

# The operation of Individual Quality Assessments in the CPS

March 2018



# The operation of Individual Quality Assessments in the CPS

**March 2018**

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

**For information or for more copies of this report, please contact our publications team on 020 7210 1197, or go to our website:**

**[www.justiceinspectors.gov.uk/hmcpsi](http://www.justiceinspectors.gov.uk/hmcpsi)**

HMCPsi Publication No. CP001:1239

# Contents

---

<b>1</b>	<b>Executive summary</b> .....	<b>1</b>
	Overview and key findings.....	1
	Recommendations and aspects to consider.....	2
	Strengths and good practice.....	4
<b>2</b>	<b>Introduction</b> .....	<b>5</b>
	Background and context.....	5
	Inspection objective and criteria.....	6
	Methodology.....	6
<b>3</b>	<b>The Individual Quality Assessments scheme</b> .....	<b>9</b>
	The purpose of IQA.....	9
	The assessments.....	9
	Feedback.....	10
	Dip samples.....	11
	Data gathering and reporting.....	11
<b>4</b>	<b>Individual Quality Assessments at national level</b> .....	<b>13</b>
	Leadership and governance.....	13
	Training, learning and development.....	15
	Data and performance management.....	17
<b>5</b>	<b>Individual Quality Assessments in CPS Areas</b> .....	<b>21</b>
	Area governance.....	21
	Robustness and accuracy of IQA completion.....	25
	Findings on the IQA process.....	31
<b>6</b>	<b>Staff engagement</b> .....	<b>35</b>
	Engagement levels.....	35
	Feedback to staff on their work.....	35
	Corporate messages.....	37
	<b>Annexes</b> .....	<b>39</b>
<b>A</b>	<b>Inspection criteria</b> .....	<b>39</b>
<b>B</b>	<b>File examination findings</b> .....	<b>41</b>
<b>C</b>	<b>Our analysis of CPS Individual Quality Assessment data</b> .....	<b>47</b>
<b>D</b>	<b>Staff survey results</b> .....	<b>49</b>
<b>E</b>	<b>Glossary</b> .....	<b>55</b>
<b>F</b>	<b>The Individual Quality Assessments questions</b> .....	<b>59</b>



# 1 Executive summary

---

## Overview and key findings

**1.1** This report details the findings of an inspection undertaken by Her Majesty's Crown Prosecution Service Inspectorate (HMCPIS) of the operation in the Crown Prosecution Service (CPS) of its leading casework quality assurance mechanism, Individual Quality Assessments (IQAs).

**1.2** IQA's predecessors, Casework Quality Assurance (CQA) and Core, later Casework, Quality Standards Monitoring (CQSM) fell into disuse or became prey to the temptation merely to 'tick the boxes'. In the case of CQSM, this was despite it having some of the same features as IQA, such as formal guidance and a national governance regime, and others that IQA has yet to realise fully, including national consistency exercises and explicit links between it and other performance data. As a result of lack of proper application, CQSM failed to maintain credibility or to deliver its assurance function effectively.

**1.3** Our assessment of IQA as it is currently operated is more positive, but it is clear that it, too, has been languishing for some time and has only relatively recently (since mid-2016) received the impetus it needs from the centre. This, together with a hiatus in some Areas in its operation, means that in places IQA has the feel of a fairly new initiative, not one that was first introduced over three years ago. With some changes, it has the potential to inform casework quality discussions effectively and help identify remedial actions. However, at present, it is not embedded across the CPS and the standard of assessments and the use made of them is not consistent.

**1.4** There has been a clear improvement since we inspected CQSM in 2012 in the identification by legal managers of charging or review decisions which do not comply with the Code for Crown Prosecutors. However, there are also aspects where lack of robustness or misunderstanding of the requirements of the scheme and guidance are hampering efforts to deliver improvements. In the files we examined, the CPS rated its casework as 14.3% better than we did and were overly lenient in their assessment 12.1% of the time. There are some good examples of the use of IQA to identify issues and put remedial action in place, but there are also parts of the country where too few assessments have been done to deliver the expected benefits.

**1.5** Significant work at the centre from 2016 onwards has led to important improvements. There are now strong national governance arrangements in place supported by some good data analysis, but it is essential that momentum is not lost if IQA is not to go the same way as its predecessors. There is confidence at Area senior management level that IQA is a useful tool for improving casework when it is used properly, but more remains to be done to ensure its effectiveness and robustness. There is still a need to ensure that frontline staff being assessed understand IQA better and engage with it more fully.

---

**1.6** The inspection team is grateful to all those who gave their time to assist in the inspection, whether by providing the documents we requested, taking part in focus groups or interviews, or completing the staff survey. We are also indebted to CPS Headquarters, notably the Compliance and Assurance Team and the Performance Management Unit, for their co-operation, especially in the provision of documents, information and considerable data during our scoping phase and thereafter.

### **Recommendations and aspects to consider**

**1.7** We recommend:

---

**1** A national training package should be developed and delivered to designated leads or trainers from each Area, which the leads or trainers should then deliver locally in their Areas to all relevant staff. This includes those who are assessed (paragraph 4.16).

---

**2** CPS Headquarters should include in the guidance the number of Individual Quality Assessments it expects to be generated during a half day's assessment and should ensure that the proxy target set for each Area reflects that expectation (paragraph 4.22).

---

**3** CPS Headquarters should ascertain what tools are being used in Areas to analyse Individual Quality Assessments data from the Area Performance Managers' reporting tool, and use these to inform the development of the new reporting tools in the Outsystems iteration of the app in order to meet Areas' needs (paragraph 4.25).

---

**4** CPS Headquarters needs to address the security concerns around Individual Quality Assessments data to ensure access for all relevant Area staff where there is a clear business need (paragraph 4.27).

---

**5** Areas and CPS Headquarters need to ensure Individual Quality Assessments are robust, and accurately identify casework standards, with accurate comments and actions to take forward improvement activity (paragraph 5.26).

---

**6** Areas ensure that 10% of all Individual Quality Assessments carried out in each activity are dip sampled, and that each dip sample has comments recording the standard of the IQA by the District Crown Prosecutor and of the work done on the case by the prosecutor (paragraph 5.40).

---



---

7 CPS Headquarters needs to review the guidance and ensure that CPS Areas understand, from the guidance or otherwise, that questions 1 and 2 apply only to requests for early investigative advice not requests for a charging decision (paragraph 5.44).

---

8 CPS Headquarters introduces a bespoke set of questions for disclosure, which District Crown Prosecutors can complete where necessary, to record in much greater detail the issues with all aspects of the police and CPS handling of unused material (paragraph 5.50).

---

9 CPS Headquarters and Areas ensure that corporate messages regarding Individual Quality Assessments reach all relevant staff, including those whose work is being assessed, and that communication builds greater understanding of and engagement with IQA (paragraph 6.12).

---

1.8 We invite the CPS to consider:

---

1 Whether it is appropriate to mandate an assessment of District Crown Prosecutors to show that they have reached a minimum level of competency before they are permitted to carry out Individual Quality Assessments on live cases. Areas should deliver training or other awareness-raising to staff whose work is being assessed (paragraph 4.15).

---

2 Requiring Individual Quality Assessments in case progression to take place in, for example, the month before trial for Crown Court cases or the fortnight before for magistrates' courts trials, to ensure that as much as possible is gleaned from the IQA (paragraph 5.31).

---

3 Expanding the registration categories to include domestic abuse, other serious sexual offences, and the various categories of hate crime (paragraph 5.42).

---

4 Whether it should record the defendant's protected characteristics, where the information is available (paragraph 5.42).

---

---

## **Strengths and good practice**

**1.9** We identified the following strength:

---

**1** The commitment by CPS Headquarters, especially the Director of Legal Services, Compliance and Assurance Team and Performance Management Unit, to refreshing Individual Quality Assessments, establishing clear governance and providing Areas with the tools to carry out IQAs and use them to analyse casework quality (paragraph 4.9).

---

**1.10** We identified the following good practice:

---

**1** The use of base data from the Area Performance Managers' reporting tool to produce bespoke reports on Individual Quality Assessments that meet the Area's needs, support casework quality committees and simplify understanding of the data (paragraph 5.4).

---

**2** Areas have been using Individual Quality Assessments questions and guidance to develop or improve review templates for prosecutors (paragraph 5.6).

---

**3** The undertaking of Individual Quality Assessments consistency exercises (paragraph 5.10).

---

**4** Using Individual Quality Assessments to ensure that prosecutors accurately complete the section on the case management system relating to police file quality (paragraph 5.27).

---

## 2 Introduction

---

### Background and context

**2.1** In March 2010, the Director of Public Prosecutions published a set of Core Quality Standards for the Service. They came about after a consultation exercise, which began with the publication of draft standards in July 2009. They were devised to tell the public about the standards they could expect from those who prosecute on their behalf and to set out for CPS staff what was expected of them. The standards, supported by guidance within the CQS document, were supplementary to other legal and policy guidance issued to CPS staff, all available on the CPS website.<sup>1</sup>

**2.2** Also in 2010, the CPS introduced a mechanism by which they could assess compliance with the standards. This scheme, CQSM, was a process by which CPS managers assessed the quality of casework on a dip sample of case files. It and the standards were linked to other key performance measures. These were significant steps forward for the CPS in its management of casework and performance. We inspected CQSM in 2011-12<sup>2</sup> (report published March 2012) and found that it was more effective and authoritative than its predecessor, CQA.

**2.3** The Core Quality Standards were revised and re-named Casework Quality Standards in 2014.<sup>3</sup> In October 2014 IQAs were introduced to replace CQSM, which had lost credibility. IQA was designed to assess compliance with the CQS by evaluating casework and advocacy conducted by individual prosecutors, rather than by assessing the work done on the case as a whole. It therefore focused on four key stages of individual contributions to a case: advice, charging and review, case progression, and case presentation. The data was not collected for the first quarter following its introduction (October to December 2014). It was, however, collected for the last quarter of the 2014-15 business year and, at the latest, IQA was fully rolled out by the start of the 2015-16 business year.

**2.4** Since then, our work on Area-based and thematic inspections has highlighted a variable approach to IQA, which led to our decision to inspect its operation in CPS Areas (but not specialist casework divisions or Complex Casework Units).

---

<sup>1</sup> [www.cps.gov.uk](http://www.cps.gov.uk)

<sup>2</sup> *CPS Core Quality Standards Monitoring Scheme*; HMCPSI; March 2012.

<sup>3</sup> [www.justiceinspectorates.gov.uk/hmcpsi/inspections/cps-core-quality-standards-monitoring-scheme-thematic/](http://www.justiceinspectorates.gov.uk/hmcpsi/inspections/cps-core-quality-standards-monitoring-scheme-thematic/)

<sup>3</sup> [www.cps.gov.uk/publication/casework-quality-standards](http://www.cps.gov.uk/publication/casework-quality-standards)

## **Inspection objective and criteria**

2.5 The objective of the inspection was:

*To ascertain and report on whether IQA is fit for purpose, whether it is being undertaken as envisaged and whether it is driving improvements in advice, review and case progression. The use of IQA to assess advocacy quality is outside the scope of this inspection; we consider it would be better undertaken as part of an inspection of advocacy.*

2.6 To help us achieve this objective, we drew up a set of inspection criteria, which are listed at annex A. The report sets out our findings in respect of the inspection criteria, although for conciseness, in the report we have brigaded the evidence relating to some criteria together.

## **Methodology**

### **Case examination**

2.7 Inspectors examined IQAs for each of the 14 geographical CPS Areas and CPS Direct, up to ten for advice, and ten each for charging and review, and case progression. We did not examine assessments carried out on case presentation, because we were unable to view the advocacy and make an independent assessment. The IQAs we selected came from a mix of teams and included Rape and Serious Sexual Offences (RASSO) cases, but not those from specialist casework divisions or Complex Casework Units.

2.8 We endeavoured to select IQAs that were as recent as possible (ideally from September to December 2017), but the low numbers in some Areas meant that on occasions we had to select some dating back to earlier in 2017, or in 2016. Not all the Areas had ten advice IQAs recorded for us to assess, so where that was the case, we assessed all the available ones. We selected at least three rape cases for each Area and endeavoured, where the information recorded enabled us to do so, to get an equal number of magistrates' courts and Crown Court cases, but the selection was otherwise a random one. The total number of IQAs we examined was 444.

