



HMCPSI

HM Crown Prosecution
Service Inspectorate

Area Assurance Inspection of CPS South West

Findings of file examination and limited court
observations

May 2019

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Who we are

HMCPPI inspects prosecution services, providing evidence to make the prosecution process better and more accountable.

We have a statutory duty to inspect the work of the Crown Prosecution Service and Serious Fraud Office. By special arrangement, we also share our expertise with other prosecution services in the UK and overseas.

We are independent of the organisations we inspect, and our methods of gathering evidence and reporting are open and transparent. We do not judge or enforce; we inform prosecution services' strategies and activities by presenting evidence of good practice and issues to address. Independent inspections like these help to maintain trust in the prosecution process.

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1. Summary

Context

1.1. During 2016 to 2018, HMCPST undertook a rolling programme of Area Assurance Programme (AAP) inspections across all 14 Crown Prosecution Service (CPS) Areas. The inspections of CPS Cymru-Wales and CPS South West as part of this inspection were pilots and, as such, did not feature all the elements of the finalised and agreed framework for the AAP inspections. Therefore, to ensure that there was a full and comparable set of outcomes, HMCPST decided to revisit these Areas to assess, on a limited basis, casework decision making and the service provided to victims and witnesses. This allows HMCPST to report on a comparative basis against all CPS Areas and sets a baseline for CPS Area performance and any other future activity.

1.2. This report presents the findings of HMCPST's casework analysis.

Headlines

1.3. We have assessed and scored Area performance as set out below. Our assessment is limited to a casework file examination as set out in the AAP inspection framework under "High quality casework" and "Public confidence". The Area's performance, as assessed against the mandatory modules of the inspection framework, is set out in annex C.

High quality casework

Criteria	Score
Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction. (Magistrates' courts)	Good
Case preparation and progression is effective and timely. (Magistrates' courts)	Fair
Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction. (Crown Court)	Fair
Case preparation and progression is effective and timely. (Crown Court)	Fair
Overall score for High quality casework	Fair

Public confidence

Criteria	Score
Communications with victims under all applicable initiatives, Codes or policies (including consulting victims on discontinuance or pleas, letters under the Victim Communication and Liaison scheme, communications with bereaved families, and the Victims' Right to Review scheme) occur where required, and are timely and of a high standard.	Poor
The views and interests of the victim, witnesses and public are reflected and protected by the appropriate use of remand or bail conditions, Victim Personal Statements and ancillary orders at sentencing.	Good

1.4. In the 12 months to December 2018, CPS South West finalised 22,975 magistrates' court cases and 4,233 Crown Court cases. The Area's overall magistrates' court caseload is declining, as is the Crown Court caseload.

1.5. During the same period, the Area secured convictions (either after trial or by a guilty plea) against 86.1% of defendants in magistrates' court cases, which is better than the national average of 84.4%. Similarly, at 83.2%, performance in the Crown Court is better than the national average of 79.7%.

1.6. The Area achieves generally positive outcomes in its cases in both the Crown Court and the magistrates' courts. Area performance for cases involving rape and serious sexual offences (RASSO) is to be commended.

1.7. The Area's overall performance is not helped by the often inadequate service it receives from the police. The Area needs to work with its police partners to influence the quality of police files being provided. The Area's activity has focused extensively on this over the past year. File examination results indicate that there is still much room for improvement in the quality of the files received from the police.

1.8. As with other CPS Areas, CPS South West now makes local charging decisions, and our findings indicate that it needs to improve the quality and recording of its decision making. Inspectors were also concerned about the time the Area takes for some cases to be charged; a number of cases in our file examination were not charged in a timely manner. Decision making was found to be generally sound; however, we noted a number of cases the Area allowed to proceed, particularly in the Crown Court, which did not comply with the Code for Crown Prosecutors. The Area generally reviews cases adequately before the first hearing in both Crown Court and magistrates' courts, although there still is

room for improvement. However, after the first hearing, the Area's 'grip' on cases tends to fall away, which can cause delays and unnecessary work. Over the life of cases, the Area needs to do more to add value.

1.9. We found that the Area generally performed its obligations with respect to unused material properly, although it needs to improve its timeliness in Crown Court cases. The Area also needs to improve the quality of its audit trail of actions and decisions for the handling of unused material in all cases.

1.10. The Area did not always communicate its decisions to victims when it should. Letters sent to victims were often late or of poor quality.

Strengths

The Area's handling of rape and serious sexual offences cases. (2.43)

Issues to address

The Area needs to improve the quality of charging decisions made by Area prosecutors. (2.10)

The Area needs to ensure that it identifies and gives feedback to the police on non-compliance with file quality requirements in magistrates' court cases. (2.16)

The Area needs to improve its recording of disclosure activity, ensuring that a full and complete record of all disclosure decisions and actions is maintained on the case management system on all relevant cases. (2.25)

The Area needs to work with agents to ensure that timely and complete hearing record sheets are submitted in all cases. (2.27)

The Area needs to work with police forces to ensure police correctly identify the likely plea. (2.29)

The Area needs to ensure that, once a case is accepted at the triage stage, charging advice to the police is provided in a timely way. In any cases where an action plan is set for the police, it should be effectively monitored. (2.30)

The Area needs to ensure that prosecutors record consideration of applications and ancillary matters on the Manual of Guidance Form 3. (2.42)

The Area needs to ensure that it identifies and provides feedback on non-compliance with file quality requirements to the police in Crown Court cases. (2.49)

The Area needs to review its systems for the identification and timeliness of victim letters in order to improve performance. (3.2)

The Area needs to ensure that all managers are familiar with procedures for referral of cases under the Victims' Right to Review scheme and local resolution of complaints. (3.6)

The Area needs to improve its performance with regard to identification of the need to apply for special measures at the earliest stage in relevant cases. (3.16)

Methodology

1.11. CPS South West has offices in Bristol, Exeter and Truro. It is aligned with Avon & Somerset, Devon & Cornwall and Gloucestershire police forces. It covers 12 magistrates' courts and six Crown Court centres.

1.12. The report sets out our findings in respect of the "High quality casework" and "Public confidence" criteria within the inspection framework. Inspectors have rated each aspect assessed as either excellent/good/fair or poor, based on an agreed scoring matrix for AAP inspections. The inspection framework, including its more detailed sub-criteria, is set out in annex A.

1.13. Inspectors examined 60 magistrates' court files and 60 Crown Court files that were mostly finalised in October 2018. At relevant points in the report, we refer to the key findings from this file examination. The full findings, together with a detailed breakdown of the file examination, can be found in annex B.

1.14. Because this was a limited inspection, the fieldwork was limited to court observations to assess the effectiveness of case progression. No documentation or formal interviews took place during this inspection.

1.15. A glossary of the terms used in the report is in annex C.

2. High quality casework

Performance Expectation

The Area delivers justice through excellent, timely legal decision making, casework preparation and presentation, leading to improved outcomes.

Criteria	Score
Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction. (Magistrates' courts)	Good
Case preparation and progression is effective and timely. (Magistrates' courts)	Fair
Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction. (Crown Court)	Fair
Case preparation and progression is effective and timely. (Crown Court)	Fair
Overall score for High quality casework	Fair

Performance against the criteria

2.1. In accordance with the [Director's Guidance on Charging, fifth edition](#), cases may be charged by the police without reference to the CPS, or as directed by CPS Direct (CPSD) or Area based lawyers. In assessing Area performance in this aspect, including compliance with [the Code for Crown Prosecutors \(the Code\)](#), we only consider those cases where the charge was directed by an Area lawyer. However, in order to give a full picture, we comment on the quality of all charged cases, regardless of how they were initiated.

