



HMCPSI

HM Crown Prosecution
Service Inspectorate

Business plan 2019–20

June 2019

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Foreword

The statutory remit of the Inspectorate is to report to the Attorney General on the operation of the Crown Prosecution Service (CPS) and the Serious Fraud Office (SFO). This business plan sets out the programme of inspection that I intend to carry out to allow me to meet my statutory remit.

Over the past two years, the focus of HMCPST has been on giving a high degree of assurance of the core casework delivered locally by the CPS. To do this, our inspection programme has covered all CPS Areas and two of the Central Casework Divisions. The Area Assurance Programme of inspections allowed me to produce a composite report which set out a view of how the CPS performed, highlighting issues that needed to be addressed, and also identified a number of aspects of performance that may benefit from more in depth analysis and scrutiny.

Having set out a view of the majority of the CPS's business, I have decided that we need to focus our attention on a thematic programme of inspection. Through the consultation process, I was able to set out a number of themes which had not been inspected (recently or ever), had been identified as aspects for improvement in our Area Assurance Programme and therefore would benefit from closer scrutiny, or were high profile and as such would benefit from some closer examination. The long list of initial themes was shared with stakeholders and sent out formally to a list of consultees and the resultant programme set out in this business plan represents the priority aspects that I have decided to inspect.

My statutory remit also requires me to inspect the SFO. This year, we will complete two extensive inspections that we started late in the 2018–19 business year: case progression and employee engagement. This business plan also sets out that I intend for the first time to carry out an inspection of the SFO and CPS at the same time. Both organisations have units that deal exclusively with the proceeds of crime; this structure will allow me to undertake an inspection which will allow for comparison between both organisations. I am convinced that this will enable the inspection to identify aspects which are cross-cutting and allow us to identify best practice.

I remain committed to working with the other criminal justice inspectorates as much as possible, because looking at complete criminal justice processes often adds more value than concentrating on a particular part carried out by a single agency. This year I have taken up the Chair of the Joint Criminal Justice Chief Inspectors' Group and I am keen to develop an inspection that is criminal justice wide, allowing for a truly cross-cutting inspection to take place on a thematic basis. I also intend to consider how we may be able to co-opt inspectors between the inspectorates to help develop more effective and agile inspections, with the aim of increasing the number of joint inspections we are able to undertake.

I firmly believe that the best programme of inspection must also have some resilience built into the plan to respond to short notice requests. This year we have committed more resources to pre-determined inspections, but to remain agile I will continue to consider any in-year change and we will react accordingly.

A handwritten signature in black ink, appearing to read 'Kevin McGinty'. The signature is fluid and cursive, with a large initial 'K' and 'M'.

Kevin McGinty CBE

Her Majesty's Chief Inspector

Who we are

Her Majesty's Crown Prosecution Service Inspectorate (HMCPST) is an independent inspectorate. The statutory remit of HMCPST is to inspect the operation of the Crown Prosecution Service (CPS) and the Serious Fraud Office (SFO), to submit an annual report on the operation of these organisations to the Attorney General, and to undertake any inspection requested by the Attorney General, as set out in Section 2 of the Crown Prosecution Service Inspectorate Act 2000 and amended by the Anti-social Behaviour, Crime and Policing Act 2014. We also inspect other prosecuting services by invitation.

We are committed to the ten principles of public inspection, which can be found in annex A.

Our purpose

HMCPST 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 CPS and SFO. 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.

Our strategic objectives

1. To deliver high quality, evidence based assessments of the CPS and SFO to inform them and those who hold them to account.
2. To work collaboratively with other inspectorates and develop effective working relationships in order to achieve objective 1.
3. To promote HMCPST to targeted stakeholder and media audiences to widen and maintain interest in the work of the Inspectorate.
4. To deliver reports to our target audience which are understandable and convey the message effectively.
5. To recruit and develop the best people so HMCPST has a high performing workforce with the right skills and values for the job.
6. To run an efficient and effective organisation that meets the best standards of a government department in order to provide value for money.

Our values

- A professional approach
- An open-minded attitude
- A collegiate culture

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1. Our programme

This plan sets out the inspections that HMCPSI plans to carry out and start between April 2019 and March 2020.