2.9 For each assessment, we determined whether we agreed with the answer recorded ("fully met", "not met", "not met other", or "not applicable"), the reasons recorded for any "not met" answers, and any comments and actions noted. We assessed whether the answer given by the Area was too lenient, too robust, ought to have been "not applicable" or was wrongly marked as "not applicable". We also used the Areas' answers and ours to produce comparative ratings for casework. We refer at the relevant parts of the report to the key findings from this examination, which can also be found at annex B.

---

## **Other methodology**

**2.10** We selected six Areas for fieldwork, which took place in November and December 2017. The Areas were chosen to represent a range of casework ratings against CPS levels of ambition and the number of IQAs Areas were conducting. In advance of the fieldwork, we were supplied with key documents by the six Areas and CPS Headquarters. We reviewed those documents alongside data from IQAs for the Areas and the CPS nationally (which we have analysed), and other CPS performance data. We set out at annex C the analysis we have done based on CPS IQA data, which is also to be found in relevant parts of the report; the data is as at 31 December 2017.

**2.11** In the Areas visited, we held focus groups with the District Crown Prosecutors (DCPs) who carry out assessments and interviewed Deputy Chief Crown Prosecutors (DCCPs) and Area Performance Managers. Where they conduct dip samples, we also interviewed Senior District Crown Prosecutors (SDCPs). We spoke to relevant staff in CPS Headquarters, including the Director of Legal Services, and staff in the Compliance and Assurance, Performance Management and Learning and Development teams.

**2.12** We conducted a survey of staff in the Areas visited whose work is assessed using IQA. Several of the people completing the survey proved to be those carrying out IQAs or other senior managers, who were not our intended responders. Where the data is quoted from the staff survey, it is with their answers discounted, but we have taken note of their comments as part of the evidence more generally. The results of the staff survey can be found at annex D and there is a glossary at annex E.

**2.13** We reiterate our thanks to all in the CPS who assisted with this inspection.



## 3 The Individual Quality Assessments scheme

---

### The purpose of IQA

3.1 The latest guidance issued by the CPS (version 11, August 2017) sets out the purpose of IQA as: *“to assess the extent to which the CQS [Casework Quality Standards] are being delivered and enable managers to provide advice and support to improve the quality of casework delivered by the CPS”*. The guidance also says IQA provides *“a framework within which managers and their staff can work together to improve the quality of the service we provide. In the challenging environment within which we now work, quality needs to combine with resource and efficiency measures. Making proportionate and responsive decisions and managing risk will enable progression and presentation work to be undertaken effectively.”*

### The assessments

3.2 IQAs are carried out by each Area’s DCPs on the prosecutors in their teams. There are four different activities that fall to be assessed: advice work, charging and review decisions, casework preparation and case presentation.

3.3 The number of assessments per year per member of the team varies depending on the team and work done:

- for non-advocacy roles in a RASSO team there is one assessment every two months for each individual
- for non-advocacy roles in a Complex Casework Unit or central casework division, there is one assessment every month for each individual
- for non-advocacy roles in all other teams, there are four assessments each year for each individual
- for all advocacy roles, there is an assessment on two occasions each year for each individual, one of which must relate to a contested case.

3.4 Each assessment is of a half day’s work on a particular activity so, for example, the IQA may cover a half day of advocacy in a magistrates’ court list of not guilty anticipated plea cases (NGAPs), a half day of advocacy in the Crown Court conducting Plea and Trial Preparation Hearings, or of a half day based in the office carrying out reviews of NGAP cases. In some instances, such as RASSO review or Crown Court trial, one half day’s work may equal all or part of one case, but in others, the assessment of a half day will be of more than one case, so ought to generate more than one IQA record.

3.5 The guidance requires IQAs to be recorded on the same day or the day after they have been carried out. The assessment does not need to be carried out as the work is being performed, but the cases must be live and recently worked on. Live and recent cases are stipulated to enable prompt remedial action to be undertaken if the IQA identifies it as necessary. This is one of the significant changes from the scheme’s predecessor, CQSM, where there was no such restriction or expectation.

**3.6** The DCP records their assessment using an online application (the app) designed for the purpose, and records an answer of “fully met”, “not met”, “not met other” or “not applicable” for the questions relevant to the activity being assessed. “not met other” is designed for cases where the casework quality standard is not met, but the reason for it being so does not relate to the individual being assessed. The examples given in the guidance include failures or omissions by another agency or party (such as the police, court or defence) which the individual being assessed could not have taken steps to avoid.

**3.7** There are two questions relating to advice work (Q1 and 2), six for charging and review (Q3-8), nine for case progression (Q9-17) and 11 for case presentation (Q18-28). We list the questions in annex F. Where the DCP marks a question as “not met”, they also record one or more reasons for their finding. The guidance requires that a DCP must record a comment where the answer is “not met” or “not met other”, but also encourages the recording of comments where the answer is “fully met” or “not applicable”. The guidance sets out general factors to be considered when deciding on the answer and specific factors relevant to each question.

### **Feedback**

**3.8** DCPs are required to give feedback in cases where an individual’s work has been assessed as not meeting the required standard and are strongly encouraged to do so when they identify positive aspects. Where action is required, this must be recorded on the IQA, which cannot be closed on the app until the action has been marked as taken.

**3.9** The purpose of feedback, the guidance states, is to concentrate on changing and improving performance. The guidance cites the relevant part of the Civil Service staff skills framework, which says: *“At senior levels, this is about creating and contributing to a culture of innovation and allowing people to consider and take managed risks.”* The guidance continues: *“Change and improvement will not be made if feedback is solely critical or punitive.”*

**3.10** Feedback is required to be given as soon as practicable and, in any event, within five working days of the assessment taking place. The app generates an email to the individual whose work has been assessed where the DCP has marked the IQA as requiring further action, with the email sent 24 hours after an IQA has been recorded. If the action is marked as already undertaken, no email is generated. The delay of 24 hours was introduced after feedback from users that there was an adverse impact on prosecutors who received the email before their manager had had the opportunity to speak to them.

**3.11** For the first time, the August 2017 guidance contained information for DCPs on how to give constructive feedback and suggested using reflective practice, a management tool for helping people learn from experience. One possible model for reflective practice was included.



### **Dip samples**

**3.12** DCCPs are tasked with carrying out dip samples of the IQAs carried out by the DCPs in their Area. In some Areas, the Senior District Crown Prosecutor(s) (the tier of legal manager between DCP and DCCP) carry out dip samples as well. There is no element of re-marking of the questions involved in a dip sample; instead the app provides a free text box for the DCCP to make comments. The app also records the date that the DCCP's dip sample is done. There is no reference to dip sampling in the guidance.

### **Data gathering and reporting**

**3.13** The app records data for the IQAs and, in the past, provided a reporting function. Since August 2017, data analysis has been by means of a separate reporting tool, which draws on the data from the app and which we discuss in chapter 4.



## 4 Individual Quality Assessments at national level

---

### Leadership and governance

**4.1** IQA was introduced in October 2014, but was not fully operational straight away. The first three months were set aside for testing and data from assessments was not collected. Revisions were made as a result of feedback, most notably to the assessment length for case progression and case presentation, which was reduced to half a day's work instead of a full day. Data was collected from the fourth quarter of 2014-15 and by the start of the business year 2015-16 IQA was fully rolled out. The intention was that Areas, rather than CPS Headquarters, would lead on IQA and it would be driven locally by the DCCPs. As a result there was no national governance established. However, a DCCPs forum was created which continues to meet monthly to discuss IQA, amongst other things. At the outset, there was no role for Area Performance Managers (APMs).

**4.2** IQAs were recorded by DCPs on the app, hosted in a CPS workspace or dedicated KIM site. Across the next two years, there were occasional upgrades made to the app in response to feedback from those who were completing assessments on and extracting data from it. 'Webinars' were used to explain some of the changes. Some aspects of the app's functioning were not remedied and continued to cause frustration to those using it. There was still no national governance, nor structured expectations for Areas above and beyond those setting out the operation of the scheme itself.

**4.3** In mid-2016, the Director of Legal Services (DLS) and Headquarters' Compliance and Assurance Team (CAT), began to revisit IQA, especially the governance arrangements. This led to a sustained and detailed programme of work on all aspects of IQA, including the operation of the scheme, support for managers and data management. The programme of work was structured and managed well, with a clear schedule of tasks that needed to be undertaken and regular updates to the programme document.

**4.4** From mid-2016, the DLS has been engaging with DCCPs and CCPs at various fora, seeking to engender the necessary cultural shift from IQA being simply a process to it being an integral part of casework quality management. In July 2017 a video was circulated to Areas, in which the DLS talked of the importance of IQA to improving casework quality. The programme culminated the following month in the delivery of a refreshed IQA, with a revised governance structure, revised guidance and a new tool to analyse the data.

**4.5** Governance now sits firmly with the DLS, supported by a national lead (a DCCP with policy and training experience) and DCCPs. CAT support the DLS, and it and the Performance Management Unit (PMU) engage with APMS, including CAT attendance at national APM meetings (chaired by PMU) when IQA is on the agenda. The governance arrangements also incorporate the Learning and Development and the CPS's Digital Technology Services (DTS) teams. There is a strategy and governance paper, which covers the roles of the various

teams and sets out clear arrangements for governance, compliance, and assurance and accountability. DCCPs retain responsibility for ensuring that IQA takes place, using dip samples to ensure it is carried out robustly and consistently in their Area, although in some Areas SDCPs also dip sample. The Areas' casework quality committees or boards are expected to consider IQAs as part of their standing agenda. CAT and PMU provide data to the DLS for use in his and the Director of Business Services' (DBS) quarterly Area Performance Reviews (APRs) and CAT adds to their existing role of casework quality analysis that for IQA compliance and assurance. CAT have also produced data for Areas on the numbers of dip samples undertaken and recently have been pushing for open records on the system to be closed, which will improve the data integrity.

**4.6** The revised guidance is more comprehensive and clear, including sections dealing with how to give feedback, as well as how the scheme operates and how to answer the questions. Supporting the guidance are several other documents, such as the strategy and governance document, guides to using the app and the role of DCCPs in assessments.

**4.7** There have been consistent and ongoing complaints from users about how the app works. Issues include problems locating completed or open IQAs, which can be stored in several places, the app 'losing' assessments, having to record the same basic information for one case if completing more than one activity (such as charge and review, and case progression), and the slowness with which the app refreshes as IQAs are being registered. Some of the apparent problems with the app are as a result of it not being user-friendly, rather than inherent flaws, and Headquarters has provided guides on the IQA KIM site to assist. Headquarters also deals with queries through a frequently asked questions section and individual webinars with users experiencing difficulty.

**4.8** Headquarters has maintained a log of feedback from users and has endeavoured to make changes where possible, and where a clear business need can be identified for changes that incur a cost. Changes to the app's functioning were considered as part of the August 2017 refresh, but the CPS Digital Technology Services team (DTS) are engaged on a significant piece of work to move all CPS applications to a new platform (Outsystems), so the decision was taken not to undertake any development for existing applications that was not business critical. The move to Outsystems is underway as we write and CAT is in discussions with DTS regarding the changes they would like to see made to IQA, including the app and how to extract data from it. Those changes are likely to include further modifications to the question set, the reasons where a piece of work falls below the expected standard, and the guidance. One welcome change will be to ensure that the app is tied to the business year instead of the calendar year. In the meantime, users will have to continue to manage with an app that many described as "*clunky*".

**4.9** We provided CAT with early emerging findings from this inspection as they related to the software, in the hope that changes the CPS chooses to adopt as a result of this report could dovetail with the other developments CAT are discussing with DTS. Taking possible revisions forward is now the focus of the DLS and CAT's programme of work on IQA. It continues to be structured and has involved engaging with DTS and consulting DCCPs, for example on possible changes to the IQA questions and reasons recorded where the work does not meet the required standard.

### Strength

The commitment by CPS Headquarters, especially the Director of Legal Services, Compliance and Assurance Team and Performance Management Unit, to refreshing Individual Quality Assessments, establishing clear governance and providing Areas with the tools to carry out IQAs and use them to analyse casework quality.

## Training, learning and development

### Training on IQA

**4.10** When IQA was introduced, DCCPs were invited to two workshops to learn about the scheme. The expectation was that they would cascade this information to SDCPs and DCPs in their Area. There has been little formal national training specifically on IQAs since, either for managers undertaking them or for staff whose work is assessed. The governance arrangements put in place in August 2017 allocate training to DCCPs in Areas. IQAs are discussed as part of new prosecutors' induction and the Advocacy Strategy Group has recently signed off on IQA training for advocacy managers. There is also a hope in the CPS that external advocacy assessments will incorporate the IQA questions.

