



**HMCPSI**

HM Crown Prosecution  
Service Inspectorate

# Annual report 2019–20

## HM Chief Inspector of the Crown Prosecution Service

HM Crown Prosecution Service Inspectorate Annual  
Report for the period April 2019 to March 2020

From HM Chief Inspector of the Crown Prosecution  
Service to the Attorney General

Presented to Parliament pursuant to section 2(2) of the  
Crown Prosecution Service Inspectorate Act 2000  
(Chapter 10)

HC 571

**July 2020**

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Her Majesty's Crown Prosecution Service Inspectorate

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Ordered by the House of Commons to be printed  
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## Who we are

HM Crown Prosecution Service Inspectorate 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. Letter from  
HM Chief Inspector  
to the Attorney General**

## Letter to the Attorney General

**The Rt Hon Suella Braverman QC MP**

I am pleased to present to you this report on our inspection activity for the year 1 April 2019 to 31 March 2020.

I reported last year that the criminal justice system was suffering because of the impact of resource challenges. It was clear that years of reduced funding had had a significant impact on delivery. In recent years, managers in the Crown Prosecution Service (CPS) have had to make difficult decisions about how to prioritise the use of the resources available; this consequently has an impact on the service provided.

It is therefore pleasing to see that after years of austerity and reduction, the CPS and police are being provided with additional resources to recruit new officers and lawyers, but this will take time.

But the years of reduced investment into the criminal justice system, the Bar and legal aid have reduced the pool from which the CPS recruits. Whilst I understand the CPS's recruitment campaign has gone well, it will have a broader impact on the criminal justice system.

Historically, the CPS has recruited from the publicly funded defence community and qualified law clerks in the court service. I am concerned that any further reduction in the defence solicitor community or the court service will result in many more unrepresented defendants coming into the system, and fewer magistrates' courts for cases to be heard in.

Our rape and disclosure inspections, published in December and January respectively, show the criticality of resources. The disclosure inspection was undertaken over a significant period of time. My decision behind this approach was twofold: to allow the police and CPS's training as part of the National Disclosure Improvement Plan to have some traction, but also to enable the inspection to assess whether the focus and additional resources being put into disclosure would make a difference. The findings showed some level of improvement across the period of the inspection, albeit from a low baseline. However, what was clear was that the improvement was driven by the additional resources invested.

Once again, inspections this year have shown that where there is a 'stretch' of resource, there are serious implications for quality. In our inspections of serious youth crime and the handling of defence correspondence, and in the two follow-up Area Assurance Programme inspections, we again have seen too many



cases where there is limited evidence of grip. There is strong evidence that this is often a result of the pressure on resources. We are still seeing cases that have a very late review or no review at all, and cases where action has not been taken or is taken too late. These cases cannot be assessed as being gripped, but in many instances this is due in part to the lack of resources to undertake the work.

**It is therefore probable that the investment in 390 lawyers across the Service will improve overall outcomes**

As I reported last year, in CPS London the provision of additional legal resources was not only having a positive impact on the outcomes but also allowing for a much better focus on casework quality, with managers able to support their lawyers through regular and meaningful casework discussion. The impact of these additional resources in CPS London continues to be seen. In all of the thematic

inspections conducted this year, there was a noticeable difference in the quality of decisions and standards reached by the two London Areas. It is therefore probable that the investment in 390 lawyers across the Service will improve overall outcomes.

I am therefore developing a programme for the coming year that will assess whether there are any signs of improvement as resources increase. I expect that improvement will be slow and incremental; the increased resources in the London Areas have been in place since 2016. However, the CPS does not work in isolation. It is part of the wider criminal justice system. I started this letter by setting out my concern that increasing the resources in the system after years of lack of investment will be a challenge. My inspectors already report that access to justice is being impacted by the high levels of court closures and the reductions to the sitting days. Many suspects, complainants and witnesses have to travel long distances to attend court; matters are not helped by last minute changes.

The current coronavirus outbreak and lockdown have required me to think about how I can continue to deliver meaningful inspection without adding any additional burden to those we inspect. Initially I had started to plan on the basis that we may have to stall all inspection activity until it became clearer what impact the pandemic would have on my own staffing levels and the staffing levels of those we inspect, and how the criminal justice system would continue to operate. However, I have now had some useful discussions about the current impact of the pandemic on the CPS and Serious Fraud Office (SFO), and we in HMCPSI have to continue to deliver effective inspection and keep inspectors busy delivering meaningful work. To do that, I am working with senior managers

in both organisations to develop an inspection programme that can be delivered virtually, and one that keeps the burden to a minimum.

We are still only at the advent of the current crisis, but I will endeavour to ensure that we continue to operate in such a way that we deliver inspection activity that remains useful and allows you to be able to hold those we inspect to account.

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

## **2. Overview of our inspection activity**

**2.1.** My assessment of the performance of the Crown Prosecution Service (CPS) is informed by inspection activity undertaken between April 2019 and March 2020. Our inspection of the Serious Fraud Office (SFO) also informs our assessment of the SFO's performance. Details of the reports published are set out in annex A.

## **I was keen to assess the performance of all CPS Areas against a framework that allowed for direct comparisons**

**2.2.** When formulating my inspection programme, I take account of the business needs and strategic priorities of the CPS and SFO, as well as the expectations of the general public as to whether the CPS and SFO provide an efficient service and provide value for money. Using a risk based approach to develop my inspection programme ensures that it includes inspection activity that reflects those

aspects in which the CPS and SFO's performance remains crucial to public confidence.

