

Victim Liaison Units: Letters sent to the public by the CPS

November 2018

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1 Summary

1.1 In 2014 the Crown Prosecution Service (CPS) set up Victim Liaison Units (VLUs) in all Areas. The aim of the units was to create a dedicated professional service to victims, ensuring that victims are consistently provided with high quality, timely, effective and empathetic¹ letters. The units deal mainly with communication after the CPS case has come to a conclusion.

1.2 VLUs are responsible for producing letters and quality assuring three key CPS policies; letters sent for the Victim Communication and Liaison (VCL) scheme; letters sent at the local resolution stage of the Victims' Right to Review (VRR) scheme; and complaint letters. This inspection looked at the quality of letters sent to victims at all three stages and whether the VLUs added value when quality assuring them.

1.3 Inspectors looked at a total of 340 sent letters: 200 relating to VCL, 70 local resolution VRR responses and responses to 70 complaints. Overall, inspectors assessed 75 letters (22.1%) as meeting the quality standard expected.

1.4 While inspectors found a number of very good letters, far too many included simple mistakes that would be likely to undermine the confidence of the person receiving the letter. Simple mistakes such as spelling, the wrong form of address and the incorrect name of the recipient were common.

1.5 CPS processes set out that in cases where a VCL letter should be sent, the prosecutor dealing with the case should notify the Victim Liaison Unit and also provide a short form of words to be included in the letter setting out the legal basis for the decision made. Inspectors noted that in only 118 out of 197 relevant letters² (59.9%) the VLU had been notified by the relevant prosecutor. There was significant variation in compliance with the process across the Areas visited. In one Area one case out of 20 (5%) was notified to the VLU with the best Area notifying the unit correctly in 16 cases out of 20 (80%).

1.6 Of the 200 letters sent as a result of VCL, inspectors assessed 48 as being of the quality expected (24%). The most common failing was that they were lacking empathy. Eighty seven out of 187 letters did not include a level of empathy expected given the circumstance of the case (46.5%).

1.7 CPS guidance sets out that VCLs should quality assure local resolution letters sent to the victim as a result of a request for a Victims' Right to Review. Inspectors found that 26 out of 70 letters (37.1%) had been quality assured by the Area VLU and, of these, 17 were improved as a result. Overall, inspectors assessed that nine out of 70 letters of local

¹ The ability to understand and share the feelings of another.

² Out of the 200 cases three were sent directly by the lawyer to the victim without input from the VLU.

resolution to victims were a quality product (12.9%). Again, inspectors noted that the single most common reason for the letter failing was that they lacked empathy: only 19 letters (27.1%) having a level of empathy expected given the circumstances of the case.

1.8 CPS guidance on the role that VLUs should play within the CPS complaints and feedback procedure is not clear. Area practices differed and whilst there is some draft guidance, inspectors were not clear if the expectations were well enough understood at a local level for the VLUs to play an active role in the quality assurance of complaints letters. In one Area 100% of letters passed through the VLU for quality assurance with 90% of those thereby resulting in improvement. In another Area visited only 20% of letters were sent to the unit. Inspectors also found that in some Areas letters that were sent to the VLU were being amended, as there was a view expressed by senior prosecutors that drafts prepared by lawyers did not need to be checked by non-legal operational delivery staff. In 44.3% of cases the complaint letter was sent out by the VLU without any amendment – many of these letters contained simple mistakes.

1.9 Overall, inspectors assessed that 18 out of 70 complaint letters were a quality product (25.7%). The single largest failing was that the legal explanation included in the letter was not clear; in 27 of the 64 relevant cases the explanation was clear (42.4%).

1.10 Whilst there is a need for the CPS to improve the standard of communications that it provides to victims, complainants and those who are seeking a further review, inspectors were impressed by the care and enthusiasm of staff in the VLUs. In a number of Areas it was apparent that staff were keen to deliver the best service they could for victims and demonstrated an absolute commitment to the CPS priority of offering a quality service.

Issues to address

1.11 The following issues need to be addressed:

1 The CPS needs to ensure that there is a clear and effective system for prosecutors to notify the Victim Liaison Unit of the reason for decisions in all cases. Managers need to be reminded that non-compliance should be addressed (paragraph 5.13).

2 The CPS needs to improve its systems to measure and track the timeliness of Victim Communication and Liaison scheme letters, with a focus on those requiring the enhanced service (paragraph 5.19).

3 The CPS should develop a more effective quality assurance process for the assessment of Victim Communication and Liaison scheme responses to ensure that letters are free from simple mistakes (paragraph 5.26).

4 The CPS should ensure that control and quality of the local resolution stage of the Victims' Right to Review is regularised and consider whether there is a need for oversight nationally (paragraph 6.11).

5 The CPS needs to ensure that letters being sent to victims are properly quality assured (paragraph 6.31).

6 The CPS should urgently clarify the role of Victim Liaison Units within the quality assurance process for complaint letters (paragraph 7.7).

7 The CPS should re-circulate and reinforce the guidance on how timeliness of complaints should be accounted for, setting out in clear terms when the 'clock starts' for those complaints that are received outside of usual business hours (paragraph 7.11).

8 The CPS should reinforce current guidance to remind Areas that if a complaint includes both elements of the Victims' Right to Review scheme and a complaint, a letter should be sent to the complainant explaining that the elements of the complaint will be responded to after the Victims' Right to Review has been considered (paragraph 7.15).

9 The CPS should develop an assurance process for the assessment of complaints responses to ensure that letters are free from simple mistakes (paragraph 7.30).

1.12 There was also one strength and an aspect of good practice identified by inspectors.

Good practice

1 Library of reference materials to assist staff in the drafting of quality letters (paragraph 4.11).

Strength

1 The Area systems for logging and acknowledging complaints (paragraph 7.17).



2 Victim Liaison Units

2.1 The objective of this inspection was to evaluate the effectiveness of the CPS's communications with victims and to assess the quality, process and timeliness of letters sent to the public.

2.2 Victim Liaison Units are discreet units in the CPS dedicated to dealing with victim communications. They were set up in 2014 following the CPS's review of the way it communicates with victims. They are intended to be a 'one stop shop' for all communications with victims after a case has been finalised and to provide a dedicated professional service to victims to ensure they are consistently provided with high quality, timely, effective and empathetic communications.

2.3 VLUs are responsible for managing three key CPS policies: the Victim Communication Liaison scheme, local resolution of Victims' Right to Review and the feedback and complaints policy (complaints). They either draft letters to the victim, or if drafted by a prosecutor or more senior managers, the VLU should quality assure the final letter to ensure as a minimum it contains the following:

- an explanation for the decision
- how to escalate or appeal the decision and the time frame
- the name of the VLU officer
- the name of the prosecutor who made the decision
- is free from spelling or grammatical errors.

2.4 Letters should be timely, clear, in plain English and contain empathy.

2.5 VLUs are staffed by a range of grades from the more junior operational delivery staff referred to as Victim Liaison Assistants (VLAs; grade A2) and Victim Liaison Officers (VLOs; B1) and managed by a more senior role, Victim Liaison Managers (VLMs; B2). They are resourced according to the CPS on the following basis (as at 24 May 2018):

CPS Area	Victim Liaison Manager (B2)*	Victim Liaison Officer (B1)	Victim Liaison Assistant (A2)	Total full-time equivalent
Cymru-Wales	1	2.8	0.6	4.4
East Midlands	0.5	3	1	4.5
East of England	0.2	0.8	1.6	2.6
London North, London South, South East, Thames and Chiltern	1	1	8.82	10.82
Mersey-Cheshire	1	1	1	3
North East	0.9	3.9	0	4.8
North West	0	1	2.61	3.61
South West	0	1	1.6	2.6
Wessex	0.5	1.6	1	3.1
West Midlands	0.9	2	2.8	5.7
Yorkshire and Humberside	0	5.42	0	5.42

* Where the VLM is indicated as being a partial number this is reflective of their time being split between two roles

2.6 Although there are 14 CPS Areas there are ten VLUs. The VLU in London combines the role for four CPS Areas. The combined unit does not handle complaints or VRRs for the four Areas, this is managed locally by an Area coordinator. Additionally, in CPS East Midlands there is a member of staff based in the Area Business Centre that deals with VRRs and complaints.

2.7 The process for dealing with communications to victims is governed by a CPS national process, known as a Standard Operating Practice (SOP). The SOP dictates how something is to be done, when it is to be done and by whom.

Victim Communication and Liaison scheme

2.8 A victim in a case is entitled to be informed by the CPS of any decision taken not to prosecute, to stop a case or substantially alter a charge.³ The victim is entitled to be informed of the reasons for making the decision by letter. The Victim Communication and Liaison (VCL) scheme is the mechanism by which the CPS discharges its responsibilities.

