



HM Crown Prosecution
Service Inspectorate

Annual Report 2013-2014

HM Chief Inspector of the Crown Prosecution Service





HM Chief Inspector of the Crown Prosecution Service
Annual Report 2013-2014

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Contents

Letter from HM Chief Inspector to the Attorney General 1
Crown Prosecution Service geographical Areas 3
Overview. 4
Overall assessment of the Crown Prosecution Service’s performance 7
Supporting performance improvement.19
HM Crown Prosecution Service Inspectorate – corporate issues23

Annexes

Annex 1: Inspection review and audit reports published between April 2013 and March 201427
Annex 2: The methodology of the Annual Casework Examination Programme28
Annex 3: Detailed findings from the Annual Casework Examination Programme29
Annex 4: HM Crown Prosecution Service Inspectorate – key priorities 2013-14.32
Annex 5: Budget expenditure for 2013-14.34
Annex 6: HM Crown Prosecution Service Inspectorate staffing structure as at 31 March 2014.35



Michael Fuller QPM BA MBA LLM LLD (Hon)
Her Majesty's Chief Inspector

Letter from HM Chief Inspector to the Attorney General

The Rt Hon Dominic Grieve QC

I am pleased to present to you this report on the activities of the Crown Prosecution Service Inspectorate for the year 1 April 2013 to 31 March 2014.

This year has again seen the Inspectorate undertake and fulfil a demanding inspection programme. I have ensured that our resources remain focussed on providing the necessary assurances as to the quality of Crown Prosecution Service (CPS) casework, as well as undertaking an extensive follow-up inspection in respect of the Serious Fraud Office (SFO). In accordance with my priorities, the proportion of the Inspectorate resources allocated to joint inspection work continues to increase, with further significant activity in this area planned for 2014-15.

Assuring the quality of CPS casework remains central to our core business. In support of this I determined that we would undertake another Annual Casework Examination Programme (ACEP), building on the successful programme undertaken in 2012-13. This year my inspectors examined 776 files drawn from a selection of CPS Areas, including 150 files as part of the inspection of CPS London. Coupled with focussed inspection activity involving a number of CPS units, and follow-up inspections relating to CPS Yorkshire and Humberside and the thematic review of youth offender casework, this enables me again to give you a comprehensive assessment of the quality of CPS casework and a clear indication of the direction of travel when compared with last year's findings.

The ACEP continues to be resource intensive, but the revision of CPS Core Quality Standards and strengthening of the aligned monitoring regime will provide an opportunity for the CPS to strengthen its internal compliance assurance. This will build on the findings of my assurance and performance inspection which was undertaken this year.

Despite the ACEP resource requirements, a substantial focus was maintained on inspecting Area and unit effectiveness, with a full inspection of CPS London and focussed inspections on aspects of performance of the Thames Valley (CPS Thames and Chiltern); Dorset (CPS Wessex); and Northamptonshire (CPS East Midlands) units.

The service provided to victims and witnesses has continued to be scrutinised. In addition to general assessments, there has been specific work on the disclosure of victims' medical records and counselling notes in rape and sexual offence cases and a focussed inspection on victim and witness issues in the Gwent and South Wales units (CPS Cymru-Wales). Inspectors also continue to work closely with the CPS to monitor progress in improving performance in disability hate crime cases. In conjunction with Her Majesty's Inspectorate of Constabulary (HMIC) we have undertaken an inspection of fatal road traffic incidents, which has had a substantial focus on the quality of communications with bereaved families. Further joint work on the quality and use of the video recording of the evidence of child abuse victims should contribute to improving their treatment. These inspections will report in 2014-15.

I have also ensured a focus on the most vulnerable defendants, with inspectors contributing to the joint inspection of offenders with learning disabilities.

I was invited by the Director of the SFO to undertake a follow-up inspection of the progress made in respect of the recommendations made in last year's report on his Office. This was a substantial piece of work, which will be published in 2014-15. Our inspection work with the SFO is now on a statutory footing, following the granting of Royal Assent to the Anti-social Behaviour, Crime and Policing Act 2014. Section 149, which provides for inspection of the SFO, came into force on 2 June 2014.

I have continued in my role as Chair of the Criminal Justice Chief Inspectors' Group and have maintained our commitment to participating in cross-cutting joint inspections. The responses I received to this year's consultation on the joint inspection programme have confirmed the importance that the criminal justice agencies, and others, attach to inspections of the end-to-end process.

This year the CPS has prosecuted a range of high profile cases, notably a number relating to the sexual exploitation of children. Whilst concerns have been expressed about some aspects of these cases it remains the position that, overall, the CPS handles well its most serious and complex casework, but the position is less satisfactory in what is referred to as 'volume crime' cases. In most of these there is a victim who has the right to expect that their case will receive proper care and attention. I am not assured that at the present time this is happening routinely and I welcome the Director of Public Prosecutions' commitment to driving up quality across the full range of CPS casework.

Although we continue to work in a challenging resource environment, I am committed to ensuring the Inspectorate has the capacity to deliver a wide ranging inspection programme in the ensuing year. To support this I am committed to strengthening Inspectorate skills and resources as part of a long term staffing strategy.

Next year's programme will include a focus on the handling of rape and other serious sexual offences, continued Area effectiveness and follow-up inspections, and an extensive programme of joint work. These will cover a diverse range of topics including local criminal justice partnership working and the quality of charging decisions. My aim continues to be to drive improvement in the quality of all aspects of CPS and SFO casework through inspection and objective evidence based recommendations.



Michael Fuller QPM BA MBA LLM LLD (Hon)
Her Majesty's Chief Inspector

Crown Prosecution Service geographical Areas



Overview

Our assessment of CPS performance is informed by findings from our Annual Casework Examination Programme and Area effectiveness, follow-up and joint inspections undertaken between April 2013 and March 2014. Details are set out in annex 1. Our approach to inspection takes account of the business needs of the CPS, as well as the expectations of the general public, as to whether it provides an efficient service and gives value for money. This assessment reflects those aspects in which CPS performance is crucial to public confidence or where casework failures represent a high reputational risk to the organisation.

This has been another challenging year for the CPS, as it completes the refocusing of how it delivers its work, combining units and reducing its estate. A number of counties now have very limited or no permanent CPS presence. This can impact on local partnership arrangements and working relationships. The background of continuing resource reductions is now having an impact on the ability of the Service to deliver effectively across the whole range of its activity. In practical terms this has resulted in prosecutors and paralegal officers carrying higher individual caseloads. Increasingly we now find stakeholders perceiving inadequate case progression and preparation as attributable to these increased workloads.

The introduction of Standard Operating Practices (SOPs) for magistrates' court casework provides the opportunity to harmonise processes across the organisation and enable the effective transfer of work across units in a digital environment. These SOPs are currently being reviewed to ensure they meet the requirements of the Transforming Summary Justice initiative. Their continued effectiveness will be assessed

as part of my Area inspection programme. Many geographical units have been merged, as part of CPS refocusing, to provide greater economies of scale. Additionally all Areas now operate Early Guilty Plea (EGP) schemes¹ to identify Crown Court cases in this category. The benefit of this is that cases should progress more quickly and less CPS and police resource will be spent on unnecessary file building. Aspects of the scheme continue to be challenging, including early engagement with the defence. It also still remains of paramount importance that cases in which there is no realistic prospect of conviction are weeded out at the earliest opportunity.

The implementation of the EGP scheme, the continuing programme of digitisation and initiatives to improve aspects of magistrates' court case progression are contributing to the overall Government strategy to transform the criminal justice system.²

The CPS workforce has continued to reduce this year, with a 9.0 per cent decrease in the overall number of staff compared with 2012-13.³ There has been an overall reduction since 2011-12 of 15.5 per cent. The number of prosecutors fell by 8.7 per cent in 2013-14 and administrators by 9.2 per cent. In real terms, since 2011-12, the CPS has lost over 450 prosecutors and nearly

1 The EGP scheme is an initiative of the Senior Presiding Judge to identify cases where a defendant is likely to plead guilty and expedite those cases to an EGP hearing.

2 Transforming the CJS - A Strategy and Action Plan to Reform the Criminal Justice System (June 2013). www.gov.uk/government/publications/transforming-the-criminal-justice-system

3 This includes those at the Senior Civil Service grade and Chief Crown Prosecutors.

500 administrators.⁴ A proportion of these losses will have been more experienced staff leaving under voluntary early severance schemes. Even with a falling caseload, it would be surprising if these losses did not impact on workloads.

However, the overall number of contested magistrates' court cases rose by 1.0 per cent in 2013-14. Whilst the total number of completed cases fell by over 67,000, contested cases increased by over 400, to 47,544 compared with 47,082 in 2012-13. It is, of course, these cases which are the most resource intensive, and where the impact in the reduction in staff is most likely to be felt. The number of contested cases as a proportion of all those completed continues to rise.

The position in respect of Crown Court cases is somewhat different. Overall numbers fell by 2.6 per cent, but contested ones fell by 8.2 per cent. Unlike the magistrates' courts the number of contested cases as a proportion of all cases is now falling.

Although the number of cases received is still declining, the impact of the Government's intention to create a Single Fraud Investigation Service, which will take in current Local Authority fraud investigations, has the potential to increase the Service's workload.