**2.3.** In 2016, I began an Area Assurance Programme (AAP) of all CPS Areas. I was keen to assess the performance of all CPS Areas against a framework that allowed for direct comparisons. In May 2019, I published two more reports on CPS Cymru–Wales and CPS South West, who had been the pilot Areas of the AAP; this completed the programme. In October 2019, I published a final composite AAP report which brings together the findings of the 14 Area reports and sets out the national picture.

**2.4.** As well as finalising the AAP programme, my 2019–20 business plan highlighted that I planned to have a programme of inspection focusing on aspects of CPS and SFO business that I felt would benefit from detailed examination.

**2.5.** I set out the findings of the thematic inspections I carried out in 2019–20 in some detail from paragraph 4.10, but over the year I have published reports that separately looked into the management of defence correspondence by the CPS and the use of agents to prosecute cases in the magistrates' courts. I was keen to explore both of these issues because they can have a significant impact on the CPS's reputation.

**2.6.** I also published a report about the CPS's handling of the disclosure of unused material in the Crown Court. This inspection was carried out at the invitation of the CPS, to assess the progress it had made since 2017, when I and Her Majesty's Chief Inspector of Constabulary published the joint inspection report *Making it fair: a joint inspection of the disclosure of unused material in volume Crown Court cases*.

**2.7.** It had been more than six years since HMCPSI had last inspected the prosecution of youth crime as a specific topic. Much had changed in that time. Many more cases are diverted from prosecution and the seriousness and complexity of cases that remain in the Youth Court has increased. Knife crime, ‘county lines’ and serious sexual assault cases have all increased in number. I therefore decided that we should inspect the CPS’s handling of serious youth crime.

**2.8.** In December 2019 I published a rape inspection. This inspection was undertaken at the request of the Attorney General. The inspection was to provide independent evidence to support a review, commissioned by the National Criminal Justice Board (NCJB), of the criminal justice system’s response to adult rape and serious sexual offences.

**2.9.** At the SFO’s invitation, I undertook and published an SFO leadership review. This inspection provided an independent assessment of staff engagement within the SFO. In addition, I completed a significant inspection of the SFO case progression systems and processes between the stages of case acceptance and charge.

**2.10.** In addition, I carried out two joint inspections with Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS). Together we inspected the police and CPS’s response to crimes against older people. We also published a joint report on evidence led domestic abuse cases. We are currently working on a joint inspection in relation to suspects released under investigation, which will be published next year.

### **3. Overview of CPS performance outcomes**

**3.1.** The proportion of magistrates' court cases resulting in a successful outcome, either by way of a guilty plea or conviction after trial, has risen slightly from 84.4% in 2018–19 to 84.8% in 2019–20, returning to the same conviction rate seen in 2017–18. The successful outcome rate in the Crown Court has improved by 1.7% in 2019–20 compared to the previous year, from 80.0% to 81.7%.

**3.2.** The magistrates' court caseload continues to decline, with an 8.2% drop from 423,524 in 2018–19 to 388,780 in 2019–20. The Crown Court caseload has declined by 10.3%, with caseload decreasing from 68,009 in 2018–19 to 60,972. Declining court caseloads have been a continuing trend over the past five years, with a 27.2% decline in the magistrates' court caseload since 2015–16 and a 36.7% decline in the Crown Court caseload over the same period.

**3.3.** Although there has been a decline in the volume of cases appearing in the magistrates' courts, the proportion of more complex cases in the magistrates' courts has changed. The proportion of contested cases has been steadily falling over the past five years and has fallen since 2018–19, from 10.0% to 9.2%. It is still significantly higher than in 2012–13, when the proportion was 6.5%.

**3.4.** The conviction rate for offences of violence against women and girls (VAWG) has improved from 76.6% in 2018–19 to 78.2% this year. Domestic abuse cases account for the majority of offences (84.8%) in this category. The stand-alone domestic abuse conviction rate is 77.7% in 2019–20, which has increased from 76.5% in 2018–19 and maintains a continuing upward trend over the past five years. Rape convictions, which are a sub-category of VAWG, also improved between 2018–19 and 2019–20, from 63.4% to 68.5%.

**3.5.** Hate crime conviction rates have increased by 2.2% since last year, from 84.3% to 86.5%, which is the highest conviction rate for hate crime in the past five years. The hate crime conviction rate is now higher than the conviction rate for all categories of offence in the magistrates' courts (84.8%).

**3.6.** Religious and racially aggravated (RARA) crimes continue to make up the majority of offences within the hate crime category, with a conviction rate of 85.2%, up from 84.7% in 2018–19. The conviction rate for homophobic and transphobic hate crimes has increased from 86.1% in 2018–19 to 87.0% in 2019–20, which remains better than the rate for hate crime overall. The conviction rate for disability hate crime has increased by 8.7%, from 72.4% in 2018–19 to 81.1% in 2019–20. Despite this increase in convictions, disability hate crime still has the lowest conviction rate compared to other areas of hate crime, and is the only area of hate crime with conviction rates below the overall magistrates' court conviction rate for all offences.