**4.11** There have been some other activities organised centrally. Webinars were held for DCCPs and APMs on how to use the app and to explain updates and changes, and instructional videos and help sheets have been loaded onto the IQA KIM site. Webinars were also held to explain to DCCPs how to complete dip samples, but these were process-focused, rather than principles or guidance on what to look for.

**4.12** One of the Areas requested some input from CAT on IQA, which the IQA champion (a DCCP) and CAT delivered by way of a day's workshop to three Areas in one group. Another Area has since hosted the same workshop and CAT is now rolling out a programme of Area support days based on a similar agenda. The agenda is not all based on IQA; it covers information on CAT's work and data, and task management on the case management system (CMS). However it also includes an afternoon session on IQA, including the use of a case study to assist in understanding the guidance and how to mark questions. There is no expectation from Headquarters that standardisation or consistency exercises ought to be

---

conducted in Areas, or guidance on how to conduct them. The only consistency work delivered nationally so far is the use of the case study by CAT during their visits to a few Areas as part of a programme of visits to all Areas, which we are informed is due to be completed by the end of 2017-18.

**4.13** Since IQA was introduced there have been significant changes at management levels across the CPS and, within the last year to 18 months, a number of DCPs, SDCPs and DCCPs are new to their roles. There is no formal induction for them and the CPS management development programme does not cover IQA. Whilst there has been some local training, which we discuss in chapter 5, this inspection shows that there are gaps in the knowledge of aspects of IQA at all levels, which must be tackled if the scheme is not to go the way of its predecessors. With new developments imminent with the rollout of Outsystems, the time is ripe for a national training programme for DCCPs, SDCPs and DCPs. The training should include standard setting exercises and guidance on how Areas can continue the process of ensuring consistency.

**4.14** DCPs who take on their role after the training has been delivered should not conduct IQAs until they have received similar training from their DCCP or SDCP.

**4.15** We *invite the CPS to consider* whether it is appropriate to mandate an assessment of District Crown Prosecutors to show that they have reached a minimum level of competency before they are permitted to carry out Individual Quality Assessments on live cases. Areas should deliver training or other awareness-raising to staff whose work is being assessed.

**4.16** APMs have received no specific guidance on their role in IQAs, nor are the assessments covered in their job standards, although the IQA governance document sets out briefly their role and what to include in monthly reports. APMs would benefit from training, particularly on how to use the data from the APM reporting tool (or its replacement in Outsystems) to best effect, and how IQA can be used alongside other performance information. The lack of explicit links between IQA data and other key performance indicators, such as the high weighted measures the CPS uses, is an unhelpful departure from its predecessor, CQSM.

### Recommendation

A national training package should be developed and delivered to designated leads or trainers from each Area, which the leads or trainers should then deliver locally in their Areas to all relevant staff. This includes those who are assessed.

---

### **Training and development needs identified from IQA**

**4.17** At the outset in 2014, the expectation was that CPS national training needs would largely derive from issues and trends coming out of IQA, but the slow take-up and poor identification of themes at earlier stages made that unrealistic. Headquarters provided a guide in 2016 (which has since been updated) which makes suggestions for courses and other learning opportunities to assist line managers who have identified development needs amongst their prosecutors. The expectation, from August 2017, is that training needs identified in Areas by IQAs will be referred to the DCCP forum, then discussed with DTS and Learning and Development. The governance arrangements also envisage that lessons learned from IQA which impact on national policy or performance, and any good practice to be disseminated, will flow via the DCCPs forum. However, the relatively recent refresh of IQA and the lull that preceded it means that there is little evidence of the forum delivering the expected outcomes. We have identified instances of good practice during our visits to Areas, but have seen little evidence of good practice being shared nationally.

**4.18** PMU compiles reports on how many cases have “fully met” answers for the IQA dashboard and CAT reports on the reasons for “not met” answers for the DLS and DBS’s quarterly APRs. Recently CAT has analysed data, focusing on those questions with a high or increasing number of “not met” answers in the first two quarters of 2017-18 and using the reasons recorded by DCPs to identify themes and links to the findings of other work streams. This has resulted in actions such as trialling a new template for reviews in not guilty anticipated plea cases in one Area in an effort to improve a number of aspects of case preparation.

### **Data and performance management**

#### **Baseline assessment**

**4.19** Early in the life of IQA CAT carried out a baseline assessment of about 700 files, with the intention that it would be repeated the next year (2016-17) to measure progress in casework standards. The results were supplied to DCCPs but there was no follow-up assessment of files nationally. At the time, CAT was also trying to deal with considerable challenges around the implementation and assurance processes for two significant national, multi-agency initiatives, Transforming Summary Justice (TSJ) and Better Case Management (BCM). The intention at the time of the August 2017 refresh was to use key data from the baseline exercise to compare with current casework analysis, but this is not now going to take place. We consider that a lost opportunity. A number of the questions have changed over time, but many remain the same or similar, so a progress check is still possible and would provide a useful indicator to the centre and Areas as to what progress has been made.

---

### **The proxy target**

**4.20** Despite the length of time IQA has been running, there are still some Areas that have not completed enough assessments consistently to identify Area-wide themes or trends from it. As a result of the low numbers being completed when IQA was being revisited, the decision was taken to set a proxy target for the number expected, and to hold Areas to account for completing at least that many. Proxy targets are set for the office-based activities (advice, charging and review, and case progression) and for court-based (case presentation) so each Area has two proxy targets. The targets were devised by PMU, using staff in post information for each Area. That comes with an inherent drawback; PMU does not necessarily know which prosecutors are tasked to which activities, so it can only be a rough guide at best. The more serious flaw is that it sets the target based on one IQA assessment every month or two months etc, depending on what role the prosecutor has, whereas the guidance anticipates assessment of half a day's activity. The latter ought to generate, in many instances, more than one assessment. The proxy target therefore significantly underestimates the number of IQAs that ought to be completed, possibly by as much as a factor of three or four. This caveat underpins all our discussions of progress against the proxy target in chapter 5.

**4.21** One Area is already using its staff numbers to calculate its own proxy targets for the DCPs which is commendable, but it, too, has understated the numbers required because of the misunderstanding surrounding a half day's work.

**4.22** The CPS has data from its Resource and Efficiency Measures which tell it the average time taken to complete a task and this would help establish what half a day's work is likely to contain in each of the activities assessed in IQA. Using this could better inform a centrally-set target. Alternatively, it would be possible to put the onus on Areas to report the number of staff they have in each role, and therefore the number of people to be assessed under each activity across the year. This has the advantage that the Area is best placed to know who ought to be assessed and how often, but it adds a burden to Areas and comes with an inbuilt disincentive to accurate reporting. However it is achieved, the CPS needs to ensure that the proxy target reflects much more closely the number of IQAs it expects Areas to carry out.

### **Recommendation**

CPS Headquarters should include in the guidance the number of Individual Quality Assessments it expects to be generated during a half day's assessment and should ensure that the proxy target set for each Area reflects that expectation.



---

**4.23** The DLS and DBS receive data on performance against the proxy target in the pack of information produced for quarterly APRs, where the DLS and DBS meet senior managers in each Area. Areas are being held to account for the numbers of IQAs conducted and there are signs that the APRs, as well as other activity to reinforce the need to meet the proxy target, are paying dividends. We discuss the number of IQAs completed in more detail in chapter 5.

### **Producing performance reports**

**4.24** As the CPS recognises, there were issues with extracting data from the IQA app in a way that enabled reports to be compiled in a simple and timely manner and Areas struggled to use the IQA data in any meaningful way. In August 2017 the new APM reporting tool was rolled out, after input from three experienced APMs. This provides much better functionality than the app and enables a much better understanding of what is happening in Areas and nationally. The tool clearly shows how many IQAs have been completed, by whom, on whom and when, and the number of dip samples done. Without drilling down into raw data, it does not show who carried out the dip sample, who did the IQA being sampled, or the person who was originally assessed in the IQA. The APM reporting tool does show the number of “fully met” answers, the questions for which there has been a “not met” answer, and how often each reason for a “not met” is recorded. The tool enables the user to drill down into time periods and units for the numbers done and number of “fully met”, “not met” and “not met other” answers. It is also possible to use the APM reporting tool to view the numbers completed and answers recorded by different DCPs for their team members.

**4.25** Whilst the APM reporting tool is a significant advance, it has a notable drawback, in that it cannot generate reports comparing any of the data recorded. This means it is not possible from within the tool for an Area to produce a table showing results for any of the data from different DCPs, units, or time frames. The tool allows access to the records that sit behind the reports, which means that other analysis can be done, but it requires additional work to produce that in a format that can be readily understood and from which meaningful information can be gleaned. Examples of the data which can be gleaned after manipulation are the data analyses we did, which are at annex C. Some Areas are preparing good quality analysis from the data in the APM reporting tool, which we discuss in chapter 5.

### **Recommendation**

CPS Headquarters should ascertain what tools are being used in Areas to analyse Individual Quality Assessment data from the Area Performance Managers’ reporting tool, and use these to inform the development of the new reporting tools in the Outsystems iteration of the app in order to meet Areas’ needs.

---

**4.26** Other functionality that would be helpful in the APM reporting tool or its successor are to be able to extract comments (access would need to be limited to certain roles to preserve confidentiality), and to compare the numbers done against proxy targets for IQAs and dip samples. The latter is a recommendation set out below.

**4.27** Access to the APM reporting tool is restricted to APMs, owing to concerns about data protection and security. Clearly, there are sensitivities when individuals' performance on cases is being assessed, but this is not the only scenario in which Area staff have access to sensitive information which they need in order to carry out their role effectively. We consider that, as a minimum, APMs, Area Business Centre Heads, DCCPs, SDCPs and DCPs should be able to access the IQA data for those teams or parts of the Area business that fall within their purview. Where other personnel are engaged and wish to have access to the data, as long as their access fulfils a clear business need, this should also be facilitated. Wider access to the data should be used to encourage greater engagement with the IQA process and what can be learned from it.

### Recommendation

CPS Headquarters needs to address the security concerns around Individual Quality Assessment data to ensure access for all relevant Area staff where there is a clear business need.

### Data for Area Performance Reviews

**4.28** The performance pack in support of the quarterly APRs contains data on the number of IQAs done against the proxy target for office-based and court-based activities. The pack also contains brief information on the percentage of fully met answers for each of the four activities (advice etc). The data pack does not provide any breakdown by question, or make explicit links to other performance data. Our analysis of the IQAs from the first three quarters of 2017-18 (annex C) shows that the ratings for some questions and some of the CPS high weighted measures have declined over that period and others have improved. Linking IQA questions directly to the high weighted measures and data on compliance with TSJ and BCM would enable Headquarters to assess more accurately the results Areas are submitting. This would support appropriate and more forensic challenge in APRs. We were told that the links between IQA outcomes and other data are explored robustly at the meetings, but there is clearly scope for the discussions to be better supported by detailed analysis of the outcomes for each question, and the themes identified in the reasons used by DCPs where work falls short, with links to other relevant performance data in the APR pack. Parts of this will be easier to achieve if new reporting tools are established as we recommend.

## 5 Individual Quality Assessments in CPS Areas

---

### Area governance

5.1 DCCPs lead on IQAs in Areas and, more recently, there has been an expectation by Headquarters that the casework quality committees or boards (CQCs) will play a central part in managing casework quality through the robust use of IQAs. It was apparent from the documents we received from Areas visited that the extent and depth of the discussion varies. The feel that IQA has of being a fairly new initiative is apparent most in the Areas where not enough assessments have been done to identify themes and trends. In those Areas, the discussion focuses much more on increasing the numbers conducted, with only very recent and/or ad hoc discussion of issues identified.

5.2 Where Areas are further ahead in carrying out IQAs and have therefore achieved a useful data set, discussions are able to dig down into, for example, which questions are demonstrating the greatest need for remedial action, how to tackle the problems and any training needs identified. Even in those Areas, the detailed work has been slow to become embedded when compared to the length of time since the scheme was introduced. It is apparent, though, that more recently corporate messages in Areas about the importance of robust IQAs are being delivered to and heard by DCPs.