4 Our figures are taken from the CPS corporate information system and reflect full-time equivalent remunerated staff. Figures quoted for prosecutors also include Chief Crown Prosecutors. Figures quoted may differ from other published CPS data due to different specifications and data sources.

In my inspection report on the Thames Valley unit⁵ (CPS Thames and Chiltern), I highlighted the importance of individual performance management to ensure high quality casework standards and the need for an increased focus on monitoring the quality of live casework. I am pleased that the proposed revision of the CPS Core Quality Standards Monitoring regime provides this emphasis. The robustness of the new approach will be scrutinised in future Area effectiveness inspections.

Last year I raised concerns about the quality of some aspects of police charged cases. These have been highlighted again this year. Inspectors noted a continuing decline in the proportion of police charged cases that complied with the Code for Crown Prosecutors.⁶ This was identified as a contributory cause of unsuccessful outcomes in the focussed inspection of the Dorset unit (CPS Wessex).⁷ Additionally, the inspection of CPS London⁸ found that cases are still being charged by the police that should be referred to the CPS for a decision. A substantial joint inspection of charging, which will be led by HMCSI, is planned for 2014-15.

5 CPS Thames Valley unit focussed inspection (February 2014). www.justiceinspectorates.gov.uk/hmcpsi/inspections/thames-valley-unit-focussed/

6 The Code for Crown Prosecutors 7th edition (January 2013). www.cps.gov.uk/publications/code_for_crown_prosecutors/index.html

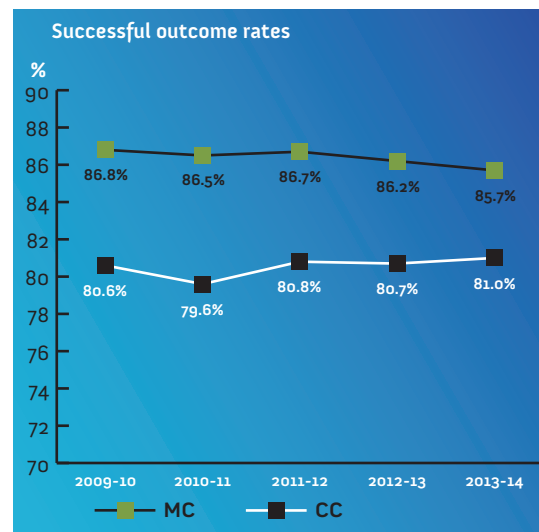
7 Focussed inspection into unsuccessful outcomes in magistrates' court cases in Dorset and Northamptonshire (April 2014). www.justiceinspectorates.gov.uk/hmcpsi/inspections/hmcpsi-focussed-inspection-into-unsuccessful-outcomes-in-magistrates-court-cases-in-dorset-and-northamptonshire/

8 CPS London inspection (April 2014). www.justiceinspectorates.gov.uk/hmcpsi/inspections/cps-london-area-3/

These aspects of performance are aggravated by a lack of effective review by a prosecutor before the first hearing. This does not comply with the Director's Guidance⁹ and, with the abolition of committal proceedings, can result in some cases moving very quickly to the Crown Court which should not be before a court at all. I am encouraged that the CPS has also identified this as a concern and was piloting measures to address the issue. Their effectiveness will be considered as part of next year's inspection programme.

The provision of charging advice by CPS Direct 24 hours a day, seven days a week is now embedded, with that Area now making the majority of those decisions. The overall quality of CPS decision-making at the charging and later review stages has declined when compared with last year's ACEP findings. This is of concern, particularly as it reverses the positive trend identified last year. There are a number of apparent contributory factors. At the charging stage inspectors were concerned to note a number of cases which demonstrated a lack of understanding of key legal elements, and later in the process the pressure on prosecutors to deal with increasing caseloads was affecting the timeliness of decision-making. The role of the Early Guilty Plea teams is pivotal. In addition to identifying those cases likely to attract an early guilty plea, they have a crucial role in weeding out the weak cases at that early stage.

The percentage of Crown Court cases which result in a successful outcome shows a slow but sustained improvement. Successful outcomes increased to 81.0 per cent compared with 80.7 per cent in 2012-13. Similarly the percentage of cases dropped by the prosecution reduced from 11.5 per cent to 11.4. Conversely, successful outcomes in the magistrates' courts dropped from 86.2 per cent to 85.7 and those dropped by the prosecution rose to 9.7 per cent from 9.6.



⁹ The Director's Guidance On Charging 5th edition (May 2013). www.cps.gov.uk/publications/directors_guidance/dpp_guidance_5.html

Overall assessment of the Crown Prosecution Service's performance

Introduction

The findings in this section are drawn primarily from the Annual Casework Examination Programme which comprised an examination of over 770 cases from across a number of CPS Areas, including some where the charging decision was made by CPS Direct or the police. Almost all the cases were finalised in the period March to July 2013. Although a smaller sample than last year, the units selected reflected a range of performance across the CPS Areas. The findings therefore continue to provide an overall performance assurance.

A more detailed outline of the ACEP methodology and a breakdown of the file sample is at annex 2 and the detailed findings from the file examination at annex 3.

The quality of decisions

Ensuring that the Code for Crown Prosecutors (the Code) is applied correctly, together with timely casework progression in accordance with court orders, is essential in maintaining confidence in CPS performance and in the delivery of quality casework.

All casework decisions must comply with the Code test which requires that there is a realistic prospect of conviction and that a prosecution is in the public interest. Effective decision-making at the charging stage contributes substantially to the subsequent progression of the case in a variety of ways, including enhancing the likelihood of an early guilty plea or setting out clearly the issues in dispute in those which go to trial.

CPS Direct prosecutors now make the majority of the Service's charging decisions. Of the 634 CPS charging decisions in our ACEP sample, 68.0 per cent were taken by CPS Direct. The remainder were taken by local Area prosecutors or Daytime Direct.¹⁰ In some cases the charging decisions will have pre-dated the implementation of revised guidance designed to improve the quality of decision-making at this stage.

Whilst improvement was found last year in the quality of CPS decision-making at the charging stage, this year has seen a decline in performance. Overall the Code was applied correctly in respect of each charge directed at the charging stage¹¹ in 91.0 per cent of all cases, compared with 93.5 per cent¹² in 2012-13. There was little difference in performance between the CPS charging sources.

Performance in respect of Crown Court cases, which are likely to be the more serious, had declined further with the Code being applied correctly in only 90.3 per cent compared with 94.0 per cent last year. However, decision-making was better in the most serious cases, for example 97.0 per cent of decisions in those involving allegations of rape were correct, as were 96.8 per cent of cases of child abuse.

¹⁰ Daytime Direct also provided locally taken charging decisions but this function has now been taken over by CPS Direct.

¹¹ Inspectors consider Code compliance in respect of each charge, not the overall case. Therefore in some cases in the sample a prosecution may have been properly directed against a defendant on some, but not all, of the charges.

¹² Based on a much smaller file sample of 351 cases.

These findings indicate that improvements need to be made in respect of what are termed by some as volume crime cases. I welcome the public announcement by the Director of Public Prosecutions, shortly after she took up office in November 2013, that one of her priorities was improving the quality of casework handling across the range of casework.

In last year's report I highlighted some common threads to cases which inspectors assessed as not being Code compliant, including failures to weigh up correctly the strength of identification or forensic evidence, and misunderstanding joint enterprise concepts. This continues to be the position. This year the Inspectorate has contributed to work carried out by the CPS to improve decision-making, including their revised requirement that the case against each defendant is set out clearly in the charging decision. This should assist in remedying some aspects that inspectors found, for example failures in multi-defendant cases to identify that a youth (for whom separate considerations could apply) was involved.

The proportion of cases complying with the Code where the police charged the defendant without reference to the CPS has fallen substantially when compared with last year's ACEP findings. Only 83.1 per cent of these cases met the Code test, compared with 87.4 per cent last year. A third of the police charged cases that did not meet the Code test were not discontinued by the CPS, but allowed to go to trial. There would still have been an unsuccessful outcome if they had been discontinued promptly, but valuable resources would not have been wasted, nor would the victims' expectations have been unrealistically maintained. In the follow-up report on the thematic review of youth offender

casework¹³ (October 2013), based on a separate file sample, I expressed concern at the proportion of police charged cases¹⁴ where the public interest stage of the Code was not applied correctly. This caused delay in the youths being diverted from the court process while an out of court disposal was administered.

The inspection of CPS London identified concerns about the effectiveness of the initial review of police charged cases. An effective and proportionate review before the first hearing should enable weak cases to be stopped quickly, or appropriate amendments made to the police charge. Where this does not happen some cases can proceed quickly to the Crown Court, resulting in additional resource costs for the CPS and the police. At the time of the London inspection the CPS were piloting nationally a number of approaches with a view to incorporating an effective initial review process in its magistrates' court SOPs. It is important that there is a commitment to adhering to the principle that every case dealt with by the CPS is reviewed effectively in accordance with the Code before each key stage.

I also remain concerned about the number of police charged cases which do not fall correctly within the police remit and should therefore be referred to the CPS. This needs to be addressed through local performance arrangements. However, HMCPSI's thematic report on CPS assurance and performance¹⁵ (November 2013) found that there was a general CPS concern that local prosecution

¹³ Thematic review of youth offender casework follow-up (October 2013). www.justiceinspectorates.gov.uk/hmcpsi/inspections/cps-youth-offender-casework-thematic-follow-up/

¹⁴ 24 police charged cases were examined.