To develop the plan for 2019–20, we sought feedback from our stakeholders. Consultation on a list of potential inspection topics took place during the fourth quarter of 2018–19 and we engaged with those we inspect who sit on our stakeholder advisory board. Although we are independent, we give weight to the views of our stakeholders and, as far as possible, incorporate those issues which we consider most in need of addressing when planning our inspection programme.

Our purpose is to provide evidence by which others can hold the organisations we inspect to account. The difficulty has always been how to provide comprehensive assurance on the performance of the Crown Prosecution Service (CPS) as a whole. To do this, we reviewed our approach to inspection and developed the Area Assurance Programme (AAP), aligning the framework for the inspection to the CPS national priorities as far as is practicable.

This programme of AAPs started in 2016 with two pilot inspections, CPS Cymru-Wales and CPS South West. The pilot approach was to test the methodology and, as such, these two early inspections were not undertaken on the same basis as all other CPS Areas. We conducted inspections of Cymru-Wales and South West in early 2019 and published the reports in May. This means that all CPS Areas have now been inspected using the same criteria and we will produce a composite report on the performance of the CPS Areas overall.

We continue to be committed to undertaking joint inspections with other criminal justice inspectorates on those topics which benefit from a cross-agency approach. Details of joint inspections in which HMCPSI is involved can be found in this plan but the Criminal Justice Joint Inspectorates (CJJI) produce their own business plan, which includes information on all joint inspections.

The 2019–20 programme sets out a thematically based list of inspections. We have planned our inspection programme in line with the priorities of the organisations we inspect and any emerging external factors. We have also developed a list of options for inspection topics. It is not intended that we cover all the topics listed; we will prioritise as needed.

Planned inspections

Completion of the Area Assurance Programme

We will publish two Area Assurance Programme reports in early 2019. The work commenced in late 2018–19 with inspections taking place in CPS Cymru-Wales and CPS South West. The inspections examined casework only, but this will allow us to produce a baseline of casework performance across all CPS Areas.

As we have completed all CPS Areas on the same basis, we will complete a composite report of CPS Area performance which will be published in early summer.

Serious Fraud Office

To satisfy our statutory remit, HMCPSP intends to complete and publish two reports relating to aspects of the work of the SFO. Fieldwork for these reports was undertaken in the fourth quarter of 2018–19.

The first report will consider case progression and assess how effective and efficient the SFO is at progressing its casework from case acceptance to charge. The second report will assess leadership and change management and will help to identify the drivers for the results relating to overall engagement levels, as revealed by the Civil Service People Survey.

Thematic inspections

Youth casework

The inspection will focus on how the CPS is dealing with youth defendants charged with serious offences. It will review the quality of legal decision-making in serious youth cases, determining whether the CPS's policy in youth cases is being applied and assessing whether the CPS's guidance and policy are supporting effective prosecution of youth cases.

Utilisation of agents in the magistrates' courts

HMCPSP will examine the use of agents in the magistrates' courts to assess whether the CPS is making the best use of the flexibility that this resource offers. It will also consider whether prosecutor agents are provided with sufficient information and support to deliver the service expected.

Complex Casework Units

To complement the two reports we published in 2018–19 – on the governance of the International Justice and Organised Crime Division and the Special Crime and Counter Terrorism Division – we intend to inspect the Complex Casework Units based in each CPS Area. The inspection will look at how effective and efficient these units are in identifying and managing their casework, which comprises the most serious cases dealt with at an Area level. The inspection will include an examination of casework decision-making.

Charging

Charging has not been inspected as a bespoke topic since a report was published jointly with Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) in 2015, and many changes have been implemented since that time. The move to digital charging and the return of day-time charging to the CPS Areas are two aspects for consideration. The inspection will consider whether the changes have enhanced the service which is provided and improved the quality of decision-making.

Disclosure in Crown Court

This inspection is a casework based assessment of the CPS’s approach, preparedness and management of the disclosure of unused material and its impact on trial effectiveness and case outcomes. This inspection commenced during the 2018–19 business year following a request from the CPS to provide an independent assessment of its performance regarding disclosure, in the wake of a number of highly publicised case failures which involved disclosure issues. The inspection will complete in late summer.