## **4. Assessment of the Crown Prosecution Service and Serious Fraud Office**



**4.1.** In this section I summarise the findings from my inspection activity in 2019–20.

## Area Assurance Programme

**4.2.** I concluded the Area Assurance Programme (AAP) by publishing the follow-up casework-only assessments of the two initial AAP pilot Areas, CPS Cymru–Wales and CPS South West.

**4.3.** I also produced a composite report for all 14 Areas which had been inspected; this was published in October 2019.

**4.4.** The findings across the 14 Areas highlight that all CPS Areas demonstrate strong leadership, communication and staff engagement. The vast majority of CPS Areas are being effectively led and well managed. Inspectors found that there is good work undertaken with criminal justice partners at a strategic level. Most Areas also have effective staff engagement and demonstrate actions that are consistent with the CPS's values.

**4.5.** The AAP did find some issues, namely that many CPS Areas were lacking grip on casework: the core function of the CPS. The composite report highlights that in too many cases, in the period between first appearance and trial, the CPS appeared to do little to review the case or progress work that needed to be done. Too much was left to be done at a late stage, if it was done at all. We describe this in the reports as 'lacking grip'. In the 2018–19 annual report, I reported that budget and staff reductions have had an impact on delivery. In recent years we have seen managers in the CPS having to make difficult decisions about how to prioritise the use of the resources available; this has an impact on the service provided.

**4.6.** Table 1 sets out findings about casework outcomes from the 14 Area inspections. We rated the standard of the CPS's casework as 'fair' in 12 Areas. A 'fair' rating indicates that much can be done to improve performance. Grip on casework, value added by the CPS in casework, the standards of decision making and the proactive handling of cases need to improve. The one Area we rated as 'good' shows that quality is achievable.

**4.7.** Whilst many of the AAP's findings related to the challenges of resourcing – with many Areas under-resourced in terms of the number of lawyers they had in place – some of the concerns outlined in the inspections showed that with better quality assurance and management support, casework can be delivered effectively.

<b>Part C: High quality casework</b>	<b>C1: Reviews and decisions in magistrates' courts</b>	<b>C2: Case progression in magistrates' courts</b>	<b>C1: Reviews and decisions in the Crown Court</b>	<b>C2: Case progression in the Crown Court</b>	<b>Overall score for Part C</b>
Cymru–Wales	Fair	Good	Good	Good	Good
East Midlands	Fair	Fair	Good	Good	Fair
East of England	Good	Fair	Good	Good	Fair
London North	Fair	Fair	Fair	Fair	Fair
London South	Fair	Fair	Fair	Fair	Fair
Merseyside & Cheshire	Good	Fair	Fair	Fair	Fair
North East	Fair	Poor	Poor	Poor	Poor
North West	Fair	Fair	Fair	Fair	Fair
South East	Poor	Fair	Poor	Fair	Fair
South West	Good	Fair	Poor	Fair	Fair
Thames & Chiltern	Poor	Fair	Fair	Fair	Fair
Wessex	Poor	Fair	Fair	Good	Fair
West Midlands	Good	Fair	Fair	Fair	Fair
Yorkshire & Humberside	Fair	Fair	Fair	Fair	Fair

**Table 1: CPS Areas' performance against Part C of the AAP inspection framework**

**4.8.** In CPS Areas where casework grip is lacking, this can have a direct effect on how victims and witnesses experience the criminal justice system, which can ultimately affect public confidence in the system as a whole. It is vitally important to public confidence in the criminal justice system that only those cases that deserve consideration by the courts proceed to prosecution.

**4.9.** We assessed that the CPS needs to do more to communicate with victims and witnesses. We found concerns with clarity, empathy, and accuracy in written communications to victims.

## Thematic inspections

### Handling defence correspondence

**4.10.** For some time, there has been an anecdotal narrative that the CPS does not deal with correspondence effectively: that letters go unanswered and cases do not progress effectively, and that this affects the overall efficiency of the criminal justice system.

**4.11.** Inspectors examined 200 files from four Areas – East Midlands, North East, West Midlands, and Yorkshire and Humberside – and viewed 500 items of defence correspondence. The inspection found that, generally, the CPS dealt with this correspondence effectively – although there were discrepancies in performance between different Areas. Inspectors did identify a lack of clarity around the timescales for dealing with correspondence, and identified issues with the effectiveness of the case management system to support effective handling of correspondence. Inspectors noted that the CPS is currently investing in the system to modernise and improve it.

**4.12.** The CPS has a duty to engage with the defence at an early stage. Inspectors found that meaningful engagement with the defence was key to improving the service provided. Whilst we recognised that there were logistical challenges to communicating, we assessed that further efforts were needed to make improvements.

**4.13.** In the report, published in August 2019, I made three key recommendations:

- to make sure Area Business Managers in all CPS Areas were clear about the timescales for responding to correspondence
- for CPS Headquarters to develop revised national guidance to set out the types of defence correspondence paralegal staff can deal with
- to find a suitable solution for working with the defence community – developing a national strategy would greatly benefit both sides.

### Rape

**4.14.** The Attorney General requested this inspection to provide independent evidence to support a review, commissioned by the National Criminal Justice Board (NCJB), of the criminal justice system's response to adult rape and serious sexual offences. This inspection was expedited in order to inform the government review and I had to stop other inspection activity to complete the inspection within the required timescale.

