



**HMCPSI**

HM Crown Prosecution  
Service Inspectorate

# **Victim Communication and Liaison scheme: letters to victims**

**A follow up inspection**

**October 2020**

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HMCPsi Publication No. CP001: 1275

## 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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# Chief Inspector's foreword

In November 2018 I published a report on the standard of letters provided to victims by the Crown Prosecution Service (CPS). In that inspection I reported that only 24% of letters – less than one in four – sent by the CPS were of the expected quality. I made a series of recommendations, which the CPS accepted, and the CPS published an action plan as part of its response to the inspection. Since publication, I have heard from the CPS’s senior management team about the actions they were taking and, through visits to CPS Areas, I heard about some of the changes that had been made.

I do not routinely carry out follow-up inspections to determine whether the CPS has made progress in an area that has been subject to an earlier inspection. But how the CPS communicates with victims plays an important role in maintaining public confidence in the criminal justice system and I believed a further inspection was necessary.

Findings in this inspection mirror those I reported in 2018. Having looked at 490 letters as part of this follow-up, my inspectors rated 24.1% of them as being of the right quality, a 0.1% improvement. There were eight Areas where there was a slight improvement in performance, but this was from a low baseline and was not significant.

**I call upon the CPS to review whether the arrangements it has in place are the right ones to deliver on its commitments to victims**

In cases involving rape and serious sexual offences, 19% of letters were of the right quality. There was a slightly better result for victims in domestic abuse cases, where 28% of letters were of the right quality. Empathy was still lacking in 42% of the letters, although this is a 12% improvement from the 2018 findings, where 54% of letters lacked empathy. Timeliness has not improved overall. For letters that should be

sent to victims who qualify for an enhanced service (one-day letters) timeliness has deteriorated since 2018.

Although it is clear the CPS has done much since 2018 to try to improve the quality of letters sent to victims, this inspection shows that it has resulted in little improvement. There is no point in my repeating the still-valid recommendations made in the 2018 report. Rather, I call upon the CPS to review whether the arrangements it has in place are the right ones to deliver on its commitments to victims.

In discussing these findings with the senior team in the CPS, it appears that there is an appetite for a radical rethink of how it delivers the service

and deals with the public (its customers). Victims need care and attention, and this inspection shows that there is much to improve if they are to receive the service they deserve.

Given the outcomes of this inspection, I hope my successor will follow up this inspection again in late 2021. While HMCPSI is not a regulator, those who hold the CPS to account need to know if there has been progress and that any action taken resulted in the necessary improvement.

# 1. Summary

## Summary

**1.1.** In November 2018, HMCPSI published *Victim Liaison Units: letters sent to the public by the CPS*<sup>1</sup>, a thematic report which looked at the effectiveness of the Crown Prosecution Service's (CPS's) communications with victims. Victim Liaison Units, set up in 2014, are discrete units providing a 'one stop shop' approach for communications with victims related to three key policies:

- the Victims' Right to Review scheme
- Complaints Resolution
- the Victim Communication and Liaison (VCL) scheme.

**1.2.** The VCL scheme is how the CPS discharges its duties under the Code of Practice for Victims of Crime (the Victims' Code)<sup>2</sup> to notify victims of any decision it makes:

- to discontinue a charge and proceed on another
- to substantially alter a charge
- to discontinue all proceedings
- to offer no evidence in all proceedings
- not to prosecute.

**1.3.** In the 2018 report, we identified issues with the quality and timeliness of VCL letters. Less than one in four VCL letters (24%) were assessed as being of the quality expected. The subsequent *2019 rape inspection*<sup>3</sup> also identified performance issues with the quality and timeliness of letters to victims in rape and serious sexual offences (RASSO) cases. How the CPS communicates with victims is important if public confidence is to be maintained, so we decided to follow up the 2018

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<sup>1</sup> *Victim Liaison Units: letters sent to the public by the CPS*; HMCPSI; November 2018

[www.justiceinspectorates.gov.uk/hmcpsi/inspections/victim-liaison-units-letters-sent-to-the-public-by-the-cps-nov-18/](http://www.justiceinspectorates.gov.uk/hmcpsi/inspections/victim-liaison-units-letters-sent-to-the-public-by-the-cps-nov-18/)

<sup>2</sup> *Code of practice for victims of crime*; Ministry of Justice; October 2015  
[assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/476900/code-of-practice-for-victims-of-crime.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/476900/code-of-practice-for-victims-of-crime.PDF)

<sup>3</sup> *2019 rape inspection*; HMCPSI; December 2019  
[www.justiceinspectorates.gov.uk/hmcpsi/inspections/rape-inspection-on-report-december-2019/](http://www.justiceinspectorates.gov.uk/hmcpsi/inspections/rape-inspection-on-report-december-2019/)

Victim Liaison Unit (VLU) inspection, specifically looking at VCL letters, to identify whether the quality of the letters being sent has improved.

**1.4.** We found little improvement in the overall quality of letters sent out under the VCL scheme compared with the findings of the 2018 inspection. In this inspection, 24.1% of the letters we examined were of the right quality, compared with 24% of letters in 2018. Out of the 14 CPS Areas, eight Areas improved on their 2018 performance, five deteriorated and one remained the same.

