable victims and witnesses.

### **Senior Crown Prosecutor (SCP)**

A lawyer employed by the CPS with the necessary skills and experience to progress to a more senior legal role. One that includes the functions set out above for crown prosecutors but also includes advising the police on charge. It is not a role that includes managing staff.

### **Sensitive material**

Any unused material (see disclosure/unused material) which it would not be in the public interest to disclose during the criminal proceedings. If it meets the test for disclosure, the prosecution must either stop the case or apply to the court for an order allowing them to withhold the sensitive material.

### **Speaking to witnesses at court initiative (STWAC)**

The prosecutor should speak to witnesses at or before court to ensure that they are properly assisted and know what to expect before they give their evidence.

### **Special measures applications (SMA)**

Provided by the Youth Justice and Criminal Evidence Act 1999. There are a range of special measures to help vulnerable or intimidated witnesses in criminal trials to give their most accurate and complete account of what happened. Measures include the facility to give evidence via a live TV link to the court, to give evidence from behind screens in a courtroom and the use of intermediaries. A special measures application is made to the court within set time limits and can be made by the prosecution or defence.

### **Standard Operating Practice (SOP)**

The CPS has a range of standard operating practices which set out how to complete a particular task and cover legal and business aspects of the running of the CPS. They are standard across the organisation and seek to apply consistency to business practices and key steps needed in all prosecutions. Examples include: how to register a new charging request from the police on the case management system; how to record charging advice; how to prepare for the first hearing; and how to deal with incoming communications.

### **Summary offence**

An offence that is normally dealt with in the magistrates' courts. In certain circumstances, and when there is a connected case that will be heard by the Crown Court, it may deal with a summary offence as well.

### **Third party material**

Material held by someone other than the investigator and/or prosecutor, such as medical or school records, or documents held by Social Services departments.

### **Threshold test**

See Director's Guidance on Charging.

### **Transforming Summary Justice (TSJ)**

An initiative led by HMCTS and involving the CPS and police. It's designed to deliver justice in summary cases in the most efficient way, by reducing the number of court hearings and the volume of case papers. The process involves designating bail cases coming into the magistrates' courts for their first hearing as guilty-anticipated plea (GAP) cases or not guilty-anticipated plea (NGAP) cases. GAP and NGAP are explained above. GAP and NGAP cases are listed in separate courtrooms, so that each can be dealt with more efficiently.

### **Uncontested case**

Where a defendant pleads guilty and the case proceeds to sentence.

### **Unsuccessful outcome**

A prosecution which does not result in a conviction is recorded in CPS data as an unsuccessful outcome. If the outcome is unsuccessful because the prosecution has been dropped (discontinued, withdrawn or no evidence offered) or the court has ordered that it cannot proceed, it is also known as an adverse outcome. Acquittals are not adverse outcomes.

### **Victim Communication and Liaison scheme (VCL)**

A CPS scheme to inform victims of crime that a decision has been made to stop or alter substantially any of the charges in a case. Vulnerable or intimidated victims must be notified within one working day and all other victims within five working days. In certain cases, victims will be offered a meeting to explain the decision and/or the right to ask for the decision to be reviewed.

### **Victim Liaison Unit (VLU)**

The VLU is the team of CPS staff in an Area. It is responsible for communication with victims under the Victim Communication and Liaison scheme (see above). It is also responsible for handling a Victims' Right to Review (see below), responding to complaints and overseeing the service to bereaved families.

### **Victim Personal Statement (VPS)**

Gives victims the opportunity to explain to the court how a crime has affected them. If a defendant is found guilty, the court will take the VPS into account when deciding on an appropriate sentence.

### **Victims' Code**

Sets out a victim's rights and the minimum standards of service that organisations must provide to victims of crime. Its aim is to improve victims' experiences of the criminal justice system by providing them with the support and information they need. It was published in October 2013 and last updated on 21 April 2021.

### **Victims' Right to Review (VRR)**

This scheme provides victims of crime with a specifically designed process. It enables them to exercise their right to review certain CPS decisions not to start a prosecution or to stop a prosecution. If a new decision is required, it may be appropriate to institute or reinstitute criminal proceedings. The right to request a review of a decision not to prosecute applies to decisions made by every Crown Prosecutor, regardless of their grade or position in the organisation. It is important to note that the "right" referred to in the context of the VRR scheme is

the right to request a review of a final decision. It is not a guarantee that proceedings will be instituted or reinstated.