2.9 The VCL scheme operates where the CPS prosecutor makes a decision which alters a case or stops it.⁴ The scheme aims to encourage direct contact and greater interaction with victims, targeting services to those in greatest need and to take account of the Code of Practice for Victims of Crime (the Victims' Code).⁵

2.10 The Victims' Code includes clear timescales for letters to be sent to victims. In some cases victims who are vulnerable due to the offence type or other characteristics are entitled to an enhanced service, these victims should receive letters within one working day of the decision being made. In all other cases victims who are determined as non-vulnerable should receive a letter within five working days of the decision being made.

2.11 The prosecutor who makes a decision to stop or alter a case is responsible for ensuring that the VLU are provided with sufficient information so that they can draft a quality letter explaining how they came to that decision. In more serious and sensitive cases the prosecutor remains responsible for drafting a bespoke letter.

2.12 The process to inform the VLU differs depending on the situation. If the decision is made in the office, the prosecutor should record the decision on the CPS digital case management system (CMS) and email the VLU at the point that the decision is made. Where decisions are made at court, prosecutors are required to record their decisions in sufficient detail on the electronic hearing record sheet (Prosecutor App)⁶ and notify the VLU of the need for a VCL letter. In some cases at court where a victim has been spoken to there is no need for a letter to be sent.⁷

3 Where the CPS makes a decision to: discontinue a charge and proceed on another; substantially alter a charge; discontinue all proceedings; offer no evidence in all proceedings; or not to prosecute.

4 *ibid.*

5 *Code of Practice for Victims of Crime*; Ministry of Justice; October 2015 (came into effect 16 November 2015). https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/470212/code-of-practice-for-victims-of-crime.PDF

6 An electronic app based system used by prosecutors which uploads information on to the CPS case management system.

7 A letter is not required where the victim confirms to the prosecutor that they do not want a letter of explanation.

2.13 Prosecutors should inform the VLU in a timely fashion and confirm whether the victim is entitled to receive their letter within one or five days. At the time of making the decision prosecutors should also update the victim code screen on CMS. This will confirm what type of decision was made, the date of the decision and who made it. Completion of the victim code screen enables the VLU to identify cases that require a letter. The VLU should also update the victim code screen with the date that the VCL communication was sent to notify the victim.

2.14 In straight forward cases CPS guidance suggests that the prosecutor should send a paragraph consisting of three or four sentences to the VLU.⁸ The Victim Liaison Officer or Victim Liaison Assistant should then tailor the letter to the individual circumstances of the case using the sentences/paragraph provided.

Victims' Right to Review

2.15 The Victims' Right to Review (VRR) scheme⁹ was launched by the CPS in June 2013. The scheme was introduced following a challenge in the Court of Appeal – *R v Killick* – where the court concluded that a victim should have the right to seek a review of a CPS decision not to prosecute without having to seek a judicial review.

2.16 The right to VRR arises in the following decision-making process (known as Qualifying Decisions). Where the CPS decides:

- not to charge
- to discontinue all charges relating to a victim
- to offer no evidence in relation to all charges
- to leave all charges in the proceedings to “lie on file”.

2.17 All of these decisions give rise to a VCL and it is in that letter that the victim should be informed of their right to review and how to contact the CPS.

2.18 The first level is known as local resolution. That is the CPS office/Area that made the decision will allocate the VRR to a legal manager (the responding manager).¹⁰ The responding manager will, under the two stage test, review the decision of the original lawyer to ensure that it is not obviously incorrect and ensure that a full explanation of the decision has been provided to the victim, addressing any new matters raised.

8 Victim Communication and Liaison Guidance on giving reasons – Short Form April 2017.

9 *Victims' Right to Review scheme*; CPS; July 2016.
www.cps.gov.uk/legal-guidance/victims-right-review-scheme

10 Legal managers in the CPS usually line manage Senior Crown Prosecutors and other lawyers.

2.19 In completing the new review there are three possible outcomes:

- i The decision to stop the case was wrong and where possible reinstated.
- ii The decision was right but a fuller explanation is required and provided.
- iii The decision was right and no further explanation is required.

2.20 The next stage of the scheme depends on the type of case. Only cases that can be reinstated can be referred for a full VRR at the Appeals and Review Unit. All other cases are referred to the Chief Crown Prosecutor of the Area.

2.21 According to the SOP, VLUs have a role to quality assure the VRR response sent from the responding manager. This is to ensure that victims are provided with quality, timely, effective and empathetic communications.

2.22 The responding manager is responsible for drafting a bespoke communication (either a full letter or a draft letter for the VLU to ‘top and tail’) and ensuring that their review is completed in writing and recorded on CMS.

2.23 The CPS counts the day the VRR is received as ‘day zero’; all VRRs should be acknowledged within three working days and full responses sent to the victim within ten working days of receipt, so that the response should be received by the applicant by the tenth working day. The response times are calculated from the day after the VRR is received. Responses are usually provided by letter. Where it is not possible to reply within the time limits a holding letter should be sent explaining the reasons for the delay and giving a time frame for the full response. The response should include information on how the applicant can escalate their VRR if they remain dissatisfied.

Complaints

2.24 The CPS defines complaints as:

“An expression of dissatisfaction about any aspect of our service by a member of the public who has been directly involved in the service complained of.”

2.25 The CPS accepts complaints in any format; they are divided into two areas, service complaints and legal (but not VRR) complaints. The CPS may only consider complaints within six months of the matter complained of.

2.26 According to the SOP, the VLU is responsible for managing the timeliness and quality assuring complaint letters.

2.27 There are three stages in the CPS complaints policy. The first stage is known as early resolution, this is dealt with either by the VLU or the prosecutor involved. The purpose is to resolve a complainant's dissatisfaction immediately. Where this is not possible the complaint progresses to the formal stage one.

2.28 Stage one complaints are responded to by the manager responsible - ordinarily where it is a legal complaint this will be the legal manager. At this stage all the papers and evidence should be considered afresh and each concern raised should be addressed.

2.29 The CPS counts the day the complaint is received as day zero; all complaints should be acknowledged within three working days and full responses sent within 20 working days of receipt, so the response should be received by the complainant by the 20th day. The response times are calculated from the day after the complaint is received. The response should include information on how the complainant can escalate their complaint if they remain dissatisfied.

2.30 If the complainant remains dissatisfied the formal process continues to stage two. The time limits for acknowledgement and response are the same at this stage, however the case is considered afresh by a more senior manager. Only service complaints can be escalated further - they are referred to the CPS Independent Assessor of Complaints (IAC). There is no further appeal for legal complaints that do not qualify as VRRs.

2.31 Responses are usually provided by letter. Where it is not possible to reply within the time limits a holding letter should be sent explaining the reasons for the delay and giving a time frame for the full response.

2.32 On receipt the complaint is allocated to a responding manager. It is also entered onto a national Knowledge Information and Management (KIM) site. This site contains all communications and decision-making in respect of all complaints. The responding manager drafts the response and sends the final draft letter to the VLU, who then quality assure it before sending it out to the complainant.

2.33 On completion of a complaint the responding manager is responsible for identifying any lessons learnt from the complaint and updating the KIM site to this effect. Areas should then collate the lessons learnt and ensure that they are used to improve the service.

3 Methodology

3.1 The objective of this inspection was to assess the quality of letters provided to victims and the value added by the VLUs. Six CPS Areas were chosen for fieldwork: North East, South East, South West, Cymru-Wales, Wessex, and Yorkshire and Humberside. The majority of letters assessed were taken from these Areas.

3.2 The inspection focused on three main aspects, processes, timeliness and the quality of letters sent to the public:

- *Victim Communication and Liaison scheme:* Inspectors reviewed 200 VCL letters from cases that the CPS had finalised in March 2018. Twenty letters from the six specified Areas visited, with an equal mix of magistrates' court and Crown Court cases and one day and five day letters (none which fell under the Bereaved Family scheme). The remaining 80 comprised of ten randomly chosen letters from each of the remaining eight CPS regional Areas, excluding the Casework Divisions and CPS Direct. As well as examining the timeliness and quality of the letters that were sent to victims, we assessed whether prosecutors who made the decision to stop, alter or prosecute cases complied with the expectations and guidance to allow VLUs to produce accurate, timely letters of good quality. We also assessed whether the VLU process added value and whether what was produced using the information provided by prosecutors was a quality product.
- *Victims' Right to Review:* Inspectors reviewed letters at the local resolution stage only and did not look at responses for any of the other stages. Inspectors analysed 70 local resolution cases; the last ten VRRs from each of the six Areas visited and the last ten nationally that were recorded on the KIM site in March 2018. Inspectors reviewed the draft letter written by the responding manager as well as the final letter sent to the victim. Where there was no evidence there was a draft supplied to the VLU from the responding manager, only the final letter was assessed.
- *Complaints:* This inspection reviewed letters sent at stage one only. Inspectors reviewed 70 stage one cases, ten taken from each of the six Areas visited and the last ten nationally that were recorded on the KIM system in March 2018. Inspectors reviewed the draft letter written by the responding manager as well as the final letter. Where there was no evidence of a draft supplied to the VLU from the responding manager, only the final letter was assessed.