**1.5.** The Victims' Code provides clear timescales for letters to be sent to victims. Victims who are vulnerable, because of the type of offence or another characteristic, are entitled to an enhanced service. Letters must be sent to these victims within one working day of the decision being made (one-day letters). In all other cases, victims should receive a letter within five working days of the decision (five-day letters).

**1.6.** We found that the overall timeliness of letters sent out by the CPS has deteriorated, with 65.1% of letters sent in a timely manner, compared to 72% in the 2018 inspection. In this inspection, 58.5% of one day letters and 78.4% of five-day letters were timely, in comparison with 64.8% and 80.8% in 2018.

**1.7.** Our findings identify a number of reasons why letters are often not timely. The issues identified included prosecutors failing to notify the VLU, or failing to inform them on time, of the need for a letter to be sent, and the information provided to the VLU being of insufficient quality. The one-day timescale required for victims entitled to an enhanced service is challenging; in some instances, Areas indicated that they had prioritised writing quality letters over meeting the one-day timescale.

**1.8.** All Areas have introduced processes to identify letters that may be missed. This includes implementing a series of daily and weekly checks and creating management reports to identify missed letters and improve timeliness. These processes are resource intensive for Areas and are put in place to plug gaps created when staff do not comply with guidance.

**1.9.** Additional processes have also been developed to make sure prosecutors respond to queries about the information they provide, so that it is timely and of sufficient quality. Again, these additional processes would not be necessary if all prosecutors complied consistently with the requirements of the Victims' Code and national guidance. These processes use resources that could be directed at writing better quality letters.

**1.10.** In those cases where the prosecutor does provide information to the VLU in line with requirements, our findings highlight that there are often problems with the quality of the information. In 60% of the cases we examined, prosecutors provided information to VLUs. In 48.3% of these cases, we rated that information sufficient. This is similar to the 2018 findings (59.9% and 49.2% respectively).

**1.11.** In some cases, staff in the VLU amend the information provided. In 63.5% of these cases, we found that the amendments improved the letter. This is better than 2018, when 45.9% of amendments improved the letter.

**1.12.** There does not appear to be sufficient ownership and acceptance of the importance of VCL letters by all prosecutors. There is also a perception in Areas that the relationship between prosecutors and VLUs needs to be improved, which will give staff in the VLUs greater confidence to tackle issues where prosecutors are not providing the required information.

**1.13.** The three main issues directly affecting the quality of VCL letters sent out by the CPS were the sufficiency of the explanation, the level of empathy and the ease of understanding the explanation. Inspectors found that the explanation was sufficient in just over half of the letters (51.4%), empathy was sufficient in 58% of letters and 71.2% of letters were understandable. In those 28.8% of letters we rated as not being understandable, the main problem was the use of legal terminology without any accompanying simple explanation.

**1.14.** We specifically examined letters in RASSO and domestic abuse cases as part of this inspection. Inspectors found some variation between the results for these letters and our overall findings. Inspectors rated 18.6% of letters sent in RASSO cases and 28.3% of letters sent in domestic abuse case as being of the right quality, in comparison with 24.1% of all letters. The explanation was sufficient in 62.9% of letters sent in RASSO cases, which is better than the result for all letters; but empathy was sufficient in 52.9% of these letters, which was worse than the result for all letters. In domestic abuse cases, the explanation was sufficient in 57.5% and empathy was sufficient in 62.1% of letters, both of which are better than the overall result for all the letters we examined.

**1.15.** The CPS's national guidance indicates that all letters should be subject to a quality check by colleagues before being sent out to victims. From the sample, 44.1% of letters (213) were subject to quality checks. However, our view is that the checks were not fully effective at improving the overall quality of the letters. There needs to be more focus on the

content of the letter, rather than a simple review which often focuses on spelling and issues with the presentation of the letter. A review that better examined content, rather than the basic presentation of the letter, would be more valuable.

**1.16.** As a result of the 2018 inspection, and recognising that quality needed to improve, the CPS introduced a series of checks to try to improve the quality of letters. These included the introduction of Area assurance. In all Areas, staff panels have been set up and embedded into Area practices to assess the quality of letters sent to victims. The quality and timeliness of letters is reported to the monthly casework quality panels, which report into Areas' strategic boards and senior management meetings. Some Areas also share letters with local scrutiny and involvement panels, to seek views from community groups. This is good practice. Involving the wider community is a good approach to better understanding how letters could be perceived by victims.

**1.17.** Overall, whilst there are local governance structures in place for considering the quality of letters sent and for sharing best practice to drive improvement in their quality, these are not fully effective; the findings of this inspection show no improvement in overall quality since the 2018 inspection.

**1.18.** Inspectors were told that some training has been provided to prosecutors, including prosecutors who deal with RASSO cases. There is also an established training programme for VLU staff, but this does not include specific elements on how to communicate and write letters to victims.

