



HMCPsi

HM Crown Prosecution
Service Inspectorate

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Freedom of Information request

Thank you for your Freedom of Information request received 8th February.

In your request you asked for the following information

My 6 January FOI request No.7 and some others: Clarification of statistics and statistical methods

2. I must apologize for having pitched my request for information on the basis of what I now understand was an unrealistically elevated assumption of the level of statistical machinery used at HMCPsi. I have read your excellent reply carefully, several times, since receiving it and I think I understand from it that in its inspectorate work (rather than managing its staff and its own administrative processes), no statistical methods at all are used? I would like to check please whether this is the case, and would be grateful for clarification from you at this point, specifically: up until the date of receipt of my letter of 6 January 2022 by HMCPsi in (a) its Inspections, (b) its work in Joint Actions, and (c) its work of Assistance for Other Public Authorities – and if any were in use, please may I have a list of names of the methods. –

3. If the answers to clarifications (a), (b) and (c) above are all three in the negative, then as a new request for information (New FOI Request 7) please may I have a summary of sources of expertise used in HMCPsi in the last decade from the following fields: formal quality management, risk management statistics, or mathematical/ quantitative analysis. As examples of what I mean here by “sources of expertise” I mean standards such as ISO 9000 in the case of quality management, formal methods such as mean and standard deviation, textbooks, external (to HMCPsi) consultants who have suitable qualifications and experience in the field, or technical training courses in these fields. (I can’t quite believe that HMCPsi really uses no statistics at all in its inspection work, which is the reason for this request).

In regard to points 2 and 3, I can confirm that we do hold some of the information in the scope of this request but we are withholding under Section 21 of the Freedom of Information Act. Section 21 relates to information that is accessible by another route and this information is available on our website under “about our inspections”.

My 6 January FOI request No’s 1 to 3: Clarification of risk management of malicious prosecutions

4. I must apologise for having made my requests 1 to 3 so specific and detailed, I had erroneously assumed certain level of detail in HMCPsi’s operations that I ought not to have assumed. What I wanted to know, and I would be grateful if you would clarify this point in your reply, is given that

there has in the past few years been large scale systemic injustice in the English criminal justice system.

e.g. prosecutions that should never have been brought as documented in Ref.s A and C of my letter of 6 January – (a) does HMCPPI have any process in place by which it monitors the criminal justice system for systemically unjust prosecutions such as those in Ref.s A and C of my letter of 6 January and if so, (b) does it have a mechanism to turn the results of such monitoring into action and (c) does it also have a system to monitor the results and effectiveness of that action?

In regard to point 4, (a) does HMCPPI have any process in place by which it monitors the criminal justice system for systemically unjust prosecutions such as those in Ref.s A and C of my letter of 6 January and if so, (b) does it have a mechanism to turn the results of such monitoring into action and (c) does it also have a system to monitor the results and effectiveness of that action?

I can confirm we do not hold the information in the scope of this request as it is not within our remit. As part of our duty to provide advice and assistance our inspection topics are identified as part of our consultation exercise every year and this is available on our HMCPPI website under corporate documents.

5. I surmise from your response of 3rd February that the answers to all three of these clarificatory points will be “no”, but I would like to check whether this is the case. If the answers to any of these three points indeed be “no”, please would you tell me which part of the State is most responsible for such monitoring and improvement: my guess would be the Attorney General, but I would be grateful for your answer. –

I can confirm we do not hold the information within the scope of this request. As part of our duty to provide advice and assistance, the criminal justice system is overseen by the Ministry of Justice, Home Office and the Attorney General’s Office. This information is in the public domain