Handling hard media

This inspection arises from the concern about the number of data security breaches reported in the CPS and the CPS having been fined by the Information Commissioner’s Office on a number of occasions. The inspection will assess the effectiveness of the processes and storage for both digital and paper material.

Crown Court business

This inspection will assess one of the major elements of work within every CPS Area, enabling HMCPST to provide some assurance across the whole of the organisation. It will consider what value the CPS adds to Crown Court cases and whether they are effectively progressed with the right decisions made.

CPS handling of defence correspondence

This inspection assesses how effectively the CPS handles correspondence, focusing on the effectiveness of the systems in place, the timeliness and quality of responses, and the effectiveness of compliance work and management oversight. The report will be published in early summer.

SFO and CPS operation of Proceeds of Crime Divisions

The inspection will assess the effectiveness of the casework necessary to deliver effective proceeds of crime casework. The inspection will assess the operation of both the CPS Proceeds of Crime Division and the SFO Proceeds of Crime Division against a universal framework. The aims of the inspection include discovering how best practice and operational practice can be shared to improve systems and processes.

Joint inspections

The *CJJI Joint Business Plan 2019–20* contains full details of the proposed joint inspection programme for this year.

It is intended that there will be an inspection of cases in which the defendant is released whilst the case is investigated (remand under investigation) and another assessing the quality of prosecution files provided by the police to the CPS. Both inspections will be undertaken jointly with HMICFRS.

The inspections of evidence led prosecutions of domestic abuse offences and crimes against older people, which commenced in the 2018–19 business year, will be finalised and the reports published.

Options for additional inspections

HMCPST maintains a list of other subjects for inspection which may be added to our programme if resources allow, or if the urgency to inspect them increases. For 2019–20 these subjects include:

- magistrates' court business
- provision of support to victims and witnesses at court
- child sexual abuse cases
- treatment of child victims and witnesses at court
- CPS training
- use of individual learning accounts.

Short notice inspections

As has happened in previous years, HMCPST may be asked to undertake short notice inspections. By their very nature, it is difficult to plan for these ad hoc requests, so there is flexibility in the 2019–20 programme and we will continue to try to ensure we can assist with requests, as far as available resources allow.

Internal work programme

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

We have applied a strategic approach to inspection planning, rather than keeping to a rigid 12 month programme. In 2016, a strategy was introduced with the aim of examining the whole of the CPS over three business years. This has been achieved, but the strategy did not include thematic or joint inspections and did not cover the SFO at all. The priority for 2018–19 and 2019–20, therefore, is to develop a full inspection strategy to cover at least three years and to fully satisfy the statutory remit of HMCPST.

2. Supporting processes

Resources

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

Financial year	Budget (£)	Reduction from previous year	Reduction from 2013–14
2013–14	3,182,000	-	-
2014–15	2,958,000	7.0%	7.0%
2015–16	2,950,000	0.3%	7.3%
2016–17	2,772,000	6.0%	12.9%
2017–18	2,683,000	3.2%	15.7%
2018–19	2,532,000	5.6%	20.4%

In the Comprehensive Spending Review of 2015, HMCPPI agreed to reduce its budget by 15% over four years. As a result the budget for 2019–20 is now set at £2,563,000 (an increase of 1.2% since last year and a reduction of 19.5% since 2012–13). It will be deployed as follows.

Category of spend	Budget (£)
Staff costs	1,957,232
Accommodation	268,439
Publications (including website)	112,780
Travel and subsistence	70,000
Other costs	154,549
Full year budget	2,563,000

Managing risk

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

A risk register has been developed and is maintained, with key organisational risks identified and risk owners allocated. Regular reviews of mitigating actions take place at the Inspectorate Grade 6 group meeting, on a quarterly basis.

The Equality Act 2010

The Equality Objectives for HMCPST ensure that we meet our General Equality Duty under the Equality Act 2010. The first objectives were set in 2011–12.