3.3 Inspectors in their examination of the files were guided by a series of questions that enabled them to analyse the quality, timeliness and process at each stage. The full results and question set are at annex A.

3.4 Inspectors conducted interviews in the six Areas set out above, speaking to VLU staff and managers, prosecutors, legal managers and the Area leads responsible for victim and witness issues. CPS policy leads on victims, the CPS Compliance and Assurance Team and CPS performance leads were also interviewed. Inspectors spoke to the Victims' Commissioner, Baroness Newlove, and Mr Stephen Shaw, the CPS Independent Assessor of Complaints. We are grateful to both for their assistance.

3.5 Inspectors reviewed written documentation and evidence provided by the six Areas visited, including training plans and records of training, local learning, evidence of feedback to staff and any local processes and procedures that they used to monitor VCLs, VRRs and complaints.

4 Training and support

4.1 When the Victim Liaison Units were first set up the CPS developed a training package to support VLU staff who had moved into the role. There was an induction programme that combined on the job training, e-learning and face to face learning. This was supported by a “toolkit” on the CPS internal intranet. Inspectors found the toolkit and training was comprehensive and covered a wide range of topics, from policy and plain English guides to dealing with written communications. In the six Areas visited there was evidence that the courses had been delivered to most of the original staff and staff indicated that the training was effective. There was some evidence that staff who had joined the VLUs since had received less formal training and in most instances there had been an over reliance on ‘on the job’ learning.

4.2 As the resourcing table at paragraph 2.5 indicates, not all VLU managers (VLMs) are full time in the role. One of the expected tasks of VLMs is to quality check the work of their teams. CPS expectations set out that managers are required to dip sample a selection of each team member’s letters going out of the VLU on a monthly basis. Inspectors found that there was a varied compliance with quality checks. In discussion managers indicated that in many instances the ability to undertake quality assurance was hampered by their time spent on other duties. For example in one unit the VLMs were assigned to another busy unit and had not dip sampled any work over the last four months. It was noted that this Area had, at the time of the interviews, a backlog of 300 VCL letters. Other Areas were demonstrating compliance and were able to evidence that this process and the feedback given was assisting in improving the quality of the letters.

4.3 Resourcing of the VLUs varied. In some Areas inspectors found that they were fully staffed, in others Area numbers had been depleted as staff had been moved to cover other duties on other teams. During our visits we found that resources in most Areas did not accord with the CPS resource model as set out at paragraph 2.5. In interviews many staff told us that when other units were under resourced they were seen as available and often would be deployed elsewhere. In one Area the senior management team has decided to resource the VLU with more management resource than the CPS model provided.

4.4 Until more recently prosecutors had not received any formal training in VCL work since the previous scheme was set up several years ago. The CPS is rolling out a new national mandatory training programme for all prosecutors that focuses on the quality of communication as well as compliance with the process. Prosecutors interviewed who had undertaken the training spoke highly of it. The training programme is also addressing and reiterating the Standard Operating Practice which will reinforce standards and expectations, including addressing some matters where there is poor compliance with systems and process.

4.5 Many of the prosecutors we spoke to were not aware that their managers may be dealing with complaints and VRRs unless they were connected to cases in which they had been involved. Many prosecutors spoken to did not see the value and opportunity of learning lessons from VRRs and complaints.

4.6 Inspectors found that many responding managers had not been given any formal training in drafting or responding to complaints and VRRs. Managers interviewed said that at best they may be given examples of VRRs and complaints that had been sent previously by other managers and their line manager. Responding managers (and all other staff) have access to the guidance provided to the VLU and the CPS has readily available guidance on drafting communications,¹¹ which gives clear guidance, and a framework for drafting quality communications. Many of the responding managers said that they were aware of the guidance but rarely used it. The more recently appointed responding managers indicated that although there was no formal training, their line managers had quality assured their first few letters before the had been sent.

4.7 None of the managers spoken to had quality assured or dip sampled any of the letters or paragraphs for VCLs sent to the VLU by their prosecutors. There was limited evidence that lessons learnt were being shared with staff.

4.8 Most Areas have a senior manager who leads on victim issues. Their involvement with VLUs varied across Areas. In one a newly promoted legal manager was delegated as the lead but, as yet, had had no involvement with VLU or the letters being sent to victims. In other Areas leads were engaged, represented views at senior management meetings and ensured that there was some focus on victim needs. Some senior leads, whilst being active victim champions, were not able to provide strong examples of how they had used learning from VCLs, VRRs or complaints to improve local systems or practice.

4.9 There was limited evidence that Areas were collating lessons learnt from complaints and VRRs and using them to drive up performance. Some Areas were, however better than others. One Area demonstrated that a senior manager liaised with the VLM on a regular basis, dip sampled letters sent to victims and collated lessons learnt not only to improve the quality of the letters but to improve casework. In this Area findings were shared with all managers.

4.10 Some Areas had invited the Independent Assessor of Complaints (who is responsible for handling and investigating service complaints from members of the public) to give training or to address management teams to improve the standard of their complaints. More recently Areas have considered the standard of letters at local Area Casework Quality Committees, with most Areas providing some evidence of local dip samples, although in some instances the discussion was more about levels of compliance than the quality of letters being sent.

4.11 One of the six Areas visited had a comprehensive library of reference materials to assist all staff in the drafting of quality communications. This included a list of plain English ‘translations’ of complex legal issues and jargon as well as examples of empathetic writing styles. Inspectors identified this as **good practice**.

¹¹ Parliamentary and Complaints Unit House Style Guide, CPS Brand Guideline, Government Communication Style Guide.

5 Victim Communication and Liaison scheme

Summary

5.1 Despite there being a CPS national process identifying how and when prosecutors should inform VLUs of the need for a letter and the explanation for the decision, we found there was a variance in the approach across all Areas. Some Areas expected prosecutors to send a discreet paragraph explaining their decision that staff in the VLU could copy in full into the VCL letter. Other Areas had set no expectation for prosecutors but tasked staff in the VLU with drafting the legal explanation from available material on the case management system.

5.2 Compliance with notifying the VLU of the need to send a letter also varied across Areas. The poorest performing Area correctly notified the VLU in 25% of cases, the best in all cases. Overall in 59.9% of relevant cases (118 out of 197) the prosecutor notified the unit. There was also a wide level of performance by Areas in providing VLUs with sufficient details of the decision to allow the officer in the unit to construct a quality letter. The worst performing Area notified the VLU 5% of cases, the best in 80%.

5.3 Where prosecutors fail to identify when a letter is required there is either a shortfall in the number of letters being sent to victims, or the VLUs have to engage in a resource intensive process to ensure they locate cases and draft letters.

5.4 The CPS met the timeliness requirement in 72% of cases examined. There was slightly worse performance in letters that required an enhanced (one day) service, with 64.8% being sent on time. Better performance was found in those cases which should have letters sent in five days, where 80.8% were timely. Inconsistent processes and systems impact the CPS's ability to create and send timely letters and in some Areas VLU resourcing is a contributory factor in why letters may be late.

5.5 Forty eight out of 200 letters (24%) were of the quality standard expected. In two Areas not one letter examined was marked as a quality product. Some letters contained some very simple mistakes that could have been picked up by effective proof-reading and checking. However, the fact that 87 out of 187 letters (46.5%) were rated by inspectors as not being empathetic indicates that there are some more fundamental issues about the standard and style of letters produced. Quality assurance processes are inconsistent and inspectors are concerned that in some Areas management checking is not undertaken.

Process

5.6 As previously set out, the CPS created Victim Liaison Units to ensure that it meets its obligations to notify victims, ensure that there are quality letters sent in time and that there is consistency in the application of policy.

5.7 Prosecutors correctly notified the VLU in 59.9% of the cases examined and sent enough information to the unit to draft a letter in 49.2%. In 25.4% of cases the prosecutor failed to provide any information at all to the VLU about the reason for the decision. Therefore, in a quarter of cases, staff in the VLU struggle to ascertain information for legal decisions and have to use the CMS reviews and post-court hearing record sheets to determine the content for letters. In cases where the prosecutor had failed to provide the VLU with any, or insufficient, information the letters sent were often a combination of standard paragraphs and not always tailored to the case or the victim. In our assessment, many of these letters were of poor quality and in some instances the reason given for the decision in the letter was inaccurate and written as if the person drafting the letter did not quite understand the decision made.