2.2. In our file sample, the Code was applied correctly at the charging stage in 92 out of 96 CPS charged cases (95.8%).

2.3. Fifty-one of the 96 CPS charged cases were cases where the Area made the charging decision. In all but two of these (96.1%), the Code was applied correctly. Of the 24 cases charged by the police, the Code was correctly applied in 23 cases (95.8%). Of the 45 cases charged by CPSD, the Code was correctly applied at the charging stage in 43 cases (95.6%).

2.4. As part of our file examination, inspectors rate the quality of charging decisions no matter who made them, Area or CPSD. We assessed 2% of charging decisions as excellent, as recorded on Manual of Guidance Form 3 (MG3), 43.1% as good, 35.3% as fair and 19.6% as poor. The charging decision failed to refer to all relevant applications and ancillary matters in 25 out of 51 cases (49.1%) and there were also appropriate instructions to the court prosecutor in 25 out of 51 cases (49.1%). The Area's MG3s were assessed as containing a proper case analysis and case strategy in 29 cases (56.9 %).

2.5. Post-charge, the Code was applied correctly in 114 out of 120 cases (95%).

Reviews and decisions – magistrates’ courts Assessment: Good

Summary

All Area prosecutors’ charging decisions complied with the Code, but the quality of the recording of decisions on the MG3 form needs to improve. Police file quality hindered decision making and case management and there was insufficient evidence of the Area challenging the police in a co-ordinated fashion to address deficiencies. After charge, Code compliance was good and most cases benefited from a timely initial review. Acceptance of pleas was well handled and appropriate. The Area dealt competently with the disclosure of unused material, although the recording of a reliable audit trail of disclosure decisions is a weakness.

2.6. In our file sample, there were 60 cases finalised in the magistrates’ courts. Of these, 21 were police charged cases. All but one of these 21 cases (95.2%) complied with the Code for Crown Prosecutors. The case which did not comply involved a number of offences committed by the driver of a car. The police charged despite there being insufficient evidence to prove the suspect was in fact the driver. The Area did not address this issue effectively and the matter was allowed to proceed to trial. There is no record on the file of any feedback being given to the police.

2.7. Of the 21 police charged cases, 19 complied with the Director’s Guidance, giving a compliance rate of 90.5%. In the two cases where the police charged the cases in breach of the guidance, the cases were contested either way offences. One case involved an offensive weapon allegation and the other a breach of restraining order matter. There was nothing recorded on the case files that suggests the CPS identified or challenged this lack of compliance with the Director’s Guidance.

2.8. Of the remaining cases, 23 were charged by the Area and 16 by CPSD. All cases complied with the Code.

2.9. We assessed the overall quality of the MG3 charging decisions made by Area prosecutors as good in 11 cases (47.8%), fair in six cases (26.1%) and poor in six cases (26.1%). We did not rate any MG3s as excellent. The high incidence of poor quality MG3s is a cause for concern. Our examination identified a lack of proper analysis by prosecutors of how allegations are to be proved against individual suspects, particularly in multi-handed cases. In one case of domestic abuse, we found that the analysis was weak, there was no action plan, issues regarding victims and witnesses were not addressed and the instructions to the court prosecutor were simply to “proceed to trial if denied”. The CPSD MG3s in the file sample were of better quality, with 11 out of 16 (68.8%) being rated as good and none as poor.

2.10. The quality of advice provided by CPSD in the magistrates' court file sample was, in most cases, significantly better than the advice provided by the Area as regards the quality of case analysis in the MG3, whether it dealt with relevant applications and ancillary matters, the quality of instructions given to advocates or the quality of action plans. Only as regards the correct anticipation of plea did Area charging lawyers perform better.

Issue to address

The Area needs to improve the quality of charging decisions made by Area prosecutors.

2.11. Our case file examination revealed that the quality of the police files submitted to the Area needs to improve. Less than half (48.3%) of the police files provided fully complied with National File Standard (NFS) and almost one quarter did not meet the standard at all. The police files complied fully with the NFS in 28 out of 58 cases (48.3%), partially in 16 cases (27.6%) and not at all in 14 cases (24.1%). Our reality checks of live files during court observations found somewhat better performance, with six out of ten cases (60%) fully compliant. The timely provision of the police file also requires improvement, with 14 out of 56 (25%) not being provided on time. Where the police file is poor, missing key items, or late, it is likely to significantly impact on the CPS's subsequent performance.

2.12. Where the police file failed to meet the required standard, the most common failing was recorded as "other" (33%). In our assessment, "other" can include files missing key digital material or CCTV. In seven cases (23.3%) there was no Victim Personal Statement (VPS) on file. In four cases (13.3%), key statements were either missing or of poor quality. We found overbuild in four cases (13.3%). In three cases, the MG5 (case summary) was either missing or of poor quality.

2.13. Of the three police forces which feed into the Area, the files provided by Avon & Somerset were of the poorest quality (37.5% complied fully with the NFS and 43.8% not at all). Gloucestershire was somewhat better, fully complying with the NFS in half its files (50%). Devon and Cornwall fully complied with the NFS in 54.5% of its files.

The Area has worked with all forces over the past year to improve police file quality performance. Our findings highlight that there is still some way to go

2.14. In addition to the above shortcomings in the quality of police submissions, we also found that where the police charged the case, they often wrongly identified whether a guilty or not guilty plea was anticipated. Of 21 cases, there were 13 (61.9%) where the anticipation of plea was incorrect.

2.15. Overall we rated the service provided by the police as good in 21 cases (35%), fair in 30 cases (50%) and poor in nine cases (15%).

2.16. It was evident from the case file examination that the Area does identify inadequate police files through the national file quality (NFQ) monitoring process, which provides an overview of police file quality to the Local Criminal Justice Board. Of the 30 cases in our file sample where the police submission was deficient, the prosecutor identified and raised compliance in just over half (56.7%). This rate of challenge needs to improve. The Area was better at feeding back to police where the file omitted evidential material that hindered review or trial preparation. We are aware that the Area has worked with all forces over the past year to improve police file quality performance. Our findings highlight that there is still some way to go, but we are assured that the Area recognises that this is an aspect that needs to be improved.

Issue to address

The Area needs to ensure that it identifies and gives feedback to the police on non-compliance with file quality requirements in magistrates' court cases.

2.17. A timely and good quality review is essential if a case is to be dealt with efficiently at the first hearing and make the progress expected under the magistrates' court. Late or missing reviews impair the court's ability to progress cases properly.

2.18. In our file sample, there was a proper and proportionate review in 35 out of 51 relevant cases (68.6%). In seven cases (13.7%), the review was not of the required standard and in nine (17.6%), there was no review at all. We found a similar situation in our reality checks on live cases when undertaking court observations: six out of the 10 reviews were rated as good, three as fair and one as poor.

We found in general that the quality of descriptions recorded by police on the disclosure schedules was good

2.19. Even where a good quality review is undertaken, its effectiveness can be hampered if it is done late, leaving limited time for remedial action. In the sample, 35 of the 42 reviews undertaken (83.3%) were on time and seven (16.7%) were late. In our reality checks, we found the position less positive, with only five out of ten cases having been reviewed on time.

2.20. Preparation for effective trial (PET) forms were generally completed alongside the initial review of the case, but as a rule, these did not include the individual details of the CPS prosecutor dealing with the case – which is the expectation, given the CPS’s position on file ownership and accountability.

2.21. Three cases in our file sample involved the acceptance of pleas. Decision making was sound in all of these. We also observed a plea being accepted to one of two charges in our court observations. Again, we found this to be sound, and the case was resolved appropriately at the first hearing, avoiding the need for further hearings. In the files we examined, where discontinuance was being considered, there was appropriate and timely consultation with the police.