¹⁵ Thematic report on CPS assurance and performance. www.justiceinspectorates.gov.uk/hmcpsi/inspections/thematic-report-on-assurance-and-performance/

team performance management (PTPM) processes lacked effectiveness and those who attended meetings did not always have the requisite decision-making powers to implement changes in their own organisations. The absence of PTPM was also identified as an aspect which hindered performance in the Dorset unit (CPS Wessex) which was inspected as part of the focussed inspection into unsuccessful outcomes in magistrates' court cases in Dorset and Northamptonshire.

In the next business year (2014-15) in conjunction with HMIC, I intend to undertake an inspection of charging arrangements, which will consider in detail the issues raised by the ACEP findings. A separate joint inspection is planned which will look more widely at the effectiveness of local criminal justice partnership arrangements.

There has also been a decline in the quality of the MG3 (record of charging decisions) when compared with last year's performance. This year inspectors assessed 39.1 per cent of MG3s as good or better compared with 44.0 per cent last year. There was a slight decline in those assessed as poor, from 18.3 per cent to 17.5 per cent, which continues the improvement noted last year in this category.¹⁶

In light of the headline finding it was unsurprising that there had been a decline in performance in respect of the factors that inspectors take into account when assessing overall quality, particularly the quality of action plans¹⁷ and instructions to the prosecutor at court. The latter factor is now particularly important as cases can be allocated

to the Crown Court from the magistrates' court at the first hearing. The prosecutor at court needs clear instructions as to the representations they should make about whether relevant cases should remain in the lower court or go to the Crown Court. Additionally, in respect of those cases which remain in the magistrates' court where the offence(s) is denied, the prosecutor needs clear instructions as to what is required to prepare for the trial. In busy courts, such as inspectors observed in London, there is not the luxury of ample time to prepare.

The follow-up report on the thematic review of youth offender casework found that there had been an improvement in the quality of the instructions to prosecutors in 'grave crime' cases. Overall 49.2 per cent of relevant cases set out the required criteria compared with 26.6 per cent in the original review. This improvement is welcomed, although there is clearly some way to go before performance reaches a fully acceptable standard.

The Code was applied correctly at subsequent review stages, including initial review in police charged cases, in 90.4 per cent of cases in this year's ACEP sample compared with 93.6 per cent last year. In last year's sample there was negligible difference between magistrates' court and Crown Court cases. This year performance in magistrates' court cases was better than in the Crown Court, with 91.5 per cent complying with the Code compared with 89.2 per cent.

Where decisions do not comply with the Code at the charging stage, they must either be dropped promptly or effective remedial action taken to strengthen them to the required level. Failure to do this can waste resources leading to cases being unnecessarily listed for trial and raise unrealistically the expectations of victims and witnesses. A

¹⁶ 29.1 per cent were assessed as poor in 2011-12.

¹⁷ An action plan sets out for the police what further information or evidence is needed. It can be drawn up before or after the charging decision.

substantial proportion of cases (23.8 per cent) that were ultimately discontinued correctly were allowed to drift to another stage in the process, for example summary trial or the service of the prosecution case in the Crown Court, before they were stopped. This is neither cost effective nor efficient. Crown Court Early Guilty Plea teams need to ensure they grasp these weak cases, and discontinue them there and then if they cannot be strengthened adequately.

Case preparation and progression

Over the last year the CPS has implemented SOPs across its magistrates' court units. This provides a consistency of approach which is an essential first step if work is to be moved across units. In last year's report I stated that ensuring compliance with SOPs would be challenging. The CPS has done much to improve a consistency of approach, but has also identified gaps in aspects of the practices. This is to be expected in the early stages, and is also likely to arise as the organisation moves to introducing SOPs in the Crown Court. This work has taken place alongside the completion of the digitisation of magistrates' court casework. Progress is being made in respect of a number of related aspects, for example inspectors found that CPS London prosecutors were completing magistrates' digital hearing record sheets on almost all occasions and the quality of file endorsements in the South Yorkshire unit (CPS Yorkshire and Humberside)¹⁸ was better than the national average. Administrators in London demonstrated a substantial degree of awareness about how

the digital magistrates' court casework process operated. However the CPS still faces the challenge of dealing with a number of different digital interfaces with the police. These all have different levels of functionality which impact on the extent that CPS staff have to manage the electronic receipt of papers from the police. I intend to consider this aspect next year (2014-15) in the context of a wider joint inspection of the progress towards digitisation.

A number of Areas inspected had, or were in the process of, reorganising their case preparation units. In all instances this involved merging them, for example the Dorset unit of CPS Wessex was being merged with the rest of the Area's magistrates' court units, Northamptonshire unit with Leicestershire (CPS East Midlands), and North Yorkshire with West Yorkshire (CPS Yorkshire and Humberside). This approach provides economies of scale, reduces the number of managers required and mitigates the risk of localised working practices developing. It has also assisted in reducing both the number of staff who are abstracted to other tasks and the impact of this on the units. However, unless managed carefully it can impact adversely on local working relationships and aspects of joint performance management with the police and other agencies.

The merger of the London units into two magistrates' court and two Crown Court units took place last year (2012-13). In the magistrates' court units inspectors found this had led to improvements in the quality of important administrative tasks, for example preparing and serving the initial disclosure of the prosecution case. Conversely, there was a lack of clarity in respect of some aspects of Crown Court work which impacted on the quality of case preparation, for example as to who was responsible for checking the draft indictment.

¹⁸ Review of the performance of the former Areas of CPS Yorkshire and Humberside follow-up inspection (February 2014). www.justiceinspectorates.gov.uk/hmcpsi/inspections/yorkshire-and-humberside-follow-up/

Our file examination found that all relevant review criteria were met in 45.7 per cent of magistrates' court cases¹⁹ and 52.3 per cent of Crown Court cases. These findings indicate an improving performance in the Crown Court compared with last year's findings, but a declining one in respect of the magistrates' court.²⁰

As part of the assessment of case preparation and progression quality, inspectors made an assessment on each relevant file in the ACEP sample of the extent of 'grip' the CPS team had on the case as it made its way through the various stages. Overall, we found that they had an appropriate grip in 46.3 per cent of cases compared with 53.7 per cent in 2012. Performance was substantially better in Crown Court cases (56.6 per cent) although there had been a decline in the timeliness of full compliance with Crown Court directions from 69.8 per cent to 60.9. Criteria that contributed to the overall assessment of grip included compliance with court directions; adherence to the Criminal Procedure Rules; the quality and timeliness of written applications, for example to adduce bad character evidence; and whether ineffective hearings or trials could have been avoided by prosecution action. Dealing adequately with the review and disclosure of CCTV material (either as evidence or unused material) is problematic, and inspectors found that in some cases it was not being reviewed until the day of trial. In one example the viewing of the CCTV at this late stage revealed evidence that was fatal to the prosecution case, leading to proceedings being discontinued.

I have considered the impact of the development of the Early Guilty Plea scheme across the CPS. Inspectors found that the scheme was contributing to improvements in casework handling in the Thames Valley unit (CPS Thames and Chiltern) and the London EGP team was helping to speed up parts of the process. However more needed to be done at this early stage to weed out the weak cases in respect of which there was no realistic prospect of conviction. It was also difficult to engage in any meaningful way with defence representatives because, for example, they lacked detailed instructions from the defendant. However, there are some aspects which, if addressed, should increase the possibility of an early guilty plea, particularly the timely provision of CCTV evidence.

It is difficult to assess the overall success of the scheme, in part due to the way the CPS initially measured this aspect of performance. This made it difficult to make a like for like comparison as the scheme developed. Although some factors are outside the control of the CPS I should like to see a simple measurement of how many cases are identified as suitable for the scheme which do, in fact, elicit an early guilty plea. Whilst apparently unrealistic not guilty pleas by defendants will impact adversely, this simple measure will help to assess performance.

¹⁹ Including where cases were reviewed before committal to the Crown Court.

²⁰ 49.6 per cent of Crown Court cases were fully adequate in the 2012 ACEP and 61.9 per cent of magistrates' court cases.

The disclosure of unused material

In December 2013 the Lord Chief Justice and the Attorney General issued guidelines on the disclosure of unused material²¹ following a period of consultation to which the Inspectorate contributed substantial comment. These documents replaced earlier guidelines and consolidated others. They set out the high level principles to be applied, clarified procedures and encouraged all parties to be active participants in the process.

Aspects of the handling of unused material continue to be problematic and in high profile cases can cause reputational damage to the CPS. However, a more consistent issue is the impact of aspects of disclosure handling on the timeliness of case progression in the more straightforward cases. Initial disclosure in magistrates' court cases could take place at the last minute, either because of delays in overall case preparation or late submission of adequate schedules by the police. At the time of our inspection of CPS London the Area was introducing revised processes, in conjunction with the police, which should enable this part of the process to be dealt with at a much earlier stage. I welcome this initiative, provided that there are sufficient safeguards in place to ensure that relevant material is properly considered and disclosed where the obligation to do so arises.

The assessment of CPS performance is taken from the overall ACEP findings and Area or unit based inspections.