### **Violence Against Women and Girls (VAWG)/VAWG Strategy (VAWGS)**

VAWG includes boys and men as victims but reflects the gendered nature of the majority of VAWG offending. It covers a wide range of criminal conduct, including domestic abuse, controlling and coercive behaviour, sexual offences, harassment, forced marriage, so-called honour-based violence, and slavery and trafficking. The aim of the Government's VAWGS is to increase support for victims and survivors, increase the number of perpetrators brought to justice, and reduce the prevalence of violence against women and girls in the long term.

### **Vulnerable and/or intimidated witnesses**

Those witnesses who require particular help to give evidence in court. For example, children, victims of sexual offences and the most serious crimes, persistently targeted victims, and those with communication difficulties.

### **Witness Care Unit (WCU)**

A unit responsible for managing the care of victims and prosecution witnesses from when a case is charged to the conclusion of the case. It is staffed by witness care officers and other support workers whose role is to keep witnesses informed of the progress of their case. Almost all WCUs are police-staffed and managed teams.

### **Witness summons**

A legal document compelling a reluctant or unwilling witness to attend court.

# Annex C

## Casework themes

**Table 1: Casework themes**

No.	Question	Casework theme	Included in added value or grip?
1	The CPS decision to charge was compliant with the Code test.	PCD Code compliance	Added value
2	The CPS decision to charge was timely.	NA	Grip
3	The most appropriate charges were selected on the information available to the prosecutor at the time.	Selection of appropriate charges	Added value
4	The CPS MG3 included proper case analysis and case strategy.	PCD	Added value
5	The CPS MG3 dealt appropriately with unused material.	PCD	Added value
6	The CPS MG3 referred to relevant applications and ancillary matters.	PCD	Added value
7	There were appropriate instructions and guidance to the court prosecutor contained in either the MG3 or the PET/PTPH form created with the MG3.	PCD	NA
8	The action plan was proportionate and met a satisfactory standard.	PCD	Added value
9	The police file submission complied with National File Standard for the type of case.	NA	NA
10	Police file submission was timely.	NA	NA
11	The CPS used the NFQ assessment tool in the review document to identify and feed back to the police on any failings in the file submission.	NA	NA
12	All review decisions post-charge applied the Code correctly.	Code compliance post-charge	Added value

No.	Question	Casework theme	Included in added value or grip?
13	The case received a proportionate initial or post-sending review including a proper case analysis and case strategy.	Reviews	Added value
14	The initial or post-sending review was carried out in a timely manner.	NA	Grip
15	Any decision to discontinue was made and put into effect in a timely manner.	NA	Grip
16	Any pleas accepted were appropriate, with a clear basis of plea.	Reviews	Added value
17	Steps were taken to achieve best evidence by making appropriate applications for special measures (including drafting where a written application was required).	V&W	Added value
18	In CC (including RASSO cases before the CC) cases, there was a high-quality review to coincide with the service of the prosecution case and initial disclosure (at stage one set at PTPH).	Reviews (CC and RASSO only)	Added value
19	In all cases (MC, CC and RASSO), any reviews addressing significant developments that represented a major change in case strategy (and additional to those reviews considered in Qs 13 and 18) were of high quality and dealt appropriately with the significant development(s) in the case.	Reviews	Added value
20	The CPS made appropriate and timely decisions about custody and bail throughout the life of the case.	Reviews	Added value

No.	Question	Casework theme	Included in added value or grip?
21	The prosecutor prepared the case effectively to ensure progress at court at the first hearing(s), which in the MC is the NGAP hearing for bail cases and the second hearing in custody cases and in the CC the PTPH, to include as a minimum any acceptable pleas or no acceptable pleas, completion of PET/PTPH forms.	Preparation for first hearing – CC and RASSO Case management - NA	Grip
22	Any hard media was shared via Egress with all parties prior to the NGAP hearing or PTPH.	NA	Grip
23	In CC (including RASSO cases before the CC) cases, a properly drafted indictment was prepared.	Preparation for first hearing – CC and RASSO only	Added value
24	In CC (including RASSO cases before the CC) cases, the draft indictment and key evidence was served in a timely manner for PTPH.	Preparation for first hearing – CC and RASSO only	Grip
25	In CC and RASSO cases a clear instruction to advocate document was prepared.	NA – not able to differentiate between CA and counsel in many cases.	No
26	In CC (including RASSO cases before the CC) cases, the advocate was instructed at least seven days before PTPH.	Preparation for first hearing – CC and RASSO only	No
27	In CC (including RASSO cases before the CC) cases, the duty of direct engagement was carried out.	Preparation for first hearing – CC and RASSO only	No
28	In CC (including RASSO cases before the CC), the DDE was uploaded to CCDCS.	Preparation for first hearing – CC and RASSO only	No