**4.15.** Inspectors reviewed 450 rape flagged cases; these were examined up to the point of a charging decision being made by the CPS. To support our understanding of the police service's impact on the CPS, we engaged the support of inspectors from HMICFRS to conduct a small, focused file review in one police force. This file review was not statistically significant or geographically representative, but aimed to provide some extra details about what happens in cases that have been submitted by the police but where the CPS have asked for additional work to be carried out.

**4.16.** The report was published in December 2019. The key findings were that:

- since 2016, the number of cases prosecuted by the CPS has fallen by 52%, despite the fact that there has been a 43% rise in the number of rape allegations to the police
- there has been a 23% fall in the number of cases referred to the CPS for a decision by the police, which means that whilst reports of rape to the police have nearly doubled, a significant number of these cases have not been referred to the CPS
- nearly a third of all the cases which the CPS received from the police were 'admin finalised'; these are cases which are sent back by the CPS to the police for further investigation
- the view that the CPS was only charging cases where a conviction was more likely, rather than applying the appropriate legal test (the Code for Crown Prosecutors), is not supported by the findings from this inspection
- the CPS has improved its success rate in applying the Code for Crown Prosecutors: in the 2016 inspection the failure rate was 10%, but in this inspection it was 2%.

**4.17.** I was pleased to be able to respond to the demand for this work and to deliver this inspection within a tight timescale. However, I set out in the report that much more inspection is required to further investigate the discrepancy between the number of cases reported to the police and the number of cases prosecuted by the CPS. I made a series of recommendations for further work and am currently engaged with stakeholders, officials and HMICFRS to discuss how best to take this forward.

## Disclosure of unused material in the Crown Court

**4.18.** In 2017, HMCPSI and HMICFRS published a joint inspection, *Making it fair: a joint inspection of the disclosure of unused material in volume Crown Court cases*. The inspection set out the failure to deal effectively with disclosure and the corrosive effect it had on the criminal justice system.

**4.19.** In May 2018, the CPS invited HMCPSI to examine current casework in order to assess progress. This inspection was extensive. Files were examined in six tranches. Two tranches looked only at how the disclosure of unused material was handled at the charging stage. The other four looked more widely at how disclosure was being handled in live Crown Court trial files. In total, we examined 555 live cases and 560 cases at the charging stage to assess whether the focus and extensive training package delivered by the CPS was leading to improvement.

**4.20.** The report was published in January 2020. It set out that there were some signs of improvement and that the recent focus on disclosure both in the police and the CPS is having an impact. The range of internal measures being implemented by both the police and the CPS, including the extensive training programmes and more rigorous internal quality assurance, is making a difference. However, the findings also show that in some Areas, performance needs to significantly improve. The report highlighted significant performance variations between different Areas in the quality of disclosure handling, with police performance having a major effect on local variations.

**4.21.** Whilst the findings show improvements across the nine-month period of the case examination, some of the improvements are from a low baseline. In the report, I set out that performance will need to improve further before it reaches an acceptable standard.

**4.22.** Disclosure continues to be an area of high reputational risk for the CPS. The additional resources provided to the CPS and police to increase numbers, as set out in the recent comprehensive spending review, are welcome; however, both organisations must maintain a determined focus on disclosure if performance is to reach an acceptable standard. Investing in training and supervision must be a priority to maintain an impetus to improve the handling of disclosure across the criminal justice system.

## Effective use of agents in the magistrates' court

**4.23.** In March I published a report following our inspection of the CPS's use of agent in the magistrates' courts. Agents play a vital advocacy role for the CPS. The CPS has become more reliant on agents to cover courts, since it has had its resources cut and needs to ensure effective coverage of magistrates' court sessions. In 2018–19, more than 26% of magistrates' court sessions were covered by agents. The effective use of agents, who are of the right quality, is key to ensuring value for money and the delivery of justice.

**4.24.** The inspection found that all Areas used agents, mainly to present cases at trial. Using agents for trials is more effective; I set out that this approach is a sensible use of this resource, because agents cannot make casework decisions and do not have direct access to CPS case management systems.

**4.25.** The fact that agents represent the CPS in just over a quarter of the cases presented in the magistrates' courts makes it essential to have effective systems to assess their quality and competence. The inspection found that very little assessment of the quality, standard and performance of agents was carried out. I recommend that the CPS take action to address this.

**4.26.** I made a number of recommendations to the CPS, including that:

- CPS Headquarters should provide key tools needed to manage agents effectively and ensure their quality
- CPS Areas should make sure that agents of the right quality are selected and that induction processes for agents are in place
- there should be clear service level agreements to ensure that expectations are understood and accepted
- CPS Headquarters should set out clear expectations and guiding principles for inducting and training agents to support satisfactory agent quality
- CPS Headquarters should develop a national agent pack to support the national service level agreement and related service expectations.

## Serious youth crime

**4.27.** Also in March, I published a report following an inspection of serious youth crime. The inspection examined 280 files (20 from each of the 14 CPS Areas) and found some aspects of casework quality that needed urgent attention.

**4.28.** Whilst compliance with the Code of Crown Prosecutors was excellent in youth cases, the quality of the charging advice fully met the expected standard in only 38.7% of cases. In just over half of the cases examined, the case strategy and analysis were rated as ‘satisfactory’. Disclosure obligations were assessed as being dealt with fully in just over half the cases. Our findings also highlighted that the prosecutor properly applied the youth policy and took account of guidance when making a charging decision in 38.1% of cases.