**1.19.** This follow-up to the 2018 inspection highlights that many of the issues remain, with no noticeable overall improvement in letter quality. However, there have been improvements in some individual Areas since the 2018 inspection, both in terms of the timeliness and quality of letters. There are some good examples of quality letters being sent by Areas, with good explanations and good empathy. There has also been a strong desire to achieve the best quality possible for victims, with significant local and national management time invested to drive improvements since the last inspection. However, this has not resulted in improved outcomes overall. Given the findings, HMCPSI has decided not to make recommendations, but we suggest that at the national level, the CPS fundamentally reviews how the VCL scheme is being delivered and considers whether the current arrangements are suitable to deliver its commitments to victims.

## Context

**1.20.** The thematic inspection report *Victim Liaison Units: letters sent to the public by the CPS*, published in November 2019, identified the following three issues to address:

- The CPS needs to ensure that there is a clear and effective system for prosecutors to notify the Victim Liaison Unit of the reason for decisions in all cases. Managers need to be reminded that non-compliance should be addressed.
- The CPS needs to improve its systems to measure and track the timeliness of Victim Communication and Liaison scheme letters, with a focus on those requiring the enhanced service.
- The CPS should develop a more effective quality assurance process for the assessment of Victim Communication and Liaison scheme responses to ensure that letters are free from simple mistakes.

**1.21.** The *2019 rape inspection* report also included a recommendation that CPS Areas should improve the timeliness and standard of letters in RASSO cases.

**1.22.** In May 2020, it was agreed with the CPS that HMCPSI would conduct a follow-up inspection solely related to the VCL scheme. Since the original inspection, CPS Headquarters and Areas had undertaken significant work to improve the quality of letters, as well implementing a number of changes to processes and local systems. Additionally, the quality and timeliness of victim letters was a priority topic of discussion at regular senior management performance meetings. The follow-up inspection could be conducted with minimum extra burden to CPS Areas and CPS Headquarters by mainly using a comprehensive letter sample available electronically on the case management system (CMS). This meant that the inspection could be conducted safely and effectively during the coronavirus lockdown.

**1.23.** Details about the requirements of the VCL scheme can be found in annex A.

## **2. Methodology**

## Inspection framework

**1.24.** The framework for this inspection consisted of an overarching inspection question and three main sections of questions. The inspection question asked whether letters sent to victims under the Victim Communication and Liaison (VCL) scheme were timely and quality letters.

**1.25.** The three main sections of questions were:

- Are Victim Communication and Liaison scheme letters identified and timely?
- Are Victim Communication and Liaison scheme letters of the right quality?
- Are systems effective to support the identification, quality and timeliness of letters?

The full set of questions can be found in annex B.

## Methodology

**1.26.** The methodology for the inspection was adapted to take the coronavirus into account. This meant that the main source of evidence was a file sample, with a limited number of interviews. In line with usual practice, documents were not formally requested ahead of the virtual on-site phase, although some ad-hoc documentation was subsequently provided by some of the Crown Prosecution Service (CPS) Areas.

**1.27.** Inspectors read a total of 490 letters (20 from magistrates' court cases, 10 from Crown Court cases, and five from rape and serious sexual offences cases per Area) and assessed them against a bespoke question set. The letters examined had been sent between September 2019 and the end of February 2020. A handful of the letters in the rape and serious sexual offences (RASSO) case sample dated back to spring 2019; this was necessary to achieve a file sample of five RASSO letters for all Areas. The national outcomes for the letter examination can be found in annex C.

**1.28.** Inspectors also held individual virtual meetings with the Area Business Managers for all 14 CPS Areas, to discuss the findings of our examination and to gather background information related to local changes that have been made since the 2018 inspection. Interviews were also carried out with a cross-section of Victim Liaison Unit (VLU) managers in five Areas – East Midlands, London South, Wessex, West Midlands and Yorkshire and Humberside – as well as with the national policy lead for victims and witnesses.

### **3. The role of CPS Headquarters**

**1.29.** Since the 2018 inspection, the Crown Prosecution Service (CPS) has made a considerable effort to improve its performance in terms of Victim Communication and Liaison (VCL) scheme letters.

**1.30.** There are Standard Operating Practices (SOPs) in place that determine the processes to be followed by Areas for producing VCL letters. Relevant guidance is available to all staff on the CPS intranet. This guidance makes expectations clear about, for example, the Victims' Code, assurance checking and how to draft VCL letters. It includes *Guidance on giving reasons (short form)* and *Drafting effective communication for victims*. These both cover how to be clear, concise and write in plain English as well as other topics, such as empathy.

**A virtual team has been set up to share examples of good letters and discuss more difficult letters, including those where striking the right level and balance of empathy was difficult**

**1.31.** There is an ongoing CPS Headquarters review of the information available for staff on how to create effective VCL letters. This information is published on the CPS intranet and highlighted to staff to make sure the right information is easily accessible. This guidance and support includes example letters, which help staff to draft effective letters.

**1.32.** To help ensure consistency, a number of standard letter templates have been produced. Our findings show, and interviews with Area managers confirmed, that local and minor amendments to the templates have been made and, in some cases, Areas have rewritten the templates because they felt that the national templates were not always helpful. Inspectors were told that information about template revisions had been fed back to CPS Headquarters but the templates had not been amended. CPS Headquarters plans to establish a national group to review the templates in autumn 2020. Given the degree of change that has taken place at the Area level, this will be a positive development.

