

# Business Plan

## 2017–18



# **Business Plan**

## **2017–18**

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## Foreword

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I am halfway through my tenure as Chief Inspector of Her Majesty's Crown Prosecution Service Inspectorate (HMCPST). The statutory remit of the Inspectorate is to report to the Attorney General on the operation of the Crown Prosecution Service (CPS) and the Serious Fraud Office (SFO). On taking up my appointment I was concerned that the inspections that had been undertaken in recent years did not fulfil this remit for the CPS as a whole. Therefore, my aim by the time I leave the organisation in 2019 is to have inspected all the CPS Areas, as well as some (if not all) of the CPS Headquarters Casework Divisions. This will provide assurance for CPS performance overall and will also act as a benchmark for future work.

Following the 2015 Comprehensive Spending Review, HMCPST agreed to make a saving of 15% in our budget over four years. Satisfying our remit on a significantly reduced budget continues to be challenging. Nevertheless, the new Area Assurance Programme (AAP) that we have developed provides us with a more efficient way of fulfilling that remit. It began in 2016-17 with five Areas (including two pilots) inspected. There will be a further seven Area inspections in this business year, so by the end of 2017-18 all Areas except CPS London will have been inspected. London is somewhat different to other Areas and is currently undergoing a significant restructuring exercise into two separate Areas, so will be left until 2018-19.

It is very important that an independent body such as HMCPST examines the work of the CPS, but it would be impossible for us to check on every CPS function. Therefore, it is equally important that the CPS has in place an effective process for quality assuring its own work and so we intend to inspect the current process, Internal Quality Assurance, to ensure it is fit for purpose.

Although casework is at the heart of the CPS, good systems are essential to the smooth running of the organisation. The AAP inspection framework includes sections on governance and value for money, but we considered that two topics were important enough to warrant individual inspections. These are custody time limits and internal fraud controls.

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I am also committed to working with the other criminal justice inspectorates, as looking at complete processes often adds more value than concentrating on a specific part of the process. This year we will be involved in a joint review of the National Crime Agency warrants and a joint inspection of hate crime. We will also be undertaking preparatory work for a joint inspection next year of modern slavery and human trafficking. In 2016-17 the Inspectorate renewed its relationship with Criminal Justice Inspection Northern Ireland and, as a result, we are also assisting them in two inspections this year.

I said that my aim by the time I leave HMCPsi is to have inspected all the CPS Areas and at least some of the Headquarters Casework Divisions. To achieve my aim, London and the Casework Divisions will be inspected in 2018-19. These are quite different bodies to a 'normal' CPS Area, so there is significant resource allocated in this business year to scoping and planning the work for next year. This also includes the SFO as it is part of our statutory remit, but again is very different to a CPS Area and so needs a bespoke inspection framework.

I regularly speak to stakeholders and try to accommodate requests to examine aspects of CPS performance. I received a request to look at domestic abuse; we have allocated resource to scope this topic to ensure we can add value by inspection. We have also built in some resilience to respond to other short notice requests.

The above inspections represent a very full programme for 2017-18. The planned work this year will generate at least 14 reports, possibly 15, which is more than HMCPsi has published for a number of years. It should be possible to provide the resources required from our reduced budget. Achieving these two challenges will be the measure of our success in 2017-18.



**Kevin McGinty CBE**  
**Her Majesty's Chief Inspector**

# 1 Introduction

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## Who we are

HMCPsi is an independent inspectorate. The statutory remit of HMCPsi is to inspect the work carried out by the CPS and SFO and to submit an annual report on the operation of these organisations, as set out in Section 2 of the Crown Prosecution Service Inspectorate Act 2000, as amended by the Anti-social Behaviour, Crime and Policing Act 2014. We also inspect other prosecuting services by invitation. We are committed to the ten principles of public inspection, which can be found in annex A.

## Our purpose

Our purpose is to inspect the CPS and SFO to encourage improvement and to provide evidence for others to hold these organisations to account.

Our inspections examine aspects of casework quality, public confidence, governance and value for money, with the results published in our reports. Inspection activity looks for efficiency savings whilst ensuring that a quality service is maintained. There is also an important role for the Inspectorate in identifying good practice found during inspections. In this way HMCPsi adds value.