The findings from the ACEP file examination showed that prosecutors were dealing with initial disclosure correctly in respect of all aspects in 50.9 per cent of relevant cases and continuing disclosure in 57.2 per cent. This is a considerable decline in performance from the previous year's findings, when both aspects were dealt with correctly in 77.1 per cent of cases. There is a substantial variation in performance across the CPS, for example the South Yorkshire unit (CPS Yorkshire and Humberside) dealt with initial disclosure correctly in 87.8 per cent of cases and the Thames Valley unit (CPS Thames and Chiltern) dealt similarly with continuing disclosure in 77.8.

Sensitive material, and the proper endorsement of the relevant schedule, was dealt with correctly in 47.9 per cent of relevant cases, but in 60.0 per cent of cases where there was not full compliance the issue was solely a failure by the prosecutor to endorse a blank sensitive material schedule correctly. This rose to 71.4 per cent in magistrates' court cases, where the schedule will usually be provided digitally by the police. It is important that prosecutors are alert to the need for the same level of compliance on digital files as those which remain paper based.

Overall compliance with the disclosure requirements was timely in 52.9 per cent of cases, but in only 39.5 per cent of those dealt with in the magistrates' courts. This emphasises the importance of the initiative by CPS London to improve this aspect.

²¹ Judicial Protocol on the Disclosure of Unused Material in Criminal Cases (December 2013). www.judiciary.gov.uk/publications/protocol-unused-material-criminal-cases/
Attorney General's guidelines on disclosure for investigators, prosecutors and defence practitioners (December 2013). www.judiciary.gov.uk/publications/protocol-unused-material-criminal-cases/

Our review of disclosure in the case of *R v Mouncher and others*²² (the Lynette White case), undertaken at the request of the previous Director of Public Prosecutions, was published by the CPS in July 2013. The analysis of relevant material was exceptionally resource intensive and ongoing civil proceedings, arising in part from the findings of the review, continue to require substantial resource allocation.

The review found that the approach to disclosure did not consistently meet the necessary standards, prosecution team members were poorly sighted on important issues and the quality assurance exercises did not correct all errors. As a consequence of our findings the CPS has initiated a number of reforms to improve disclosure handling in serious and complex cases, including introducing a Disclosure Gateway Review. The prosecutors who undertake these reviews will be independent of the case team and should provide an enhanced level of oversight and scrutiny.

I am considering, in conjunction with HMIC, further inspection activity in respect of the handling of disclosure by investigators and prosecutors in serious and complex cases.

22 Review into the disclosure handling in *R v Mouncher and others* (July 2013). www.justiceinspectorates.gov.uk/hmcp/inspections/disclosure-handling-in-r-v-mouncher-and-others-south-wales/

In the light of concerns raised by the Attorney General about the disclosure of certain types of personal material in rape and sexual offence cases, I initiated a review of the disclosure of complainants' medical records and counselling notes.²³ This review drew on cases examined as part of last year's ACEP file sample.²⁴ The quality of disclosure handling in sexual offence cases was found to be higher than that for cases overall. The review found that prosecutors did consider correctly medical records and counselling notes in 82.0 per cent of relevant cases. Material was disclosed correctly in 86.5 per cent of cases but in some, more was disclosed than was necessary to meet the prosecutors' obligations. As I stated, this was an apparent breach of the complainants' right to respect for their private and family life.²⁵

Inspectors also found that far more needed to be done to ensure that the complainants' consent to disclosure was recorded properly. As a consequence of our findings the CPS was putting in place measures to address these issues and was also exploring with the Association of Chief Police Officers²⁶ the possibility of developing a national police form to record consent to disclosure of medical records. I shall be assessing progress as part of the planned inspection in 2014-15 of CPS Rape and Serious Sexual Offences units.

23 A review of CPS compliance with rules and guidance in relation to disclosure of complainants' medical records and counselling notes in rape and sexual offence cases (July 2013). www.justiceinspectorates.gov.uk/hmcp/inspections/disclosure-of-medical-records-and-counselling-notes-in-rape-and-sexual-offence-cases/

24 58 cases met the necessary criteria for examination.

25 Under Article 8 of the European Convention on Human Rights.

26 Now known as National Policing.

Victim and witness experiences in the criminal justice system

Offences involving violence against women and hate crimes often involve the most vulnerable of victims and require particular care and attention. The sexual abuse of children rightly continues to have a high profile and can involve difficult prosecutorial decision-making.

The percentage of successful outcomes in cases involving violence against women and girls (VAWG)²⁷ continues to rise, albeit slowly. In 2013-14, 74.4 per cent of VAWG cases resulted in a successful outcome, compared with 74.1 per cent in 2012-13. Within this category there was a similar small rise in the proportion of successful outcomes in cases of domestic violence from 74.3 per cent to 74.6. Inspectors found that Code compliance in cases of domestic violence was very similar to that for all cases, but there was less of a grip on them as they progressed. In the ACEP file sample only 41.8 per cent of cases were dealt with fully effectively compared with 46.3 per cent overall. Often there was a failure to act promptly when information was received about the victim's requirements or their willingness to continue to support the prosecution.

The prosecution of rape and other sexual offences rightly continues to have a high profile. Often prosecutorial decisions involve difficult balancing acts and can generate unwarranted criticism when proceedings do not result in a successful outcome.

²⁷ These include offences categorised as domestic violence, rape and other serious sexual assaults.

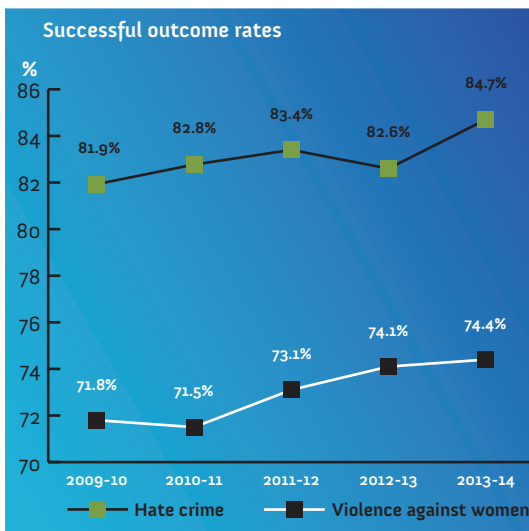
The findings from this year's ACEP sample show that overall the quality of decision-making continues to be better in cases involving allegations of rape, with the Code applied correctly at the charging stage in 93.9 per cent of cases compared with 90.5 per cent for all cases. Additionally, the quality of MG3s in rape cases is substantially better than in other case types and prosecutors had a much better grip on them as they passed through the court process. It is of concern that despite better case handling, the proportion of successful outcomes in rape cases has declined from 63.2 per cent to 60.3 per cent, reversing the positive trend in outcomes over the previous three years.

The CPS does not produce separate performance data on cases involving child abuse but our findings show that, as with rape cases, there is better Code compliance at the charging stage (96.8 per cent) than found generally, although the quality of MG3s continues to stand in need of improvement.²⁸ There have been a number of high profile cases this year involving allegations of child abuse, some of which have attracted media comment on the decision to prosecute. Only in exceptional circumstances will the Inspectorate review the decision-making in a specific case because of the outcome and none of these cases were considered as part of our file sample. However, as our findings show the overall quality of the decision to prosecute remains high.

²⁸ These findings relate only to cases specifically recorded on the HMCPSI database as involving child abuse. A small number of cases recorded as involving allegations of rape or serious sexual assaults will have had child victims.

I have ensured that cases of child abuse continue to receive appropriate scrutiny and jointly with HMIC have undertaken an inspection of the use of Achieving Best Evidence video recorded evidence of children in cases of abuse. The findings from this inspection will be published in 2014-15. We also continue to work closely with other inspectorates in relation to wider child protection issues including the development of a multi-inspectorate framework for assessing the effectiveness of Local Safeguarding Children Boards.²⁹

Code compliance at the charging stage in hate crime cases is better than overall and this is also reflected in much better outcomes this year for hate crime cases generally. Successful outcomes rose from 82.6 per cent to 84.7 per cent and those specifically for the sub-set of religiously and racially aggravated cases from 83.1 per cent to 85.2.



²⁹ We will not be directly involved in these inspections as the CPS is not a statutory partner in the Boards.

We have continued to work collaboratively with the CPS to monitor progress against the recommendations made in the joint inspection report on disability hate crime.³⁰ A snapshot of progress was taken in early 2014 which will inform a full published follow-up joint inspection in 2014-15.

From a different perspective we contributed to the joint inspection of offenders with learning disabilities.³¹ That report found that the CPS was applying the Code correctly in this type of case, but that there was a need for better quality information at the charging stage from the police on the defendants' disability. The report also highlighted the need for the agencies to work to a common definition of what constituted a learning disability.

Overall, the Victims' Code,³² Prosecutors' Pledge³³ and specific policy guidance on the treatment of witnesses was complied with fully in 80.9 per cent of cases, which is a decline in performance when compared with last year's findings (91.1 per cent). However, there was an improvement in the proportion of cases where the victim was consulted before a decision was taken to drop the case or accept pleas to lesser charges.