5.3 Often the information for the CQC is in the form of reports by DCPs on the IQAs they have undertaken each month. We saw a mixed standard of these reports and some that were missing altogether for the relevant meeting. Some reports contained information on the number undertaken, with nothing on any issues identified, and others were more detailed. There is limited evidence of this information being drawn together in a structured way. Only one of the Areas we visited had a formal IQA action plan, which is discussed at the CQC, although other Areas have incorporated learning from assessments into wider-ranging casework quality plans.

5.4 Some CQCs are supported by good quality information from the APM or Business Centre. In one of the Areas we visited, CPS Thames and Chiltern, we were shown a report produced by the Head of Business Centre using data extracted from the APM reporting tool. This gives the progress by each DCP against the proxy target, using Area numbers of staff in each team (but still with the incorrect assumption regarding half day assessments). It also shows the number of “fully met” answers for each question, broken down by DCP and teams, enabling easier comparisons of casework quality and, potentially, robustness. This enables the CQC to review at a glance both the numbers done and the standard of casework IQAs is telling them exists across the various teams. We were told of two other Areas we did not visit that are also using base data from the APM reporting tool to analyse IQAs according to the Areas’ specific needs.

---

### Good practice

The use of base data from the Area Performance Managers' reporting tool to produce bespoke reports on Individual Quality Assessments that meet the Area's needs, support casework quality committees and simplify understanding of the data.

**5.5** It is evident that IQA is delivering improvements in aspects of casework. Some of the examples apparent from the documents supplied or cited in interviews included:

- comments from the judiciary about errors in indictments led to them being targeted in IQAs, with feedback where appropriate, and the judiciary reported they had seen improvement
- IQA identified that witness summonses were not being considered properly in magistrates' court teams, so the Area asked staff what would help, ran workshops and tasked review lawyers to cover trials. Improvements were noted in the next round of IQAs
- IQAs showed a DCP that their team were not being robust in making decisions at the magistrates' courts first hearing, so they brought the team together to discuss the impact they could have on important measures such as the guilty plea rate at first hearing. The DCP saw an improvement in decisions at court as a result.

**5.6** In another development that we identify as good practice, a number of Areas have developed their own review templates, including one in CPS Thames and Chiltern that cites key parts of the IQA guidance in the template to help focus the minds of prosecutors when conducting their reviews.

### Good practice

Areas have been using Individual Quality Assessments questions and guidance to develop or improve review templates for prosecutors.

**5.7** A number of Areas have introduced objectives for DCPs on the number of IQAs to be completed, but we heard some hesitation that this may focus attention on process rather than quality. One DCCP is discussing with their team introducing quality objectives for the SDCP role.

## Staff training

5.8 When IQA was introduced, there was no centrally organised training of staff who would be conducting the assessments, or of those whose work was being assessed. The expectation was that DCCPs would cascade the training they received when IQA began. Since then, however, there have been significant changes at a number of management levels across the CPS and, within the last year to 18 months, a number of DCPs, SDCPs and DCCPs who are new to their roles. We discuss national training further in chapter 4 and recommend that formal training is rolled out for those engaged in carrying out and dip sampling IQAs, and for Area Performance Managers.

5.9 In Areas, some staff have been trained either by attending national training or webinars, or by training being cascaded by more senior managers to individuals as they take on a DCP role. Training has not generally been provided for those whose work is assessed; in our staff survey, only 4.3% said they had received training on IQA.

5.10 There is no expectation expressed by the centre that Areas will hold consistency or standardisation exercises, although some have. The latter usually involve managers conducting IQAs on one or more cases separately, then coming together to discuss their scores and findings. These are good practice and ought to be more widely replicated.

### Good practice

The undertaking of Individual Quality Assessments consistency exercises.

## Focused IQAs

5.11 Some Areas have chosen to focus their IQAs on domestic abuse or the disclosure of unused material and this is a sensible use of them to tackle particular issues in casework. Other thematic topics carried out by Areas have included hate crime, the robustness of decision-making at first hearings, compliance with Standard Operating Practices and the application of the merits-based approach in rape cases. In one Area, the thematic IQAs are revisited after a set number of months to check for progress, which is sensible.

5.12 DCPs told us that where they were focusing on disclosure, they still completed a full review of the case and answered the other questions in the activity they were assessing. Our analysis of CPS data shows very few instances where IQAs for case progression had only an answer for the main disclosure question (Q14, although that also covers other procedural aspects), supporting what the DCPs told us.

5.13 We make a recommendation at paragraph 5.50 about steps to support this by adding an optional set of disclosure questions and also (at paragraph 5.41) *invite the CPS to consider* additional sensitive case categories on the registration page.

---

### **The number of IQAs done**

**5.14** IQA guidance issued by Headquarters mandates the number of IQAs to be done, based on the roles of prosecutors in the various teams, as set out in chapter 3. We discuss in chapter 4 Headquarters' development of a proxy target for Areas for the number of IQAs they should be doing. We also discuss in that section our concern that the proxy target significantly under-represents the number that ought to be completed according to the scheme's requirements. That caveat underpins all our discussions of progress against the proxy target.

**5.15** The data shows that Areas started slowly with their IQAs in 2017-18, but have picked up markedly in the third quarter, which is around the time that Headquarters introduced and began comparing Areas' IQAs to the proxy target. This is especially noticeable in office-based activities, where the number completed against the proxy target was almost static between the first and second quarters, with an increase of only 0.7%, but rose much more between the second and third quarters, increasing by 17.4% from 105.8% to 122.5%.

**5.16** The national picture masks significant variations in Areas. Some have been slow to reach the number of assessments they ought to be completing, even with encouragement and monitoring from the centre. The worst Area reached only 62.2% of their proxy target and the best achieved 264.8% (ie completed over two and a half times their target). Eight Areas are currently exceeding their proxy target in 2017-2018; five of those eight have done so consistently every quarter. Six Areas performed worse against their proxy target in the third quarter than they had in the first. CPS Direct (CPSD) has consistently exceeded its proxy target so far this year, reaching 445.0% (or nearly four and a half times their target) in the third quarter. As we explain above, low numbers of IQAs has hampered the ability of some Areas to draw out themes and trends.

**5.17** At first sight, the data would appear to show that Areas completed more IQAs in 2016-17 than they will in 2017-18 when calculated on an average. However, our analysis of the data shows that such a comparison may be misleading. It is apparent that IQAs are not done at an even rate across the month or quarter, and the same may be true for the year. In the three quarters of 2017-18 to date, 40.7% were done in the third month of each quarter, and 45.3% were done in the last third of each month. The Area leaving IQAs the latest in a quarter did nearly three-quarters in the last month and nearly half in the last third of each month. Late completion in a quarter may indicate that IQAs are not being prioritised, and/or that they are not receiving the time they need for a thorough analysis. The Areas with the three worst rates of robustness in our file sample (which we discuss in the next sub-section) all left their IQA completion until late in the quarter, and two of the three most robust Areas completed their IQAs earlier in the quarter. Some Areas are diarising IQAs in advance so as to avoid having to do too many in a rush at the end of the quarter; this is a sensible practice.

---

## Robustness and accuracy of IQA completion

### Robustness

5.18 In our staff survey, 34.8% of responders thought that IQAs were carried out robustly by their Area all or some of the time. A further 13.7% said they were not and the remainder that they don't receive enough information about IQAs to form a view. This is both a positive finding (in that nearly three quarters of the staff who felt able to reach a conclusion thought IQAs were robust) and a less positive one; lacking sufficient information was a common theme in our survey responses and managers have more to do to engage staff in the IQA process.

5.19 Some managers that we spoke to were aware of the impetus shifting from getting the numbers done to ensuring the quality and robustness of IQAs, and that what IQA was telling them did not necessarily correlate with what other indicators of performance showed, which is another indicator of lack of robustness. It was also suggested that some managers lacked confidence in giving constructive feedback, or were reluctant to do so when prosecutors were busy and working hard, so would mark IQAs as fully meeting the required standard to avoid having to do so. The guidance contains help on how to give feedback and the progression of all managers through a formal national management development programme ought also to skill them to carry out this part of their role.

5.20 Comments from staff on a number of our survey questions referred to managers not having recent frontline experience, which staff thought hampered their ability to make a robust assessment. There were also remarks concerning lack of context for the IQAs, or managers' failure to understand the pressures prosecutors face. Staff referred to "*nit-picking*" or looking for things to criticise, or overly detailed assessments. There were fewer positive comments, but clearly some staff found them constructive and do see the value of having feedback on their work on individual cases.

5.21 Our examination of office-based IQAs showed an overly lenient answer by DCPS 12.1% of the time, and overall, the CPS rated itself on casework as 14.3% better than we rated it. This appears worse than the degree of difference we found in the inspection of CQSM in 2012, when we noted an overstatement of performance of 10%. However, our methodology and the schemes both have considerable differences, so comparisons can only be superficial.

5.22 Taking the data nationally, the CPS rated its performance as better than we rated it for all of the 17 questions we reviewed, but this was not true for all Areas. Ten Areas scored one or two questions worse than inspectors did (usually by between 1.1% and 8.3%, with two outliers of 20.0% and 25.0%) and two Areas scored themselves worse on four questions (by between 1.1% and 12.5%).

---

**5.23** Areas and inspectors' assessment of the standard of work were closest for the questions assessing compliance with the Code for Crown Prosecutors<sup>4</sup> (which we discuss below), identifying and setting a strategy for Proceeds of Crime cases, anticipating likely issues, dealing with custody time limit cases, and taking necessary steps to secure victim attendance. In those questions, the variance between Areas and inspectors ranged from 4.0% to 8.9%. The questions where the Areas were most likely wrongly to record a "fully met" answer were those relating to timeliness of advice or review, making and recording reasoned decisions, forming a case strategy, and compliance with procedural obligations (primarily disclosure). The degree of disagreement was 17.2% to 26.5%. Compliance with procedural requirements, which was mostly dealing with disclosure (Q14) generated the greatest disagreement (26.5% difference between "fully met" scores), closely followed by forming a case strategy (Q9, 24.4%). Timeliness of advice (Q2) and review (Q4) generated disagreements of 23.9% and 18.9% respectively.

**5.24** The degree of disagreement in respect of disclosure issues is of particular concern in the light of the findings of the joint inspection report on the disclosure of unused material.<sup>5</sup>

**5.25** Rape is the only sensitive case category recorded when registering an IQA. In rape cases, DCPs tended to be more robust in assessing the quality of advice and charging and review decisions, with the exception of the timeliness of advice, where DCPs scored the work as 26.6% better than did inspectors. There was no disagreement between DCPs and inspectors on four questions in rape cases: the treatment of victims and witnesses, anticipating likely issues, managing custody time limits and victim participation. In the cases of digitally recording decisions and communications with victims, DCPs scored the work less well than we did.

**5.26** For all categories of case, in questions relating to timeliness inspectors marked the question as "not met other" much more often than did DCPs. In some of these cases we also saw comments recognising that delays had occurred, but that they were not the fault of the individual being assessed, alongside an answer of "fully met". This clearly indicates that some DCPs do not understand the purpose of the "not met other" option, a finding that is supported by interviews with staff carrying out or dip sampling IQAs. This is despite the guidance explaining clearly the use of "not met other". Together with accurate comments, proper use of the option would enable Areas to identify issues with, for example, any delay in the triage of cases received from the police, or the standard of the police file, which could help drive improvements internally and with partners.

---

4 *Code for Crown Prosecutors*; CPS; January 2013.  
[www.cps.gov.uk/publications/code\\_for\\_crown\\_prosecutors/](http://www.cps.gov.uk/publications/code_for_crown_prosecutors/)

5 *Making it Fair: The Disclosure of Unused Material in Volume Crown Court Cases*; HMCPSI and HMICFRS; July 2017.  
[www.justiceinspectorates.gov.uk/hmcpsi/inspections/making-it-fair-the-disclosure-of-unused-material-in-volume-crown-court-cases/](http://www.justiceinspectorates.gov.uk/hmcpsi/inspections/making-it-fair-the-disclosure-of-unused-material-in-volume-crown-court-cases/)



## Recommendation

Areas and CPS Headquarters need to ensure Individual Quality Assessments are robust, and accurately identify casework standards, with accurate comments and actions to take forward improvement activity.

**5.27** We were told that when they were doing IQAs, some DCPs were noting whether the prosecutor had accurately completed the section on CMS for police file quality, which is not mandated or suggested by the guidance but is good practice. We also saw instances in our file sample which confirmed this was taking place.

## Good practice

Using Individual Quality Assessments to ensure that prosecutors accurately complete the section on the case management system relating to police file quality.