**4.29.** We also identified training as an area of concern. Whilst we appreciate that the CPS has plans in place to increase the number of prosecutors who are trained as youth specialists, many of the prosecutors we spoke to were dealing with youth casework without having completed the youth offender training, contrary to the national requirement. This was the case in both smaller Areas with fewer youth cases and larger metropolitan Areas with heavier caseloads. Training which focuses on modern slavery and county lines cases is also needed and would be welcomed by prosecutors.

**4.30.** I made a number of recommendations to the CPS, including that:

- CPS Headquarters should review the criteria for becoming an approved youth offender specialist, especially in relation to the need to make regular court appearances, and how that can be achieved in the team structures usually employed by CPS Areas
- Area managers and CPS Direct managers should ensure that all prosecutors giving charging advice or conducting youth cases have refreshed their knowledge of policy and guidance
- Areas should monitor compliance with youth policy and guidance at and after charge
- CPS Headquarters must ensure that all those dealing with youth work receive specialist youth training, and that training, guidance and policy are always up-to-date, comprehensive and relevant.

## Joint inspections

### Crimes against older people

**4.31.** HMICFRS and HMCPSP conducted the first ever inspection looking specifically at crimes against older victims and safeguarding arrangements that support this type of offence.

**4.32.** The inspection found that the police had a “superficial understanding” of the nature and extent of crimes against older people, and this often resulted in a poorer service to older victims. It also found that the police and CPS lacked any cohesive and focused joint strategy to deal with older victims of crime. The inspection concluded that the CPS and police need to work better together to improve their handling and support of crimes against older people.

**4.33.** The report included a number of joint recommendations which should lead to improvement in the response to older victims of crime. Recommendations relating specifically to the CPS included that:

- within six months, the National Police Chiefs Council (NPCC) lead for adults at risk and the CPS should agree a joint and simple definition of what constitutes an older victim, and take a co-ordinated approach to understand and respond to the problem
- within six months, the CPS should review its guidance about special measures. The CPS should also work with the College of Policing and the NPCC lead, so that special measures meetings are offered to victims and witnesses when appropriate
- within three months, the CPS should remind prosecutors to record that a restraining order has been considered in all appropriate cases.

### Evidence led domestic abuse prosecutions

**4.34.** An evidence led prosecution is one where the victim of domestic abuse decides not to support a prosecution, and prosecutors decide in turn that it is possible to bring forward a case without that support.

**4.35.** HMICFRS and HMCPSP inspectors looked at 160 magistrates’ court domestic abuse files finalised between June and November 2018, selected from four CPS Areas and respective police forces, and carried out a range of interviews with the police and CPS.

**4.36.** Inspectors found that neither the police nor the CPS can distinguish those cases where an evidence led approach may be more effective, and that



the handling of evidence led domestic abuse prosecutions requires improvement. Whilst there was a clear recognition that domestic abuse is a priority area of work at all levels in the police and CPS, not enough consideration was given to how cases can be built and prosecuted when a victim withdraws their support.

**4.37.** Inspectors found that there are currently no mechanisms in place to measure the effectiveness of evidence led prosecutions, which means that there is no opportunity to learn lessons and share good practice across the organisations.

**4.38.** Recommendations relating specifically to the CPS included that:

- police supervisors and CPS legal managers should maximise opportunities to share examples of good work and successful outcomes with their teams
- the police and CPS should ensure that refresher training in domestic abuse, and particularly evidence led cases, is available to staff as appropriate
- prosecutors should ensure that in all domestic abuse cases, they set out clearly at the charging stage whether an evidence led prosecution is viable and, if so, define an effective prosecution strategy
- at the review stage, in all appropriate domestic abuse cases, prosecutors should clearly outline a strategy for proceeding with an evidence led prosecution.

## The Serious Fraud Office

### Leadership review

**4.39.** At the request of the SFO Director and Chief Operating Officer, HMCPSI inspectors undertook an independent assessment of staff engagement within the organisation. The request followed the 2018 Civil Service People Survey, which indicated a decline in staff engagement, and issues with leadership and managing change.

**4.40.** The report was published in July 2019 and detailed findings which covered leadership, vision and communication, management visibility and role models, performance management and development. Inspectors found that delivering casework was prioritised over management attention and in some places there was tolerance of unacceptable behaviour. Staff perceptions of how

far managers demonstrated commitment to the SFO's values and managed performance also varied across the organisation.

**4.41.** The SFO responded positively to the findings, taking steps quickly to address those issues by establishing a people culture as a corporate priority. This was accompanied by a revised strategy.

**4.42.** HMCPST has long experience of undertaking both inspection and management activity to assess leadership and governance, and on this occasion we agreed to provide ongoing support to the SFO. This involves a senior inspector being present at the SFO on a regular basis, offering guidance and feedback to assist in driving forward progress and change.

## **Case progression**

**4.43.** In October 2019, I published a review of case progression systems and processes in the SFO. The size and nature of SFO cases bring challenges to the effective progression of cases, some of which are outside the SFO's control. The inspection examined the stage between case acceptance and charge.