No.	Question	Casework theme	Included in added value or grip?
29	In CC (including RASSO cases before the CC and the youth court where counsel is instructed) cases, if there was no advice on evidence covering all necessary issues, this was chased.	NA	Grip
30	In RASSO cases, a conference with the trial advocate, OIC and any expert witnesses took place.	NA	Grip
31	There was timely compliance with court directions or Judges' Orders.	NA	Grip
32	Appropriate applications (e.g. BCE, hearsay) were used effectively to strengthen the prosecution case.	Review	Added value
33	Steps were taken to secure best evidence by correct and timely warning of witnesses.	V&W	No
34	Steps were taken to secure best evidence by addressing correspondence from the WCU and any witness issues in a timely manner with effective actions.	V&W	Grip
35	New material received from the police was reviewed appropriately and sufficiently promptly with timely and effective actions taken in response.	NA	Grip
36	Correspondence from the court and defence was reviewed appropriately and sufficiently promptly with timely and effective actions undertaken in response.	NA	Grip
37	Requests to the police for additional material or editing of material were timely, and were escalated where appropriate.	NA	Grip

No.	Question	Casework theme	Included in added value or grip?
38	There was a clear audit trail on CMS of key events, decisions and actions, with correct labelling of documents and appropriate use of notes.	NA	Grip
39	In relevant cases, a DMD was completed.	Disclosure (where applicable)	No
40	The DMD was completed accurately and fully in accordance with the guidance.	Disclosure (where applicable)	AV (RASSO only as applicable to RASSO cases only for tranche 1 and to ensure consistency across the baseline and follow up)
41	The police complied with their disclosure obligations.	NA	NA
42	The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedules (but not including timeliness of disclosure).	Disclosure	Added value
43	If PM or NM, the most significant failing was: see list of options in drop-down box.	NA	No
44	The prosecution complied with its duty of initial disclosure in a timely manner.	Disclosure	No
45	The prosecutor complied with the duty of continuing disclosure (but not including timeliness of disclosure).	Disclosure	Added value
46	If PM or NM, the most significant failing was: see list of options in drop-down box.	NA	No

No.	Question	Casework theme	Included in added value or grip?
47	The prosecution complied with its duty of continuing disclosure in a timely manner.	Disclosure	No
48	Sensitive unused material was dealt with appropriately.	Disclosure	Added value
49	Third-party material was dealt with appropriately.	Disclosure	Added value
50	In CC (including RASSO cases before the CC) cases, late defence statements were chased.	Disclosure - CC/RASSO only	No
51	Inadequate defence statements were challenged.	Disclosure	Added value
52	The defence statement was reviewed by the prosecutor and direction given to the police about further reasonable lines of enquiry.	Disclosure	Added value
53	The disclosure record on modern CMS was properly completed with actions and decisions taken on disclosure.	Disclosure	No
54	The CPS fed back to the police where there were failings in the police service regarding disclosure.	Disclosure	No
55	The prosecutor consulted victims and witnesses where appropriate (includes STWAC).	V&W	No
56	The victim's wishes regarding VPS were complied with.	V&W	No
57	The prosecution sought appropriate orders to protect the victim, witnesses and the public.	V&W	Added value
58	There was a timely VCL when required.	V&W	No
59	The VCL was of a high standard.	V&W	Added value

No.	Question	Casework theme	Included in added value or grip?
60	The CPS MG3 actively considered relevant applications and ancillary matters designed to support victims and/or witnesses.	V&W AND PCD	Added value

## **HM Crown Prosecution Service Inspectorate**

### **London Office**

7<sup>th</sup> Floor, Tower  
102 Petty France  
London SW1H 9GL  
Tel. 020 7210 1160

### **York Office**

Foss House, Kings Pool  
1–2 Peasholme Green  
York, North Yorkshire, YO1 7PX  
Tel. 01904 545 490

© Crown copyright 2023

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/](https://nationalarchives.gov.uk/doc/open-government-licence/) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk)

This document/publication is also available on our website at [justiceinspectorates.gov.uk/hmcpsi](https://justiceinspectorates.gov.uk/hmcpsi)