**1.33.** CPS Headquarters manages a Victim Liaison Unit (VLU) managers' network, which holds quarterly meetings. These are used to discuss themes, share questions and generally confer on issues. Inspectors were told that the network was supporting VLU managers to raise their profile with the Area senior management team and across Areas as a whole. This included encouragement to provide briefings and training at Area team meetings. Inspectors were also informed that a

virtual team has been set up to share examples of good letters and discuss more difficult letters, including those where striking the right level and balance of empathy was difficult.

**1.34.** Inspectors were informed that a project group has just been initiated to look at how to improve the quality of letters in rape and serious sexual offences (RASSO) cases. There is also ongoing wider work relating to communication guidance and how to communicate with customers generally. This work links in to Her Majesty's Courts and Tribunals Service's (HMCTS's) human voice of justice project. The CPS is working with HMCTS to consider how its own guidance on how to communicate and write to victims reflects this wider cross-criminal justice system project's aims. Both are good developments.

## **4. Identification and timeliness of letters**

**1.35.** Standard operating practice (SOP) states that it is the role of the prosecutor to inform Victim Liaison Units (VLUs) when a letter is needed under the Victim Communication and Liaison (VCL) scheme. In our sample, the VLU was informed by the prosecutor in 60% of cases.

**1.36.** Given this low level of compliance, all Areas have other systems and processes in place to identify cases where a letter is needed. In the sample of letters we examined, when the VLU was not correctly informed by the prosecutor, the need was instead identified by VLU checks in 22.4% of cases and by operational delivery checks in 14.1% of cases.

**1.37.** In the 2018 inspection, prosecutors notified VLUs in 59.9% of cases. As a result, the 2018 inspection report contained a recommendation concerning prosecutors notifying the VLUs. The position has not improved.

Identification	Answers	National average performance	Best performance among 14 Areas	Worst performance among 14 Areas
Identification of letters	Prosecutors	294 (60%)	29 (82.9%)	12 (34.3%)
	VLU checks	110 (22.4%)		
	Operational delivery checks	69 (14.1%)		
	Not known or other	17 (3.5%)		

**1.38.** The Code of Practice for Victims of Crime (the Victims' Code) provides clear timescales within which letters should be sent to victims. In some cases, victims defined as vulnerable or intimidated, victims of the most serious crimes, and victims who are persistently targeted are entitled to an enhanced service, meaning they should receive a letter within one working day of the decision being made (a one-day letter). When assessing whether this requirement has been met in this inspection, we count the one-day timescale as one working day from the decision. In all other cases, victims should receive a letter within five working days (a five-day letter).

**1.39.** In this inspection, 65.1% (319 out of 490) of all letters were sent within the required timescale, in comparison with 72% in the 2018 inspection.

**1.40.** One-day letters were timely in 58.5% of cases, compared to 64.8% in the 2018 inspection. Five-day letters were timely in 78.4% of cases; again, slightly worse than in 2018, when 80.8% of five-day letters were timely.

**1.41.** Crown Prosecution Service (CPS) Areas told inspectors that identifying and sending enhanced service letters within one day can be a challenge. In some instances the Areas would send a better quality letter later, rather than sending a rushed letter to meet the timeliness target. Our findings about the quality of the letters generally undermine this view.

**1.42.** This table sets out the findings relating to timeliness for the 490 letters.

Timeliness	Answers	National average performance	Best performance among 14 Areas	Worst performance among 14 Areas
Timeliness of all letters	Yes No	319 (65.1%) 171 (34.9%)	29 (82.9%)	16 (45.7%)
Timeliness of one-day letters	Yes No	192 (58.5%) 136 (41.5%)	-	-
Timeliness of five-day letters	Yes No	127 (78.4%) 35 (21.6%)	-	-

**1.43.** Inspectors found that a variety of reasons can delay VCL letters. These include:

- the VLU being informed late about a decision made at court or in the office
- incorrect flagging of cases, meaning that some one-day letters are not correctly identified
- the initial information provided by the prosecutor not being of sufficient quality for the VLU to write the letter without requesting further information
- prosecutors not informing the VLU at the point of decision – this can cause lengthier delays when it is not picked up by additional checks, and is identified some time later.

**1.44.** As set out above, the quality of information provided by prosecutors can be a barrier to letters being timely. In 48.3% of cases in our sample, we assessed the information provided by prosecutors as

being of satisfactory quality. This compares to 49.2% in the 2018 inspection. There were 101 files (20.6%) where inspectors saw no evidence of information being provided to the VLU by the prosecutor, and were therefore unable to assess the quality of the information being provided. Again, this is similar to the previous inspection (25.4%).

**1.45.** When the information provided is not satisfactory, unless it is something minor, the VLU will contact the prosecutor for additional information. Most Areas have an escalation process in place to make sure VLU staff receive a response. Failing to respond to escalation is clearly more problematic, in terms of meeting timescales, when the circumstances require a one-day letter – but it can also be a cause of five-day letters failing timeliness targets.

**1.46.** Following SOP, Areas use daily and weekly case management system (CMS) and management information system (MIS) reports to identify letters that the VLU has not been notified about and also to support processes to produce letters in time. This is a resource intensive approach; however, it was considered a necessity to identify the need for letters and to meet Victims' Code commitments. Generally the checks are carried out by VLU staff and, in some instances, by casework operational delivery staff.