**4.44.** The inspection found that the SFO has clear and well documented internal casework processes, contained in an operational handbook which sets out what is expected and in some instances mandated. However, there is inconsistency in its application. The SFO could do more to improve its assurance processes to ensure full and appropriate compliance. It has recently commissioned a new case management system which it hopes will address some of the concerns identified.

**4.45.** Unused material was handled reasonably well, and there were examples of very good consideration of the material and strong disclosure strategies. However, there were inconsistencies in practice here, too. Cases are accepted for investigation in a timely manner, but delays then occur. Two key blockages were identified.

**4.46.** There are various strands to the SFO's oversight and assurance of casework, but they tend not to have a specific focus on case progression, and instead look at the entirety of the case. Heads of Division could do more to challenge, influence and assure the quality of cases that are not progressing effectively.

**4.47.** More positively, there are opportunities for learning and development, and staff report that they receive the training they need to do their jobs. Senior managers are fully engaged with partners and stakeholders. The SFO has made a greater commitment to victims and witnesses; it has applied more resources,

and set clearer expectations, which have led to improved communications with victims and witnesses.

**4.48.** I made a number of recommendations, including that:

- the SFO should review resourcing across divisions to ensure that resources are allocated according to case needs, and in such a way that when changes are required, there is as little disruption as possible to case progression
- the SFO's casework divisions should develop their understanding of the impact of seizures on the digital forensic unit, and the need to be proportionate in their demands and expectations of this unit. This should be accompanied by measures to significantly reduce the impact of current delays on case progression
- the SFO should consider how it can improve the focus and delivery of training to support case progression. It needs to develop a programme of learning and development that delivers the core skills for effective case progression
- Heads of Division should set and monitor key milestones in the investigation and prosecution of cases, and should enforce compliance with the operational handbook.

## **Intelligence gathering**

**4.49.** As well as inspection activity in 2019–20, I decided that before developing an inspection of Crown Court activity I would commission an intelligence gathering exercise.

**4.50.** I asked inspectors to carry out observation work at the Crown Court in all 14 CPS Areas, looking at how the CPS handles Crown Court casework. Inspectors observed cases in the court room and then reviewed the cases from the initial submission through to the Plea and Trial Preparation Hearing (PTPH). We visited 19 Crown Courts and reviewed 80 files.

**4.51.** The purpose of this exercise was to inform future inspection activity. The exercise highlighted a number of issues. Inspectors were concerned that engagement with the defence, as set out in the Better Case Management principles, was not working. In many Areas, work pressures (mainly those on the defence) made it near impossible to engage effectively before the PTPH. The standard of briefs provided to counsel by the CPS was very poor. As identified by our AAP, there were still issues about the timeliness of review – with many of these not happening until the last minute.

**4.52.** I was also concerned to hear from inspectors that the judiciary were concerned about sensitive cases not being listed within timescales that support justice, because of the reduction in sitting days. It was also of concern that, in too many cases, observed indictments needed to be amended.

**4.53.** Using this approach is useful and provides insight to allow us to direct inspection activity. I will be including specific Crown Court inspection activity in the 2020–21 business plan shortlist.

## Making an impact

**4.54.** As highlighted in my last report, HMCPSI does not hold regulatory powers over the CPS or SFO. Our role continues to be to provide evidence based findings about what is working well and where improvement is needed. The responsibility to effect change where it is required is with the CPS and the SFO.

**4.55.** In response to AAP inspections, each CPS Area is required to produce an action plan. The action plans are monitored by CPS Headquarters. Policy leads provide a similar response in relation to thematic inspections. This enables us and the CPS Compliance and Assurance Team (CAT) to monitor progress. I continue to work closely with the CAT to evaluate the progress made against the recommendations made in our reports.

**4.56.** Adding continuous value and effectiveness requires open and honest dialogue with our key stakeholders. This year I have been pleased to visit every CPS Area and meet with staff and senior managers, discussing inspection experiences and our HMCPSI values. This has been a valuable experience to inform the work undertaken by HMCPSI.

## **5. HMCPSI corporate issues**

## Performance against the business plan

**5.1.** The 2019–20 business plan set out HMCPSI’s strategic objectives.

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

**5.2.** Our 2019–20 inspection activity has enabled me to meet the objectives. As set out from paragraph 5.5, this work has been carried out within budget and it has been well received by stakeholders.

**5.3.** At the request of the Attorney General in June, we completed the rape inspection and this was published in December. As well as the rape inspection, we published another seven reports on the business of the CPS and two relating specifically to the SFO.

**5.4.** This year we also carried out joint inspections with HMICFRS. We published two joint inspection reports: one on crimes against older people and another on evidence led prosecutions in domestic abuse cases.

## Finance

**5.5.** The Inspectorate's budget comprises part of the overall Government Legal Department's (GLD) budget vote. The final outturn for 2019–20 was £2,361,696, which is within the budget allocated for the financial year.

**5.6.** We were allocated an extra £500,000 in the 2019 comprehensive spending review to allow us to recruit extra inspectors to facilitate more joint inspection work. At the time of writing, we have added nine more inspectors to our inspection cadre.

## Organisational structure and accommodation

**5.7.** During the year, we undertook a significant project to move location from One Kemble Street into Petty France as part of the GLD's general relocation. It was a real testament to my corporate services team that this move was managed without any problems and we have settled into our new space without any issues that impacted the delivery of our core programme. We have recently increased the space we occupy since, with the recent increase of our budget (see paragraph 5.6), we have recruited an additional 11 staff: eight inspectors and three administrative staff.