5.8 There was a wide range of performance across Areas. In one, the VLU were correctly notified that a VCL letter was required in a quarter of cases (25%) and in six Areas the unit had not been notified in at least half (50%) of the required cases. However, there were four Areas where the VLU was notified in at least three quarters of cases or better, with one Area notifying in 100% of cases. Equally there was a wide range of performance found on whether the prosecutor sent sufficient information to the unit about the decision to stop the case, or reduce or alter the charges. In eight Areas half or fewer of cases were assessed by inspectors as having enough information for the VLU to create a letter, varying from 5% to 50%. In the best performing Area 88.9% of cases had sufficient information sent to the VLU, with the next best performance being 80%.

5.9 At the time the prosecutor makes the decision to stop the case, as well as informing the VLU CPS guidance expects them to update the CMS victim code screen. This is to note the system with who made the decision and when. The victim code screen was updated correctly in 72.4% of cases, with performance ranging from 40% to 90% across the six Areas visited.

5.10 One of the issues inspectors identified during the fieldwork was the inconsistent approach by CPS Areas as to what was expected of prosecutors. There were some visited where the prosecutor was required to provide the VLU with a full paragraph clearly explaining the rationale behind the decision. There were some Areas where the expectation was that the VLU would search through documents on CMS where the prosecutor could have recorded the decision made and various other notes to ascertain the reasons for the legal decision. VLU staff would then draft the letter. One Area told us this was a conscious decision taken in order to prevent staff in the VLU from becoming de-skilled at letter writing, even though this was not the expectation of the CPS guidance.

5.11 In a number of Areas visited VLU staff expressed frustration about the lack of compliance from prosecutors in providing sufficient information. Although in some Areas there were systems in place to remind lawyers of their obligations, it seemed that there were no consequences for prosecutors not complying. VLU staff interviewed confirmed that some prosecutors always supplied good explanations in a timely and correct way, however what was common across all Areas was that VLU staff were able to identify repeat offenders who failed to either send notifications or sent poor explanations.

5.12 In one Area we saw some very good quality letters produced by VLU staff who painstakingly tried to build up the picture of what had happened in the case prior to sending letters to victims. This approach was commendable but was resource intensive, especially as it resulted from prosecutor non-compliance in line with established CPS guidance. When we spoke to managers who were responsible for addressing non-compliance it was obvious that in most Areas there were a number of processes in place, including the production of daily management information reports to identify cases where the VLU had not been notified of the need for the letter. In some cases managers said that specific performance objectives had been set for some prosecutors, but mainly there was an acceptance that busy lawyers may not have time to produce a short note of their decision. Some (a majority) of lawyers we spoke to indicated that the creation of the VLU removed the need for them to notify victims as they believed that was what the VLU were there to do.

5.13 In a number of Areas inspectors were told by VLU staff that they would request better details from prosecutors if necessary. Where prosecutors had to be chased, or failed to provide any information at all, their managers would be informed. In obtaining our sample there were a number of examples where VLU staff had chased prosecutors but had still not received any information and no letter was ever sent to the victim. There was very limited evidence during interviews in the Areas visited that issues around VCL performance were fed back to prosecutors in order to drive improvement.

Issue to address

The CPS needs to ensure that there is a clear and effective system for prosecutors to notify the Victim Liaison Unit of the reason for decisions in all cases. Managers need to be reminded that non-compliance should be addressed.

5.14 Inspectors are aware of the limitations of CMS and, as in our previous inspection,¹² identified that without the prosecutor informing the VLU directly or completing the necessary screens on CMS, there was no easy way to identify cases requiring letters in a timely fashion and no automatic way to identify those where the charges were substantially altered. This affected the timeliness of letters and in some cases whether the victim would get a letter at all. The issues identified in our previous inspection still persist. We found many Areas have implemented resource intensive processes to ensure that they captured all cases that required a letter. In one Area this involved allocating a member of staff to review all cases finalised at court each day. If there was full compliance by prosecutors this resource could be freed up and allocated to other duties.

Timeliness

5.15 Ensuring that victims receive letters promptly and in line with the requirements set out in the Victims' Code is part of the role that the VLU performs. In 72% of cases examined, letters were timely.

5.16 When timeliness is broken down into the categories of victims entitled to an enhanced service and those entitled to a standard service our findings revealed variable performance. Enhanced VCL communications were sent on time (within one day of the decision) in 64.8% of cases and non-enhanced communications were on time (within five days) in 80.8%. This clearly indicates that the most vulnerable victims are not always receiving the priority service to which they are entitled.

5.17 There were a number of circumstances which contributed to problems with timeliness. We saw a number of cases where victims had not been correctly identified as being entitled to an enhanced service by either the police or the CPS. In other cases we found that prosecutors failed to alert the VLU of the need for a letter to be sent within one day. In some cases, even when prosecutors had notified the VLU expeditiously with sufficient detail explaining their decisions, we found instances where the letter was still late. We were told during our on-site interviews that in some Areas a lack of resource in some VLUs, due to staff being allocated to other duties, meant that letters were not always completed. As mentioned previously, in one Area there was a backlog of 300 letters waiting to be sent.

¹² *Communicating with victims*; HMCPSI; January 2016.
www.justiceinspectorates.gov.uk/hmcpsi/inspections/communicating-with-victims/

5.18 There was a wide variation in the timeliness across Areas. The best performing Area for the one day letter timeliness sent 86% of letters on time and the worst Area sent 20%. For those letters required in five days, seven Areas sent all letters (100%) on time and the worst sent 40% on time.

5.19 Whilst the CPS has a number of measures and targets to track letter timeliness, the variation in performance found across our sample is of concern.

Issue to address

The CPS needs to improve its systems to measure and track the timeliness of Victim Communication and Liaison scheme letters, with a focus on those requiring the enhanced service.

Quality

5.20 As set out above, inspectors assessed the quality of what was provided to the VLU to enable them to draft effective letters and also the overall quality of the final letter produced by the VLU. Inspectors also made an assessment of the value the VLU added in terms of whether they corrected, amended or enhanced what they received from the prosecutor to allow them to produce the letter.

5.21 Overall, inspectors assessed that 48 out of 200 victim care letters were of the quality expected (24%). Our assessment of quality included examination of whether the final letter:

- was addressed correctly
- contained any spelling mistakes or grammatical errors
- included jargon (that would make comprehension difficult)
- contained an appropriate level of empathy
- set out the correct legal explanation which was explained in terms that could be understood
- set out whether a VRR was offered, where appropriate
- offered a meeting in line with guidance
- whether standard paragraphs (developed by the CPS) had been used to good effect
- was signed correctly.

5.22 Staff in the VLU amended the information provided in 75 out of 125 of applicable cases (60%). In 39 out of 75 (52%) inspectors assessed that this amendment improved the final quality of the letter.

5.23 In our assessment of quality if any one of the aspects set out above was not met the letter was assessed as not being a quality response. Accurate, effective and clearly written communication to an individual must be the expectation of any public service organisation. The CPS's own guidance is clear in that this is the expectation. Our examination of letters highlights that the CPS does in some instances respond with some very good letters, however, our findings show that there are too many victims receiving poor quality letters. The table sets out the findings from the examination of 200 letters.

Victim Communication and Liaison scheme - final letter											
Question	Answer	All cases		Areas visited				Areas not visited			
		(out of 200)		(20 letters each)		(10 letters each)		(10 letters each)			
				Best of 6 Areas	Worst of 6 Areas	Best of 8 Areas	Worst of 8 Areas				
Was the letter a quality response	Yes	48	24%	12	60%	0	0%	4	40%	0	0%
Did the letter contain spelling/ grammar mistakes	No	158	79%	17	85%	15	75%	10	100%	6	60%
Was there empathy	Yes	100 ^a	53.5%	17	85%	2	10%	9	90%	0	0%
Was the legal explanation correct	Yes	170 ^b	85.4%	20	100%	18	90%	10	100%	5	50%
Did the letter contain unnecessary jargon	No	155 ^c	78.3%	20	100%	6	30%	10	100%	4	40%
Was a VRR offered correctly in applicable cases	Yes	85 ^d	89.5%	10	100%	4	80%	7	87.5%	1	50%
Were the standard paragraphs clear	Yes	177 ^e	89.8%	20	100%	16	80%	10	100%	7	70%
Was the addressee correct	Yes	187	93.5%	20	100%	18	90%	10	100%	8	80%
Was the letter signed correctly	Yes	167	83.5%	20	100%	11	55%	10	100%	1	10%

a The circumstance of 13 cases did not require empathy, eg letters to businesses

b In one case it was assessed that no legal explanation was required

c In two cases assessment of jargon was not required

d Only 95 cases qualified for VRR

e Three cases were bespoke and did not use standard paragraphs

5.24 As the table shows there is a wide range of performance in the quality of letters produced by Areas. In some Areas managers indicated that they would dip sample a number of letters produced at regular intervals, with some managers indicating that they did daily or weekly samples. However, inspectors were told that in some Areas, given manager's duties were combined with other roles, dip sampling was often not undertaken due to other pressures.