**1.47.** The need for these additional checks is a result of prosecutors failing to consistently comply with the obligations set out in the Victims' Code and national guidance. The time spent on them by VLU staff or others in the Area could be spent on improving the quality of letters. This fact was also commented on in the last inspection. Some of the additional tasks carried out by Areas include:

- In CPS London North, daily reports and checks are made on all finalised cases with an identifiable victim, regardless of the outcome of the case. The Area also runs a monthly report to determine how many letters the VLU were not notified about.
- In CPS East Midlands, daily report and checks are run on case monitoring codes (this identifies vulnerable and intimidated victims and any cases with substantially altered charges), and a non-conviction report identifies cases withdrawn, discontinued or where no evidence was offered by the prosecution.
- In CPS Merseyside and Cheshire, the Crown Court team runs checks to see if any counts on indictments have been altered.

**1.48.** Victims are identified as requiring an enhanced service through flagging on the CMS. These flags appear next to the victim's name and

within a monitoring field. We found that 376 (76.7%) of cases were flagged correctly. The Victims' Code screen on the CMS is then used by CPS Headquarters to identify victims that have received a letter and to assess its timeliness (taking account of the enhanced service flagging).

**1.49.** In our file sample, 127 letters (25.9%) did not have a correctly updated Victims' Code screen. In some instances, this did not affect the overall timeliness of the letters – for example, if the decision date or full notification date was a few days out. However, in some cases we examined, an incorrect decision date or full notification date was entered – meaning that the letter was shown as having been dispatched to the victim in time when it was not. Examples included:

- a letter which was sent on 12 February 2020 but was recorded on the Victims' Code screen as 11 February 2020, which meant that it was incorrectly shown as a timely one-day letter
- a letter where the decision date was 18 December 2019 but had been recorded as 17 January 2020, which meant that the date of full notification (20 January 2020) was incorrectly shown as timely.

Identification on CMS	Answers	National average performance	Best performance among 14 Areas	Worst performance among 14 Areas
Letters correctly flagged	Yes	376 (76.7%)	32 (91.4%)	19 (54.3%)
	No	114 (23.3%)		
Victims' Code screen completed correctly	Yes	363 (74.1%)	32 (91.4%)	21 (60%)
	No	127 (25.9%)		

## 5. Letter quality

**1.50.** The ability to provide a quality letter starts with the sufficiency of the information provided by the prosecutor. As mentioned in paragraph 4.10, the prosecutor only sent information of sufficient quality in 48.3% of cases. Behind that overall result, Areas' performance varied from 28.6% to 68.2%. For general letters (short form) that fall under the Victim Communication and Liaison (VCL) scheme, all Areas expect prosecutors to provide a clear reason for the decision, with enough information to enable the Victim Liaison Unit (VLU) to send a clear and full letter to the victim.

**1.51.** The national VCL *Guidance on giving reasons (short form)* expects that letters should give enough detail for the victim or family to understand the reason for the decision. This explanation should be tailored to the individual circumstances of the case. It should be clear, concise and in plain English. The information provided by the prosecutor should enable VLUs to complete this task.

**1.52.** Inspectors found that often the explanation included legal terms and did not sufficiently cover the circumstances. One example of information of insufficient quality was: "DCV letter required for XXXX. S4A W/D – this was replaced with a S2 Harassment charge to cover a wider period of time and further examples of behaviour towards IP". There were many such examples sent to VLUs by prosecutors.

**1.53.** It is accepted that when decisions are made in a busy court, providing information of a sufficient quality may be difficult. However, it is clear from our evidence and Areas' comments that the information provided is often of variable quality. Some prosecutors are engaged, seem to take their responsibilities seriously and fully comply with the process; others do not. From the evidence in this inspection and the 2018 inspection it is clear that not all prosecutors are taking proper ownership of their involvement in providing information to allow the Crown Prosecution Service (CPS) to send effective letters to victims, either on time or of the right quality. Inspectors were told that newer, more recently trained prosecutors were more likely to comply with their obligations.

**1.54.** CPS South West has produced a template to help prosecutors provide information of sufficient quality. This template is mandated when decisions are made in the office and encouraged if prosecutors have the time when at court. It includes links to national and Area guidance. This is a good approach to supporting prosecutors with information to help them understand in clear terms what is needed.

**1.55.** The VLU amended the information provided by the prosecutor in 178 (45.8%) of the letters in our sample. In 63.5% of the amended letters (113 letters), we rated the amendment as improving the final quality of the letter sent to the victim. This is an improvement from the 2018 inspection, where amendment by VLUs improved the quality of 45.9% of letters. In this inspection, individual Areas' performance varied, with between 33.3% and 100% of VLU amendments improving the quality of the letter.