New FOI request 1

6. On the penultimate page of your letter of 3 February, you say that HMCPPI does not involve itself in individual cases. Rereading my letter, I believe I was reasonably clear that I was not asking for involvement but merely for reporting a serious crime, however I will leave this point for the time being. For my new FOI request for information is to know the legal basis of your response, i.e. which section of which statute or SI is the basis HMCPPI’s response to this non-FOI request of mine. I have read the Crown Prosecution Service Inspectorate Act 2000 in full, I have read the s.149 of the Anti-social behaviour, Crime and Policing Act 2014 and also the Protocol between the Law Officers and Her Majesty’s Chief Inspectorate of the Crown Prosecution Service 29 January 2020 in full, but I seem to have missed the legal basis for the restriction to which you refer. I do not doubt that a restriction in intervening in individual cases, and a restriction on doing anything to cause any inspected or potentially inspected body to change its position on an individual case as an individual case, are both prohibited by law, as they rightly should be, and for which I was not and would not ask outside of the court system, not only because of the Distress Act 1267 (or Statute of Marlborough) but also because of my own principles, however I would like to know the text of the prohibition, because in light of UNCAT and HRA / ECHR, I do entertain some doubts that anything prohibits a public official from passing on up the chain of accountability a report of torture or inhuman or degrading treatment or punishment. –

In regard to your new FOI request (1) point 6. I can confirm we do not hold information within the scope of this request. However, as part of our duty to provide advice and assistance we are an inspectorate not a regulator or prosecuting authority. We have no authority to investigate or prosecute crime nor to report crimes on behalf of anyone to another authority. We would urge you to report any crimes to the police

New FOI request 2

7. (a) Has HMCPSI ever made an inspection of any part of the CPS within the scope of which inspection was the matter of whether of how members of the CPS are trained in the law of torture or its reporting, and if so when and if not published please may I have a copy of the report DNH;(b) what is HMCPSI's policy on training its own people on the law and reporting of torture etc. and the date of the last training, together with a copy of the training materials.

In regard to FOI request (2) point 7. I can confirm we do not hold information within the scope of this request. As part of our duty to provide advice and assistance a full training programme for all staff both legal and non-legal is provided at HMCPSI.

New FOI request 3

8. My original request for information asked about certain particular risk logs, which your reply informs me are not held by HMCPSI. Please may I know whether HMCPSI uses any risk or issue logs or similar logs or databases in its inspection work (not in internal management of itself), and if so the names of the logs and a summary of information held.

In relation to FOI request (3) point 8, I can confirm we do not hold information within the scope of this request. As part of our duty to provide advice and assistance, as previously explained above HMCPSI is an inspectorate not a regulator.

New FOI request 4

9. Please may I know the names and have a summary description of the principle computing or IT systems used by HMCPSI.

In regard to FOI request (4) point 9, I can confirm we do not hold information in the scope of this request. As part of our duty to provide advice and assistance as HMCPSI is such a small organisation we take some services from other government departments and IT is one of these.

New FOI request 5

10. A summary of HMCPSI plans to use artificial intelligence or similar advanced computing methods in its work.

In regard to FOI request (5) point 10, I can confirm we do not hold information in the scope of this request. Please see above.

New FOI request 6

11. When HMCPSI in an inspection finds that an inspected body is 'efficient', how does it know? What be its criteria for this description? Different for each inspection set out in the scope (setting up bit of ways of working) By way of explanation of this request for information, my own experience of assessing business organisations, predominantly in the private sector, is that evaluation of efficiency is invariably quantitative, typically total value of output divided by total cost of input, 'total' including cost of risk and time. HMCPSI's report "an inspection on the operation of the CPS and SFO Proceeds of Crime Division, August 2021" find efficiency without any quantitative data or criteria being cited. On p. 14 it is stated that Operation Venetic recovered more than £56 million of cash, but there is no

indication of whether recovery cost the taxpayer more or less than that amount; similarly, on p.27 it is stated that the CPS recovered £150,000 in one case, but was the cost of the recovery more or less than £150,000? This and the other reports that I have read from HMCPSP are very high quality and impressive, and show great professionalism, except for the complete absence of even the most basic mathematical or statistical methods. If they were used but were hidden from public view, perhaps by the professional modesty of HMCPSP, I would like to know please the costs numbers in both these cases.

In regard to FOI request (6) point 11, I can confirm we do not hold information in the scope of this request. As part of our duty to provide advice and assistance in accordance with HMCPSP's retention policy all information gathered for an inspection is destroyed on publication and all relevant data is published with the report.

If you are dissatisfied with any aspect of our response to your request, please send full details within two calendar months of the date of this letter and send to the below email address:

info@HMCPSP.gov.uk

You also have the right to ask the Information Commissioner to investigate any aspect of your complaint. Please note that the Information Commissioner's Office (ICO) is likely to expect the internal complaints procedures to have been exhausted before beginning an investigation.