## Strategic objectives

- To deliver high quality assessments on the CPS and SFO to inform them and those who hold them to account.
- To work collaboratively with other inspectorates and develop effective working relationships in order to achieve the first objective.
- To promote HMCPST to targeted stakeholder and media audiences to widen and maintain the interest in the work of the Inspectorate.
- To ensure that HMCPST reports are well written so that they are of use to the target audiences.
- To recruit and develop the best people so HMCPST has a high performing workforce with the right skills and values for the job.
- To run an efficient and effective organisation that meets the best standards of a government department in order to provide value for money.

## Our Values

- **Integrity:** Act professionally to build confidence and trust.
- **Respect:** Treat others as you would expect to be treated.
- **Transparency:** Be open and honest in all dealings with colleagues.
- **Equality:** Value the diversity of our colleagues and provide equal opportunities for development of skills and capabilities.

## 2 Our programme

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This plan provides details of the key inspections that HMCPST will carry out between April 2017 and March 2018. To develop the plan for 2017-18, we sought feedback from our stakeholders. Consultation on a list of potential inspection topics took place during January 2017. Although independent, we give weight to the views of our stakeholders and incorporate, as far as possible, those issues which we consider most in need of addressing when planning our programme.

As stated previously, our purpose is to provide evidence by which others can hold the organisations we inspect to account. The difficulty has always been how to provide comprehensive assurance on the performance of the CPS as a whole. In addition, in common with most government departments, savings had to be found and HMCPST is subject to a 15% reduction in its budget over the next few years, following the Comprehensive Spending Review. Consequently, we reviewed our approach to inspection and developed the Area Assurance Programme, which was originally a risk based, modular process. We began the programme in 2016-17 with two pilot Areas. After evaluating the pilots we decided to adopt a standard inspection framework for the remaining Areas, as we found there was a good deal of overlap with the modules. The framework has been aligned to the CPS national priorities and 2020 vision as far as is practicable.

Following the change to the methodology, a further three Areas were inspected in 2016-17 using the updated framework. Our aim is to inspect all the CPS Areas, apart from London, under the programme over two years. Therefore, in 2017-18 we will undertake AAP inspections of the remaining seven Areas to complete the process. London has recently undergone a major restructuring exercise into two Areas, London North and London South, so will not be inspected until 2018-19 to allow time for the changes to be embedded.

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The seven AAP inspections will be the major element of our programme in 2017-18, taking up a significant amount of our resources. However, we continue to be committed to undertaking joint inspections with other criminal justice inspectorates on those topics which benefit from a cross-agency approach. Details of joint inspections in which HMCPST are involved can be found in this plan but Criminal Justice Joint Inspection (CJJI) produces its own business plan, which includes information on all joint inspections.

As well as contributing to CJJI, during 2016-17 we rekindled our relationship with Criminal Justice Inspection Northern Ireland (CJINI) and assisted them in reviewing the progress the Public Prosecution Service for Northern Ireland (PPSNI) had made against the recommendations of the Starmer Review.<sup>1</sup> We have been asked to assist them again this year with inspections of domestic abuse, and rape and serious sexual offences in Northern Ireland, so resource has been allocated in our 2017-18 programme.

In 2018-19, in addition to CPS London, we intend to focus on the handling of the most serious crime, which will involve inspecting the Headquarters Casework Divisions and aspects of the SFO. These all have their own unique character, making application of our usual inspection framework difficult. We have therefore allocated a significant amount of resource later in 2017-18 to scope and plan the inspections of these organisations.

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<sup>1</sup> *Independent Review of the Prosecution of Related Sexual Abuse and Terrorism Cases*; Sir Keir Starmer KCB QC and Katherine O'Byrne; May 2015.  
[www.ppsni.gov.uk/Branches/PPSNI/PPSNI/Files/Documents/PPS%20Press%20Office/StarmerReview.pdf](http://www.ppsni.gov.uk/Branches/PPSNI/PPSNI/Files/Documents/PPS%20Press%20Office/StarmerReview.pdf)

### **3 Planned inspections**

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#### **Area Assurance Programme**

In the past, HMCPSP has used a number of approaches to provide assurance as to the performance of the CPS. This has included a rolling programme of Area inspections, Overall Performance Assessments, Area Effectiveness Inspections (AEIs) and an Annual Casework Examination Programme (ACEP). Each had benefits and drawbacks, usually in terms of the resources required, the burden on Areas, the depth and breadth of information it gave us regarding CPS performance, and the degree to which risk was used to determine inspection activity.

During 2015-16, we reviewed our approach to inspection and developed a new way of working to enable us to provide a more comprehensive commentary on overall CPS performance. The Area Assurance Programme combines elements of the ACEP and AEI processes and is aligned to the CPS national priorities and 2020 vision as far as is practicable.

