



HMCPsi

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HM Crown Prosecution Service Inspectorate (HMCPsi) - statutory consultation on the proposed long-list of inspection topics to be included in the 2024-25 inspection programme.

Under the Crown Prosecution Service Inspectorate Act 2000, as amended by the Police and Justice Act 2006, I am required to consult with Ministers and stakeholders on my proposed inspection programme.

In 2021 HMCPsi produced a three-year inspection strategy which set out how we would fulfil our statutory function to inspect the Crown Prosecution Service (CPS) and Serious Fraud Office (SFO) and produce evidence-based assessments of their performance that promotes improvement and allows others to hold these organisations to account. HMCPsi will be developing a revised inspection strategy in the Spring. I would welcome views as part of this consultation on our future inspection strategy. The current three-year strategy is here <https://www.justiceinspectors.gov.uk/hmcpsi/wp-content/uploads/sites/3/2024/01/Inspection-Strategy-2021-24.docx>

In line with this inspection strategy, I have produced a long list of possible inspection topics which I believe is wide ranging and comprehensive. As many recipients will be aware, HMCPsi is the smallest of the Criminal Justice inspectorates, with fewer than 30 staff; therefore, I must balance what I consider a priority for inspection against resource availability. Our programme of inspection is extensive but naturally every topic identified in the long list will not be included in the final inspection programme. As such, I would be interested in hearing from you as to which topics you would suggest should be prioritised in the 2024-25 inspection programme.

I would also be grateful for any thoughts on other topics for inspection that are not included in the long list, together with a short outline of the inspection and why you consider it to be a priority.

To allow me to settle the 2024-25 Business Plan, in which we will outline our proposed inspection programme, I would welcome responses by 23rd February 2024. Responses should be sent to info@HMCPsi.gov.uk

Yours sincerely



Andrew T Cayley CMG KC
HM Chief Inspector

Proposals for new inspection themes for 2024-25 HMCPsi programme

The 'long list'

Proposed topics for CPS inspection - Casework inspection topics

CPS Direct – the operation of CPS Direct was last inspected in 2015, and more recently with the focus on CPS Area casework has not featured to any degree in case file examination. A specific inspection to examine the quality of legal decision making, the operation of CPS Direct), the return to advising out of hours only (Jan 24) and the change made to the standards and expectations for the handling of material (including the expectation that CPD will redact November 2022) would allow HMCPsi to provide assurance of the system and processes, as well as the quality of legal decision making by CPS Direct. Given the recent changes we would not anticipate this inspection taking place until late 2024/early 2025 at the earliest.

Custody time limits – we last examined the handling of custody time limits by the CPS in 2021, publishing an inspection in December 2021. Since 2021 the number of cases with custody time limits has continued to increase, with over 10,000 cases now being subject to a custody time limit. As outstanding cases in the Crown Court continue to rise it is likely that cases involving custody time limits will also remain high. The number of time limit failures has also recently been increasing with the attendant risk to the public with the possibility of those subject to the time limit being freed from custody at the expiry of the time limit. An inspection will examine the handling of cases involving custody time limits, examining the effectiveness of CPS applications for extension and the general legal and operational procedures to support cases with custody time limits.

Legal decision making and handling of Rape and Serious Sexual Offence cases – HMCPsi examined the quality and standard of legal decision making in RASSO cases in the 14 geographical Areas of CPS in our Area Inspection

Programme (published between 2021 and 2022). A report specifically focused on rape cases was also published in 2019. In 2022 the CPS have settled on and rolled out a national operating model (NOM) for the handling of rape cases (this has been developed and piloted under the auspices of Operation Soteria). This inspection would examine the quality of legal decision making in rape cases, and compliance of casework standards and expectations with the NOM.

Hate crime inspection – this inspection will be victim focussed and assess the effectiveness of the CPS policy of hate crime, focusing on how the CPS operates the policy of uplift and enhanced care for hate crime cases (the CPS's application of the policy on its casework). Engagement with Area Hate Crime Scrutiny panel members will be used to assess the impact on the public and how lessons learned and best practice is used to improve service.

The impact of 'protest cases' – the current rise in protest cases will be creating additional burdens to some Areas – with large number of cases of minor/low level offending having a significant impact. An inspection to examine the impact of cases focusing on use of resources would be timely. Examination of the different approaches adopted geographically could be used to consider the models being operated and be used to promulgate best practice.

Victim communication – the inspection would build on the findings of the 2022 joint inspection Meeting the Needs of the Victim in the CJS. The single agency inspection would assess progress made against the CPS 'Transforming our service to victims' programme. The inspection would assess progress of the four strands of the programme: improving the service to all victims; an enhanced offer to victims with the greatest need; piloting new ways to communicate with victims; improved organisational and leadership. There would be a limited assessment of VCLs to identify if quality of letters has improved since the findings of the 2018 and 2020 inspections.