2.22. In 43 out of 60 cases (71.7%), the police fully complied with their disclosure obligations. We found in general that the quality of descriptions recorded by police on the disclosure schedules was good, which greatly assists the prosecutor in undertaking a proper review of the unused material.

2.23. The Area fully complied with initial disclosure in 27 out of 40 cases (67.5%). Inspectors assessed compliance as partially met in ten cases and not met in three cases. In the four cases where on-going disclosure was relevant, it was complied with fully in three cases and partially in the one remaining case.

2.24. The Area performed its disclosure duties in a timely way in 29 out of 40 cases (72.5%). Only two of the cases finalised in the magistrates’ court involved sensitive unused material and both were dealt with properly. There were no cases in the file sample which involved the consideration of third party unused material. There were no cases where there had been a failure to disclose undermining material under the Criminal Procedure and Investigation Act 1996.

2.25. This generally positive picture of the handling of disclosure was to some extent undermined by the Area’s tendency not to effectively record an appropriate audit trail of disclosure actions and decisions, either on the disclosure record sheet (DRS) or elsewhere on the case management system (CMS). In 16 out of 40 relevant cases (40%), a fully appropriate audit trail of

decision making was recorded. In eight cases (20%), there was only a partial record and in 16 cases (40%), there was either no record at all or it was wholly inadequate.

2.26. Overall, inspectors rated the handling of the disclosure process as good in 14 out of 40 relevant cases (35%), fair in 20 cases (50%) and poor in six cases (15%).

Issue to address

The Area needs to improve its recording of disclosure activity, ensuring that a full and complete record of all disclosure decisions and actions is maintained on the case management system on all relevant cases.

2.27. In our file examination, the hearing record sheet (HRS), a form completed to summarise and capture actions from court hearings, was present and timely in 46 out of 58 relevant cases (79.3%). The absence of an HRS can have a significant impact on onward case progression and on the service provided to the victims of crime. Generally, in-house prosecutors using the prosecutor app recorded the outcomes of hearings punctually and accurately. In a significant number of the cases where the HRS was either late or of insufficient quality, it was provided by an agent dealing with magistrates' court trials.

Issue to address

The Area needs to work with agents to ensure that timely and complete hearing record sheets are submitted in all cases.

2.28. The average number of hearings in contested cases in the 12 months to December 2018 was 2.78, marginally below the national average of 2.77. The average number of hearings for guilty plea cases was 1.69 – again, just behind the national average of 1.66.

Case preparation and progression – magistrates’ courts Assessment: Fair

Summary

The proportion of correctly anticipated pleas at the charging stage could be improved; even so, most cases were effectively prepared for the first hearing. The Area served the necessary material on the defence in most cases where they could be identified, and tried to engage with them – although with little, if any, response. Although most first hearings were effective, Area prosecutors did not adequately grip cases once a trial date had been fixed. In many cases, court directions were not complied with fully; nor was discontinuance of weak cases carried out in a timely manner. The overall value added by the CPS to the case was rated as fair in the majority of cases.

2.29. Out of the 60 files examined, the plea was correctly anticipated in 45 cases (75%). Where the police charged the case, they correctly anticipated the plea in 13 out of 21 of cases (61.9%). Where CPSD charged, 12 out of 16 anticipated pleas (75%) were correct and where the Area charged, 20 out of 23 (87%) were correct. Where the anticipated plea is not accurate, this can have a significant negative impact on case progression.

Issue to address

The Area needs to work with police forces to ensure police correctly identify the likely plea.

2.30. There was evidence from the case file examination that, in some cases, there are significant delays to the effective progression of cases before charge. Once accepted by the administrative triage system (a process where the cases are checked before any prosecutor action to ensure that the police have submitted the correct papers), reviews did not take place within the target date set. There were a number of instances of long delays by both police and the Area in charging cases where evidence was missing from the original police submission and/or where the initial advice set an action plan for police to provide further material. This applied to cases in both the magistrates’ courts and the Crown Court. In our court observations, we observed two cases where there had been a delay of more than a year from the alleged offence to the first hearing, because of delays by both the Area and the police. One of the cases involved a serious assault by an adult on a 13 year old child.

Issue to address

The Area needs to ensure that, once a case is accepted at the triage stage, charging advice to the police is provided in a timely way. In any cases where an action plan is set for the police, it should be effectively monitored.

2.31. To assist progress at the first hearing, the prosecution is required to provide the court and defence with the initial details of the prosecution case

(IDPC) in advance of the first hearing. We found that the IDPC was dispatched to the defence in most not guilty anticipated plea (NGAP) cases, as long as their details were known at the time of the initial review. As noted above, most reviews were conducted on time, so the IDPC was usually provided on time – although there was a delay between the review and the dispatch of the IDPC in some cases. This was confirmed in our court observations, where the IDPC was provided on time in five out of seven relevant cases (71.4%). In the two where the IDPC was late, this was because the file was reviewed late.

2.32. At the time of dispatching the IDPC to the defence, the Area also sends out a “contested IDPC letter”. This is part of a national initiative to promote early engagement between the prosecution and defence before the first hearing. It contains the IDPC, reminds the defence of the prosecution’s and defence’s duty of direct engagement, and provides the names of the reviewing lawyer and a legal manager in case the lawyer is not available. In our case file examination, there were no significant responses from the defence to these letters before the first hearing. Defence engagement usually commenced at court with the completion of the PET form. This was confirmed by our court observations: the defence was identified before the first hearing in seven out of ten cases, and the prosecution made an attempt to engage by way of a contested IDPC letter in four out of those seven cases. The files contain no evidence of any responses; the first engagement between the prosecution and defence occurred on the morning at court.

2.33. In 39 out of 51 relevant cases (76.5%) in our file sample, the prosecutor had prepared the file effectively to ensure progress at the first hearing according to the principles of Transforming Summary Justice (TSJ). Prosecutors in court were generally able to make up for any deficiencies in the pre-court preparation, to ensure the first hearing was effective. The first hearing was effective in 43 out of 59 relevant cases (72.9%). In the 16 cases which were not fully effective, the CPS was to blame in only one case. The most common causes of ineffectiveness related to the defendant (nine cases, 56.3%) and the police (six cases, 37.5%). We found a similar position in our reality checks, where seven out of the ten cases observed were effective and the other three were ineffective for reasons related to the defendant. The advocate in court was proactive, where possible, about seeking to resolve matters on the day.

2.34. The Area performed less well in maintaining a good grip of the case after the first hearing where the matter was set down for trial. The Area maintained grip on the case fully in only 17 out of 43 cases (39.5%), partially in 19 cases (44.2%) and not at all in seven cases (16.3%). On a similar note, the court gave directions in 26 cases, and compliance with those directions was timely in only 13 of those cases (50%).

2.35. The lack of grip is also apparent in cases which should be discontinued, but remain in the system, taking up resources and court time. Of the 12 cases in the file sample discontinued by the Area, only seven (58.3%) were discontinued in a timely way. Two cases identified as Code test failures by the Area after charge were both allowed to proceed to trial, demonstrating a lack of grip. This lack of grip on contested cases is reflected in the current effective trial rate of 50.9%, which sits below the CPS level of ambition of 55%.

The Area's overall conviction rate is 86.1% which is above the national average of 84.4% and the CPS level of ambition of 85%

2.36. The overall value added by CPS throughout the case was good in ten cases (16.7%), fair in 43 cases (71.7%) and poor in seven cases (11.7%).

2.37. Despite these shortcomings, the Area's overall conviction rate is 86.1%. This is above the national average of 84.4% and the CPS level of ambition of 85%. Furthermore, the

Area's conviction rate in domestic abuse cases is 79.1%: better than the national average of 76.2% and the CPS level of ambition of 76.5%. The rate of cracked and ineffective trials attributable to prosecution reasons is 17.1%, which is much better than the national average of 22.3% and exceeds the CPS level of ambition. The rate of unsuccessful outcomes attributable to victim issues is 26.1%, which is better than the national average of 29% and the CPS level of ambition of 27.5% or less.