We are unable to visit every CPS Area in one business year, but by selecting a cross-section of them we can develop an overview of how the CPS is performing in any one year. In 2016-17, we inspected the Cymru-Wales and South West Areas to pilot the AAP methodology and evaluated these in July 2016. After adapting the inspection framework from what we learnt in the pilots, we undertook AAP inspections of Wessex, East Midlands, and Yorkshire and Humberside. They were chosen to give a spread of performance levels across different sizes and types of Areas, so that we could assess our methodology for fitness for purpose.

In 2017-18 we intend to inspect the Thames and Chiltern, North East, West Midlands, East of England, South East, North West and Mersey-Cheshire Areas. Thus we will have completed our aim of inspecting all CPS Areas apart from London over a two year period.

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## Thematic inspections

### i Internal fraud controls

The aim is to inspect the CPS's internal fraud policies and check whether robust prevention mechanisms are in place and adhered to. The Boards of individual departments are responsible for setting the anti-fraud culture within their departments and for implementing the standards through appropriate policies, procedures and processes including: culture; fraud appetite/tolerance; fraud awareness training; operational roles and responsibilities; compliance; and reporting mechanisms. In February 2016 the National Audit Office published the cross-government *Fraud landscape review*,<sup>2</sup> which examined the government's approach to tackling fraud in the public sector. HMCPsi intends to look at whether the CPS has an understanding of its potential exposure to fraud and if its policies in relation to fraud prevention, detection and reporting are being adhered to by Areas.

We will not be reviewing individual fraud investigations.

### ii Internal quality assurance

At the start of the 2015-16 business year the CPS introduced Individual Quality Assessment (IQA) nationally. It was designed to assess compliance with the organisation's Casework Quality Standards by evaluating casework and advocacy conducted by individual prosecutors. IQA replaced Core Quality Standards Monitoring, which had been in place since 2010, and on the efficacy of which we reported in March 2012.<sup>3</sup> Some time has elapsed since we examined casework quality assurance separately and since IQA was introduced. In the meantime, AAP inspections and thematic work have shown that there is a variable approach to IQA. We have therefore decided that we will inspect the operation of IQA, with a view to reporting on its fitness for purpose, whether it is being undertaken as envisaged and whether it is driving improvements in quality.

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<sup>2</sup> *Fraud landscape review*; NAO; February 2016. [www.nao.org.uk/report/fraud-landscape-review/](http://www.nao.org.uk/report/fraud-landscape-review/)

<sup>3</sup> *CPS Core Quality Standards Monitoring Scheme*; HMCPsi; March 2012. [www.justiceinspectorates.gov.uk/hmcp/inspections/cps-core-quality-standards-monitoring-scheme-thematic/](http://www.justiceinspectorates.gov.uk/hmcp/inspections/cps-core-quality-standards-monitoring-scheme-thematic/)

### **iii Custody time limits**

The last report by HMCPsi on the CPS handling of custody time limits (CTLs) was published in 2013.<sup>4</sup> Failures have a high reputational risk for the Service, so effective monitoring of CTLs remains a CPS high weighted measure. Also, recent Area inspections have identified issues which would benefit from a more focused thematic inspection on this aspect of work. A review of CTLs will examine how they are being handled in the digital office and the impact this has had on the effective monitoring of expiry dates. Recommendations will focus on improving the effectiveness of systems and reducing the risks for CTL failures.

### **iv Modern slavery and human trafficking**

This will be a 'state of the nation' piece of work in preparation for a full joint inspection with Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) in 2018-19. The HMCPsi review will look at the mechanisms in place, policy lead champions and CPS Headquarters' guidance and policies, as well as researching what is in place locally. The work will provide a baseline for the full joint inspection next year. HMICFRS is undertaking a similar piece of work with the police in 2017-18.

## **Joint thematic inspections**

The CJJI Joint Business Plan 2017-18 will be published after consultation with stakeholders. The list of inspections that HMCPsi may be involved in includes:

### **i National Crime Agency warrant review**

As a result of serious deficiencies identified in the way the National Crime Agency (NCA) had failed to comply with legislative and case law requirements for warrants and orders, the NCA commenced a comprehensive review into its procedures for obtaining search warrants and orders.<sup>5</sup> It also convened an

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<sup>4</sup> *Follow-up review of the handling of custody time limits by the Crown Prosecution Service*; HMCPsi; July 2013. [www.justiceinspectors.gov.uk/hmcp/inspections/cps-custody-time-limits-handling-follow-up/](http://www.justiceinspectors.gov.uk/hmcp/inspections/cps-custody-time-limits-handling-follow-up/)

<sup>5</sup> *Warrant Review Closing Report*; NCA; April 2016.