Youth cases – historically the CPS have been commended by HMCPSP on the handling of youth casework. More recently the levels and seriousness of youth crime offences which come the system and the increase in diversion from the CJS means that the application of the public interest test in cases by CPS prosecutors is much more crucial in decision making. The inspection would examine youth cases with a focus on the decisions for diversion where the public interest test has resulted in diversion. The inspection will also examine a number of cases at the more serious levels to look at case progression efficiency and effectiveness.

Case assurance – the CPS has various levels of case assurance, both locally and nationally, many case specific (IQA, CMPs) and some thematic (scrutiny panels). This inspection would examine the differing methods of case assurance and consider if the levels of assurance provided are effectively driving up the quality of casework and form a strategy that leads to better outcomes. The inspection would include an assessment of all forms of assurance.

Case progression in Crown Court cases – given the increased levels of Crown Court cases, CPS case efficiency and progression is crucial to helping drive down the case backlog. An inspection will focus on CPS activity in advance of

the PTPH in line with the revitalised BCM principles. The inspection will, as well as looking at the preparation of cases in advance of the hearing, include observations of CPS advocacy at PTPH.

CPS Advocacy – the last inspection of the quality of advocacy was published in 2009 with a follow-up published in 2012. The quality of advocacy plays an important role in the management and progress of cases through the system. The inspection would examine the degree to which advocates (both internal and external counsel) are prepared for hearings to ensure that cases progress and are effectively managed in the court process. Observations would rate the preparedness for the hearing and the robustness of the advocacy. The inspection would focus on ‘volume’ cases in the Crown Court, excluding rape and sexual offences.

Handling cases across Areas – crime has no borders and some cases involve defendants who have matters in more than one case. It is more frequent that cases require intra- and cross Area communication. An inspection of links between Areas and inter Area would examine how cases that have links are dealt with and how inter Area and cross Area liaison impacts on the handling and decision making in casework. This inspection would look at all casework types that cross Area borders and not be limited to county line type casework.

Cyber-crime – the estimates of the increase in cyber enabled crime are astonishing. Last year there were 214,000 reports with a reported loss of £1.7bn. Much goes unreported. Future estimates indicate that this is likely to increase by upto 10 fold over the next 5 years. In terms of public confidence it is essential that the criminal justice system is able to effectively deal with cases of cyber-crime. With other pressures on the CPS this inspection would assess the CPS readiness for the handling of cases involving cyber-crime and examine the current effectiveness of the legal decision making in those cases involving cyber-crime.

Proposed topics for CPS inspection – follow-up inspection topics

Domestic abuse – in March 2023 we published a thematic inspection of the handling by the Crown Prosecution Service of domestic abuse cases in the magistrates’ courts. The report made six recommendations. Given the focus on the handling of domestic abuse casework we plan to undertake a follow-up inspection to assess progress against recommendations. The follow-up will specifically focus activity on the recommendations only.

The handling of cases involving the National Referral Mechanism – in July 2023 we published an inspection of the effectiveness of Crown Prosecution Service policy and guidance for the handling of cases involving the National Referral Mechanism. The report made four recommendations. We intend to assess progress against the four recommendations. The follow-up will specifically focus activity on the recommendations only.

Proposals for SFO inspection

Progress update – Calvert-Smith and Altman reviews – the Attorney General published the Calvert-Smith review in June 2021. On the same day the SFO published the findings of the Altman review. The Attorney General has requested that HMCPSI undertake a brief follow-up inspection in 2024 to assess progress by the SFO to implement the recommendations made in both reviews, consider whether the changes made as a result are having an impact on compliance and internal processes.

SFO governance and leadership - a follow-up inspection - This will be a follow-up of the inspection published in July 2019. The inspection will assess the impact and effectiveness of the culture change programme, with detailed examination focused on cultural developments since 2019. Through staff interviews, the inspection will also examine what the current approach to engagement, managing performance and organisational communication to support the cultural changes. Governance and structural change will also form part of the inspection.

Deferred prosecution agreements – the SFO has over the past number of years been successful in reaching DPAs with the number of large corporate institutions. These DPA have resulted in large fines and payment of substantial sums to Treasury. In a number of cases the impact of the DPA on individual defendants has resulted in a number of case failures. This inspection would examine the operation of the current DPA scheme, and how this impacts the case strategy and legal decision making in linked matters.

Joint inspection

Along with the other Criminal Justice Inspectorates I have a statutory duty to carry out joint inspections. We recently consulted on the joint inspection programme and published a joint business plan setting out likely inspections for 2023-25. A copy of the joint inspection business plan can be found here: [Joint Business Plan \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/joint-business-plan/)