**5.28** DCPs are generally good at determining when questions apply. We recorded only 4.5% of cases where DCPs marked a question as “not applicable” when it ought to have been answered substantively, or vice versa.

### Timing of the IQA

**5.29** Another common example of failure to follow guidance was the use of finalised cases. Live cases are mandated in order that any errors or omissions can be rectified before it is too late. However, in the file sample for the Areas we visited, about a third of cases had been finalised before the IQA was carried out. Typical examples were pre-charge decisions that there should be no further action, decisions to discontinue that were being reconsidered under the Victims’ Right to Review (VRR) scheme, cases with adverse outcomes (such as a Judge directed acquittal), and those with a complaint. Where a case is being reviewed by a DCP for another purpose, such as VRR or a complaint, it can be efficient to conduct an IQA at the same time, albeit this is not compliant with the guidance. Interestingly, the DCPs to whom we spoke in the Areas were unaware of the extent to which they and their colleagues completed IQAs on finalised cases and expressed a preference for live cases, specifically for the reason they are mandated: to be able to set them back on track if need be.

**5.30** We noted many instances in the files we examined of IQAs being done in circumstances or at a stage when little could be gleaned from them, or where postponing the assessment would have enabled a fuller and more rounded one to be carried out. Although this would have almost certainly meant more time would have been needed to assess the case properly.

Examples included assessments after a guilty plea had been taken, or case progression immediately after the case had been set down for trial in the magistrates' courts. Perhaps the most common was in Crown Court cases, conducting the IQA for case progression immediately after service of the prosecution case. At that stage there has been no defence statement, so little opportunity to address how well disclosure has been undertaken beyond the most straightforward stage. Witness issues and other problems also usually emerge closer to the trial date, so how well these are handled cannot fully be identified if the IQA is done very soon after the not guilty plea is entered. In a few instances, we saw IQAs done around the time of the post-sending review, when not even service of the prosecution case had taken place.

**5.31** The CPS may wish to revisit its decision to mandate the use of only live cases, and we also *invite the CPS to consider* requiring IQAs in case progression to take place in, for example, the month before trial for Crown Court cases or the fortnight before for magistrates' courts trials, to ensure that as much as possible is gleaned from the IQA.

### **Compliance with the Code for Crown Prosecutors**

**5.32** Code compliance was the question that generated least disagreement between Areas and inspectors, unlike when we inspected CQSM in 2012. In our file sample of 120 cases, there were 20 featuring a failure to comply with the Code for one or more of the charges or defendants. This gives a Code test failure rate of 16.7%, which is higher than that seen in Area-based inspections we have undertaken recently. However, with many cases still being live at the time we examined them, we could not record results for them. This means we cannot quantify for this file sample the proportion of unsuccessful outcomes, which are more likely to generate Code test failures, or how that would compare to our standard Area-based file examination samples.

**5.33** Areas recognised the failure to comply with the Code in 17 of the 20 relevant cases (85.0%), which is a highly commendable improvement on the recognition rate of 25.0% that we recorded in the CQSM inspection in 2012. There were only three cases with a Code test failure that Areas did not identify and address. One was a live case in which a different lawyer had already discontinued the charge for which there was insufficient evidence. The second case had already been finalised (no evidence offered) by the time it was subject to an IQA, and in the third the DCP who conducted the IQA had at the same time overturned the decision not to charge three assaults after an appeal by the police. Of the 17 cases Areas identified, 13 had been finalised before the IQA was carried out, either completely or in relation to the part of the case involving the Code test failure, three in successful submissions of no case to answer. Two of these were cases that had been wrongly discontinued. Two cases were proceeding to trial with the flawed decisions corrected before the IQA was done, leaving just two cases where the IQA intervention led to the flaws being corrected.

## Use of reasons

**5.34** Each time DCPs mark a question as “not met”, they are required to record one or more reasons. Each question has its own set of reasons, including an “other” option. When we examined the IQAs we recorded whether the use of each reason was correct. We agreed with the use of reasons in 39.7% of relevant instances, but thought that a reason ought to have been recorded when it was not in 48.2% of relevant instances. Many of these instances were because the DCP had marked the question “fully met” and inspectors had marked it “not met” or “not met other”. There were very few instances (4.3%) in the sample when we saw reasons used that we thought did not apply and slightly more (7.9%) where the reason(s) used misidentified the failing in the work.

**5.35** When we analysed by the type of reason used when marking work down, we found a notable difference between the use of “other” compared to the use of the rest of the available reasons. Of the instances where we disagree with the use of a reason, in the file sample as a whole, we found that 88.6% were where reasons had not been used when they should and 11.4% were reasons that had been used in error. However, for “other” reasons, the results were 70.3% and 29.7% respectively. This supports what CPS Headquarters told us about their concern that the “other” reasons were being used too frequently.

Use of reasons when marking down work			
	All reasons	All reasons except “other”	All “other” reasons
Reason not used when it should have been	88.6%	92.4%	70.3%
Reason used when it should not have been	11.4%	7.6%	29.7%

**5.36** Over-use of the “other” reason is unhelpful because it hampers the ability of Areas and Headquarters to discover issues, trends and themes in weaker casework and to identify training needs. Revisions to the question set and reasons as part of the Outsystems update are likely to reduce significantly the number of “other” options available, at the same time as introducing new reasons that better meet Areas’ needs. As well as this change, Headquarters needs to reinforce with Areas that “other” should be used only where absolutely necessary.

---

## Dip samples

**5.37** CPS Headquarters does not mandate a set number or percentage of IQAs that must be dip sampled, although there is an expectation that DCCPs will do some as part of their lead role in driving improvement.

**5.38** In the first three quarters of 2017-18, Areas dip sampled 729 office-based IQAs, or 12.2% of the total carried out. This was very similar to the 12.4% rate in our file sample. The dip sampling rate rose from 8.3% in the first quarter to 13.6% in the third, which may well be in response to Headquarters placing greater importance on them and providing webinars to show DCCPs the process. For court-based IQAs, the rate rose from 13.1% to 24.7% across the year, giving an average over the three quarters of 19.3%. Because of the lower number of court-based assessments carried out, this represents 258 IQAs. CPSD does a great many more IQAs than any other Area, but dip samples very few (1.8% in 2017-18) so the rate for the CPS excluding CPSD for office-based IQAs is higher: 16.3%. CPSD has no DCCPs, so dip sampling training was delivered to two senior managers; thereafter the rate increased.

**5.39** In our file examination we reviewed comments made by the DCCP and found that 83.6% of them accurately commented on the casework and IQA, positively or not. DCCPs often supported positive remarks by a DCP, as well as agreeing with issues identified by the IQA. In the remainder, the DCCP dips were not robust, either because they failed to comment at all (9.1%) or their comments missed essential issues (7.3%). There was no significant difference in the accuracy of comments for advice (76.9%) and charging and review (81.0%), but DCCPs were much more accurate in case progression (90.5%). It is unhelpful that, in nearly a tenth of their dip samples, DCCPs could not find anything to say about either the casework or the IQA.

**5.40** We consider there ought to be a mandatory number of dip samples, of at least 10% of the number of IQAs done in each activity. Whilst this may not seem at all stretching compared to the proportions currently being carried out, we base it on the expectation that a more accurate calculation of the proxy target will see a significant increase in the number of IQAs carried out.

## Recommendation

Areas ensure that 10% of all Individual Quality Assessments carried out in each activity are dip sampled, and that each dip sample has comments recording the standard of the IQA by the District Crown Prosecutor and of the work done on the case by the prosecutor.

---

**5.41** We received mixed evidence as to whether DCPs received feedback on dip samples of their IQAs, or otherwise learned that an IQA of theirs had been dipped. It is clearly important that DCPs are told of the outcome of sampling, both positive and where issues are identified. DCCPs should also ensure that they capture recurring issues and any good practice to share more generally. In one Area the SDCP, having challenged findings of “fully met” in dip samples, shadowed the DCPs when they were undertaking their IQAs and provided feedback and coaching.

## **Findings on the IQA process**

### **Registering cases**

**5.42** At present, the registration information includes only one category of sensitive casework (rape) and no categories that relate to protected characteristics under the Equality Act 2010. We found that some Areas are using, or plan to use, IQA to focus on other categories of sensitive cases, primarily domestic abuse. Analysis of the quality of domestic abuse and hate crime casework would be improved if data relating to it could be extracted from IQAs. We therefore *invite the CPS to consider* expanding the registration categories to include domestic abuse, other serious sexual offences, and the various categories of hate crime. We further *invite the CPS to consider* whether it should record the defendant’s protected characteristics, where the information is available.

### **The question set**

**5.43** Our file examination led us to conclude that a number of the questions asked in IQAs were causing confusion for CPS managers, or needed changing or removing. We conveyed our findings to CAT in early feedback to assist with the move to Outsystems and set out the key aspects here.

**5.44 Questions 1 and 2:** Some Areas are unclear about what is meant to be recorded under advice. This, as the guidance sets out, is meant to be reserved for cases where the police have requested early investigative advice (EIA), not a pre-charge decision (PCD). In our file examination, however, we noted some Areas routinely using the advice activity where there had been a request by the police for a PCD. EIA requests most commonly arise in cases dealt with by specialist teams in the CPS, such as Complex Casework or RASSO units, so we checked the CPS data to see how many advice IQAs were carried out in specialist teams. Our analysis shows that nationally, 60% of advice IQAs were recorded as being within specialist teams. Nine Areas derived a third or fewer of their advice IQAs from non-specialist teams, but in three Areas, 90% or more of the advice IQAs were not done in specialist teams. Across Areas, the number completed under this activity varies significantly, with three Areas doing fewer than ten in the first three quarters of 2017-18, and three others completing 50 or more in the same period. The differences are not explained by the size of the Area, based on staff in post, and support our finding that

---

PCDs are being used for IQA in error. Whilst the guidance may already be clear, it is apparent that some Areas are not receiving the message that questions 1 and 2 apply only to requests for EIA, not requests for a charging decision. CPS Headquarters needs to do more to reinforce the guidance.

### Recommendation

CPS Headquarters needs to review the guidance and ensure that CPS Areas understand, from the guidance or otherwise, that questions 1 and 2 apply only to requests for early investigative advice not requests for a charging decision.

**5.45 Question 3:** This is the only question geared to determining compliance with the Code for Crown Prosecutors, although it is not explicitly expressed as such in the question. In our file sample, DCPs quite often marked this question as “not met” when the decision was Code compliant and it was the choice of charge that was flawed, but not so much as to make it a Code test failure. DCPs also marked the question down when their comments made it apparent that it was the recording of the review, not the decision itself, that was deficient. It would be more helpful if the question, guidance and reasons made it clear that the only issue is Code compliance.

**5.46 Question 7:** Proceeds of Crime aspects were applicable to only 10.0% of the cases in our file sample. We consider it could be removed from the question set and adequately addressed as a reason for marking down another question, such as Q9 (case strategy).

**5.47 Question 10:** We identified in our file sample instances of DCPs treating this as a question on compliance with the public interest limb of the Code test, rather than a wider consideration of public interest. This is despite guidance that appears to be clear on what factors are relevant. The guidance may need to be made more explicit to avoid misunderstanding.

**5.48 Question 12:** This is couched in terms of the information being provided to the advocate or decision-maker, whereas from the guidance and reasons it is apparent that it is asking about steps taken to ensure case progression is effective; rephrasing it to make that clear would be helpful.

**5.49 Disclosure (questions 9 and 14)** is the most significant casework issue facing the CPS at present, both in its own teams and by the police, yet it does not have its own specific question in IQA. It makes up one of the reasons for failing work under Q9 (case strategy) and four of the seven reasons under Q14 (compliance with procedural obligations). Nearly all the DCPs we spoke to wanted to be able to record in more detail how well or badly disclosure was handled. CPS Headquarters recognises this and is planning to address it with the changes under the move to Outsystems.

---

**5.50** We consider that, in straightforward magistrates' court cases, there may not be the need for anything detailed. In more complex summary or youth cases, and those in the Crown Court especially from specialist teams, a more flexible approach is required. We conclude that the most effective approach is to include a bespoke, optional set of disclosure questions, so that where a more detailed record is needed, or where Areas are using IQA to focus on disclosure, as many are, the bespoke set can be completed. It would enable Areas to record with more specificity the standard of work done at each stage and with each aspect of disclosure, such as third party material, sensitive unused material, or how well applications relating to unused material are handled. This would also give the CPS an opportunity to gather detailed information about the standard of the police service on disclosure in each case and how well that was addressed by prosecutors, both of which are causes for concern we have identified in our work on disclosure.