5.25 In one Area the VLU manager dip sampled two letters from each team member every month. The manager assessed the letters against a quality assurance checklist¹³ in order to ensure that they were accurate, contained sufficient empathy and that the standard template and paragraphs were being used correctly. If issues for improvement were identified these would be fed back to the individuals concerned. In our assessment inspectors found that there was no noticeable difference in the quality of letters in this Area compared to others in the sample.

Some examples of simple mistakes found

- letter was addressed to Mr. P Smith, but started Dear Smith¹⁴
- defendant in the case was a Mr Singh, but the paragraphs in the letter sent to the victim set out the findings in a case of Mr Rogers and not the facts of the Mr Singh case. The Victim Liaison Unit staff member had cut and pasted the letter from a previous one and combined two different cases incorrectly
- the letter to the victim set out the wrong offence, again this was evidence of cutting and pasting.

5.26 The findings from our file read confirm the need for the CPS to do more work to improve the quality of letters being sent to victims and embedding an effective system of quality assurance. This is essential in order to drive improvement. A simple double check of a letter before it is sent to the complainant would pick up on many of the issues identified by inspectors.

Issue to address

The CPS should develop a more effective quality assurance process for the assessment of Victim Communication and Liaison scheme responses to ensure that letters are free from simple mistakes.

¹³ CPS Victim Communication Letters – Victim Liaison Unit Manager's Quality Assurance Framework.

¹⁴ The names have been changed to protect the identity of the victims and defendants.



6 Victims' Right to Review

Summary

6.1 The CPS guidance states that the VLU involvement in the Victims' Right to Review local resolution stage is that of quality assurer. The process and handling of VRRs differs across the Areas. 62.9% of letters (44) had either not been sent to the VLU or there was no evidence that they had been amended or quality assured by the unit. Of the remaining cases where the VLU had made some amendments to the responding manager's draft only one letter had been corrected to a standard that inspectors assessed as quality. Of the letters to victims 12.9% (nine out of 70) were assessed as being a quality product.

6.2 There were also issues with timeliness. In one Area this was in part due to a miscalculation of timescales. A 'last minute' approach by the responding managers was a contributory factor to the finding of 60% of letters (42) being posted either on the day the victim should have received it or later.

Process

6.3 There was no standard procedure being applied in Areas in terms of allocations, governance and level of quality assurance of VRRs. Inspectors found varying practices as to the role of VLU in the VRR scheme. Although the VLU is the 'one stop' some Areas had complaints and VRR coordinators that were not involved with the VLU and other Areas had their more senior VLU staff dealing with complaints and VRR. In line with the current agreement, the VLU model based in London did not deal with VRR or complaints from the four Areas that it managed.

6.4 The expectation from the CPS is that all matters relating to the local resolution will be recorded on CMS. Inspectors found that this was not always the case.

6.5 There was limited evidence provided by Areas that senior managers dip sampled the letters sent or gave feedback on the quality of the letters produced. In one Area there was evidence that both the Deputy Chief Crown Prosecutor and the VLM jointly engaged in cascading lessons learnt from VRRs and complaints; this was not replicated elsewhere. There was limited evidence that other Areas were as proactive in using feedback to improve quality. Most of the responding managers indicated that they had little input from their line managers but would refer to them if the case was more complicated or sensitive.

6.6 Inspectors found that there was inconsistency in the format of the application for a VRR that was accepted across CPS Areas. Guidance states the only action a victim needs to take is to notify the CPS of their request for review and that the CPS will make contact by the victim's preferred means.¹⁵ The training delivered by the CPS in 2016 confirmed the victim could make their application by email, letter or telephone. However inspectors found that there was an inconsistent understanding and application of the CPS policy. As an example, in one part of a CPS Area a phone call would be accepted, in another case in the same Area a victim was told that an application must be made in writing. This adds an additional delay to the victim receiving the response and also adds a level of inconsistency.

6.7 In order to monitor and record VRRs the CPS has a national tracker which records dates of receipt and the date the response was sent. Unlike the complaints tracker it does not have the capability for storing any communications or facilitate management of the timeliness. Areas had their own systems for tracking and monitoring timeliness of responses. Inspectors saw evidence of some Areas proactively chasing and escalating late replies.

6.8 Each Area had a different local system to monitor timeliness, however the effectiveness of these systems varied.

6.9 One Area used the same spreadsheet for complaints and VRRs and they had inadvertently used the same timescales for both.¹⁶ As a result the letters sent in this Area were not timely. In another Area there was evidence that the VRR system was not being managed well, inspectors noting that there were disputes between the coordinator and the responding manager as to whether a letter had actually been sent to a victim.

6.10 One Area had a local process to improve timeliness that meant they would send calendar reminders to the responding manager a week before the due date and the also day before. This Area would also escalate if they did not receive a response. In another Area local monitoring systems involved a log of timings and progress and issues arising, this was well managed.

6.11 Several of the Areas had a collection of templates or paragraphs for reference. However inspectors identified that although the use of templates or set paragraphs can assist in the writing of the letter care must be exercised. Inspectors identified letters where templates had been used to good effect, for example explaining the next stage of the process, however there were also examples where the template paragraphs had been used in a piecemeal manner without thoughtful application. Effective quality assurance would remove the risk of standard paragraphs or templates being used incorrectly.

¹⁵ *Victims' Right to Review scheme*; CPS; July 2016.
www.cps.gov.uk/legal-guidance/victims-right-review-scheme

¹⁶ VRRs are to be responded to within ten working days and complaints within 20 working days.

Issue to address

The CPS should ensure that control and quality of the local resolution stage of the Victims' Right to Review is regularised and consider whether there is a need for oversight nationally.

Timeliness

6.12 The CPS policy states that a response to a VRR request will be sent to the victim within ten working days. That is, by the tenth day the victim should have a response. Out of the six Areas visited the average number of days taken to respond and send the letter was 11 days. In ten letters assessed from all other CPS Areas the average response time was 15 days. Overall, for the 70 cases reviewed the average response time was 12 days. Of the six Areas visited the best performing one had an average of nine days between date of receipt and date the letter was sent to the victim. The worst performing Area had an average of 15 days for letters to be sent.

6.13 Of the 70 cases, 28 (40%) were posted at least one day before the tenth day meaning that the victim would have a chance of getting the response on time. Inspectors identified one Area that had, since December, changed the response time to 14 days but accepted that they had done this in error and have since amended it; in this Area all of the letters in our sample were late.

6.14 Inspectors identified that lateness of response was sometimes as a result of varied interpretation of timescales and the date that counting should start. Inspectors found that calculations of the date for response varied across the different Areas visited and in some instances within the same VLU. Some units commenced calculating day zero from the date that they received the application into the VLU and not, as guidance states, when the CPS received it. Inspectors calculated the ten working days from when the CPS had received it. Inspectors noted that in cases where units had spent time considering whether or not the communication from the victim was actually a complaint or a VRR, they calculated the start of the ten days from the date of their decision identifying it as a VRR, rather than date of receipt of the letter.

6.15 Where there was an initial miscalculation it was more likely that the response would be sent late.

6.16 In 62 out of 70 cases (88.6%) the VLU either received the VRR directly or was passed the application on the day it was received. In the worst case in our sample, it took ten days for the letter to be sent to VLU.

6.17 Overall the responding manager was given the correct date for reply in 31 out of 61¹⁷ relevant cases (50.8%). Thirty one out of 64¹⁸ cases (48.4%) were sent to the responding manager either on the day the VLU received them or the day after.

6.18 Inspectors found that in some Areas the VLU gave the responding manager a return date earlier than the due date to allow them time to amend and correct letters and send them out to meet required timescales. Inspectors found that this process was not uniformly used nationally and, in some cases, was not consistent across the VLU in the same Area. However, during interviews responding managers said they were aware there was often further time available and they often ignored the advance date set by the VLU. Inspectors noted that this practice did not necessarily improve timeliness of letters sent.

6.19 There were 43 cases where the responding manager had not sent a timely draft letter to the VLU. In eight of these (18.6%) there was evidence that the VLU had chased the responding manager.¹⁹ Of the 35 cases not chased 24 (68.6%) of the letters sent to the victim were late.