[www.nationalcrimeagency.gov.uk/news/841-report-published-on-review-of-nca-warrants-2](http://www.nationalcrimeagency.gov.uk/news/841-report-published-on-review-of-nca-warrants-2)

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external panel of experts to scrutinise and challenge the review process. The report by the external panel recommended the NCA should invite HMICFRS and HMCPST to undertake a joint inspection, to ensure that the promised improvements had taken effect.

**ii Hate crime**

Resource has been allocated in the programme for a joint inspection of hate crime with HMICFRS. The exact theme of the inspection has yet to be agreed but it will be scoped later in the year, with the inspection taking place in the last quarter of 2017-18.

**iii Review of domestic abuse and rape and serious sexual offences with CJINI**

There are two inspections under the public protection umbrella to be run side by side because of the overlap, namely:

- 1 Domestic violence and abuse: an inspection of how the criminal justice system deals with domestic violence and abuse in Northern Ireland.
- 2 Sexual violence and abuse: an inspection of how the criminal justice system deals with sexual violence and abuse in Northern Ireland.

The inspection will examine the approach of the Northern Irish criminal justice system to preventing, responding to, investigating and prosecuting domestic and sexual violence and abuse. It will follow the timeline of the ‘victim journey’ through the criminal justice system from the reporting of a potential crime to the conclusion of court proceedings. It will not seek to examine the manner in which the criminal justice system deals with offenders in prison or upon release into the community. The latter of these will be examined separately in an inspection of the Public Protection Arrangements for Northern Ireland.

## **Scoping exercises**

As a result of consultation with stakeholders, a further inspection has been proposed – domestic abuse. Resource has been allocated to scope this inspection to determine an appropriate approach. Flexibility is built into the programme for 2017-18 to allow for these inspections to be carried out, if the scoping confirms that they will add value, as well as short notice inspections (see below).

## **Short notice inspections**

As has happened in previous years, HMCPST may be asked to undertake short notice inspections. By their very nature it is difficult to plan for these ad hoc requests, so there is flexibility in the 2017-18 programme and we will continue to try to ensure we can assist with requests, as far as available resources allow.



## 4 HMCPST internal work programme 2017–18

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### Inspection development work

Considerable work takes place within HMCPST to support the planned inspections for the current year and to develop our future inspection programmes. It is also important that findings from inspections are incorporated into our methodology for use in determining future strategy.

The priority objectives for the HMCPST development team in 2017-18 are:

- scoping and planning for 2018-19 inspections of:
  - CPS London North and South
  - CPS Headquarters Casework Divisions
  - the SFO
- maintenance and development of HMCPST’s risk model
- integration of information from the AAP inspections into the risk model and inspection strategy.

Our intended focus in 2018-19 on the handling of the most serious crime means that we have allocated a considerable amount of resource in the fourth quarter of 2017-18 for the scoping and planning of next year’s inspections, since the methodology will significantly diverge from our usual inspection framework.

## 5 HMCPST supporting processes

### Resources

The costs of HMCPST are met from the Estimate of the Government Legal Department.

Financial year	Budget (£)	Reduction from previous year	Reduction from 2012-13
2012-13	3,400,000	–	–
2013-14	3,146,000	7.5%	7.5%
2014-15	2,950,000	6.2%	13.2%
2015-16	2,950,000	0%	13.2%
2016-17	2,765,000	6.3%	18.7%

In the Comprehensive Spending Review of 2015, HMCPST agreed to reduce its budget by 15% over four years. As a result, the budget for 2017-18 is now set at £2,683,000 (a reduction of 3.0% since last year and 21.1% since 2012-13). It will be deployed as follows:

Staff costs	£2,080,000
Recruitment/training	£17,000
Accommodation and facilities	£261,000
Travel and subsistence	£135,000
Printing/reprographics/stationery	£4,500
Other costs	£185,500
<b>Full year budget</b>	<b>£2,683,000</b>

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## **Managing risk**

It is important to have a robust risk management process in place as it provides a framework for anticipating potential problems and allows them to be dealt with in a systematic way. HMCPST manages its internal risks in line with the approach commonly adopted in the public sector.