2.38. There have been no custody time limit (CTL) failures in the magistrates' courts in the past 12 months. We did not inspect the systems in place in the Area to ensure compliance with the CTL regime, but our case file examination did not reveal any concerns about the way CTLs were handled by the Area.

Reviews and decisions – Crown Court Assessment: Fair

Summary

The Area's compliance with the Code needs to improve both at charge and at later review. The standard of review also needs to improve. The standard was better in the Crown Court than in the magistrates' courts, although this was mainly because of the high quality of review in cases involving rape and serious sexual offences (RASSO). As in the magistrates' courts, the initial police file was not complete in many cases, but prosecutors often failed to add good reviews after charge. Acceptance of pleas was well handled where appropriate, and the handling of unused material was better than in the magistrates' courts, but the timeliness and completion of adequate disclosure record sheets was unsatisfactory.

2.39. We assessed 60 Crown Court cases as part of file examination. The Code was applied correctly at the charging stage in 26 out of 28 Area charged cases (92.9%). There were three police charged cases, all of which correctly applied the Code. In the remaining 29 cases, the charging decision was taken by CPSD lawyers. They applied the Code correctly in 27 cases (93.1%).

2.40. Inspectors assessed one of the Area charging decisions as excellent (3.6%), 39.3% as good, 42.9% fair and 14.3% poor.

2.41. The Code was applied correctly post-charge in 56 out of 60 cases (93.3%).

2.42. In Area charged cases destined for the Crown Court, the MG3 included proper case analysis and case strategy in 17 out of 28 cases (60.7%). This requirement was partially met in eight cases (28.6%) and not met in three cases (10.7%). In a number of instances, the MG3 showed good analysis of the case, but applications (such as for special measures or bad character) and ancillary orders (such as restraining orders) were simply not mentioned.

Issue to address

The Area needs to ensure that prosecutors record consideration of applications and ancillary matters on the Manual of Guidance Form 3.

2.43. Inspectors were impressed with the quality of advice and handling of RASSO cases. There were seven Crown Court sexual offences cases charged by the Area in the file sample. All seven complied with the Code at all stages. Six had a proper case analysis and case strategy, and this requirement was partially met in the remaining case. As in the overall Crown Court performance, a lack of consideration of applications, ancillary matters and instructions to advocates brought down the overall rating for the MG3 in RASSO cases.

Nevertheless, we assessed quality as excellent in one case, good in four and fair in two. None of the cases were assessed as poor.

Strength

The Area's handling of rape and serious sexual offences cases.

2.44. In addition to the seven cases charged by the Area, there were two RASSO cases charged by CPSD. Inspectors rated eight of the nine RASSO cases as having full grip. All four of the RASSO cases which involved a decision to accept pleas were dealt with appropriately. Compliance with Judges' orders in RASSO cases was fully met in seven out of eight cases (87.5%). RASSO cases often involve significant amounts of sensitive unused material and also third party material. In all four RASSO cases which involved such material, it was handled properly. The recording of the audit trail in cases was the only issue, with only four out of seven cases fully meeting the standard, two only partially meeting the standard and one case having no adequate audit trail of decision making recorded on CMS at all.

2.45. As in the magistrates' courts, police file quality for cases destined for the Crown Court was poor. In 20 out of 56 cases (35.7%), the police file complied with the NFS. The file complied partially in 14 cases (25%) and not at all in 18 cases (32.1%). Where the police file did not meet the standard, the most common failing related to the lack of and/or quality of statements (ten cases, 31.3%). In eight cases (25%) the file contained neither a VPS nor a record that it had been declined. In six cases (18.8%), there was either no MG5 (case summary) or it was of poor quality. In another further eight files (25%) which did not meet the standard, inspectors recorded the reason as "other". These reasons included interview records not being provided and MG2s (a form including information from the police about witnesses needing special measures) being either poor or missing.

2.46. These issues were compounded by the fact that the police file was often not received on time. Only 32 out of 53 (59.6%) relevant files were received within the expected timescales. Again, performance here was worse than in cases finalised in the magistrates' courts.

The Area needs to do more to challenge the police to drive improvements in quality rather than just seeking to plug the gaps on a case by case basis

2.47. This poor performance was also corroborated by live file observations. The police file only complied with the NFS in three of the six cases observed. Similarly, the police only provided three files on time.

2.48. In terms of quality and timeliness, there were no significant differences between the three police forces aligned with CPS South West. All three forces need to improve the service they provide. Inspectors rated the overall quality of service from the police as

excellent in one case (1.7%), good in 15 cases (25%), fair in 37 cases (61.7%) and poor in seven cases (11.7%).

2.49. As with cases in the magistrates' courts, there was evidence that the Area used a triage system to check whether police files complied with the NFS before they were allocated to a lawyer to provide charging advice. Even so, the Area needs to do more to challenge the police to drive improvements in quality, rather than just seeking to plug the gaps on a case by case basis. In 32 cases in our file examination, the police file was deficient. The prosecutor only identified and raised issues with the police about the lack of compliance in 16 of these cases (50%).

Issue to address

The Area needs to ensure that it identifies and provides feedback on non-compliance with file quality requirements to the police in Crown Court cases.

2.50. A good quality review is essential to ensure that the reviewing lawyer has a proper grip on the case from the outset. In the file examination, inspectors assessed that there was a proper and proportionate initial case review in 31 out of 45 relevant cases (68.9%). The review was not adequate in five of the remaining 14 cases (11.1%) and in nine (20%), there was no review at all. In those cases where a review had been completed, it was timely in 26 out of 36 cases (72.2%).

2.51. A good HRS is essential to ensure that all necessary actions can be undertaken as soon as possible following court hearings. Timeliness and accuracy are particularly important. The Area's performance in this regard was poor and in need of significant improvement. In 32 out of 60 cases (53.3%), the HRS was of the required standard and uploaded to CMS in a timely manner. A further 20 cases (35.3%) partially met the standard and in eight cases (13.3%) the HRS was wholly inadequate. In one case where the defendant failed to attend, no HRS relating to this outcome was uploaded onto CMS for six days –

and when it was, it did not make clear what had happened at the hearing. The problem was particularly marked with regard to trials conducted by external counsel. In one, there was no HRS at all on file for the first day of the trial. In another, there was no record of the verdict. Conversely, in a case involving a sexual assault where an alternative plea was accepted at court, the HRS included a very detailed record of the consultation with the victim. As with the magistrates' courts, the Area needs to ensure that hearing record sheets are received and case updates are timely in the Crown Court.

The Area performed its disclosure functions appropriately in most cases

2.52. Police compliance with their disclosure obligations in Crown Court cases is in need of improvement. In 33 out of 60 cases examined, the police had fully complied with their disclosure obligations throughout the life of the case. In those cases where there was a need for better compliance, the most common failings

were a lack of an appropriate schedule in nine cases (33.3%), items listed wrongly in six cases (22.2%), poor descriptions in six cases (22.2%) and the wrong schedules provided in four cases (14.8%). We did not find any significant differences in performance between the three police forces which feed into the Area – all had significant shortcomings.

2.53. Failings in the police's handling of unused material can impact significantly on the Area's ability to discharge its disclosure functions properly. We found examples of cases where poor and delayed presentation of unused material by the police contributed to the CPS being very late in serving both initial and continuing disclosure and missing court deadlines.