**5.8.** I have continued to ensure that the structure of HMCPSI is fit for purpose. I have increased the number of inspectors in line with the budget increase I have secured to support joint inspection. In chapter 4, I set out the aims of a newly created joint team. It is also pleasing to be able to report that, for the first time since my arrival in 2015, I have a fully resourced corporate services team.

## Human resources

**5.9.** HMCPSI shares services with the GLD and we continue to work with our GLD colleagues covering all aspects of HR.

**5.10.** When advertising roles within the Civil Service, I have taken the step of offering more roles on a loan basis to make sure that we have the right balance of experienced inspectors and staff with recent operational experience, particularly where that experience is gained in the organisations we inspect. In order to get the best people for the roles, we have also become more flexible about offering part time roles and working from home.

**5.11.** We continued to utilise associate inspectors in 2019–20, particularly for the rape inspection. This meant that we were able to get the inspection up and running at very short notice.

## Communication

**5.12.** We continue to use our shared internet site ([www.justiceinspectorates.gov.uk](http://www.justiceinspectorates.gov.uk)) as an outward face of HMCPSI. All new inspection reports are launched on the web site.

**5.13.** We share a communications service with the GLD and the Attorney General's Office (AGO). As part of this shared service, the GLD communications team support us to communicate the findings from inspection reports to our stakeholders and the AGO, and to support our dealings with the press.

**5.14.** We are working with our colleagues in the CPS to update our intranet.

## Learning and development

**5.15.** All HMCPSI staff continue to undertake all mandatory Civil Service learning courses, and all staff have personal development plans. We provide all new inspectors with a core skills training package, which includes training on file examination, evidence and judgements, interview skills and report writing.

**5.16.** We have access to the CPS's Central Legal Training Team (CLTT). This year, CLTT have provided inspectors with subject training on disclosure, the core CPS youth course and the use of disclosure management documents to support the rape inspection.

**5.17.** HMCPSI staff continue to access a wide range of diverse learning opportunities which support our core business and stretch their own personal development goals. This has included short secondments and learning time with key stakeholder departments and other external agencies.

## Employee engagement

**5.18.** I am proud to report that the Civil Service People Survey results for HMCPSI are again very positive. The overall engagement score has again improved, seeing a significant rise to 79%. HMCPSI is now the third best performing organisation in the Civil Service.

**5.19.** As well as the improvement in the overall engagement score, there have been improvements in every headline aspect of the survey. We continue to work to maintain clear internal communications and effective staff engagement.



## Equality and diversity

**5.20.** HMCPSI continues to review performance against equality objectives on a regular basis.

**5.21.** We continue to focus on this area and to build upon strong staff networks across the wider Civil Service. I will appoint a Diversity Champion who will reduce and highlight gaps in learning, promote inclusivity and equality, and maintain a regular dialogue with all members of HMCPSI.

## Liaison with other jurisdictions

**5.22.** During the year I was pleased to host Dr Robroek, a colleague from Holland tasked with creating an independent office of inspection. Later this year, Dr Robroek will shadow one of our inspections, and some of my inspectors will in turn visit Holland to advise and assist his team in establishing an inspectorate.

**5.23.** I spoke with the Australian High Commission as part of an evidence gathering exercise for a Royal Commission on disclosure. I have also recently hosted a delegation from the South African National Prosecuting Authority to share the benefits of independent inspection and how scrutiny can lead to improvement.

**5.24.** I have also recently met with the recently appointed Chief Inspector Jacqui Durkin of Criminal Justice Inspection Northern Ireland (CJI). Over the past years we have offered support and many of my inspectors have worked on inspections in Northern Ireland. I am keen for this to continue and discussed with Jacqui possible inspection topics where we could provide some help and expertise.

# **Annex A**

## **Inspection review and audit reports published between April 2019 and March 2020**

Report	Date
<b>Inspection reports, reviews and audits</b>	
Area Assurance Programme inspection of CPS South West casework	May 2019
Area Assurance Programme inspection of CPS Cymru–Wales casework	May 2019
Area Assurance Programme composite report	October 2019
<b>Thematic and bespoke inspections</b>	
Serious Fraud Office leadership review	July 2019
Handling defence correspondence	August 2019
Case progression in the Serious Fraud Office	October 2019
2019 rape inspection	December 2019
Disclosure of unused material in the Crown Court.	January 2020
Serious youth crime	March 2020
The effective use of agents in the magistrates' court	March 2020
<b>Joint inspections</b>	
The poor relation: The police and CPS reponse to crimes against older people	July 2019
Evidence led domestic abuse prosecutions	January 2020

# **Annex B**

## **Inspection resource activity**

To complete our inspection work in 2019–20, we visited the SFO, CPS Headquarters and all CPS Areas. To undertake our inspection, we carried out the following activity.