HMCPST updates its strategic and operational risk registers quarterly and also undertakes quarterly business reviews. Alongside the register a 'heat map' records how risks are progressing. The Inspectorate Executive Board undertook a major re-assessment of risk in 2015 which informed the risk register and will build on this further in 2017 with the newly formed Strategy Board.

## **The Equality Act 2010**

The Equality Objectives for HMCPST ensure that we meet our General Equality Duty under the Equality Act 2010. The first objectives were set in 2011-12. Progress on the objectives is reviewed regularly by the Strategy Board and the Equality and Diversity Committee. The Committee reviewed the objectives in 2015 and refreshed the action plan for implementing the updated objectives.

## **Annex A: HMCPST's policy on inspection**

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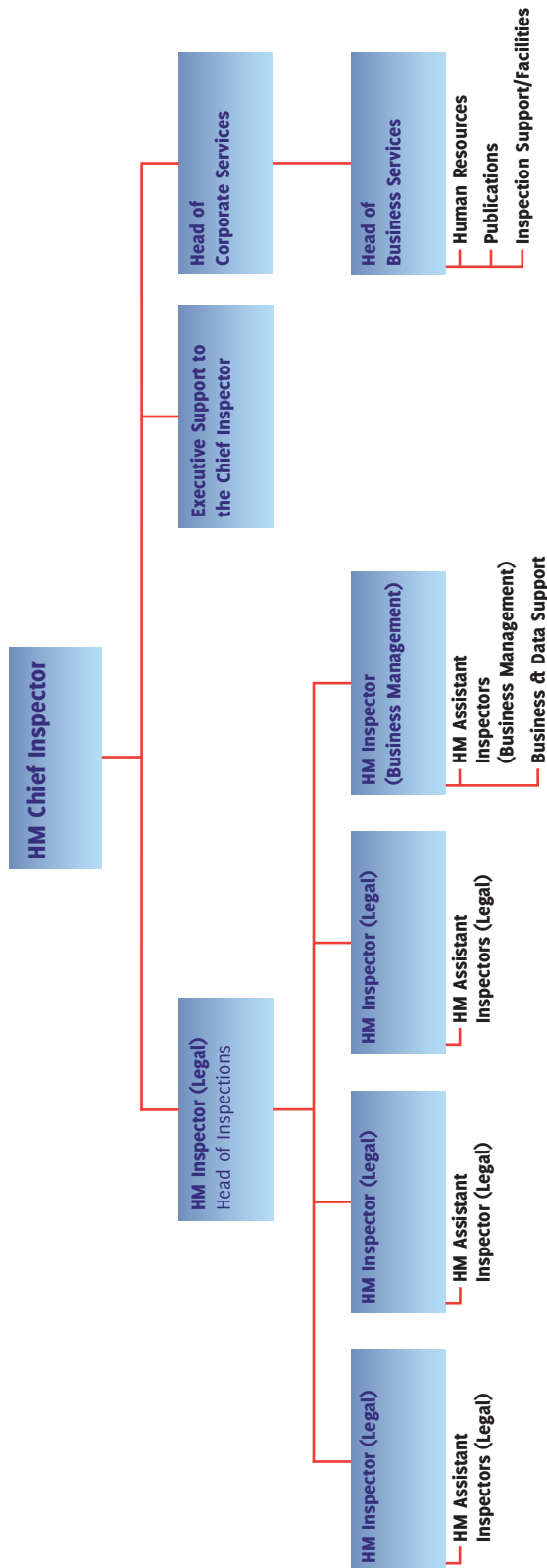
In 2003 the Government introduced ten principles of public sector inspection which were included in the Office of Public Service Reform's report *Inspecting for improvement*. These place clear requirements on inspection providers and the departments sponsoring them. HMCPST is fully committed to upholding these values and expectations and takes them into account in our strategy and planning programme.

The ten principles state that public service inspection should:

- pursue the purpose of improvement;
- focus on outcomes;
- take a user perspective;
- be proportionate to risk;
- encourage self-assessment by managers;
- use impartial evidence wherever possible;
- disclose the criteria used for judgements;
- be open about the processes involved;
- have regard to value for money including that of the inspecting body; and
- continually learn from experience.

We continually seek feedback on our reports and the interviews undertaken with staff of inspected bodies. We track the implementation of the recommendations we make and are conscious of the need to keep the burden of work on the inspected organisations to a minimum. The form of our inspections and practices are kept under regular review.

## Annex B: Organisation chart as at April 2017







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