6.20 There were ten cases where the responding manager sent a holding letter (where the CPS was seeking further time to respond). Six of the ten holding letters were sent at least two days prior to the due date for the response. Three of the holding letters gave an explanation for the delay. Inspectors noted one letter gave a candid explanation for the delay, the other two contained some factual inaccuracies in the information provided. For example one letter informed the victim that they were awaiting a response from the police on a matter before they could respond when in fact they had, because of leave and other pressing work commitments, just not got around to dealing with the VRR. The request for further information to the police was sent the day after the holding letter to the victim had been sent.

6.21 One of the main reasons for lateness was often that there was a last minute approach by those responding. In those Areas that had an escalation process, which included referral to the responding manager's line manager, inspectors noted that escalation was used sparingly. There was a view expressed by VLU staff in the interviews that the legal managers were under pressure and that they did not want to add to their burden by chasing them or referring issues on timeliness to line managers. Although most responding managers accepted that this part of their role was important it was often seen as an addition to their 'day' job, many confirming that the letters had to be done at home in their own time because of their current work load.

¹⁷ In nine cases the allocating email was either not present on CMS or did not set out a date for response.

¹⁸ In six cases it was not possible to determine the date the case was sent to the responding manager.

¹⁹ Twenty seven cases were not relevant as the responding manager responded within the timescales set by VLU and there was no necessity for the VLU to chase the responding manager.

6.22 Inspectors noted that most of the VLU and Area monitoring systems for VRRs were directed at assessing the timeliness of producing letters. The national policy lead on communications with victims indicated that timeliness had been a priority but that there had recently been a change in focus to put quality first. Even with this focus our inspection found that only one of the six Areas examined had an average of fewer than ten days for their response times.

Quality of letters

6.23 The CPS expects the responding manager to provide the VLU with a complete quality letter, the role of VLU being to quality assure it. Inspectors assessed the original letter presented to the VLU by the responding manager and the final letter that was sent to the applicant. Where there was no evidence that the letter had been amended by, or sent to, the VLU inspectors assessed the quality of the final letter on CMS. In 26²⁰ out of 70 relevant cases (37.1%) there was evidence of amendment by the VLU. The other 44 cases had either not been amended or there was no evidence on CMS that amendments had been made. Inspectors also noted that there was a variance in the input by each of the VLUs or whether in some instances the VLU received the letter at all.

6.24 Of the 26 cases where inspectors could identify the original draft from the responding manager the results were as follows:

Victims' Right to Review - responding manager's draft letter							
Question	Answer	All cases (out of 70)		Best of 6 Areas (10 letters each)		Worst of 6 Areas (10 letters each)	
Did the VLU alter the responding manager's version	Yes	26	37.1%	10	100%	1	10%

	Answer	All cases (out of 26)	
Did the letter contain spelling mistakes	No	21	80.8%
Did the letter contain grammatical errors	No	21	80.8%
Was there empathy	Yes	10	38.5%
Was the legal explanation clear	Yes	13	50%

²⁰ Where responses from the responding manager were not in letter format inspectors assessed the quality of paragraphs sent to the VLU and did not assess such cases as failing if the paragraphs provided were a quality product.

	Answer	All cases (out of 26)	
Did the letter contain unnecessary jargon	No	18	69.2%
Was the next stage correctly explained	Yes	17	65.4%
Were the standard paragraphs clear	Yes	14	53.8%
Was the addressee correct	Yes	17	65.4%
Did the amendments improve the quality	Yes	17	65.4%

6.25 Although the guidance to the CPS identifies that plain English should be used inspectors found many examples of ‘legalese’. An example of this was terms such as “*legal doctrine of recent possession*” and “*in my dispassionate analysis*” neither of which were explained. Inspectors consider that these terms would not necessarily have been understood by the person receiving the letter. Terminology used in the draft letters provided to VLU often did not reflect the need for plain English with the overall tone being rather ‘lawyery’ or drafted with legalese.

6.26 In a number of instances there was evidence of draft letters provided to the VLU using the wrong dates of the offence and quoting incorrect reference numbers. In one letter sent, the date of the offence, date of the letter of acknowledgement and date on the reply were all wrong. In this case the VLU did not correct the dates in the final letter sent.

6.27 Some of the draft letters sent to the VLU did not provide sufficiently full explanations. In one of the cases reviewed by inspectors the responding manager explained the reason why they had stopped was due to lack of evidence. However this case had been charged by the CPS and the victim had attended court on two occasions for aborted trials and had raised this in their VRR application. The response failed to explain how it was that the CPS no longer had the evidence for a trial.

6.28 In one domestic abuse case the prosecutor had made a decision not to charge the suspect with an offence. In the VRR the responding manager copied the lawyer’s review directly into the letter without any explanation or amendment. The letter demonstrates lack of thought when using standard paragraphs. Part of the reason for not prosecuting the case was the alleged lack of injuries. The responding manager later notes that the complainant had serious injuries.

Final letter quality

6.29 Nine out of the 70 letters (12.9%) sent to victims were deemed a quality response, that is they were written in plain English, empathetic, explained the decision made and the next stages, and were without any spelling or grammatical errors.

6.30 The following table sets out the findings from the examination of the 70 letters:

Victims' Right to Review - final letter							
Question	Answer	All cases (out of 70)		Best of 6 Areas (10 letters each)		Worst of 6 Areas (10 letters each)	
Was the letter a quality response	Yes	9	12.9%	4	40%	0	0%
Did the letter contain spelling mistakes	No	61	87.1%	10	100%	7	70%
Did the letter contain grammatical errors	No	59	84.3%	10	100%	6	60%
Was there empathy	Yes	19	27.1%	9	90%	0	0%
Was the legal explanation clear	Yes	23	32.9%	9	90%	0	0%
Did the letter contain unnecessary jargon	No	33	47.1%	10	100%	1	10%
Was the next stage correctly explained	Yes	53 ^a	80.3%	9	90%	5	50%
Were the standard paragraphs clear	Yes	32 ^b	51.6%	10	100%	0	0%
Was the addressee correct	Yes	61	87.1%	10	100%	5	50%
Was the letter produced in the correct format	Yes	69	98.6%	10	100%	10	100%
Was the letter signed correctly	Yes	65	92.9%	10	100%	7	70%

a In four of the cases the original decision to stop the case was overturned and therefore the next stage was not relevant

b Eight cases were not relevant as they were bespoke letters without standard paragraphs

6.31 Of the 26 letters that were amended by the VLU from the original responding manager's draft only one was corrected sufficiently to change the inspector's assessment to mark it as a quality response. Even where there was evidence of quality assurance checks, letters were sent out with some basic mistakes that should have been corrected. Simple mistakes included:

- gender of the victim incorrect
- names spelt incorrectly
- confusing the victim with other witnesses or the defendant
- dates of the letters and the offences being incorrect.

Issue to address

The CPS needs to ensure that letters being sent to victims are properly quality assured.

7 Complaints

Summary

7.1 The CPS guidance about Victim Liaison Unit involvement in the quality assurance process and the handling and management of complaints is unclear. In some Areas the VLU did add value and improved the final letters sent to those who made complaints, but in other Areas too few letters were sent to the VLU. Inspectors assessed that VLU quality assurance improved the final product in 67.6% of letters (23 out of 34), however in 44.3% of cases examined (27 out of 61) the letter was not amended by the VLU and just sent out to the complainant.

7.2 In most Areas there are effective systems for the management and control of complaints, with either the VLU or a named individual logging the complaint and assessing whether the correspondence amounts to a complaint. Inspectors found a number of examples where letters received as complaints were incorrectly categorised and not dealt with through the complaints process. In a number of Areas inspectors found that local practice had developed where a complaint received in the afternoon was registered as received the following day, resulting in the timeliness of complaints being incorrectly calculated.

7.3 Overall inspectors assessed that 25.7% (18 out of 70) letters were of the quality expected. In just over half (53.6%) the letter contained empathy. Ten of the letters sent contained spelling mistakes, there were grammatical mistakes in 12 and over 30% (22) contained jargon. In 18 letters the next stage of the complaints process was not correctly set out, which meant that those receiving the letters would not know how they could have taken their complaint further, if they had been unhappy with the response. Two letters were incorrectly addressed, either being sent to the wrong address, or using the incorrect title or name of the recipient.

Process

7.4 As set out previously inspectors reviewed 70 letters that were sent out by CPS Areas in response to complaints that had been received at stage one. Inspectors assessed the quality and timeliness of responses sent and, as well as looking at the overall quality of the final response, assessed whether the VLU added value in terms of the quality assurance role they played. Inspectors also assessed the role that the VLU played within the handling and management of complaints.