³⁰ Living in a different world: Joint review of disability hate crime (March 2013). www.justiceinspectorates.gov.uk/cjji/inspections/joint-inspection-of-disability-hate-crime/

³¹ Joint inspection of the treatment of offenders with learning disabilities within the criminal justice system - Phase 1 from arrest to sentence (January 2014). www.justiceinspectorates.gov.uk/cjji/inspections/joint-inspection-of-the-treatment-of-offenders-with-learning-disabilities-within-the-criminal-justice-system-phase-1-from-arrest-to-sentence/

³² The code of practice for victims of crime (October 2013). www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime

³³ The Prosecutors' Pledge (October 2005). www.cps.gov.uk/publications/prosecution/prosecutor_pledge.html#header

Too often decisions relating to victim and witness issues were taken at a late stage, including applications for special measures. The inspection of victim and witness performance in the Gwent and South Wales units (CPS Cymru-Wales)³⁴ rightly highlights the reliance of the CPS on the contribution of other agencies to ensure overall good performance, in particular the timely receipt of essential information. That inspection also found that victims could receive conflicting information from the agencies.

Towards the end of the year the CPS started to pilot Victim Liaison Units to help improve performance. I shall consider their impact as part of a planned inspection in 2014-15 on the quality of communication with victims. I shall also be considering the impact of the enhanced Victim Personal Statement process and the revisions made to the Victims' Code in October 2013. The victim and witness performance report identified that improvement needed to be made in a number of aspects pertinent to the Victim Personal Statement, including the recording of whether it had been put before the court. The quality of communication with bereaved families was also a key part of this year's joint inspection of cases involving fatal road traffic incidents. That inspection will report in 2014-15.

Improved performance is still required in respect of compliance with the Direct Communication with Victims (DCV) scheme; only 59.4 per cent of communications were timely and in some cases no letter was sent when required. Of the letters sent only 27.2 per cent were fully satisfactory which is a substantial drop in performance when compared with last year's findings (58.5 per cent). However, additional letters examined as part of the victim and witness performance inspection found a better standard.

In last year's report I stated that the CPS needed to address DCV issues as a priority. I am therefore disappointed by the findings from this year's ACEP sample. It continues to be essential that there is timely and quality information passing from the CPS to victims and witnesses.

It is important that appropriate applications are made to keep in custody those defendants who pose a danger to the public in general or individual victims. Performance in this aspect remains good and the follow-up inspection of the thematic review of youth offender casework found that the information provided to the prosecutor at court to ensure an effective application to remand the defendant had improved.

³⁴ Inspection of CPS performance in dealing with victims and witnesses in Gwent and South Wales (CPS Cymru-Wales) (April 2014). www.justiceinspectorates.gov.uk/hmcp/inspections/cps-south-wales-and-gwent-units-victims-and-witnesses-focussed/

Custody time limits

There has been a decline in compliance with the requirements of the custody time limit (CTL) regulations. Only 68.8 per cent of relevant cases indicated full compliance compared with 84.1 per cent last year. Whilst the quality of applications to extend CTLs continues to be satisfactory I am concerned that increasingly the CPS is unable to show due diligence in its case handling, which is required if an application to extend the time limit is to be successful. The CPS has issued a Standard Operating Practice for the handling of CTL cases, which should assist in bringing performance up to the previous level.

Advocacy

Inspectors carried out very limited advocacy observations this year, but in the London report observed that some prosecutors were hindered in effective case presentation by having to deal with issues arising in courts covered by agents who did not have access to the CPS case management system (CMS). However, further progress was being made in the digitisation of magistrates' courts casework, including the provision of electronic files in cases where there was an initial application to remand in custody (commonly known as 'overnight files'). At this early stage some aspects of dealing with electronic overnight files are challenging, particularly in the very busy London remand courts.

Good progress has been made in other aspects, particularly the provision of initial disclosure of the prosecution case in good time for the first hearing. I commented favourably in the London report on the performance of administrative staff carrying out this function.

Instructions to the advocate were unsatisfactory in 22.5 per cent of relevant cases with many containing no analysis of the evidential issues or proposed trial strategy. It was apparent that this was no longer considered to be a requirement in straightforward cases, although instructions in serious and sensitive cases were generally no better. There has been an improvement in the recording on CMS of the advocate's input to the case, for example through formal advice or guidance given in conference. Adequate records were kept in over three quarters of the relevant cases. Similarly there has been improvement in the use and quality of digital court hearing records.

I commented in last year's report that I would consider any follow-up work on advocacy generally once the CPS priorities for the future were clearer. We now intend to undertake follow-up work next year which will consider the CPS advocacy strategy and the progress made against the recommendations in our 2012 report.³⁵

The reduction in prosecutors is now impacting on the Service's capacity to cover courts with in-house staff. In 2013-14 only 74.4 per cent of magistrates' court sessions were covered by CPS prosecutors compared with 80.0 per cent in 2012-13.

³⁵ Follow-up report of the thematic review of the quality of prosecution advocacy and case presentation (March 2012). www.justiceinspectorates.gov.uk/hmcp/inspections/cps-advocacy-thematic-follow-up/

Conclusion

The findings from this year's inspection activity indicate a decline in casework handling, particularly in the magistrates' courts, which have also seen a drop in successful prosecutions. The continuing reduction in resources and only a small drop in contested cases is leading to prosecutors having to cope with increasing caseloads. This is undoubtedly having an impact on a number of aspects, including maintaining effective oversight of cases as they progress to the not guilty hearing. It is a matter for the CPS as to where it directs its resources, but I am concerned that failings in police charged cases are not being identified at an early stage, causing unnecessary work. There are some encouraging signs in the reduction in the number of dropped magistrates' court cases that have three or more hearings, but more can be done. Robust work at the very early stages of the process, together with meaningful performance management with police partners, can reap substantial benefits.

It is encouraging that Crown Court successful outcomes continue to hold up, and even improve slightly. This is supported by our findings that prosecutors had a better grip on these cases than those in the magistrates' courts. Yet more still needs to be done, particularly in ensuring that Early Guilty Plea teams provide a meaningful gateway at an early stage. There is little benefit in merely passing cases up the line which should be stopped there and then. Too much continues to be done at the last minute, reducing the possibility of avoiding unnecessary trial preparation.

I do not doubt the commitment of the CPS both organisationally and at the individual level to provide the best service they can for victims and witnesses. It is rightly a national priority, but too often we find that the commitment is not translating into positive actions. The revised Victims' Code, the Victims' Right to Review and the new CPS Victim Liaison Units means that the spotlight is on this crucial aspect of casework handling.

However, there is much that is positive about the work the CPS has done this year. It continues to be at the forefront of digitalisation of the criminal justice system and demonstrates a genuine commitment to wanting to make improvements in this field. It has also continued to refocus how its work is delivered by creating sustainable units, which benefit from economies of scale. This can create tensions at the local level with what is perceived as the loss of the local service, but I accept that hard choices have to be made.

More now needs to be done to drive up quality at the individual level to ensure that performance improves. Managers at the operational level have a crucial role in securing this improvement through Core Quality Standards Monitoring and more general oversight. If the issues I have identified in this report, and the individual reports published this year, are not addressed effectively then it is difficult to see how that improvement will come about.

Supporting performance improvement

The process of inspection provides an objective and independent scrutiny and assurance by those who are familiar with the business of the organisation. HMCPSI's position enables us to offer clear advice to senior managers within the Service. We also seek to drive performance improvement by a robust follow-up process which assesses progress made in implementing original recommendations and enables us to identify whether further action is necessary to support Areas in making improvements.

I have commented on a range of performance management aspects this year and certain themes have developed. It is apparent that in some Areas there needs to be a refocusing on prosecution team performance management between the CPS and the police. This was highlighted in my thematic report on performance and assurance and reiterated in the focussed inspection on unsuccessful outcomes. The movement of the majority of charging decisions to CPS Direct requires Areas to reconsider how performance is jointly assured at the local level.

There also needs to be a greater emphasis on individual performance management. I commented favourably in my report on CPS London on the measures the Area had taken to improve performance management and the progress that CPS Yorkshire and Humberside had made in this aspect. However, as the findings from the focused inspection of the Thames Valley unit (CPS Thames and Chiltern) report showed, this emphasis is not apparent across the whole Service.

I welcome the revision by the CPS of its Core Quality Standards Monitoring regime, with a greater emphasis on assessing the performance of individual prosecutors. Implementing and

embedding the new monitoring arrangements will be challenging, but should reap the required benefits. We continue to support the CPS in this aspect through membership of its national Core Quality Standards governance board.

An assurance that the CPS can robustly monitor its own performance, and implement improvements where necessary, would enable me to review the focus of inspection activity. At the moment significant Inspectorate resources are used in examining files to enable me to give assurance to the Attorney General and the Justice Committee on the quality of CPS performance. Ideally I would wish to move to a position where my resources would be focussed on testing the effectiveness of the CPS's own internal assurance mechanisms.

At the Headquarters level I am satisfied that the CPS has sophisticated systems in place to support the assurance regime and inform corporate risks, which are broadly in line with the Treasury's assurance framework guidance.³⁶ At the Area level I have commented on the need to strengthen the Certificate of Assurance process and for there to be a re-emphasis of its importance.

We continue to work closely with the Service to deliver performance improvement outside the inspection process. Inspectors with relevant expertise attend the CPS Violence Against Women Group and the external Rape Monitoring Group. Additionally my Deputy Chief Inspector attends the CPS Community Accountability Forum which covers a range of activity, including the various types of hate crime.