2.54. Despite the shortcomings in the police submissions, we found that the Area performed its disclosure functions appropriately in most cases, although it needs to improve its timeliness and also the quality of its audit trail of actions and decision making. In 43 out of 49 relevant cases (87.8%), Area prosecutors fully complied with the duty of initial disclosure and in 35 out of 44 (79.5%), they fully complied with the duty of on-going disclosure. In one serious assault case, an engagement and early disclosure document was sent to defence in advance of the PTPH – we consider this to be good practice. We also rated an Area lawyer's handling of a drugs case as excellent. The case posed complex disclosure issues, because it was linked to a number of other investigations and had National Crime Agency (NCA) involvement.

2.55. Sensitive material was dealt with appropriately in 12 out of 13 cases (92.3%). Likewise, in cases which involved unused material held by third parties, this was dealt with appropriately in 7 out of 8 cases (87.5%).

2.56. We did not identify any cases where there had been a failure to disclose material as required under the Criminal Procedure and Investigation Act.

2.57. The Area needs to improve timeliness and recording of disclosure. In the file sample, disclosure was timely in 29 of 49 cases (59.2%). A clear and complete audit trail of all decision making and actions is essential to make sure the disclosure process has been complied with properly. This should be recorded on the DRS. Whilst inspectors did note examples of very thorough DRSs in the file sample, it is nonetheless a matter of concern that a properly completed DRS was present in less than half the Crown Court cases examined: compliance was fully met in 21 of 49 cases (42.9%), partially met in 17 cases (34.7%) and not met in 11 cases (22.4%).

2.58. Overall, inspectors rated the quality of the Area's handling of unused material as excellent in two cases (4.1%), good in 21 cases (42.9%), fair in 22 cases (44.9%) and poor in four cases (8.2%).

2.59. Decision making about the acceptance of plea or a basis of plea in Crown Court cases was sound: 12 out of the 13 cases (92.3%) involving a plea or basis were dealt with correctly.

Case preparation and progression – Crown Court Assessment: Fair

Summary

Most cases were adequately prepared for the PTPH, leading to an acceptable rate of effective hearings. However, once the case had been set down for trial, the prosecution failed to comply with the timetable set down for completion of key tasks in many cases. There was evidence in our file examination of cases lacking grip and requiring additional hearings to resolve matters, although the Area's figures for effective trials and the number of hearings per case were impressive. The Area had one custody time limit failure during the year ending December 2018. The overall value added by the CPS was assessed as good or excellent in slightly less than one third of cases in our sample.

2.60. Out of the 60 Crown Court files examined, the correct anticipated plea was identified at the charging stage in 52 cases (86.7%). Where the police charged the case, only 66.7% of cases had the correct plea identified (two out of three); where CPSD charged, 89.6% were correctly identified (26 out of 29 cases); and where the Area charged, 85.7% were correctly identified (24 out of 28 cases). As mentioned earlier, where the anticipated plea is not accurate, this can have a significant negative impact on case progression.

2.61. In our file examination, we found that most cases are prepared effectively for the PTPH. There was a proper and proportionate review before the first hearing in 31 out of 45 relevant cases (68.9%). In the live cases we observed at court, the Better Case Management (BCM) form was uploaded onto the Digital Case System after the magistrates' court hearing in six of the eight cases (75.0%). However, the issues were only identified fully and correctly in three out of the eight forms. All eight of the live cases were effective, in that six were set down for trial and the other two were resolved as guilty pleas.

2.62. In 41 of the 60 cases (68.3%), the first hearing was effective in resolving outstanding issues. In the 19 cases where the first hearing was ineffective, the cause was attributed to the defence in seven, the CPS in six, the police in five and the court in one. Full and appropriate instructions for the prosecutor at court were contained in 35 of the 57 relevant Crown Court cases (61.4%).

2.63. There were a number of cases in our file sample where the prosecution had to apply to extend the time limit for the service of the prosecution case after the PTPH. The majority of these extension applications were in order to meet directions relating to the service of unused material caused either by late or inadequate disclosure schedules from the police or late service of defence case statements.

2.64. Compliance with the initial timescale set down in the Judge's order was full and timely in 24 of the 50 relevant cases (48.0%). These obligations were partially met in a further 18 cases (36.0%) but not met in eight cases (16.0%).

2.65. Correspondence was generally considered promptly, whether it came from the defence, the police (including the witness care units) or the courts. However, we noted cases where the police had provided key information which was overlooked: for example, that a witness no longer wanted to support the prosecution. In one case, a letter from solicitors acting for the defendant, offering to plead guilty to several counts on the indictment, was apparently ignored for almost two months before it was considered – and the trial vacated, when the offer of pleas was accepted.

The Area's performance is better than the CPS average

2.66. As part of our file examination, we assessed the CPS's grip of cases. In 31 of the 60 cases (53.4%), the conditions for effective grip were fully met. In 12 out of 58 cases (20.7%) there was no grip at all.

2.67. Where there was a decision to discontinue a case, it was timely in 12 of the 14 cases (85.7%).

2.68. A number of trials were vacated before the date set down for the contested hearing. Vacating trials reduces the number of hearings, as does ensuring everything is settled at the PTPH. The majority of cases went straight from the PTPH to the trial hearing, but a significant number required the listing of cases for 'mention' and, although some of these resulted in the case being finalised, many were in fact additional hearings. In the 12 months to December 2018, the Area had an average of 4.91 hearings in contested cases, which was better than the national average of 5.06 and the CPS level of ambition of 5.0 or less.

2.69. As regards the trial hearings themselves, there were several cases where the trial was ineffective. In some of these, the reason given was the lack of a courtroom or insufficient court time; others were substantially influenced by prosecutors' decisions to obtain and serve additional evidence that would strengthen their case. In one of these cases, which involved a defendant charged with theft from her employer, the prosecution chose to seek financial orders allowing them access to her bank accounts – but late service of these documents caused the trial to be ineffective.

2.70. While we noted some issues in our file examination, the Area's performance is better than the CPS average. 55.8% of trials were effective in the 12 months to December 2018, compared with 50.7% nationally. In the same 12

month period, where a trial was ineffective, it was attributed to a prosecution reason in only 7.6% of cases. This is significantly better than the national average of 11.5%.

2.71. We rated the overall value added by CPS throughout the case as excellent in one case (1.7%), good in 18 cases (30%), fair in 31 cases (51.7%) and poor in ten cases (16.7%).

2.72. In the 12 months to December 2018, CPS South West had a Crown Court conviction rate of 83.2%, which was better than the national average (79.7%) and above the CPS level of ambition (81.5%). For the same period, the Area's conviction rate for offences of rape was 67.4%, compared with the national average of 61.5% and the CPS level of ambition of 60%.

2.73. We have not examined the Area's office based systems for monitoring CTLs, and in the finalised files, the case management system does not contain all information on CTLs. However, subject to that, we found that CTLs were well monitored and endorsed on the HRS. During our court observations, all trials were accommodated within the limit. The Area has had one reported CTL failure during the past year.

3. Public confidence

Performance Expectation

The service to victims and witnesses is central to the work of the Area. It ensures that decisions are appropriately explained and its interaction with victims and witnesses takes account of their needs, is open and direct, and shows empathy.

Criteria	Score
Communications with victims under all applicable initiatives, Codes or policies (including consulting victims on discontinuance or pleas, letters under the Victim Communication and Liaison scheme, communications with bereaved families, and the Victims' Right to Review scheme) occur where required, and are timely and of a high standard.	Poor
The views and interests of the victim, witnesses and public are reflected and protected by the appropriate use of remand or bail conditions, Victim Personal Statements and ancillary orders at sentencing.	Good

Performance against the criteria

Communications with victims Assessment: Poor

Summary

The Area has a responsibility to communicate promptly and reliably with victims at all stages. Its performance in identifying the requirement to send letters to victims needs to improve, as does the timeliness and quality of any letters sent. In addition, Area managers seemed to misunderstand the Victims' Right to Review scheme in some of the cases in the file examination; greater familiarisation with all victim schemes is necessary.