Quality of information from prosecutors	Answers	All cases (389 relevant letters)	Best performance among 14 Areas	Worst performance among 14 Areas
Information provided to the VLU by the prosecutor was of sufficient quality	Yes	188 (48.3%)	15 (68.2%)	8 (28.6%)
	No	174 (44.7%)		
	Not known	27 (6.9%)		
VLU amended the information	Yes	178 (45.8%)	5 (17.9%) Least amendment	20 (71.4%) Most amendment
	No	184 (47.3%)		
	Not known	27 (6.9%)		
VLU amendment improved the quality	Yes	113 (63.5%)	100% of letters amended improved quality	33% of letters amended improved quality
	No	65 (36.5%)		

**1.56.** As set out in chapter 3, to provide some consistency in the quality of letters, standard national templates have been developed. Inspectors found that 363 (74.1%) letters were created using the correct template.

**1.57.** When the correct template is not used, this can result in key omissions and errors being included in the letter. One such error that we saw often involved letters incorrectly offering a review under the Victims' Right to Review (VRR) scheme. This mainly happened because the wrong template had been used.

**1.58.** It is a good approach to have standard templates as long as these can be adapted, but inspectors found that in some instances, rigidly using the formulaic templates could negatively impact the overall quality of the final letter. This was especially so when we were considering whether a letter was empathetic.

**1.59.** Inspectors assessed that 349 letters (71.2%) were sufficiently clear and understandable. The use of legal terminology was the main cause of letters not being rated as clear or understandable. Of the 141 letters that were not clear or understandable, 71.6% (101) failed because they used legal terminology without adequately explaining it. Examples of terms used without adequate explanation included:

- terms for sentences or other disposals (for example, conditional discharge, suspended sentence, and restorative justice)
- terms for certain offences and outcomes, such as ‘offered no evidence’
- common ways to refer to named offences (for example, ‘assault a person’ rather than ‘assaulted you’)
- using slashes to divide parts of an offence (for example, ‘use threatening / abusive / insulting words / behaviour with intent to cause fear of / provoke unlawful violence’)
- other legal terms such as ‘public interest’ or ‘the Code’.

**1.60.** The majority of letters will inevitably include legal terminology to some degree, but more consideration could have been given to adapting the language into plain English or using more straightforward explanations. We did see some good letters that adapted the language in ways that aided comprehension.

**1.61.** In 51.4% of letters (252 out of 490), inspectors assessed that the explanation was sufficient. Areas performance on this question ranged from 34.3% to 71.4%.

**1.62.** The general theme was that letters did not provide enough detail for a victim to be able to understand why a certain decision had been made in their case. Many letters were brief in their reasoning, potentially leaving a victim with a number of questions to be answered to fully understand why the decision had been made.

**Letter excerpt**

...am writing to tell you of the decision taken to bring the case to an end. The case was due to be heard on the 24 February 2020 at XXXX Magistrates' Court and you were asked to attend court to give evidence. You confirmed that you have withdrawn your support for the prosecution and that you would not be attending court to provide your evidence.

**1.63.** In this case, the victim had previously provided a retraction statement, which is not mentioned, and the case continued after the victim's withdrawal thanks to another witness. Only when the witness did not appear at the court for the trial was no evidence offered.

**Letter excerpt**

...On the day of the hearing, the two defendants offered to plead guilty to the charge of assaulting the two other victims, if the obstruct PC charge would be withdrawn. After careful consideration, I took the view that accepting these two pleas would not lessen the sentencing handed down by the court to the two defendants.

**1.64.** This does not cover what happened, what pleas were taken or what the outcome was.

**1.65.** In 86.5% of letters (424) the explanation was correct. Performance on this question for the individual Areas was between 74.3% and 100% (between 26 and 35 letters). Incorrect information was included in some letters as a result of the prosecutor providing inaccurate information; in others, inaccurate information was added by staff in the VLU. Examples of errors made by VLU staff included:

- setting out the wrong date of incident
- stating that the defendant received a youth caution rather than an adult conditional caution
- stating that it was the victim, rather than a witness, that had withdrawn their support.

## Empathy

**1.66.** Finding the right balance of empathy for each individual VCL letter can be difficult. In the 2018 inspection, we set out how difficult it was to strike the balance between setting out the facts and considering how the letter may be viewed by the victim.

**1.67.** In this inspection, we found that 58% of letters (284 out of 490) had sufficient empathy. Areas' performance on this question varied from 34.3% to 77.1%.

**1.68.** Letters we assessed as not having enough empathy, or not having the right balance, included aspects such as the following:

- using the final empathetic line provided in the standard templates, which was not necessarily sufficient
- failing to offer an apology when decisions were delivered late or where there had been general delay throughout the life of a case
- failing to address the victim's personal circumstances and/or the characteristics of the case
- failing to consider that empathy can also be shown by signposting additional help and by taking sufficient care when providing the explanation
- failing to convey a level of empathy appropriate for the case through the tone of the letter, including some cases of victim blaming language (for example, one letter highlighted the words "and you" in bold, which could be perceived as accusatory)
- generally displaying an insufficient level of care in how the letter was written and how it may be received by the victim.

**1.69.** There were some good letters in our sample, and we saw examples of good sentences that showed empathy.

#### **Examples of empathetic sentences**

“This is not a decision I have taken lightly, and this letter is my explanation of that decision.”

“I would like to thank you for your bravery and ongoing support in these cases.”

“I would like to take this opportunity to thank you for making a statement in the first place.”