7.5 Whilst the CPS guidance about the Victim Communication and Liaison scheme sets out in some detail the processes and responsibilities of VLUs, lawyers and decision-makers in relation to VCLs, the responsibility of the VLUs with regard to complaints is not set out in any detail. There is CPS guidance that sets out the process, systems and management of feedback and complaints. The CPS Feedback and Complaints Area and CCD Guidance (August 2016 revision), whilst extensive and effective in setting what constitutes a complaint, and

the complaints procedure make no reference to the role of the VLU within the management and handling of complaints. Inspectors noted that a draft of the CPS Standard Operating Practice VLU User Guide indicates that complaint letters at stage one should be emailed to the VLU in draft form in order to be quality assured and sent out to the complainant. Inspectors were not clear if the draft VLU User Guide had been finalised. Given that there is limited national guidance about the role of the VLU in managing and handling complaints, inspectors found that there were some significant differences in the way that Areas managed and dealt with complaints.

7.6 Our Area visits highlighted that there was a lack of consistency as to whether VLUs were involved in the handling and quality assurance process of complaints at all. In one Area, all complaint letters were sent to the complainant after they had been quality assured by the VLU. Inspectors assessed that 90% of letters were improved by this VLU quality assurance. In two other Areas where the majority of letters had been routed through the VLU, inspectors noted that whilst the process had been followed VLU quality assurance made no material difference to the quality of final letters, as the VLU did not correct mistakes or add empathy to them. In this Area there was some concern expressed by responding managers that VLU quality assurance had in the past changed the meaning of letters, incorrectly.

7.7 Overall, inspectors assessed that VLU quality assurance improved the final product in 67.6% of letters, however in 44.3% the letter was not amended by the VLU and just sent out to the complainant. Given that there is some evidence that effective quality assurance by VLUs can lead to improved letters it is important that the CPS clarifies the role that VLUs should perform within the complaints process.

Issue to address

The CPS should urgently clarify the role of Victim Liaison Units within the quality assurance process for complaint letters.

7.8 In one Area²¹ where complaints were not being quality assessed by the VLU, 40% of the letters contained spelling mistakes, 30% had grammatical errors and 60% were assessed as having a complex legal explanation which the average reader may have struggled to comprehend.

²¹ The Area was part of the combined VLU for the four CPS Areas.

7.9 In most Areas visited either the VLUs or a named individual in the Area Business Centre were the focal point for the receipt and initial logging of stage one complaints. In one Area a single individual manager was responsible for the logging, assessing and managing of complaints, when this individual was not in the office, there were some delays in allocation. Our file examination indicated that this was one of three Areas that exceeded the 20 day target for responding to complaints, which may confirm that this lack of resilience impacted timeliness.

7.10 In most Areas there were effective systems in place to check the CPS website, emails received as a result of VCLs and VRRs and hard copy correspondence received through the post to identify complaints.

Timeliness

7.11 In a number of Areas there was some confusion about what date the complaint was deemed as being received and when the ‘clock’ started for the 20 day target. Some of this is down to the fact that when the guidance was first produced it was more common for complaints to be received as letters, however the majority of complaints are now received via email. Some Areas visited said that it was local practice to record the date of receipt as the following day if the complaint was received on the unit in the afternoon, even if the complaint had been sent the day before. This practice reflects the position that would have been common practice for ‘hard correspondence’ when letters and post would have been date stamped. Our examination confirmed this practice. A number of complaints received over the weekend were logged as being received on the date of logging on the system and not the date received by the CPS. In some cases this made the final response late in terms of being sent outside 20 days, although the CPS system recorded the complaint as timely. The CPS Feedback and Complaints Guidance is clear on how timeliness should be recorded, but it appears that local practice has developed which is not in line with national guidance.

Issue to address

The CPS should re-circulate and reinforce the guidance on how timeliness of complaints should be accounted for, setting out in clear terms when the ‘clock starts’ for those complaints that are received outside of usual business hours.

7.12 The CPS Feedback and Complaints Guidance outlines what should be recognised as a complaint and a simple definition of a complaint is included.²² The process of assessing whether the communication should be registered and responded to as a complaint was undertaken in some cases by staff in the VLU, in other Areas by dedicated members of staff who logged and managed the complaints process. In all cases during our interviews those receiving, logging and assessing complaints were aware of the CPS guidance and were able to determine the difference between a query and a complaint.

7.13 Our examination of letters identified that there were a number of cases where the individual making the assessment of the communication had misinterpreted the guidance. In one extreme case the letter was headed “Complainant letter please accept this as my complaint” and although the complainant identified the police as the party against whom the complaint was made, it was clear that there were some aspects that the CPS needed to respond to. However, the individual assessing the letter marked it as “not strictly a complaint” and decided to see if a further clearer complaint was received. After a further letter of complaint to the Independent Assessor of Complaints the CPS were invited to respond to the complainant.

7.14 There was a common practice in some of the complaints examined where if the letter requested a VRR at the same time as expressing dissatisfaction, that the letter would not be logged as a complaint and would be dealt with as a VRR.

7.15 CPS guidance indicates that where a complaint includes both elements the Area should consider whether to respond to both elements separately or in parallel. In the letters we examined as complaints some Areas did deal with the VRR element first (which the guidance indicates may be a sensible approach). However, in a number of instances the Area failed to write to the complainant indicating that they were considering the VRR first and explaining the non-VRR concerns would be considered at the conclusion of the VRR scheme element. In the cases where the VRR element was responded to first there were some significant delays in the timeliness of the reply to the complaint.

Issue to address

The CPS should reinforce current guidance to remind Areas that if a complaint includes both elements of the Victims’ Right to Review scheme and a complaint, a letter should be sent to the complainant explaining that the elements of the complaint will be responded to after the Victims’ Right to Review has been considered.

7.16 CPS guidance sets out clearly that complaints should be acknowledged within three working days and a full response to stage one and stage two complaints should be sent within 20 days.

7.17 In our sample the average time for a letter to be acknowledged was one day. In all Areas, excluding one where there was a single case that increased the average time, 1.7 days was the average number taken to acknowledge a complaint. In many cases inspectors were impressed with Area systems that ensured that an immediate acknowledgement was sent to the complainant.

Strength

The Area systems for logging and acknowledging complaints.

7.18 Performance on sending a full response to complaints was less consistent. The overall average of all the letters in our sample was 18.9 days (counting the date of receipt in line with guidance). However, there were three Areas where the average time was outside of the 20 days set out in the guidance. One average was close at 20.8 days, but in two other Areas the averages were 37.5 and 40.4 days. The best Area had an average response time of 13.4 days.

7.19 Generally most Areas were effective at sending out holding letters where there was going to be a delay in responding and there were good systems in place to chase responding managers to ensure that letters were being produced in the required timescales. In our overall sample there were six letters which required an extension. In four of the six the holding letter contained a date indicating by when the complainant should receive a full response, in the other two there was no date set out. This oversight of not including a date by which a letter should be received is a concern, as the complainant would not have any view on when as final response may be received.

7.20 Our examination of the CPS KIM system, along with the response, identified that in one case the accuracy of the reason in the holding letter was not entirely correct. We have some concern that busy managers due to other demands do not always prioritise complaints. Many managers spoken to, especially those in smaller CPS Areas, indicated that dealing with complaints in a timely and considered manner was not always easy. In some interviews managers indicated that complaints were dealt with at weekends as this was the only time that the daily demands allowed them to have some time to consider what in some cases are quite complex matters. Whilst management spans are reasonably balanced across the CPS inspectors noted that in smaller Areas with larger numbers of complaints and VRRs the sharing out of the work is more of a challenge. In one Area as well as the relevant manager dealing with complaints, managers at the next level were also allocated complaints to spread the work.

Quality of letters

7.21 Whilst the guidance is not entirely clear, as with VRRs the CPS expects the responding manager to provide the VLU with a complete quality letter, the role of the VLU is to quality assure the final product. Inspectors assessed the quality of letters sent by responding managers to the VLU and the final letter sent to the complainant. Where there was no evidence of the letter being amended or sent to the VLU inspectors assessed only the final letter.

7.22 Thirty four of the 70 complaint letters (48.6%) had been amended by the VLU. Thirty six letters (51.4%) had either not been amended or there was no recorded evidence that they had been. In this instance only the final letters were assessed.