³⁶ Assurance frameworks (January 2014). www.gov.uk/government/publications/assurance-frameworks-guidance

As part of Area effectiveness inspections there continue to be detailed discussions with Areas on those cases where inspectors consider that performance should be improved. This helps to develop a mutual understanding of casework expectations. This year I have started to extend this process for thematic reviews and will continue to develop it in next year's programme.

The joint inspection with HMIC on the quality of police files³⁷ identified the need for improvement in quality in three key aspects: the police summary, summary of the defendant's interview and necessary additional information. Inspectors noted that in some cases it was not missing information that caused concern, but the inclusion of unnecessary evidence at that stage. However, it was encouraging that the CPS request for the police to provide an upgrade file, for example where the defendant pleaded not guilty, was timely in 89.0 per cent of cases.

Value for money

This year has seen the development of a range of value for money measures which will be used in Area effectiveness inspections. These cover a range of topics including the caseloads of prosecutors and administrators and the comparative cost of prosecuting cases across CPS Areas. By adopting this approach we are able to demonstrate from a sound evidence base the impact of changes in resource and where efficiency savings can be made.

³⁷ Getting cases ready for court - A joint review of the quality of prosecution case files by HMIC and HMCPSI (July 2013). www.justiceinspectorates.gov.uk/hmcpsi/inspections/getting-cases-ready-for-court/

Joint inspection work

Joint inspection work provides an effective means of improving performance across the agencies and we continue to work closely with other criminal justice inspectorates in this respect. During this year we have contributed to a range of joint inspection work across a diverse range of subjects. These included assessing how offenders with learning disabilities were dealt with from arrest to sentence (jointly with HMIC, Her Majesty's Inspectorate of Probation and the Care Quality Commission), and Stop the Drift 2.³⁸ The latter inspection was undertaken with HMIC and focussed on a number of key interfaces between the police and CPS, including important aspects of police file quality. This type of cross-cutting work adds substantial value to improving the criminal justice system.

HMCPSI led two further joint inspections (both with HMIC) which looked firstly at the quality of children's video recorded evidence in cases of sexual abuse from investigation through to prosecution and, secondly, how well cases involving fatal road traffic incidents were handled. Although from very different perspectives, both these reports will evaluate how the prosecution service handles sensitive casework, including communication with families bereaved by road traffic incidents.

³⁸ Stop the Drift 2 - A Continuing Focus on 21st Century Criminal Justice (June 2013). www.justiceinspectorates.gov.uk/cjji/inspections/stop-the-drift-2-a-continuing-focus-on-21st-century-criminal-justice/

Information technology

There has been encouraging progress by the CPS in the use of digital processes to improve the efficiency of casework delivery, but there remain significant challenges. The CPS has set out a detailed digital strategy which supports and complements the modernisation and digitisation programme set out in the CJS strategy and action plan (June 2013).

There has also been a substantial financial investment by HM Treasury of £160 million from 2013-14 to 2015-16 to create a fully integrated system based on a common platform between the CPS and Her Majesty's Courts and Tribunals Service. However the CPS still has to deal with a variety of police operating systems, all of which interact differently with the single CPS case management system.

Inspectors noted the improvement made by CPS London in delivering electronically the initial disclosure of the prosecution case to the magistrates' courts in advance of the first hearing.

Digital magistrates' court case files are now giving greater flexibility to prosecutors to access material without having to return to a CPS office. However, the absence of access to CMS in some courtrooms was found to be causing frustration and delay. There are initiatives to improve wireless access in these environments and we shall assess progress as part of our Area effectiveness inspections planned for 2014-15.

HMCPsi will also lead a joint inspection with HMIC on digitisation which will consider how cases are investigated and prosecuted in a digital age.

The Serious Fraud Office

In November 2012 I published my report to the Attorney General on the inspection of the Serious Fraud Office (SFO).³⁹ This work was carried out at the invitation of the then Director of the SFO, but completed after David Green CB QC had taken up that post. The report made eight wide ranging recommendations.

By agreement with the Director, this year we undertook a follow-up inspection to assess progress against the recommendations. The report will be published in 2014-15. Substantially more resources were required to undertake this activity than would be needed for a follow-up inspection of a CPS Area. This factor will need to be considered carefully when planning future statutory inspection activity, which needs to be undertaken without an adverse impact on my statutory duties in respect of the CPS.

I am grateful to the Commissioner of the City of London Police for the secondment of an experienced officer to assist in the follow-up process.

³⁹ Report to the Attorney General on the inspection of the Serious Fraud Office (November 2012). www.justiceinspectorates.gov.uk/hmcpsi/inspections/serious-fraud-office/

How we intend to take work forward in 2014-15

Last year I indicated that we would undertake a detailed evaluation of the ACEP initiative to determine whether, and to what extent, the programme should be repeated. I also cautioned against an expectation that we would be able to provide the resource necessary to repeat the process across all CPS units.

I determined that we would repeat the initiative, although on a reduced scale, to maintain the benefits of assuring the Attorney General and the Justice Committee of the performance and direction of travel of the CPS. Next year I have determined that we will repeat the programme, again on a reduced scale. However, much of the planned ACEP work will complement other proposed inspection activity.

Full details of our inspection programme are set out in our Business Plan for 2014-15 which includes a full inspection of CPS South East; scheduled follow-up inspections of CPS East of England and CPS North East; a follow-up inspection in relation to advocacy; and thematic inspections of Rape and Serious Sexual Offences units and communication with victims.

Further planning work will take place in respect of the Serious Fraud Office to determine how we will approach this inspection activity now that Royal Assent has been given to the legislation granting statutory authority to inspect. However, I do not envisage any substantive inspection this year.

This part of our programme has been developed alongside our known commitments to joint inspection work, with this year seeing one of the most resource intensive joint programmes. Work already agreed includes scrutinising the delivery of charging decisions by the police and the CPS, local criminal justice partnerships, vulnerable victims and witnesses, and digitisation. Scoping is also underway in respect of a significant piece of joint inspection work on human trafficking and modern slavery.

HM Crown Prosecution Service Inspectorate – corporate issues

Performance against the Business Plan

We set out eight priorities in our Business Plan for 2013-14. Those priorities and our progress in achieving them are set out in annex 4.

Finance

The Inspectorate's budget comprises part of the overall Treasury Solicitor's Department (TSol) budget vote. The final outturn for 2013-14, details of which are shown in annex 5, was just over £2.5 million. During the course of this year we have seen a number of inspectors leave the Inspectorate on retirement, to return to the CPS after the end of their period of secondment or to take up posts in other organisations. Similarly there have been departures of administrative staff on promotion or through retirement. I have maintained an active recruitment campaign for posts which fall vacant. As a consequence a number of assistant legal inspectors have joined us on long term secondments. I have also made use of short term secondments to bring in current operational expertise for specific projects.

A further recruitment campaign was conducted towards the end of the financial year for inspectors, administrators and a research assistant. Successful candidates will take up post in the early part of the 2014-15 financial year.

By careful contingency planning I am confident that we can continue to meet the challenge of maintaining our existing level of service within our allocated budget. As I indicated in last year's report I secured a commitment from the CPS that we would continue to share premises with them when they moved their York office. That move took place successfully this year with no disruption to business continuity. The arrangement continues to reflect our value for money approach to budgetary control.

We have increased the use of video-link meetings between my London and York offices to reduce travel costs and maintain business efficiency. This, together with careful operational planning, has enabled us to make savings against our travel and subsistence budget.

We continue to develop shared services with other government departments and inspectorates. This year has seen further collaborative working with TSol, particularly around aspects relating to the publication of reports and media strategies. Additionally I have overseen the development of a joint website⁴⁰ with Her Majesty's Inspectorates of Probation and Prisons, the work on which was commissioned in accordance with government procurement requirements. This website will enable the public to have easier access to our range of reports, as well as reducing the costs associated with maintaining separate platforms.

⁴⁰ www.justiceinspectorates.gov.uk/

Human resources

This year saw the retirement of Professor Stephen Shute from the Inspectorate Management Board. Professor Shute has served on the Board for a number of years as a non-executive director and on behalf of the Board I thank him for the valued and constructive contributions he has made to our work.

I am delighted to welcome Dr Jacki Tapley as our new non-executive director. Dr Tapley is a member of the Institute of Criminal Justice Studies at the University of Portsmouth, with a particular interest in victim and witness issues.

Employee engagement

As in previous years, we took part in the 2013 Civil Service staff survey to assess the personal attachment and commitment of staff to their work and organisation in order to help it succeed. This year has seen a restructuring of a number of aspects of our service delivery. In particular I have strengthened line management arrangements to give better opportunities for inspectors who wish to develop their management skills. Aligned to this has been a reallocation of portfolios to enable staff to widen their experience of Inspectorate issues. It is encouraging that a substantially higher proportion of Inspectorate staff felt that change was managed well than was found in the Civil Service overall.

I have continued to develop and improve our communications strategy and this year have reintroduced a regular staff newsletter, together with regular updates by my Deputy Chief Inspector on relevant external meetings. The improvement to internal communication is reflected in the percentage of staff who felt they had an opportunity to contribute their views before decisions were made that affected them, which was 20 per cent higher than the Civil Service average.