### **Recommendation**

CPS Headquarters introduces a bespoke set of questions for disclosure, which District Crown Prosecutors can complete where necessary, to record in much greater detail the issues with all aspects of the police and CPS handling of unused material.





## 6 Staff engagement

---

### Engagement levels

**6.1** The legal managers to whom we spoke (grades DCP and above) were, by and large, fully engaged with IQA. Some DCPs felt that they understood where individual weaknesses lay in their teams without the need for IQA, but most agreed it was a useful tool for understanding and improving casework when applied properly, and were enthusiastic. Some DCPs expressed a wish to increase the number of assessments they carried out on individuals whose work they had reservations about, but were unsure if this was permitted, particularly as it might skew the results for casework quality for the Area overall. A clear decision and clarification from CPS Headquarters would be welcomed.

**6.2** There was a range of understanding and interest amongst Area Performance Managers as to what IQA could show them and how to use it in conjunction with other performance information. Some were very enthusiastic and others less so. Our survey of staff whose work is assessed under IQA also gave a mixed picture. About 60% thought IQA was useful in helping them to do their work and to improve, either all or some of the time. However, only 27% thought that IQAs were useful in helping the Area deliver a good service and to improve, with 22% responding that they were not, and the remaining 51% saying they did not receive enough information about IQAs to form a view.

**6.3** Some of the comments in our staff survey referenced IQA being a “tick-box” exercise, either in the way managers applied it to them, or to how they were expected to carry out casework, and that there was an undue focus by managers in how casework should be carried out, and therefore in IQA, on getting the processes right rather than the substance. Some of our findings, such as leaving IQAs to the end of the month or quarter, which cases are chosen, when in the life of a case the assessment is done, or the lack of robustness in some of them, tend to support accusations of a tick-box approach. Since this is a criticism that was levelled, with some justification, at IQA’s predecessors, more needs to be done to ensure that each assessment has integrity.

### Feedback to staff on their work

#### Feedback on individual IQAs

**6.4** The guidance envisages feedback to staff whose work has been assessed “*as soon as practicable and in any event within five working days of the assessment taking place*”. Face to face feedback is preferred by the managers we spoke to, but is not always possible within the timeframe envisaged. In our survey of staff, 41.5% received face to face or video link feedback either in a specific meeting, or as part of a more general appraisal meeting and a further 3.2% received a phone call from their manager. However, 21.3% received only an email from their manager. A tenth (10.6%) got their feedback through a combination of those methods, leaving the rest reporting they had not received any feedback in the last year. There were very few negative comments about the mode of delivery of feedback; staff were more concerned about the quality and contents, as we report above in our discussion of robustness.

**6.5** In an earlier version of the scheme each IQA with action identified as required, usually following one or more “not met” answers, generated an automatic email to the prosecutor immediately. After feedback from staff, the automatic delivery was postponed to 24 hours later, to give managers the chance to speak to their staff. DCPs told us their staff often did not welcome receiving such an email. A better way to engage staff would be to email the individual whenever an IQA has been completed, regardless of the scores, so that they can choose to see what has been said if they wish. An email ought to go to the DCP at the same time to remind them to give feedback, whether it is issues to address or positive remarks about the casework assessed.

**6.6** In our staff survey, 54.3% of responders said they have regular meetings with their manager (once a month or once a quarter) to discuss performance, but only 24.7% reported having feedback on IQAs that regularly. A further 17.2% received feedback on IQAs at least once every six months and 48.4% said once a year or less often. The remaining 9.7% said they had never had feedback on IQAs on their work, or not in the last year. Over half the staff responding (50.5%) did not know how many IQAs had been conducted on their work. Some Areas have included IQA in staff objectives, such as requiring completion of IQA-compliant reviews, which may help build engagement. We also asked staff about the type of feedback they received; 54.8% said it covered both positive matters and issues to address; 9.7% had received only positive feedback and 12.9% were told only about issues to address. Nearly a quarter (22.6%) said they had received no feedback on IQAs in the last year.

**6.7** The low rate of feedback may be a result of some Areas not doing enough IQAs, but it may also be in part because, as we found in our file sample, DCPs are not good at identifying where action is required. Our file sample showed a significant gap between DCPs and inspectors as to whether action was required as a result of what was found; DCPs said it was or had already been undertaken in 30.7% of IQAs, whereas we determined action was needed in 61.2%. We also identified that comments made on actions were accurate under a third of the time (29.8%) and that in most (62.8%) of the other applicable cases, there were no comments made when there ought to have been. Some of this is a function of DCPs marking casework as meeting the required standard more often than we did and some is owing to misunderstanding of the “not met other” option, which we discuss in chapter 5. Where inspectors identified issues with, for example, the standard of the police file that prevented a timely review, we noted action would be needed to feed back to the police.

### **Feedback of IQA themes**

**6.8** We asked staff whether their team had been told of recurring issues, legal problems, good practice or things to look out for that had been identified through IQA assessments in the Area. Over half (58.5%) responded that they did not and 8.5% said they were told only about things that had been identified by IQAs as going wrong. Nearly a third (31.9%) reported

being told about good and not so good things from IQA and the rest (1.1%) were told only of good things identified by IQA. There may be feedback of IQA findings that is not explicitly expressed to be from the assessments; making that link may improve engagement.

### Corporate messages

**6.9** The introduction of IQA in October 2014 was announced with the new Casework Quality Standards by way of a 'Gateway', which is a corporate message circulated to all CPS staff. Other Gateways informed staff of changes to the app in April, May and October 2016, with brief explanations of the changes being made. In addition, during the work done on IQA in 2016 and 2017, presentations were made to the DCCPs forum to keep them updated and this engagement continues. However, there was no Gateway message in August 2017 when IQA was refreshed. At that time, the message was via email to DCCPs, with Chief Crown Prosecutors (CCPs) and APMs also informed.

**6.10** IQA was mentioned in the CPS's 2016-17 business plan, which set out its new priorities for the next four years, under the badge "CPS 2020". The 2020 commitments related to four aspects of its work: supporting the success of its people, high quality casework, public confidence, and continuously improving. Under the third of these in the 2016-17 plan was included a promise to "*utilise the trends from Individual Quality Assessments to help better identify themes and inform how we can improve*". The following year's business plan and 2020 commitments (2017-18) published in September 2017, however, did not mention IQA. This was despite the refresh of IQA only a month earlier.

**6.11** Very recently the January 2018 issue of CPS News, an internal monthly bulletin available to all staff via the CPS Infonet, was dedicated to the 2020 commitments and included a reference to IQA in the section dealing with high quality casework.<sup>6</sup>

**6.12** The paucity of corporate messages to all staff may help explain why, in our staff survey, only 11% of responders were aware of the August 2017 refresh and frequently selected, where it was an option, the answer "*I don't know enough about IQAs to form a view*".

### Recommendation

CPS Headquarters and Areas ensure that corporate messages regarding Individual Quality Assessments reach all relevant staff, including those whose work is being assessed, and that communication builds greater understanding of and engagement with IQA.

<sup>6</sup> The relevant section reads: "*How we work is changing too. Introducing police file quality questions into CMS has made recording police file quality easier and more consistent, and we are now ensuring Individual Quality Assessments (IQAs) are carried out regularly and frequently to a high standard.*"



# Annexes

## A Inspection criteria

---

### **IQA in Areas**

- 1 The relevant staff have been trained in the conduct of IQA assessments and how to use them to drive improvements in casework.
- 2 The Area carries out the number of IQAs mandated by the scheme.
- 3 IQAs are robust and accurately identify good practice, aspects for improvement and training needs for individuals.
- 4 IQAs are used appropriately as part of individuals' development and appraisal.
- 5 Dip sampling of IQAs is carried out regularly and is effective in assuring the quality of assessments.
- 6 The Area analyses IQAs effectively to identify areas of strong and weak casework, any themes, development needs and appropriate remedial actions.
- 7 IQA action plans are monitored and updated appropriately.
- 8 IQA is used in conjunction with performance data and other information about casework quality, and drives improvement.

### **IQA nationally**

- 1 The IQA scheme is regularly reviewed, with amendments where necessary, and updates are disseminated promptly to operational parts of the Service.
- 2 CPS Headquarters monitors compliance with the requirements of the scheme by Areas.
- 3 CPS Headquarters uses Area returns to draw out themes and identify national development needs.
4. CPS Headquarters promotes the effective use of IQA by providing Areas with:
  - a suitable tools to conduct assessments
  - b appropriate information, support and assistance
  - c accurate performance data.
- 5 IQA returns are used in conjunction with other data to hold Areas to account for their performance.



## B File examination findings

### Summary of file reading results by question – comparison of ratings of “fully met”

“fully met” ratings	CPS	HMCPsi	Difference
<b>Advice</b>			
1 Did any advice contribute to the investigation reaching a proper and timely outcome	82.7%	67.4%	15.3%
2 Was any advice timely and effective	84.5%	60.6%	23.9%
<b>Charging and review</b>			
3 Did the prosecutor make the right charging or review decision in accordance with the Code for Crown Prosecutors	81.1%	77.1%	4.0%
4 Was any decision as to whether or not to prosecute, including whether to continue to prosecute timely	81.2%	62.3%	18.9%
5 Was any decision properly informed and reasoned taking account of key evidence, unused material and the likely issues	71.3%	54.2%	17.2%
6 Did the prosecutor take account of the rights, interests and needs of victims and witnesses including consulting with them where appropriate	75.8%	65.8%	10.0%
7 Did the prosecutor identify cases involving a Proceeds of Crime “benefit”, and set a strategy to prevent criminals from retaining a financial advantage from crime	13.3%	6.7%	6.7%
8 Did the prosecutor record decisions digitally in a way which is accurate and proportionate so that our position is clear, can be understood by others, and is capable of withstanding challenge	76.9%	61.6%	15.2%
<b>Case progression</b>			
9 Has the prosecutor formed a litigation strategy and ensured that decisions taken in accordance with the strategy contribute to the effective conduct of the case through to a just outcome	77.8%	53.4%	24.4%
10 Was the prosecution conducted in a way that is fair to all and reflects the wider public interest	92.7%	83.5%	9.2%
11 Did the prosecutor anticipate and resolve all likely issues	79.4%	73.1%	6.3%
12 Did the prosecutor take all appropriate steps to ensure that the right information is available to the advocate and or decision-maker at the right time, so that progress is made	84.0%	74.6%	9.4%

<b>“fully met” ratings</b>	<b>CPS</b>	<b>HMCSI</b>	<b>Difference</b>
13 Did the prosecutor communicate effectively and promptly with victims, witnesses, the police, the courts, defendants and their representatives and others who rely on us	88.8%	77.4%	11.4%
14 Did the prosecutor comply with our procedural obligations such as those relating to disclosure, and those set out in the Criminal Procedure Rules, and holding other parties to account	76.1%	49.6%	26.5%
15 Did the prosecutor review the remand status of defendants and ensure that custody time limit cases are dealt with in accordance with the national standard	82.2%	73.3%	8.9%
16 Did the prosecutor take all necessary steps to secure victim participation, where appropriate	93.9%	86.4%	7.5%
17 Did we record digitally what we have done, promptly, in a way which is accurate and proportionate, so that our position is clear and work is not duplicated	85.3%	70.3%	15.0%
<b>All questions</b>	<b>81.1%</b>	<b>66.8%</b>	<b>14.3%</b>



## IQA summary of results by question – type of disagreement on answers

Advice	CPS answer too lenient		CPS answer too robust		CPS answer should have been “not applicable”		CPS answer was “not applicable” wrongly		No disagreement between CPS & HMCPSP answers		Total Cases
	Cases	%	Cases	%	Cases	%	Cases	%	Cases	%	
1 Did any advice contribute to the investigation reaching a proper and timely outcome	28	19.4%	2	1.4%	0	0%	9	6.3%	105	72.9%	144
2 Was any advice timely and effective	43	29.9%	6	4.2%	0	0%	0	0%	95	66.0%	144
<b>Charging and review</b>											
3 Did the prosecutor make the right charging or review decision in accordance with the Code for Crown Prosecutors	9	6.0%	1	0.7%	4	2.7%	0	0%	136	90.7%	150
4 Was any decision as to whether or not to prosecute, including whether to continue to prosecute timely	27	18.0%	5	3.3%	3	2.0%	1	0.7%	114	76.0%	150
5 Was any decision properly informed and reasoned taking account of key evidence, unused material and the likely issues	27	18.0%	1	0.7%	3	2.0%	0	0%	119	79.3%	150
6 Did the prosecutor take account of the rights, interests and needs of victims and witnesses including consulting with them where appropriate	11	7.3%	2	1.3%	9	6.0%	4	2.7%	124	82.7%	150
7 Did the prosecutor identify cases involving a Proceeds of Crime “benefit”, and set a strategy to prevent criminals from retaining a financial advantage from crime	1	0.7%	0	0%	2	1.3%	2	1.3%	145	96.7%	150