“I would like to thank you for taking the time to report this matter to the Police and for your willingness to come forward in respect of this case.”

The above lines were often included in the better domestic abuse letters.

**1.70.** In some letters, the empathy was not appropriate. Using the standard template’s empathy line when the letter relates to a victim withdrawal is somewhat misplaced. For a victim who has withdrawn their support for the case to be presented with, “I appreciate this may not be the outcome you wanted but I hope this letter helps you to understand how my decision was made” is not appropriate.

## **Victims’ Right to Review scheme**

**1.71.** The Victims’ Right to Review (VRR) was correctly offered in 134 out of 186 letters (72%). In 16 letters, we found that the VRR should have been offered and it had not (8.6%) and in 36 letters, the VRR was offered incorrectly (19.4%). In 2018, the VRR was incorrectly offered in 10.5% of cases – in this inspection it was 28%. Many of these errors seemed to be related to staff producing letters using the wrong template.

**1.72.** There were some examples in the sample when victims had failed to attend court for trial but had not clearly withdrawn – for example, because of ill health or unforeseen circumstances. VRR guidance indicates that the VRR should not be offered when a victim is unsupportive. However, circumstances are not always completely clear, and in some such instances it may be more appropriate to offer the VRR. Areas have already highlighted this issue to CPS Headquarters and we have been told that a change to the guidance is being considered. CPS West Midlands has adopted a less strict interpretation of the VRR

guidance and locally chooses to offer the VRR if it is considered that the circumstances merit it.

**1.73.** Meetings must be offered for specified case categories unless the prosecutor concludes that, in the circumstances, a meeting should not take place. Case types include, but are not limited to, cases involving death, child abuse, and sexual offences. A meeting was offered appropriately in 64 out of 85 letters (75.3%). In the 2018 inspection, meetings were correctly offered in five out of nine letters.

**1.74.** The number of letters in the file sample with spelling mistakes has improved significantly from 2018, when 20.6% of letters had spelling mistakes, to 9.6% of letters in this inspection; 8.6% of letters had one spelling mistake and five letters had more than one. One spelling mistake would not necessarily result in inspectors rating a letter as not being of the right quality, unless the spelling mistake was the victim's name, the defendant's name or a critical spelling mistake. An example of a critical spelling mistake seen in the opening line of a letter was "I am the prosecutor in the case of XXXX and am writing to tell u the decision I have taken in this case".

**1.75.** Victims' leaflets were correctly referenced, or a relevant website referenced, to comply with the Victims' Code requirements in 99.4% (487 out of 490) letters.

**1.76.** Defendants' or suspects' names were incorrectly included in 18 letters (3.6%). These included eight pre-charge no further action cases where the letters incorrectly included suspects' names, and ten letters where the youth defendants' names had been incorrectly included. These are potential breaches of data protection regulations.

**1.77.** Whilst the quality of the casework decision and the effectiveness of case progression are outside the remit of this inspection, they do affect the CPS's ability to provide quality letters. It is more difficult to write a letter when the case should not have been charged to start with, when there has been unnecessary delay (whether in relation to the service provided by the police or the CPS), or when the charge for that victim is not going ahead because of the acceptance of other pleas when the initial charges selected were incorrect. The *2020 charging inspection* report<sup>4</sup>, published in September 2020, highlights some of the issues that can cause an impact when trying to produce clear and empathetic VCL letters.

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<sup>4</sup> *2020 charging inspection*; HM CPSI; September 2020  
[www.justiceinspectorates.gov.uk/hmcpsi/inspections/charging-inspection-2020/](http://www.justiceinspectorates.gov.uk/hmcpsi/inspections/charging-inspection-2020/)

Victim Communication and Liaison scheme: letters to victims

Letter quality	Answers	All cases	Best performance among 14 Areas	Worst performance among 14 Areas
Was the letter a quality letter?	Yes	118	16 (45.7%)	1 (2.9%)
	No	372 (75.9%)		
Was the explanation understandable?	Yes	349	30 (85.7%)	18 (51.4%)
	No	141 (28.8%)		
If the letter was not understandable, did this relate to legal jargon/terminology?	Sole issue	70 (49.6%)	1	8
	Multiple issue	31 (22%)	0	7
	No	40 (28.4%)	0	6
Was the explanation sufficient?	Yes	252	25 (71.4%)	12 (34.3%)
	No	238 (48.6%)		
Was the explanation accurate?	Yes	424	35 (100%)	26 (74.3%)
	No	66 (13.5%)		
Was there empathy in the letter?	Yes	284 (58%)	27 (77.1%)	12 (34.3%)
	No	206 (42%)		

## Letters in cases involving domestic abuse

**1.78.** We rated 28.3% of VCL letters in domestic abuse cases as being of sufficient quality, in comparison with 24.1% of all the letters in the sample. Inspectors rated the explanation as sufficient in 57.5% of letters and found empathy in 62.1% of letters in domestic abuse cases, both better than the average for all letters examined.

**1.79.** A number of the letters did not include appropriate signposting to support services. In only one Area did we see effective signposting in all letters. However, in at least one Area, we were aware that the norm was to include leaflets with the letters without making specific reference to them in the letter.