Following a detailed analysis of all the findings from the survey, the Staff Survey Working Group has put forward suggestions for further improvement. There still continues to be a need to improve our overall staff engagement which remains below the Civil Service average.

Learning and development

Learning and development activities are driven by corporate and individual development needs identified through the appraisal process. I consider it important that resources continue to be made available to ensure all staff are able to access relevant learning and development opportunities. The Inspectorate's Learning and Development Committee meets regularly to consider applications as well as securing varied external speakers to events such as our regular all staff conferences. In this respect we had an opportunity to hear from the Director of Public Prosecutions shortly after she took up office. Other speakers have included one of Her Majesty's Inspectors of Constabulary and an expert in cyber-crime and fraud protection.

This year a learning day was provided for inspectors to enable them to undertake a variety of e-learning courses which focussed on criminal law and practice. This ensures that skill levels are maintained which is essential to maintaining the credibility of inspectors. I intend to expand this approach next year to provide further training opportunities. These activities ensure that lawyers can meet the continuing professional development requirements of their governing bodies.

Further training opportunities are provided through the Government Legal Service, including membership of the Northern Lawyers Network. Legal inspectors based in York attend regular Network meetings and play an active role, with one of them currently acting as its outward facing single point of contact.

Equality and diversity

The Equality and Diversity Committee provides the necessary oversight to ensure these important issues are covered appropriately and provides training sessions at various staff events, for example on unconscious bias. During the year the Committee has contributed to the Government's Review of the Public Sector Equality Duty which led to the publication of Equality Objectives. The Review acknowledged that much work had been done towards meeting these Objectives but counselled against any excessive monitoring regimes being set up that would lead to unnecessary bureaucracy. The Committee has taken this on board.

A pay audit was carried out this year which confirmed that there were no unwarranted anomalies in pay and rewards. Work has also taken place to increase the data on equality and diversity issues that is sought from candidates for posts offered by HMCPSI.

This year has also seen an enhancement to the flexible working scheme for inspectors, to improve further their work-life balance. There is also now greater flexibility in respect of home working, particularly in our York office where accommodation space is limited.

In addition, the extensive examination of CPS files carried out during 2012 has been carefully analysed to extract any relevant data by reference to membership of protected groups (age, ethnicity, gender, disability etc). The only significant finding has been that, overall, the CPS has dealt with young offenders as a group less competently than adults, suggesting that the level of skills and experience in youth offender casework has declined.

Liaison with other jurisdictions

This year I have given a presentation to the incoming Chief Inspector of the Inspectorate of Prosecution in Scotland on our inspection methodology. I have also welcomed delegations from Jordan, the Netherlands and Pakistan for discussions on the role of independent scrutiny in respect of prosecutorial authorities.



Annex 1: Inspection review and audit reports published between April 2013 and March 2014

| Inspection reports, reviews and audits | Date |
|---|------------------------------|
| CPS North East inspection | April 2013* |
| CPS Thames Valley unit focussed inspection | February 2014 |
| Review of the performance of the former Areas of CPS Yorkshire and Humberside follow-up inspection | February 2014 |
| Thematic reviews and bespoke inspections | Date |
| Review into the disclosure handling in R v Mouncher and others | July 2013 |
| Follow-up review of the handling of custody time limits by the Crown Prosecution Service | July 2013 |
| A review of CPS compliance with rules and guidance in relation to disclosure of complainants' medical records and counselling notes in rape and sexual offence cases | July 2013 |
| Thematic review of youth offender casework follow-up | October 2013 |
| Thematic report on CPS assurance and performance | November 2013 |
| Joint inspections | Date |
| Stop the drift 2 - A continuing focus on 21st century criminal justice (with HMIC) | June 2013 |
| Getting cases ready for court - A joint review of the quality of prosecution case files by HMIC and HMCPSI | July 2013 |
| Joint inspection of the treatment of offenders with learning disabilities within the criminal justice system - Phase 1 from arrest to sentence (with HMIC, HMI Probation and the Care Quality Commission) | January 2014 |
| Reports published in 2014-15 but referenced in this Annual Report | Date |
| CPS London inspection | April 2014 |
| Inspection of CPS performance in dealing with victims and witnesses in Gwent and South Wales (CPS Cymru-Wales) | April 2014 |
| Focussed inspection into unsuccessful outcomes in magistrates' court cases in Dorset and Northamptonshire | April 2014 |
| Inspections (including those being carried out jointly) and audit activity underway as at April 2014, but yet to be published | Anticipated publication date |
| Review of CPS recording and monitoring of Crown Court directions | Autumn 2014 |
| CPS East of England Area follow-up | Autumn 2014 |
| Serious Fraud Office follow-up | Autumn 2014 |
| Joint inspection of the investigation and prosecution of offences arising from road death incidents (with HMIC) | Autumn/winter 2014 |
| Joint inspection of the use of Achieving Best Evidence pre-recorded interviews in cases involving allegations of child sexual exploitation or rape of a child (with HMIC) | Autumn/winter 2014 |

*Referenced in 2012-13 Annual Report.

Annex 2: The methodology of the Annual Casework Examination Programme

The size of the file sample

A file sample of 50 finalised cases was taken from each unit selected, with the exception of CPS London from whom a sample of 150 cases was taken. This reflects the much larger caseload dealt with by that Area. The units selected were drawn from across the performance range of CPS Areas.

Composition of the file sample

The file sample contained a mix of magistrates' courts and Crown Court cases involving adult and youth offenders. It comprised a range of outcomes including guilty pleas, convictions and acquittals after trial, and discontinuances. The sample also contained a variety of offence types including those that met the definition of violence against women and girls, rape, other serious sexual assaults, child abuse and hate crimes.

Subject to the above, the unit file samples were randomly selected but all included a mix of charging decisions, namely cases charged by the police; charged by CPS Direct; and those dealt with by way of CPS written advice by Area prosecutors.

The approach to file examination

Cases were considered against a standard Inspectorate set of 46 questions, which included all those used for the Core Quality Standards Monitoring assessments.

There was a rigorous internal quality assurance process. In every case where an inspector considered there was a Code test failure, that assessment was reconsidered by a senior inspector. Checks on the accuracy of data entries were also carried out and consistency exercises were undertaken by the file examiners at regular intervals. Additionally, Areas that were also subject to other inspection activity were given the opportunity to peer review a sample of their cases where inspectors had determined there was a Code test failure or other serious concern about an aspect of casework preparation.

Data analysis and evaluation

The findings in respect of each file sample were analysed and evaluated. The Chief Crown Prosecutor for each of the CPS Areas from where the file sample was taken was provided with a unit report which set out the key findings in respect of the relevant units. This report also gave a commentary on where aspects for improvement had been identified, together with strengths in their casework handling.

The overall findings from the composite file sample were also analysed and evaluated. These have been shared with CPS senior managers and those which are crucial to CPS performance are set out in this report.

Annex 3: Detailed findings from the Annual Casework Examination Programme

Unless indicated to the contrary, the answers reflect the relevant files in which the appropriate criteria were fully met. The proportion of answers which could not be determined from the file are excluded and therefore in some instances the cumulative total will be less than 100 per cent.

| Question | Finding | | | |
|--|-----------|-------|-------|-------|
| Charging | | | | |
| The CPS decision to charge was compliant with the Code test | 91.0% | | | |
| The police decision to charge was compliant with the Code test | 83.1% | | | |
| The MG3 (record of charging decision) included proper case analysis and case strategy | 49.2% | | | |
| The MG3 made reference to all relevant applications and ancillary matters | 60.2% | | | |
| The MG3 included appropriate instructions and guidance to the court prosecutor | 57.9% | | | |
| All factors relevant to mode of trial were considered at the pre-charge decision (PCD) stage | 74.5% | | | |
| The action plan met a satisfactory standard | 52.6% | | | |
| The initial file received from the police was of good quality | 54.9% | | | |
| Question | Excellent | Good | Fair | Poor |
| The overall quality of the MG3/3A | 0.5% | 38.6% | 43.4% | 17.5% |
| Question | Finding | | | |
| Case presentation and progression | | | | |
| File endorsements and file housekeeping were accurately and appropriately maintained | 40.3% | | | |
| The case was correctly recorded on the case management system | 53.1% | | | |
| The case was reviewed properly once it had moved into the Crown Court (including sending) | 52.3% | | | |
| The case was reviewed properly while it was in the magistrates' court (including committal) | 45.7% | | | |
| Where an unsuccessful outcome was foreseeable, everything practicable was done to prevent it | 45.9% | | | |
| The lawyer or team complied with the duty of continuous review in accordance with the Code | 90.4% | | | |
| There was timely compliance with court directions | 45.3% | | | |
| There was timely compliance with judges' orders in Crown Court cases | 55.1% | | | |
| The lawyer or team exercised sound judgement, had a grip on the case and progressed it efficiently and effectively | 46.3% | | | |
| The case proceeded to trial on the most appropriate charges | 90.7% | | | |
| Sufficient written instructions were prepared for the advocate | 27.9% | | | |
| The input from counsel/Crown Advocate was properly recorded on CMS | 76.9% | | | |
| At least one ineffective hearing (other than ineffective trials) could have been avoided by prosecution actions | 43.3% | | | |
| At least one ineffective trial could have been avoided by prosecution actions | 34.3% | | | |