	CPS answer too lenient	CPS answer too robust	CPS answer should have been "not applicable"	CPS answer was "not applicable" wrongly	No disagreement between CPS & HMCPSI answers	Total
	Cases %	Cases %	Cases %	Cases %	Cases %	Cases %
8 Did the prosecutor record decisions digitally in a way which is accurate and proportionate so that our position is clear, can be understood by others, and is capable of withstanding challenge	24 16.0%	4 2.7%	3 2.0%	2 1.3%	117 78.0%	150
<b>Case progression</b>						
9 Has the prosecutor formed a litigation strategy and ensured that decisions taken in accordance with the strategy contribute to the effective conduct of the case through to a just outcome	32 21.3%	0 0%	3 2.0%	2 1.3%	113 75.3%	150
10 Was the prosecution conducted in a way that is fair to all and reflects the wider public interest	7 4.7%	2 1.3%	13 8.7%	7 4.7%	121 80.7%	150
11 Did the prosecutor anticipate and resolve all likely issues	10 6.7%	1 0.7%	1 0.7%	3 2.0%	135 90.0%	150
12 Did the prosecutor take all appropriate steps to ensure that the right information is available to the advocate and or decision-maker at the right time, so that progress is made	12 8.0%	2 1.3%	0 0%	4 2.7%	132 88.0%	150
13 Did the prosecutor communicate effectively and promptly with victims, witnesses, the police, the courts, defendants and their representatives and others who rely on us	13 8.7%	2 1.3%	1 0.7%	11 7.3%	123 82.0%	150
14 Did the prosecutor comply with our procedural obligations such as those relating to disclosure, and those set out in the Criminal Procedure Rules, and holding other parties to account	33 22.0%	3 2.0%	3 2.0%	3 2.0%	108 72.0%	150

	CPS answer too lenient	CPS answer too robust	CPS answer should have been "not applicable"	CPS answer was "not applicable" wrongly	No disagreement between CPS & HMCPSI answers	Total
	Cases %	Cases %	Cases %	Cases %	Cases %	Cases %
15 Did the prosecutor review the remand status of defendants and ensure that custody time limit cases are dealt with in accordance with the national standard	4 2.7%	1 0.7%	2 1.3%	3 2.0%	140 93.3%	150
16 Did the prosecutor take all necessary steps to secure victim participation, where appropriate	7 4.7%	0 0%	7 4.7%	9 6.0%	127 84.7%	150
17 Did we record digitally what we have done, promptly, in a way which is accurate and proportionate, so that our position is clear and work is not duplicated	22 14.7%	2 1.3%	0 0%	1 0.7%	125 83.3%	150
<b>All questions</b>	<b>310 12.2%</b>	<b>34 1.3%</b>	<b>54 2.1%</b>	<b>61 2.4%</b>	<b>2,079 81.9%</b>	<b>2,538</b>



## C Our analysis of CPS Individual Quality Assessment data

### “fully met” answers

Quarters 1-3 of 2017-18 percentage of “fully met” answers, all Areas					Related performance data		
Question	Q1	Q2	Q3	Trend	Relevant high weighted measures Q2 2017-18* (related to activity rather than specific questions)	National percentage last three Q2 2017-18 quarters	Trend over last three quarters
<b>Advice</b>					<b>Advice</b>		
					<i>Questions 1 and 2 apply to both measures</i>		
1	84%	92%	91%	↑	MC conviction rate	84.3%	↓
2	89%	95%	86%	↓	CC conviction rate	80.1%	↑
<b>Charging and review</b>					<b>Charging and review</b>		
					<i>Questions 3-8 apply to all these measures</i>		
3	89%	91%	90%	↑	YTD rape conviction rate	58.5%	↑
4	90%	91%	91%	↑	YTD domestic abuse conviction rate	76.0%	↓
5	86%	83%	81%	↓	MC guilty plea at first hearing	76.4%	↓
6	91%	89%	90%	↓	CC guilty plea at first hearing	41.5%	↑
7	42%	55%	63%	↑	MC av hearings per case guilty pleas	1.67	↓
8	90%	90%	86%	↓	CC av hearings per case guilty pleas	3.47	↑
<b>Case progression</b>					<b>Case progression</b>		
					<i>Questions 9-17 apply to all these measures</i>		
9	84%	83%	80%	↓	MC av hearings per case contested	2.87	=
10	94%	96%	92%	↓	CC av hearings per case contested	4.82	↑
11	84%	85%	83%	↓	MC % of CIT due to prosecution	22.2%	↓
12	86%	87%	86%	=	CC % of CIT due to prosecution	11.8%	=
13	84%	86%	87%	↑	MC dropped at third or later hearing	28.9%	↓
14	79%	77%	70%	↓	CC directions complied with on time	91.2%	↑
15	84%	90%	87%	↑	Unsuccessful outcomes due to victim issues	28.8%	↓
16	92%	92%	91%	↓	Custody time limit failure	2	↓
17	87%	88%	83%	↓			

av average

CC Crown Court

CIT cracked and ineffective trials

MC magistrates' court

YTD year to date

\* Q3 not available at time of writing

### Advice IQAs from different parts of the CPS

Quarters 1-3 of 2017-18	Numbers of IQAs	Percentage of IQAs
Advice IQAs	380	100%
Advices in specialist divisions, Complex Casework Units and RASSO units	228	60.0%
Advices in other parts of the CPS	152	40.0%

### When IQAs were done in each month and quarter

When in the month were IQAs done	National including CPS Direct	National excluding CPS Direct	In which month in the quarter were IQAs done	National including CPS Direct	National excluding CPS Direct
1st - 10th	24.8%	23.7%	Month 1	29.1%	28.0%
11th - 20th	30.2%	31.0%	Month 2	32.9%	31.3%
21st - 31st	45.0%	45.3%	Month 3	38.0%	40.7%

### Performance against proxy target and the number of dip samples done

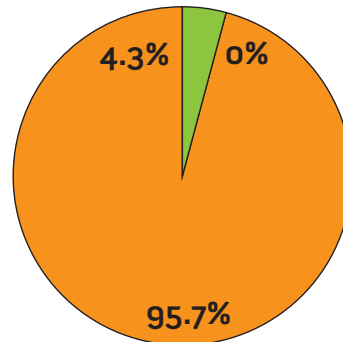
	IQAs against proxy target 2017-18				IQAs dip-sampled 2017-18				
	Q1	Q2	Q3	Change over the three quarters	Q1	Q2	Q3	Change over the three quarters	
<b>Office-based IQAs</b>									
All Areas including CPS Direct	129.2%	123.6%	160.7%	+31.5%	8.3%	13.8%	13.6%	+5.3%	
All Areas excluding CPS Direct	105.1%	105.8%	122.5%	+17.4%	11.2%	17.5%	19.2%	+8.0%	
<b>Court-based IQAs</b>									
All Areas (no CPS Direct recorded court-based IQAs)	124.1%	205.0%	204.6%	+80.5%	13.1%	18.2%	24.7%	+11.6%	

## D Staff survey results

---

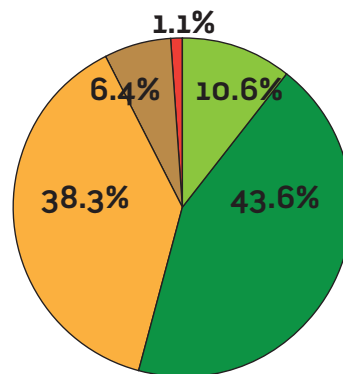
Have you received any training on IQAs?

- Yes, and I found it helpful
- Yes, but I did not find it helpful
- No



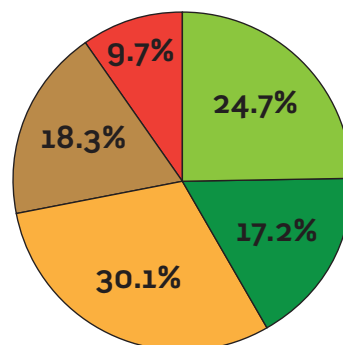
Do you have regular meetings with your manager to discuss performance?

- Yes, we meet at least once a month to discuss my performance
- Yes, we meet at least once a quarter to discuss my performance
- I rarely have meetings to discuss performance
- Meetings are only when I have made a mistake
- I have not had any meetings, appraisal or otherwise to discuss my performance in the last 12 months



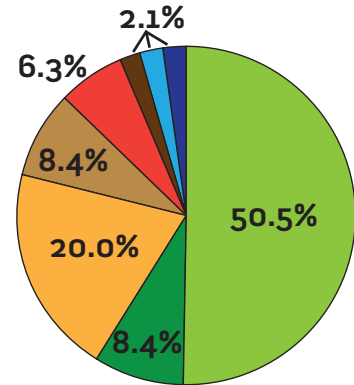
Have you received feedback on IQAs being carried out on work you have undertaken?

- Yes, I receive feedback on IQAs carried out on my work at least once a quarter
- Yes, I receive feedback on IQAs carried out on my work at least once every six months
- Yes, I receive feedback on IQAs carried out on my work at least once a year
- No, I have not received feedback on IQAs carried out on my work in the last 12 months
- No, I have never received feedback on IQAs carried out on my work



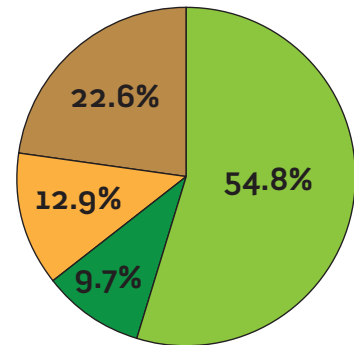
**How many IQAs have been carried out on your work in the last six months?**

- I don't know
- None
- 1
- 2
- 3
- 4
- 5
- 6 or more



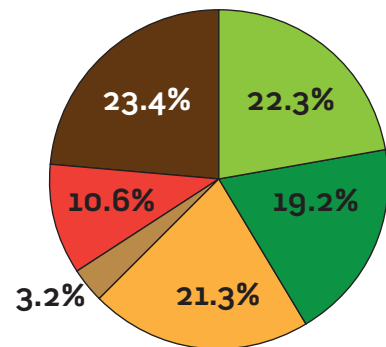
**What kind of feedback have you received on IQAs carried out on your work?**

- I have received both positive feedback and issues to address
- I only receive positive feedback
- I only receive feedback on issues to address
- I have not received any feedback in the last 12 months



**How do you usually receive feedback on IQAs carried out on your work?**

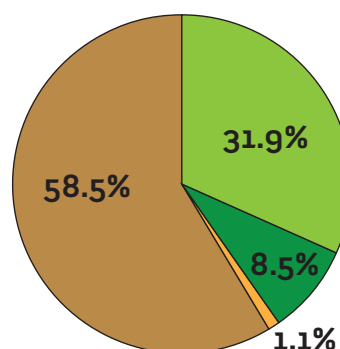
- My manager and I have a face to face or video link meeting specifically to discuss the IQAs
- The IQAs are discussed as part of a more general face to face or video link performance appraisal meeting, eg my mid-year review
- I receive an email setting out the IQA feedback
- My manager phones me to discuss the IQAs
- A combination of the above (please explain in the comments)
- I have not received any feedback in the last 12 months





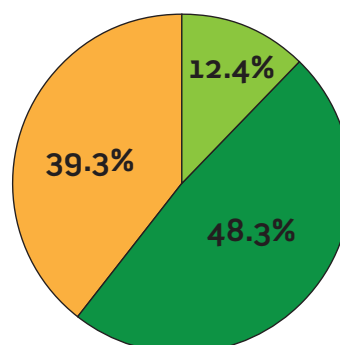
**Has your team been told of recurring issues, legal problems, good practice or things to look out for that have been identified through IQA assessments in the Area?**