Casework files examined by inspectors	2,677
Documents provided by those we inspected and reviewed	3,136
Number of on-site inspector days	627
Number of CPS and SFO staff interviewed	622
Number of stakeholder interviews (non CPS and SFO staff)	117

# **Annex C**

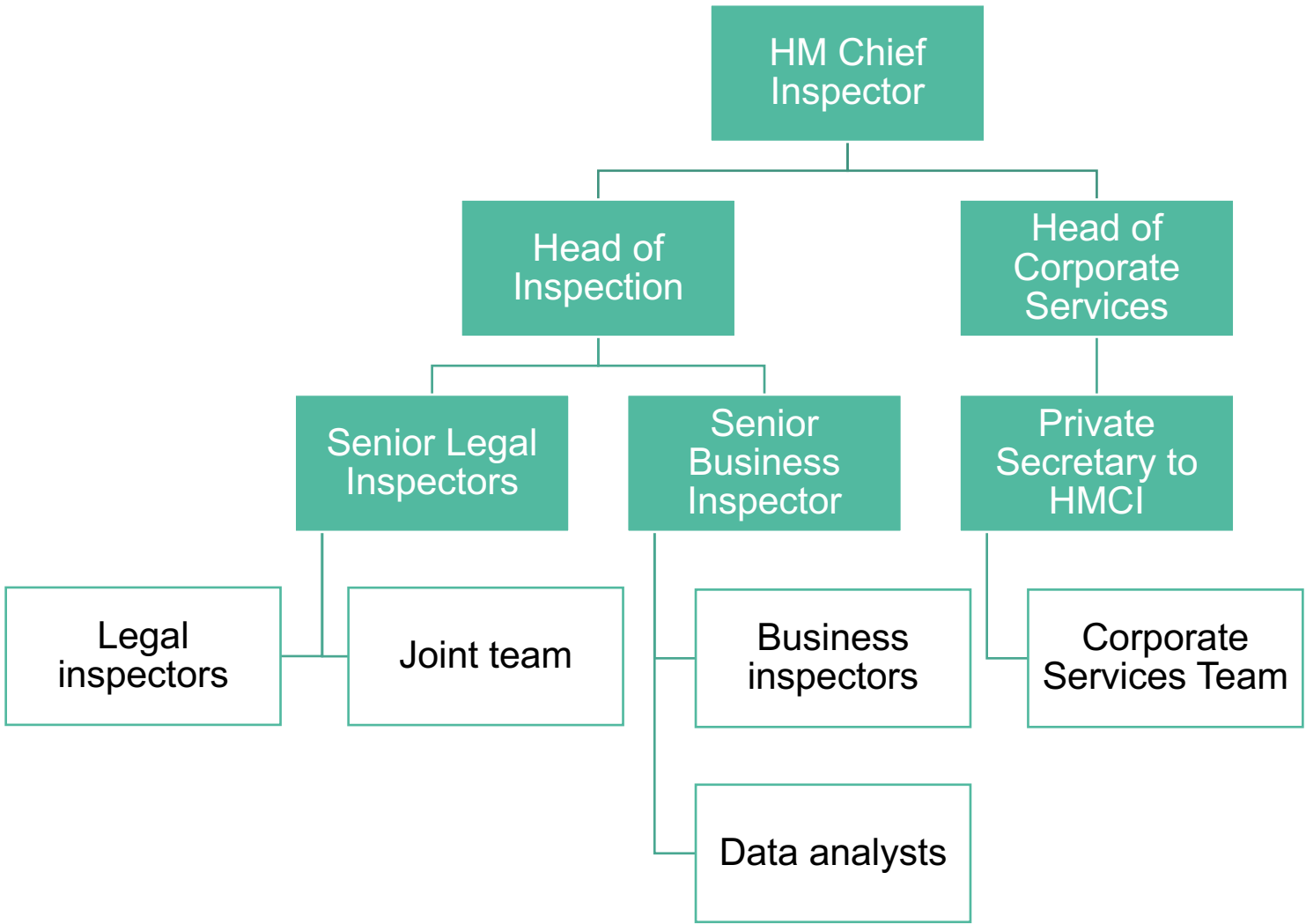
## **Budget expenditure**

	2015–16		2016–17		2017–18		2018–19		2019–20	
	Cost (£000)	% of total costs	Cost (£000)	% of total costs	Cost (£000)	% of total costs	Cost (£000)	% of total costs	Cost (£000)	% of total costs
Staff	2,237	80.0	2,123	82.3	1,999	81.6	1,664	75.3	1,865	79
Recruitment and training	30	1.1	5	0.2	6	0.2	42	1.9	3	0.13
Accommodation	233	8.3	235	9.1	199	8.1	236	10.7	236	10
Travel and subsistence	124	4.4	108	4.2	102	4.2	62	2.8	101	4.3
Consultancy	26	0.9	12	0.5	0	0	0	0	0	0
Suppliers and other services	128	4.6	80	3.1	142	5.8	195	8.8	144	6.1
Dilapidation provision	0	0	0	0	0	0	0	0	0	0
Rental income	0	0	0	0	0	0	0	0	0	0
Income – recovery of direct costs	0	0	0	0	-14	-0.6	0	0	-8	-0.3
Non cash costs (depreciation and NAO audit fee)	20	0.7	17	0.7	17	0.7	12	0.3	21	0.8
<b>Total</b>	<b>2,798</b>	<b>100</b>	<b>2,580</b>	<b>100</b>	<b>2,451</b>	<b>100</b>	<b>2,210</b>	<b>100</b>	<b>2,362</b>	<b>100</b>

# **Annex D**

## **HMCPSI organisation chart**







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