Progress on the objectives will continue to be reviewed regularly and the action plan will be refreshed for implementing the updated objectives.

Annex A

The ten principles of public sector inspection

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

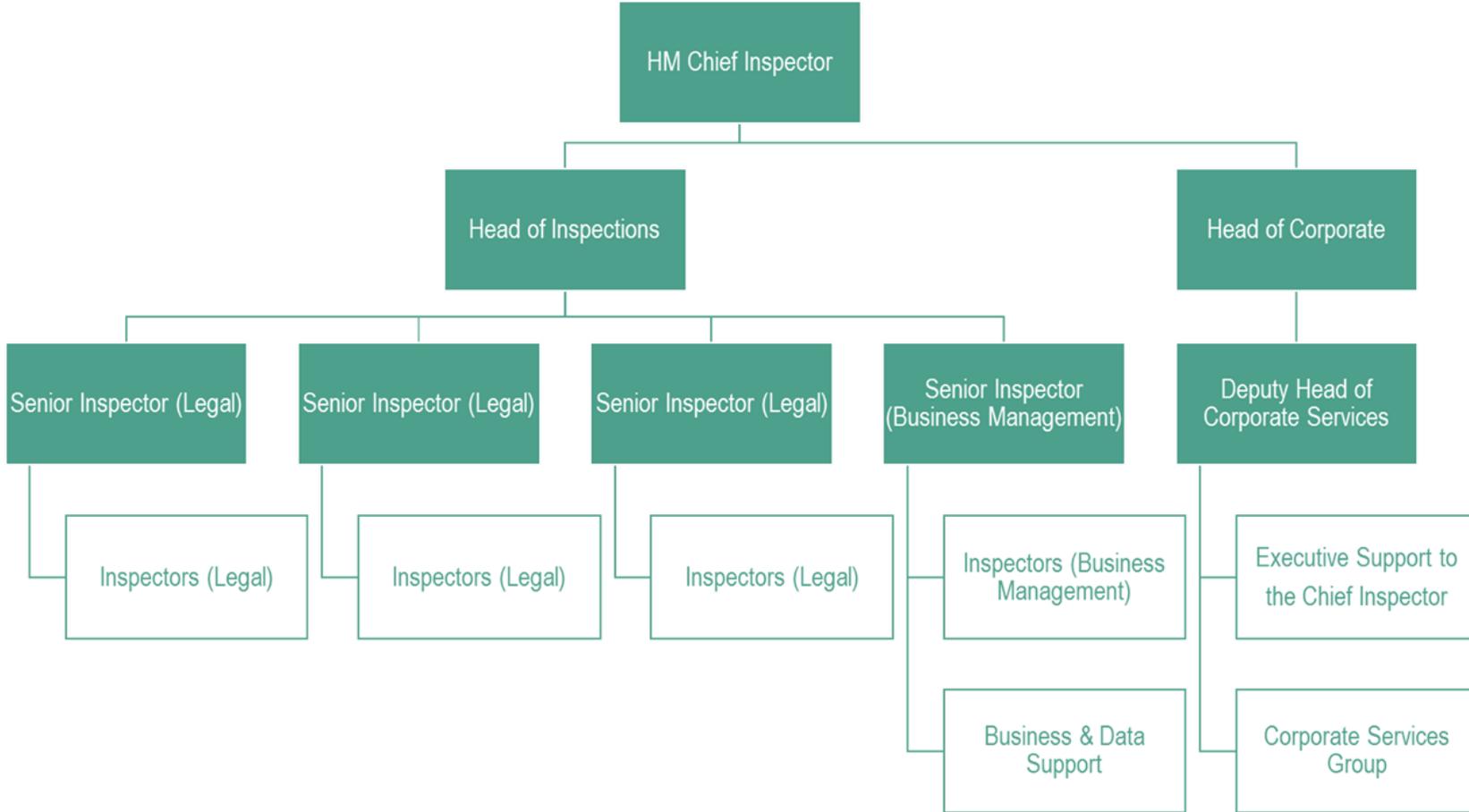
The ten principles state that public service inspection should:

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

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

Annex B

Organisation chart



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