- Yes, we get told about the good and not so good things identified by the IQAs carried out in the Area
- Yes, but we only get to hear about things that IQAs have identified as going wrong
- Yes, but we only get told about the good things identified by IQAs
- No, we don't get feedback as a team on the Area's IQAs



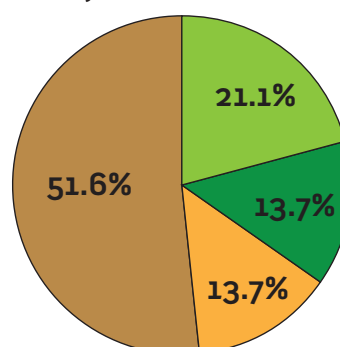
**Do you find IQAs useful in helping you to do your work and to improve?**

- Yes, all of the time
- Yes, some of the time
- No



**Do you think your Area carries out IQAs robustly and accurately?**

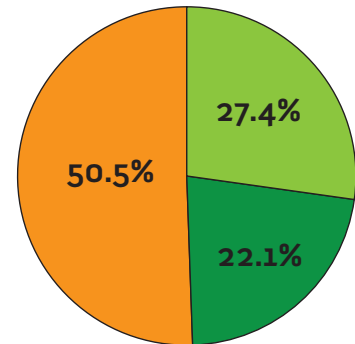
- Yes, all the time
- Yes, some of the time
- No
- I don't receive enough information about IQAs to form a view



---

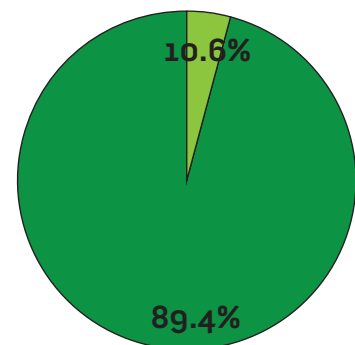
**Do you think IQAs are useful in helping the Area deliver a good service and to improve?**

- Yes
- No
- I don't receive enough information about IQAs to form a view



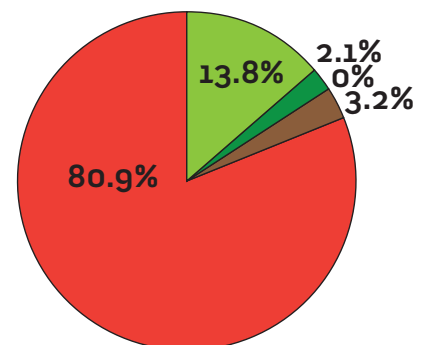
**Are you aware that the IQA process and guidance were refreshed nationally in August 2017?**

- Yes
- No



**Do you think the questions asked in an IQA are the right ones?**

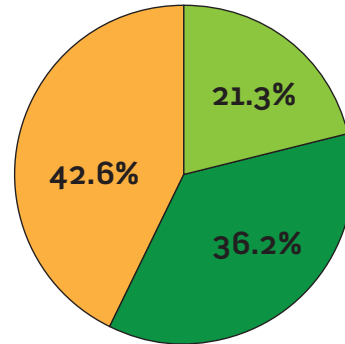
- Yes
- No, I think there are questions that should be removed (please explain in comments)
- No, I think there are questions that should be added (please explain in comments)
- No, I think there are questions that should be removed and questions that should be added (please explain in comments)
- I don't know enough about IQAs to form a view



---

**Do you have any suggestions for how the IQA process could be improved?**

- Yes (please specify in comments)
- No
- I don't know enough about IQAs to form a view





## E Glossary

---

### **Area Performance Review (APR)**

A review of key performance indicators to assess an Area's performance which is used to drive improvement.

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

The single national process for case management of Crown Court matters. It is led by Her Majesty's Courts and Tribunals Service (HMCTS) and involves the CPS and police. The aim is to deal with cases more efficiently.

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

IT system for case management used by the CPS. Through links with the police systems CMS receives electronic case material.

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

Set out the benchmarks of quality that the CPS seeks to deliver in prosecuting crime for the public. They cover treatment of victims and witnesses, legal decision-making, casework preparation and advocacy.

### **Charging decision**

The process by which the police and the CPS decide whether there is sufficient evidence for a suspect to be prosecuted. The process is governed by the Director's Guidance on Charging 5th edition, which came into effect in May 2013.

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

The most senior legal manager at CPS Area level and the person who is held to account for its assurance controls and performance.

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

The public document that sets out the framework for prosecution decision-making. Crown prosecutors have the Director of Public Prosecutions' (DPP) power to determine cases delegated, but must exercise them in accordance with the Code and its two stage test – the evidential and public interest stages. Cases should only proceed if, firstly, there is sufficient evidence to provide a realistic prospect of conviction and, secondly, if the prosecution is required in the public interest.

### **Complex Casework Unit (CCU)**

A unit set up within each CPS Area which handles the most serious cases, such as organised crime, people or drug trafficking and complex frauds.

**Contested case**

A case where the defendant elects to plead not guilty, or declines to enter a plea, thereby requiring the case to go to trial.

**Court orders/directions**

An order or direction made by the court at a case progression hearing requiring the prosecution to comply with a timetable of preparatory work for a trial. These orders are often made under the Criminal Procedure Rules. See also *Criminal Procedure Rules*.

**CPS Direct (CPSD)**

The CPS Area which takes the majority of CPS decisions as to charge under the charging scheme. Lawyers are available on a single national telephone number so that advice can be obtained at any time.

**Criminal Procedure Rules (CPR)**

The Criminal Procedure Rules determine the way a criminal case is managed as it progresses through the criminal courts in England and Wales. The rules apply in all magistrates' courts, the Crown Court and the Court of Appeal (Criminal Division). See also *court orders/directions*.

**Custody time limit (CTL)**

The statutory time limit for keeping a defendant in custody awaiting trial. May be extended by the court in certain circumstances.

**Director of Public Prosecutions (DPP)**

Senior Civil Servant who is the head of the CPS.

**Disclosure**

The prosecution has a duty to disclose to the defence material gathered during the investigation of a criminal offence, which is not intended to be used as evidence against the defendant, but which may undermine the prosecution case or assist the defence case. There are various regimes and the type of case determines which one applies. See also *unused material*.

**Discontinuance**

The formal dropping of a case by the CPS through written notice (under section 23 Prosecution of Offences Act 1985).

---

### **Domestic abuse**

The cross-government definition of domestic violence and abuse is “*any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to: psychological; physical; sexual; financial; and emotional*”.

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

A guilty anticipated plea involves a case whereby the defendant is expected to admit the offence at court following an assessment of the available evidence.

### **Hate crime**

An offence aggravated by hostility based on race, disability or sexual orientation.

### **High weighted measures**

Performance measures given high priority by CPS Headquarters.

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

A not guilty anticipated plea involves a case whereby the defendant is expected to deny the offence at court following an assessment of the available evidence.

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

This is a first hearing before the Crown Court at which cases should be effectively managed and listed for trial. There is a specific PTPH form which should be completed as far as possible prior to the hearing and completed at that hearing. This is part of the BCM initiative.

### **Pre-charge decision (PCD)**

The process by which the police and CPS decide whether there is sufficient evidence for a suspect to be prosecuted. The process is governed by the Director’s Guidance on Charging.

### **Rape and Serious Sexual Offences (RASSO)**

Includes rape, sexual assault, sexual activity offences, abuse of children through prostitution or pornography, and trafficking for sexual exploitation.

### **Review (initial, continuing, summary trial, full file etc)**

The process whereby a crown prosecutor determines that a case received from the police satisfies and continues to satisfy the legal test for prosecution in the Code for Crown Prosecutors. One of the most important functions of the CPS. See also *Code for Crown Prosecutors*.

**Sensitive material**

Any relevant material in a police investigative file not forming part of the case against the defendant, the disclosure of which may not be in the public interest. See also *disclosure*.

**Transforming Summary Justice (TSJ)**

A cross-criminal justice agency initiative which aims to reform the way in which criminal casework is undertaken in the magistrates' courts and to create a swifter criminal justice system, with reduced delay and fewer hearings. The initiative is based on ten characteristics to be implemented by all the agencies to achieve its aims.

**Unsuccessful outcome**

Cases which result in an acquittal or are discontinued.

**Unused material**

Material collected by the police during an investigation but which is not being used as evidence in any prosecution. The prosecutor must consider whether or not to disclose it to the defendant. See also *disclosure*.

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

Under the scheme a review of the following CPS decisions can be sought: not to charge; to discontinue (or withdraw in the magistrates' courts) all charges thereby ending all proceedings; to offer no evidence in all proceedings; and to leave all charges in the proceedings to "lie on file" (this is the term used in circumstances where the CPS makes a decision not to proceed and requests that the charges be allowed "to lie on the file" marked 'not to be proceeded with without the leave of this Court or the Court of Appeal').



## **F The Individual Quality Assessments questions**

---

### **Advice**

- 1 Did any advice contribute to the investigation reaching a proper and timely outcome?
- 2 Was any advice timely and effective?

### **Charging and review**

- 3 Did the prosecutor make the right charging or review decision in accordance with the Code for Crown Prosecutors?
- 4 Was any decision as to whether or not to prosecute, including whether to continue to prosecute, timely?
- 5 Was any decision properly informed and reasoned, taking account of key evidence, unused material and the likely issues?
- 6 Did the prosecutor take account of the rights, interests and needs of victims and witnesses including consulting with them where appropriate?
- 7 Did the prosecutor identify cases involving a Proceeds of Crime “benefit” and set a strategy to prevent criminals from retaining a financial advantage from crime?
- 8 Did the prosecutor record decisions digitally in a way which is accurate and proportionate so that our position is clear, can be understood by others and is capable of withstanding challenge?

### **Case progression**

- 9 Has the prosecutor formed a prosecution strategy and ensured that decisions taken in accordance with the strategy contribute to the effective conduct of the case through to a just outcome?
- 10 Was the prosecution conducted in a way that is fair to all and reflects the wider public interest?
- 11 Did the prosecutor anticipate and resolve all likely issues?
- 12 Did the prosecutor take all appropriate steps to ensure that the right information is available to the advocate and/or decision-maker at the right time, so that progress is made?
- 13 Did the prosecutor communicate effectively and promptly with victims, witnesses, the police, the courts, defendants and their representatives and others who rely on us?

- 
- 14 Did the prosecutor comply with our procedural obligations such as those relating to disclosure and those set out in the Criminal Procedure Rules and holding other parties to account?
  - 15 Did the prosecutor review the remand status and ensure that custody time limit cases are dealt with in accordance with the national standard?
  - 16 Did the prosecutor take all necessary steps to secure victim participation, where appropriate?
  - 17 Did we record digitally what we have done, promptly, in a way which is accurate and proportionate, so that our position is clear and work is not duplicated?

### **Case presentation**

- 18 Was the advocate decisive and proactive in taking control of the case and commanding the confidence of the court?
- 19 Did the advocate assist the court, being fair and professional at all times?
- 20 Did the advocate prepare properly so that each hearing can be suitably progressed?
- 21 Did the advocate engage fairly and effectively with the defendant and his representatives?
- 22 Did the advocate engage effectively with victims and witnesses?
- 23 Did the advocate demonstrate an understanding, and represent the interests, of victims, witnesses and the public?
- 24 Did the advocate oppose bail where it is appropriate to do so, taking account of the risk posed to victims, the public and the course of justice?
- 25 Did the advocate anticipate and respond to challenges effectively?
- 26 Did the advocate present the prosecution case clearly, effectively and persuasively?
- 27 Did the advocate digitally record court hearing events, outcomes and actions promptly and in a way which is accurate and proportionate, so that our position is clear and work is not duplicated?
- 28 Did the advocate or prosecutor challenge court decisions, including by way of appeal or review?



HM Crown Prosecution Service Inspectorate

London Office:

One Kemble Street

London WC2B 4TS

Tel. 020 7210 1160

York Office:

Foss House, Kings Pool

1-2 Peasholme Green

York, North Yorkshire, YO1 7PX

Tel. 01904 54 5490

© Crown copyright 2018

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence.

To view this licence, visit [www.nationalarchives.gov.uk/doc/open-government-licence/](http://www.nationalarchives.gov.uk/doc/open-government-licence/)

or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU,

or e-mail: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk)

This document/publication is also available on our website at [www.justiceinspectors.gov.uk/hmcpai](http://www.justiceinspectors.gov.uk/hmcpai)