| Question | Finding | | | |
|--|-----------|-------|-------|-------|
| Disclosure | | | | |
| The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedule (excluding timeliness) | 50.9% | | | |
| The prosecutor complied with the duty of continuing disclosure, including the correct endorsement of the schedule (excluding timeliness) | 57.2% | | | |
| The sensitive material schedule and any sensitive material were handled appropriately | 47.9% | | | |
| There was an appropriate audit trail of disclosure decisions on the disclosure record sheet | 38.8% | | | |
| The prosecution complied with its duties of disclosure in a timely fashion (every stage) | 52.9% | | | |
| Non-compliance was a failure to disclose undermining or assisting material | 7.2% | | | |
| Non-compliance (timeliness or substance) was caused or aggravated by the failure of the police or any other agency to provide the right material at the right time | 40.3% | | | |
| The issue in the handling of sensitive material was solely a failure to properly endorse the blank schedule | 60.0% | | | |
| Question | Excellent | Good | Fair | Poor |
| The overall quality of handling of unused material | 0.0% | 23.5% | 46.9% | 29.6% |
| The police contribution to the unused material exercise | 0.2% | 37.1% | 41.3% | 16.8% |
| Question | Finding | | | |
| The prosecution was right to accept the pleas offered and/or to accept the basis of plea | 85.0% | | | |
| Any basis of plea was in writing and signed by the prosecution and defence | 22.2% | | | |
| Where a trial cracked with a guilty plea to one or more charges, could more have been done to avoid the trial listing | 27.4% | | | |
| Question | Finding | | | |
| Custody time limits | | | | |
| Where custody time limits (CTLs) applied, the preparation was prioritised to make sure that the trial/committal could take place within the custody time limit, or the CPS could demonstrate all due diligence and expedition if an extension was required | 84.2% | | | |
| Where CTLs applied, the case was monitored and handled in accordance with national standards | 68.8% | | | |
| The quality of any application to extend the CTLs was satisfactory | 84.2% | | | |

| Question | Finding |
|---|---------|
| Victims and witnesses | |
| The Victims' Code, Prosecutors' Pledge and any other policy guidance on the treatment of witnesses was complied with | 80.9% |
| The right special measures were sought | 93.3% |
| When proposing to stop the case or to alter the charges substantially, where it was practicable to do so, the police or other investigators were consulted before reaching a final decision | 71.2% |
| There was timely Direct Communication with the Victim (DCV) when required | 59.4% |
| The DCV communication was of a high standard | 27.2% |
| The views of the victim were taken into account when deciding to discontinue one or more charges, accept lesser pleas or take a basis of plea | 58.2% |

Annex 4: HM Crown Prosecution Service Inspectorate – key priorities 2013-14

Eight clear priorities were set for delivery in 2013-14:

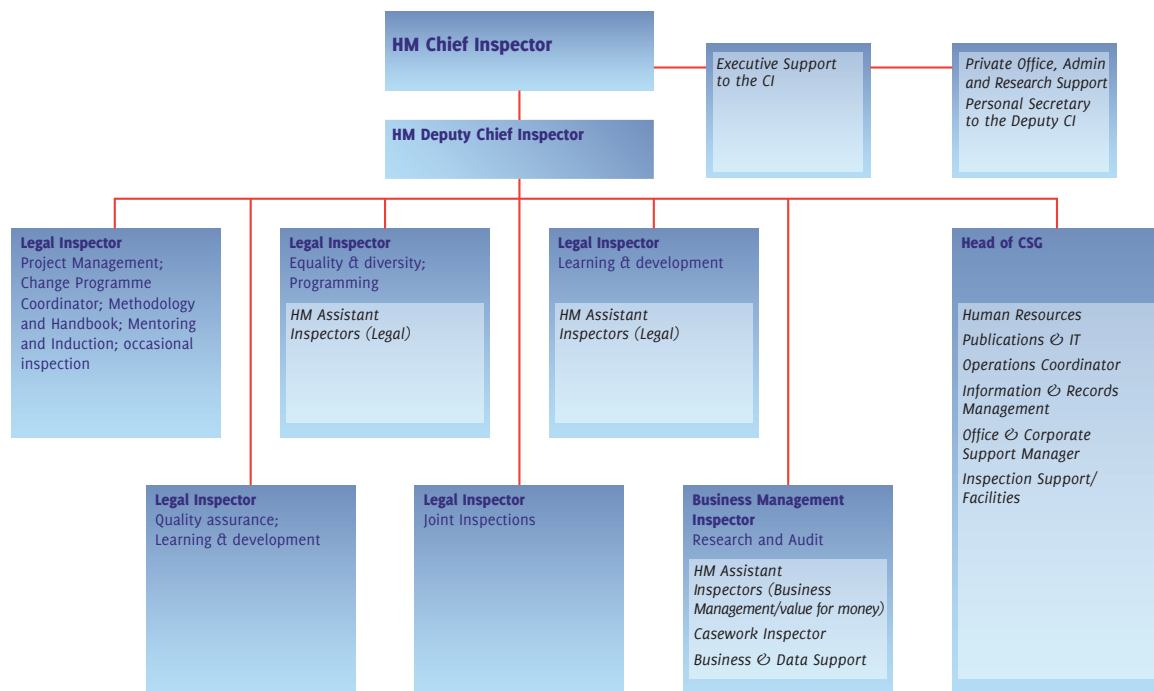
| Priority | Progress |
|---|--|
| To incorporate the SFO inspection into our planning, ensuring we have the necessary expertise to examine relevant aspects of the organisation | We have undertaken, at the invitation of the Director of the SFO, a thorough follow-up of our 2012-13 inspection. As with the full inspection we engaged expertise in fraud investigation from the City of London Police. |
| To provide an effective inspection regime despite a reduced budget | This year we have maintained our Annual Casework Examination Programme, undertaken a range of follow-up activity, a full inspection of CPS London and follow-up work in respect of the SFO. Additionally we have contributed to a range of joint inspection activity. This was achieved successfully despite a temporary reduction in staffing resources for part of the year. |
| To assist the CPS and SFO to improve the quality of service they offer the public | The Inspectorate's focus continues to be on making targeted recommendations which, if addressed, should lead to an improvement in performance. We have also maintained a close oversight of the CPS's work in improving the handling of disability hate crime cases. |
| To highlight CPS and SFO work where poor performance represents a risk to the public or to the reputation of the CPS or SFO | My reports have continued to address aspects of performance which are critical to the success of both organisations. They have robustly highlighted where improvements need to be made, for example the quality of CPS charging decisions. I have ensured that where there are critical assessments, reports have set out where improvements can be made. |
| To seek opportunities to increase joint inspections in order to identify opportunities for greater efficiency and improved outcomes | We have contributed to a range of joint inspection activity across a diverse range of topic areas. These include police file quality, offenders with learning difficulties, fatal road traffic incidents and aspects of the investigation of child sexual abuse. The planned 2014-15 joint inspection programme will further increase the resources allocated to this work. |

| Priority | Progress |
|---|--|
| To be flexible so that work can be undertaken at short notice if necessary | I have maintained a flexible approach to inspection planning which enables the Inspectorate to reallocate resources as and when the need arises. This has ensured that we have been able to meet any short notice requests for specific inspection activity. |
| To keep pace with the CPS Refocusing Exercise and ensure we are able to respond and make necessary changes to our inspection regime | Our inspection framework is kept under review and was adjusted this year to take account of changes to the structure of CPS casework delivery. This included reflecting changes made to how the CPS delivers its charging service and the implementation of digitisation in magistrates' court casework. |
| To carry out effective scrutiny of the work of the CPS and SFO in order to give assurance to the Attorney General | This priority has been met through a wide range of inspection activity, including our ACEP work, inspection of the largest CPS Area (London) and detailed follow-up work with respect to the SFO. The report of the latter will be published in 2014-15. |

Annex 5: Budget expenditure for 2013-14

| | 2011-12 | | 2012-13 | | 2013-14 | |
|--|---------------|---------------------|---------------|---------------------|---------------|---------------------|
| | Cost £'000 | % of total costs | Cost £'000 | % of total costs | Cost £'000 | % of total costs |
| Staff | 2,381 | 67.5% | 2,310 | 81.6% | 2,016 | 79.5% |
| Recruitment and training | 6 | 0.2% | 15 | 0.5% | 14 | 0.5% |
| Accommodation | 188 | 5.3% | 239 | 8.4% | 230 | 9.0% |
| Travel and subsistence | 156 | 4.4% | 114 | 4.0% | 120 | 4.7% |
| Consultancy | 10 | 0.3% | 5 | 0.2% | 55 | 2.2% |
| Suppliers and other services | 365 | 10.4% | 162 | 5.7% | 101 | 4.0% |
| Dilapidation provision | 404 | 11.5% | 0 | 0 | 0 | 0 |
| Rental income | — | — | 0 | 0 | 0 | 0 |
| Income - recovery of direct costs | -5 | -0.1% | -36 | -1.3% | -24 | -0.9% |
| Non-cash costs (depreciation and NAO audit fee) | 20 | 0.6% | 23 | 0.8% | 25 | 1.0% |
| Total | 3,525 | 100% | 2,832 | 100% | 2,537 | 100% |

Annex 6: HM Crown Prosecution Service Inspectorate staffing structure as at 31 March 2014



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