3.1. The Area was required to send a letter to the victim in 21 cases in our file sample. A letter was sent in 16 cases (76.1%). Where a letter was sent, it was timely in 12 out of the 16 cases (75%). Performance was significantly better in the magistrates' courts than in the Crown Court, both in respect of timeliness (77.8% compared with 41.7%) and identification of the need for a letter (88.9% compared with 66.7%).

3.2. One example where the need for a letter was not identified was a case where a guilty plea to a charge of grievous bodily harm had been accepted at court, and the original charge of grievous bodily harm with intent had been dropped. It was noted that a number of HRS documents were inadequately

completed in Crown Court cases; this may have contributed to the failure to identify the need for a victim letter.

Issue to address

The Area needs to review its systems for the identification and timeliness of victim letters in order to improve performance.

3.3. Letters that the Area sent to victims fully met the requirements of the scheme in only four of the 16 cases (25%). There was no appreciable difference between performance in the magistrates' courts and the Crown Court. Another seven letters (43.8%) partially met the requirements and the remaining five (31.3%) did not meet the requirements at all.

3.4. Letters which did not meet the requirements were characterised by inappropriate or misleading language in the explanation of the prosecutor's decision or by lack of empathy with the victim. An example of a good letter was identified in a case where the parents of the defendant were the victims of his offences. They were sent a clear and accurate account of a hearing where acceptable pleas were entered.

3.5. There were two cases of homicide where the Area was required to comply with the bereaved family service offered by the CPS. Each of these cases was a fatal road traffic incident. In one of them, the service provided to the family throughout was of a good standard, with all necessary communications being delivered appropriately. Indeed, the letter explaining a substantial alteration of charge was sent within one day.

3.6. However, in the other homicide case, the Area failed to adhere to the details of the Victims' Right to Review scheme, so the family of the victim were supplied with inaccurate information and misled as to their rights in the process. This led to increased delays. A complaint was made by the family, who had sought independent legal advice.

Letters which did not meet the requirements were characterised by inappropriate or misleading language or by lack of empathy with the victim

3.7. In another case, after discontinuing an assault prosecution, a local manager had written to the victim and participated in a meeting with them. Neither the letter nor the meeting accurately notified the victim of her right to seek a review of the decision.

Issue to address

The Area needs to ensure that all managers are familiar with procedures for referral of cases under the Victims' Right to Review scheme and local resolution of complaints.

3.8. We observed, based on files containing fully completed HRS forms, that court prosecutors and agents did engage with witnesses before trials in both the magistrates' courts and the Crown Court to explain their role and the court process, in accordance with the Speaking to Witnesses at Court initiative.

The views and interests of victims and witnesses

Assessment: Good

Summary

The number of unsuccessful outcomes in the Area that were attributable to victim issues was good. Generally, prosecutors applied for special measures and other protective orders; they also pursued Victim Personal Statements from police where these were missing from initial files.

3.9. The Area took all necessary steps to engage the victim in the court process in 54 out of 66 cases (81.8%). Performance was significantly better in Crown Court cases (94.6%) than in magistrates' court cases (65.5%).

3.10. In one case of domestic abuse, the Area ensured that the vulnerable witness received regular contact and support from the police and witness care unit throughout the pre-trial process and at an effective trial resulting in a conviction.

3.11. In the 12 months to December 2018, 24.5% of the Area's unsuccessful outcomes were attributable to victim issues. This was better than the national average for that period, which was 27.6%, and comfortably exceeded the CPS level of ambition of 27.5% or below.

3.12. We were concerned to find that a number of pre-charge decisions were subject to lengthy and often unexplained delays, which occurred in the police investigation or during a triage system: awaiting either a CPS decision or the issue and service of a postal requisition requiring the suspect to attend court. These delays could result in a defendant's first appearance at court being a year or more after the offences were committed. This is not in the interests of justice and does not serve the interests of victims and witnesses.

3.13. At the charging stage, prosecutors were alert to the need to protect victims either by making appropriate applications to remand defendants in custody or by seeking adequate conditions to be attached to bail.

3.14. However, prosecutors could be more proactive when deciding whether victims might be assisted by the ordering of special measures. In one case of assault, a vulnerable victim with mental health needs told police he did not require special measures. An experienced prosecutor ought to have taken a more objective view and acted to secure protection for him.

3.15. Prosecutors did not always act promptly when informed by the police or witness care unit that a victim or witness required special measures. Overall, special measures were applied for appropriately in 34 of 41 cases (82.9%), but the applications were timely in only 22 of the 34 cases (64.7%).

3.16. In one Crown Court case, although the late application for special measures was partly because of an extremely late police file submission, the victim was only allowed to benefit from giving evidence from behind a screen on the opening day of the trial.

Issue to address

The Area needs to improve its performance with regard to identification of the need to apply for special measures at the earliest stage in relevant cases.

3.17. Area staff are alert to the requirements of the VPS initiative and, in most cases, would remind police of their responsibility to obtain a VPS where it was not included in the initial file submission. As stated earlier, one of the most frequent reasons why police files failed to meet the NFS on submission was the absence of at least one VPS. This accounted for 24.2% of failures to meet the standard.

3.18. Prosecutors checked with victims whether they wished to read their VPS personally to the court and, commendably, served these statements on the court in advance of the hearing.

3.19. Where appropriate, prosecutors actively invited sentencing courts to make restraining orders designed to protect victims, especially in cases of domestic abuse or long standing disputes between neighbours. In one case, an order was secured to protect a victim despite the acquittal of the defendant after a protracted investigation and prosecution culminating in a four day trial.

Annex A

Inspection framework

Area Assurance Programme inspection framework: CPS South West

Introduction

The framework is split into two sections: “High quality casework” and “Public confidence”. Each section has a performance expectation and a number of criteria against which evidence will be gathered. Sub-criteria have been identified for each section, which can be used as a guide to help assess performance.

The framework aligns significantly with the current CPS priorities and considers other key initiatives such as Standard Operating Practice, Transforming Summary Justice and Better Case Management.

Overall, inspectors are looking to see that the CPS delivers the maximum benefit for users and stakeholders with the resources available. This means the right people doing the right things at the right time for the right cost, and delivering the right outcome. The focus for the work undertaken in CPS Cymru-Wales will be on the core elements of casework only.

Part C: High quality casework

Performance Expectation

The Area delivers justice through excellent, timely legal decision making, casework preparation and presentation, leading to improved outcomes.

Criteria

Magistrates’ courts casework

1. Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction.
 - a. The Area checks that all files received from the police comply with the National File Standard and the principles of Transforming Summary Justice. Unresolved issues are escalated when appropriate.

- b. The Area feeds back effectively to the police where they do not comply with the Code for Crown Prosecutors or the Director's Guidance on Charging.
 - c. The Area ensures that there is a timely and proportionate review in all cases requiring one, and that it is appropriately recorded.
 - d. Reviews and decisions comply with the Code for Crown Prosecutors and any relevant policy or guidance; include a prosecution case theory or trial strategy to maximise the prospects of a successful outcome; and identify when ancillary orders or additional information may be requested at sentencing.
 - e. The Area complies with its duties of disclosure in relation to unused material.
2. Case preparation and progression is effective and timely.
- a. Area systems support the effective progression of cases, including compliance with Criminal Procedure Rules and Standard Operating Practice.
 - b. The Area ensures that cases progress at the first magistrates' court hearing in accordance with Transforming Summary Justice principles.
 - c. The Area ensures that the number of effective trials and successful outcomes are increasing through effective case preparation and progression.
 - d. The Area has an effective system for the management and monitoring of custody time limits.