7.23 Of the 34 letters where the inspectors identified the original draft letter from the responding manager the results were as follows:

Complaints - responding manager's draft letter*							
Question	Answer	All cases (out of 70)		Best of 6 Areas (10 letters each)		Worst of 6 Areas (10 letters each)	
Did the VLU alter the responding manager's version	Yes	34	48.6%	10	100%	0	0%
				Answer	All cases (out of 34)		
Did the letter contain spelling mistakes				No	25	73.5%	
Did the letter contain grammatical errors				No	26	76.5%	
Was there empathy				Yes	15	44.1%	
Was the legal explanation clear				Yes	9	26.5%	
Did the letter contain unnecessary jargon				No	15	44.1%	
Was the next stage correctly explained				Yes	13	38.2%	
Were the standard paragraphs clear				Yes	8	23.5%	
Was the addressee correct				Yes	14	41.2%	
Did the amendments improve the quality				Yes	23	67.6%	

* In some instances due to the type of letter not all 70 letters would have the aspect assessed

Final letter quality

7.24 Overall, inspectors assessed that 18 out of 70 complaints (25.7%) were of the quality expected. Our assessment of quality included examination of whether the final letter:

- was addressed correctly
- contained any spelling mistakes
- contained any grammatical errors
- included jargon (that would make comprehension difficult)
- contained an appropriate level of empathy
- set out the correct legal explanation which was explained in terms that could be understood
- whether the next stage in the complaints process was set out
- offered a meeting in line with guidance
- whether standard paragraphs (developed by the CPS) had been used to good effect.

7.25 In our assessment of quality if any one of the aspects assessed above was not met the letter was assessed as not meeting the standard expected. Our examination highlights that the CPS does in some instances respond with some very good letters, however, there are too many where simple mistakes, poor explanations or a lack of empathy results in poor letters.

7.26 The following table sets out the findings from the examination of 70 letters.

Complaints - final letter*							
Question	Answer	All cases (out of 70)		Best of 6 Areas (10 letters each)		Worst of 6 Areas (10 letters each)	
Was the final letter a quality response	Yes	18	25.7%	5	50%	0	0%
Did the letter contain spelling mistakes	No	60	85.7%	10	100%	6	60%
Did the letter contain grammatical errors	No	58	82.9%	10	100%	7	70%
Was there empathy	Yes	37 ^a	53.6%	10	100%	2	20%
Was the legal explanation clear	Yes	27 ^b	42.2%	10	100%	0	0%
Did the letter contain unnecessary jargon	No	48	68.6%	9	90%	4	40%
Was the next stage correctly explained	Yes	52	74.3%	10	100%	1	10%
Were the standard paragraphs clear	Yes	37 ^c	68.5%	10	100%	1	10%

* In some instances due to the type of letter not all 70 letters would have the aspect assessed

a One letter was not marked on empathy due to the circumstances of the case

b Six letters did not require a legal explanation

c Sixteen of the letters did not use standard paragraphs

Question	Answer	All cases (out of 70)		Best of 6 Areas (10 letters each)		Worst of 6 Areas (10 letters each)	
Was the addressee correct	Yes	68	97.1%	10	100%	9	90%
Was the letter produced in the correct format	Yes	68	97.1%	10	100%	9	90%
Was the letter signed correctly	Yes	68	97.1%	10	100%	9	90%

7.27 Only six of those 34 letters (17.6%) amended by the VLU were marked as a quality response.

7.28 As the above table shows there is a range of performance in the quality of letters. In some Areas the quality assurance process of the VLU corrected some letters before they were sent to the complainant. However, even in Areas where letters had not been routed through the VLU, there were some where careful drafting by the responding manager resulted in a quality letter going to the complainant. However, there were two Areas where the quality and standard of all letters failed to meet our assessment of quality. In some of these cases the failure was a simple error, a single typographical mistake, but in one Area in nine out of ten letters the next stage of the complaints process was not explained correctly. In the other Area where all letters failed inspectors assessed that five of the letters sent contained jargon, making comprehension difficult.

7.29 Our examination highlights that some Areas' local quality assurance arrangements are not working, or are not taking place. A simple double check of a letter before it is sent to the complainant would pick up on many of the issues identified by inspectors. The CPS guidance, which is not entirely clear about the role of the VLU, would, if clarified and set out as a requirement, give Areas a level of checking that should pick up simple mistakes.

7.30 There was an additional issue in that a number of responding managers told us that they were not always keen to have their letters quality assured by staff that worked in the VLU or were not legally trained. As the table above shows many of the issues inspectors identified were not about the legal elements but are much more basic. The CPS needs to clarify what it expects and should ensure that Areas comply with the guidance developed and set out.

Issue to address

The CPS should develop an assurance process for the assessment of complaints responses to ensure that letters are free from simple mistakes.

Annexes

A Inspectors' question set

Victim Communication Liaison scheme (200 letters)

	Yes	No	Not applicable	
Information sent to the VLU by the decision-making prosecutor				
Was the VLU informed correctly	118	79	3	
	Not done	Yes	No	Not applicable
Was sufficient information sent to the VLU	58	93	48	1
	Yes	No	Not applicable	
Was the legal explanation clear	90	40	70	
Did the paragraph contain unnecessary jargon	26	94	80	
Were there spelling mistakes	12	111	77	
The VLU and final letter sent to the victim				
Did the VLU amend the paragraph/information supplied	75	50	75	
Did the amendment improve the quality of the legal paragraph	39	46	115	
Were standard paragraphs used to good effect	151	31	18	
Was the victim code screen updated correctly	144	55	1	
Was a meeting offered	5	9	186	
	Yes, but not sent	No		
Was a special form required	1	199		
	Yes	No	Not applicable	
Did the final letter contain spelling/grammatical mistakes	41	158	1	
Was there empathy in the final letter	100	87	13	
Did the final letter contain unnecessary jargon	43	155	2	
Were the standard paragraphs clear in the final letter	177	20	3	
Was the final letter signed correctly	167	33	0	
Was a VRR offered where appropriate in the final letter	85	10	105	

Victims' Right to Review (70 letters)

	Yes	No	Not applicable
Was the responding manager given the correct date for response	31	30	9
Was it clear the response date was monitored on the tracker	6	53	11
Did the VLU chase the responding manager	8	35	27
Did the holding letter have an explanation for the delay	5	5	60
Did the holding response give a date the response would be provided	11	0	59
			Yes
Was the decision that	The original decision was correct and further information provided		57
	A different decision should have been made		5
	The original decision was correct but no further information was provided		8
	Yes	No	Not applicable
Did the VLU alter the responding manager's version	26	35	9
Did the letter contain spelling mistakes	5	21	44
Did the letter contain grammatical errors	5	21	44
Was there empathy in the letter	10	16	44
Was the legal explanation clear	13	13	44
Did the letter contain unnecessary jargon	8	18	44
Did the letter offer a meeting where appropriate	0	0	70
Was the next stage correctly explained	9	17	44
Were the standard paragraphs clear	7	12	51
Was the addressee correct	17	9	44
Did the amendments improve the quality	17	9	44

	Yes	No	Not applicable
Was the letter a quality response	9	61	0
Did the final letter contain spelling mistakes	9	61	0
Did the final letter contain grammatical errors	11	59	0
Was there empathy in the final letter	19	51	0
Was the legal explanation clear in the final letter	23	47	0
Did the final letter contain unnecessary jargon	37	33	0
Did the final letter offer a meeting where appropriate	2	3	65
Was the next stage correctly explained in the final letter	53	13	4

Complaints (70 letters)

	Yes	No	Not applicable
Was the responding manager given the correct date for response	26	35	9
Did the VLU chase the responding manager	6	14	50
Did the holding letter have an explanation for the delay	5	0	65
Did the holding letter give a date the response would be provided by	4	2	64
Did the VLU alter the responding manager's version	34	27	9
Did the letter contain spelling mistakes	9	25	36
Did the letter contain grammatical errors	8	26	36
Was there empathy in the letter	15	19	36
Was the legal explanation clear	9	23	38
Did the letter contain unnecessary legal jargon	19	15	36
Did the letter offer a meeting where appropriate	0	1	69
Was the next stage correctly explained	13	21	36
Were the standard paragraphs clear	8	22	40
Was the addressee correct	14	20	36
Did the amendments improve the quality	23	11	36
Was the final letter a quality response	18	52	0
Did the final letter contain spelling mistakes	10	60	0
Did the final letter contain grammatical errors	12	58	0
Was there empathy in the final letter	37	32	1
Was the legal explanation clear in the final letter	27	37	6
Did the final letter contain unnecessary jargon	22	48	0
Did the final letter offer a meeting where appropriate	2	1	67
Was the next stage correctly explained in the final letter	52	18	0
Were the standard paragraphs clear in the final letter	37	17	16

	Yes	No	Not applicable
Was the addressee correct in the final letter	68	2	0
Was the final letter signed correctly	68	2	0
Was the final letter produced in the correct format	68	2	0

	Total
What was the cause of the complaint	
Outcome at court	23
Poor VCL	3
Decision of prosecutor	15
Treatment at court	13
Complaint not relating to CPS	4
Other	12
How did the complainant raise the complaint	
Letter to unit responsible for the case	5
Via CPS website	13
Via email to unit responsible for the case	4
Via police	10
Via third party	9
Via email to VLU	19
By telephone to VLU	6
Via telephone to unit responsible for the case	2
Letter directly to VLU	1
Not applicable	1



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