Crown Court casework

3. Reviews and decisions (including charging decisions, the use of applications, and acceptance of plea) are proportionate; properly recorded; comply with the Code for Crown Prosecutors and any relevant policy and guidance; include consultation with the police; and contribute to successful outcomes and victim and witness satisfaction.
- a. The Area checks that all files received from the police comply with the National File Standard and the principles of Better Case Management. Unresolved issues are escalated when appropriate.

- b. The Area feeds back effectively to the police where they do not comply with the Code for Crown Prosecutors or the Director's Guidance on Charging.
 - c. The Area ensures that there is a timely and proportionate review in all cases requiring one, and that it is appropriately recorded.
 - d. Reviews and decisions comply with the Code for Crown Prosecutors and any relevant policy or guidance; include a prosecution case theory or trial strategy to maximise the prospects of a successful outcome; and identify when ancillary orders or additional information may be requested at sentencing.
 - e. The Area complies with its duties of disclosure in relation to unused material.
4. Case preparation and progression is effective and timely.
- a. Area systems support the effective progression of cases, including compliance with Criminal Procedure Rules and Standard Operating Practice.
 - b. The Area ensures that cases progress in the Crown Court in accordance with Better Case Management principles.
 - c. The Area ensures that the number of effective trials and successful outcomes are increasing through effective case preparation and progression.
 - d. The Area has an effective system for the management and monitoring of custody time limits.

Part D: Public confidence

Performance Expectation

The service provided to victims and witnesses is central to the work of the Area. It ensures that decisions are appropriately explained and that its interaction with victims and witnesses takes account of their needs, is open and direct, and shows empathy.

Criteria

1. Communications with victims under all applicable initiatives, Codes or policies (including consulting victims on discontinuance or pleas, letters under the Victim Communication and Liaison scheme, communications

with bereaved families, and the Victim's' Right to Review scheme) occur where required, and are timely and of a high standard.

- a. The needs of victims and witnesses are fully considered and there is timely and appropriate liaison and support throughout the prosecution process.
 - b. The Area ensures compliance with the requirement to consult victims in appropriate cases, including discontinuance and acceptance of pleas.
 - c. The Area ensures that communications with victims and bereaved families are sent where required and are of a high standard, with reference to sources of support or additional rights (including the Victim's' Right to Review scheme) where appropriate.
2. The views and interests of the victim, witnesses and public are reflected and protected by the appropriate use of remand or bail conditions, Victim Personal Statements and ancillary orders at sentencing.
- a. The Area ensures that victim and witness issues are considered at the pre-charge stage, and clear instructions are provided to advocates for all hearings.
 - b. The Area ensures that applications to refuse bail, seek bail conditions or appeal the grant of bail are appropriate and proportionate, and are effective in protecting the victim and the public.
 - c. The Area ensures that the opportunity to make a Victim Personal Statement has been provided in applicable cases, and that prosecutors take the necessary steps to present it to the court in the way that the victim chooses, as far as possible.
 - d. Area processes ensure that the right ancillary orders are sought at sentencing or other disposal to protect the victim, witnesses or public.

Annex B

File examination findings

Question	Answers	All cases
Pre-charge decisions police and CPS		
The police decision to charge was compliant with the Code for Crown Prosecutors	Yes	95.8%
	No	4.2%
The police decision to charge was compliant with the Director's Guidance on charging	Yes	91.7%
	No	8.3%
The police MG3 correctly identified whether a guilty or not guilty plea was anticipated	Yes	62.5%
	No	37.5%
The CPS decision to charge was compliant with the Code test	Yes	95.8%
	No	4.2%
The MG3 included proper case analysis and case strategy	Fully met	56.3%
	Partially met	28.1%
	Not met	15.6%
The MG3 made reference to all relevant applications and ancillary matters	Fully met	59.4%
	Partially met	33.3%
	Not met	7.3%
There were appropriate instructions and guidance to the court prosecutor contained in either the MG3 or the PET or PTPH created with the MG3.	Fully met	60.4%
	Partially met	31.3%
	Not met	8.3%
The CPS MG3 correctly identified whether a guilty or not guilty plea was anticipated.	Yes	85.4%
	No	14.6%
The action plan met a satisfactory standard	Fully met	56.4%
	Partially met	35.9%
	Not met	7.7%
For CPS charged cases, rate the overall quality of the MG3, including action plan	Excellent	1.0%
	Good	47.9%
	Fair	33.3%
	Poor	17.7%
File quality		
The police file submission complied with the National File Standard for the type of case	Fully met	43.6%
	Partially met	27.3%
	Not met	29.1%
The main failing in the police file was in relation to:	VPS	24.2%
	MG5	14.5%
	D precons	1.6%
	MG11s	22.6%
	Other	30.6%
Police file submission was timely	Yes	67.6%
	No	32.4%

Question	Answers	All cases
On-going review CPS		
All review decisions after charge applied the Code correctly	Yes	95.0%
	No	5.0%
The case received a proper and proportionate initial case review where appropriate	Yes	68.8%
	No	12.5%
	Not done	18.8%
The initial case review was carried out in a timely manner	Yes	78.2%
	No	21.8%
The prosecutor prepared the case effectively in accordance with TSJ/BCM to ensure progress in court at the initial hearing(s)	Yes	70.9%
	No	29.1%
The prosecutor identified and raised with the police any lack of compliance with TSJ/BCM	Yes	53.2%
	No	46.8%
CPS action effective and adds value		
The first hearing was effective, complied with TSJ/BCM expectations (where appropriate) and resolved all outstanding issues	Yes	70.6%
	No	29.4%
Any issues with the effectiveness of the TSJ/BCM hearing were primarily occasioned by whom?	Police	31.4%
	CPS	20.0%
	Court	2.9%
	Defence	45.7%
	Probation	0.0%
The lawyer or team exercised sound judgement and grip on the case	Fully met	47.5%
	Partially met	33.7%
	Not met	18.8%
There was timely compliance with court directions or Judges' orders	Fully met	48.7%
	Partially met	38.2%
	Not met	13.2%
Any decision to discontinue was made and put into effect in a timely manner	Yes	73.1%
	No	26.9%
The decision to accept pleas or a basis of plea was sound	Yes	93.8%
	No	6.3%
Any basis of plea was in writing and signed by the prosecution and defence	Yes	33.3%
	No	33.3%
	Not known	33.3%
Police disclosure		
The police complied with their disclosure obligations	Fully met	63.3%
	Partially met	30.0%
	Not met	6.7%

Question	Answers	All cases
The main failing in the police disclosure was in relation to:	Listing items wrongly	20.5%
	Poor description	22.7%
	Lack of schedule	31.8%
	Wrong schedules	11.4%
	Witness precons	4.5%
	Other	9.1%
CPS disclosure		
The prosecutor complied with the duty of initial disclosure, including the correct endorsement of the schedules (but not including timeliness of disclosure)	Fully met	78.7%
	Partially met	15.7%
	Not met	5.6%
The prosecutor complied with the duty of continuing disclosure (but not including timeliness of disclosure)	Fully met	79.2%
	Partially met	18.8%
	Not met	2.1%
The failure to comply with the duty of disclosure was a complete failure to disclose undermining or assisting material (late disclosure is not a complete failure)	Yes	0.0%
	No	100.0%
The prosecution complied with its duty of disclosure in a timely manner	Yes	65.9%
	No	34.1%
Sensitive unused material was dealt with appropriately	Fully met	93.3%
	Partially met	6.7%
	Not met	0.0%
Third party material was dealt with appropriately	Fully met	87.5%
	Partially met	12.5%
	Not met	0.0%
The DRS was properly completed with actions and decisions taken on disclosure	Fully met	41.6%
	Partially met	28.1%
	Not met	30.3%
Rate the overall quality of handling of unused material by CPS	Excellent	2.2%
	Good	39.3%
	Fair	47.2%
	Poor	11.2%

Question	Answers	All cases
Recording outcomes		
Hearing record sheets were completed accurately, contained sufficient instructions to progress the case and were uploaded to CMS in a timely manner	Fully met Partially met Not met	66.1% 23.7% 10.2%
Where appropriate, the prosecutor took all necessary steps to secure victim engagement in the court process	Fully met Partially met Not met	81.8% 15.2% 3.0%
Victim and witness care		
The prosecutor took account of the rights, interests and needs of victims and witnesses, including consulting with them where appropriate	Fully met Partially met Not met	76.3% 19.7% 3.9%
There was a timely VCL when required	Yes No Not done	57.1% 19.0% 23.8%
The VCL was of a high standard	Fully met Partially met Not met	25.0% 43.8% 31.2%
Rate the overall quality of the service from the police	Excellent Good Fair Poor	0.8% 30.0% 55.8% 13.3%
Rate the overall value added by CPS	Excellent Good Fair Poor	0.8% 23.3% 61.7% 14.2%
Were the appropriate special measures applied for?	Yes No	82.9% 17.1%
Was the application timely?	Yes No	64.7% 35.3%

Annex C

Glossary

Agent

Agents are lawyers who are not employed by the CPS but who are booked to prosecute cases in court on its behalf, usually on a daily basis. They are not empowered to take decisions under the Code for Crown Prosecutors and have to take instructions from CPS lawyers in this regard.

Area Assurance Programme (AAP)

A rolling programme of inspections of CPS Areas.

Barrister/Counsel

Members of the Independent Bar who are instructed by the CPS to prosecute cases at court.

Better Case Management (BCM)

The single national process for case management of Crown Court matters, led by Her Majesty's Courts and Tribunals Service and involving 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 police systems, CMS receives electronic case material.

Casework Quality Standards

These standards set out the benchmarks of quality that 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, which came into effect in May 2013.

Code for Crown Prosecutors (the Code)

This public document sets out the framework for prosecution decision making. It provides the authority for crown prosecutors to decide how cases are dealt with and what needs to be considered. Cases should only proceed if there is sufficient evidence to provide a realistic prospect of conviction and if the prosecution is required in the public interest.

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.

CPS Direct (CPSD)

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

Cracked trial

A trial where the defendant offers acceptable pleas or the prosecution offers no evidence on the trial date. A cracked trial requires no further trial time but, as a consequence, the time allocated has been wasted and witnesses have been unnecessarily inconvenienced, affecting confidence in the system.

Crown advocate (CA)

A lawyer employed by the CPS who has a right of audience in the Crown Court.

Custody time limits (CTLs)

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

Digital Case System (DCS)

A digital system of storing and serving a digital case rather than using paper. Used for Crown Court cases.

Director of Public Prosecutions (DPP)

A 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.

Discontinuance

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

Effective trial

A trial that goes ahead as a contested hearing on the date that it is listed.

Either way offence

Offences of middle-range seriousness which can be heard either in the magistrates' courts or Crown Court. The defendant retains a right to choose jury trial at Crown Court, but otherwise the venue for trial is determined by the magistrates.

Guilty anticipated plea (GAP)

Where the defendant is expected to admit the offence at court, based on an assessment of the available evidence.

Hate crime

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

Hearing record sheet (HRS)

A CPS electronic record of events at court. If completed correctly, it acts as a continual log of court proceedings and court orders.

Ineffective trial

A trial that does not go ahead on the trial date because of action or inaction by one or more of the prosecution, the defence or the court, requiring a further listing for trial.

Initial details of the prosecution case (IDPC)

The material the prosecution is obliged to serve on the court and the defendant before the first hearing. The documents to be included vary depending on the type of case and anticipated plea, but always include the charge sheet and the police report (MG5).

National File Standard (NFS)

A document detailing what must be included in the police file for particular types of cases. The latest version was published in May 2015.

Not guilty anticipated plea (NGAP)

Where the defendant is expected to deny the offence at court, based on an assessment of the available evidence.

Offer no evidence (ONE)

Where the prosecution offer no evidence in relation to an offence for which the defendant has been arraigned. This results in a finding of not guilty.

Plea and Trial Preparation Hearing (PTPH)

A first hearing before the Crown Court, at which cases should be effectively managed and listed for trial. A PTPH form should be completed as far as possible before the PTPH and completed at that hearing. This is part of the Better Case Management 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, and so on)

The process whereby an Area lawyer 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.

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.

Special measures applications

The Youth Justice and Criminal Evidence Act 1999 provides for a range of special measures to enable vulnerable or intimidated witnesses in a criminal trial to give their best evidence. Measures include giving evidence through a live TV link, screens around the witness box and intermediaries. A special measures application is made to the court within set time limits and can be made by the prosecution or defence.

Streamlined Disclosure

A process introduced as part of the Transforming Summary Justice programme. The main principle is that an unused material report is to be available for the defence at the first hearing in magistrates' court cases.

In guilty anticipated plea cases, a standardised form of written confirmation is to be provided to the defence, which confirms that the prosecution understand their common law duties.

In not guilty anticipated plea cases, there is to be early provision of unused material. An unused material report, called the Streamlined Disclosure

Certificate (SDC), replaces the MG6 series and is served as soon as a not guilty plea is entered.

Transforming Summary Justice (TSJ)

An initiative led by Her Majesty's Courts and Tribunals Service and involving both the CPS and the police, designed to deliver justice in summary cases in the most efficient way by reducing the number of court hearings and the volume of case papers.

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 Disclosure).

Victim Communication and Liaison scheme (VCL)

A CPS scheme under which victims are informed of decisions to discontinue or alter substantially any charges. The CPS must notify the victim of a decision to discontinue or substantially alter a charge within one working day for vulnerable or intimidated victims and within five working days for all other victims. In some case categories, the victim will be offered a meeting to explain these decisions. Formerly known as Direct Communication with Victims (DCV).

Victim Liaison Unit (VLU)

A dedicated team of CPS staff in every Area, responsible for: all direct communication with victims; administering the Victims' Right to Review scheme; complaints; and overseeing the service to bereaved families.

Victim Personal Statement (VPS)

Gives victims a voice in the criminal justice process by helping others to understand how a crime has affected the victim. If a defendant is found guilty, the court will take the VPS into account, along with all the other evidence, when deciding on an appropriate sentence.

Victims' Code

A statutory code of practice for the treatment of victims of crime, with which all criminal justice agencies must comply. Its aim is to improve victims' contact with the criminal justice agencies by providing them with the support and information they need. It was published in 2013 and updated in 2015.

Victims' Right to Review scheme (VRR)

Under this scheme, victims can seek a review of CPS decisions: 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").

Vulnerable and intimidated witness

Witnesses who may be vulnerable or intimidated for the purposes of special measures assistance include all child witnesses (under 18) and any witness whose quality of evidence is likely to be diminished because they: are suffering from a mental disorder (as defined by the Mental Health Act 1983); have a significant impairment of intelligence and social functioning; have a physical disability; or are suffering from a physical disorder. Complainants to sexual offences are automatically defined as an intimidated witness unless they wish to opt out.

Witness care unit

A unit responsible for managing the care of victims and prosecution witnesses from a point of charge to the conclusion of a case. Staffed by witness care officers and other support workers whose role it is to keep witnesses informed of progress during the course of their case. Units may have a combination of police and CPS staff (joint units) but most no longer have CPS staff.

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