Domestic abuse letter quality	Answers	All cases
Was the letter a quality letter?	Yes	62 (28.3%)
	No	157 (71.7%)
Was the explanation understandable?	Yes	157 (71.7%)
	No	62 (28.3%)
If the letter was not understandable, did this relate to legal jargon/terminology?	Sole issue	31 (50%)
	Multiple issue	16 (25.8%)
	No	15 (24.2%)
Was the explanation sufficient?	Yes	126 (57.5%)
	No	93 (42.5%)
Was the explanation accurate?	Yes	185 (84.5%)
	No	34 (15.5%)
Was there empathy in the letter?	Yes	136 (62.1%)
	No	83 (37.9%)

## Letters in rape and serious sexual offence cases

**1.80.** Inspectors rated 18.6% of letters in rape and serious sexual offences (RASSO) cases as being of sufficient quality, in comparison with 24.1% of all letters in the sample. Therefore, inspectors rated less than one in five letters as being of the right quality in RASSO cases.

RASSO letter quality (70 letters)	Answer	All cases
Was the letter a quality letter?	Yes	13 (18.6%)
	No	57 (81.4%)
Was the explanation understandable?	Yes	48 (68.6%)
	No	22 (31.4%)
If the letter was not understandable, did this relate to legal jargon/terminology?	Sole issue	9 (40.9%)
	Multiple issues	5 (22.7%)
	No	8 (36.4%)
Was the explanation sufficient?	Yes	44 (62.9%)
	No	26 (37.1%)
Was the explanation accurate?	Yes	67 (95.7%)
	No	3 (4.3%)
Was there empathy in the letter?	Yes	37 (52.9%)
	No	33 (47.1%)

**1.81.** Inspectors rated 31.4% of letters sent in RASSO cases as not being clear, a higher proportion than the 28.8% for the overall sample. This rating was mainly the result of letters including legal terminology or jargon, but also of letters being written in such a way that they were difficult to comprehend. In some letters there were explanations so detailed that they became confusing. We also saw standard paragraphs being included repeatedly in the same letter.

**1.82.** The explanation was sufficient in 62.9% of letters in RASSO cases, better than the overall average for the file sample. However, 52.9% of these letters was rated as having appropriate empathy, which is worse than the average. Given the sensitive nature of the cases, we would have expected a greater level of empathy.

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**Letter excerpt**

“...I have taken the decision not to continue with the one charge of rape of a child under 13 in relation to you.”

This line was included in a letter where the victim is 16, and for several years has indicated that she was in a relationship with the defendant. In this case, there was a significant delay in writing to the victim, which was not addressed in the letter.

The standard empathy line, “I appreciate this may not be the outcome you wanted but I hope this letter helps you to understand how my decision was made”, was included at the end of the letter, but given the circumstances of the case, it was not adequate and did not convey any meaningful level of empathy.

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**1.83.** There were examples of good quality letters in the sample. Below is an excerpt from one letter that inspectors felt demonstrated good empathy in how the explanation is worded.

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**Letter excerpt**

“I fully appreciate that the incident you allege occurred many years ago when you were a young girl. It is understandable that you were unable to recall all the details of what occurred and that there were some questions you could not answer. Whilst that in itself does not mean a case cannot proceed...”

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**1.84.** Below is an example of good empathy at the start of a letter.

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**Letter excerpt**

“I realise that this must have been a difficult time for you. I appreciate that you have been waiting some time for this matter to be concluded. I have now completed my review of the case papers provided by the police and, have been able to make a decision regarding charge...”

The letter also concludes with the line:

“Thank you for your bravery and support in this case.”

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**1.85.** The general expectation, mostly confirmed in our file sample, is that letters in RASSO cases are drafted as bespoke letters by the prosecutor in the specialist unit. In line with CPS guidance, letters should be sent to the VLU for checking before being dispatched. However, inspectors found that often, letters bypassed VLUs. This may account for letters for letters in RASSO cases containing a higher proportion of spelling mistakes than other letters: 14.3% (10 out of 70 letters) had spelling mistakes in comparison with the average of 9.6% for the whole file sample.

## Process issues

**1.86.** All Areas followed CPS house style, whether fully or partially, in most letters they sent (98.6%). There was some degree of partial non-compliance in some letters, where inspectors noted minor issues such as references not being placed to the left and inappropriate use of bold and italic lettering.

**1.87.** CPS guidance indicates that letters should usually include two signatures: the prosecutor's and that of the VLU staff member who has constructed the letter. We found that 68.4% of letters included both signatures in line with the guidance. A few Areas mentioned that their staff – both prosecutors and VLU staff – objected to their names being included in the letters. For an organisation that provides a service to the public, this view is surprising.

## **6. Quality checking and supporting improvement**

## Quality checking

**1.88.** Standard operating practice (SOP) indicates that all drafted letters should be subject to a quality check by colleagues before being sent out to victims. For 44.1% of letters (213) in our file sample, there was evidence that they had been subject to a peer review. Individual Crown Prosecution Service (CPS) Areas' performance varied from 2.9% (one letter) to 97.1% (34 letters).

**1.89.** There is no substantive evidence from the inspection that peer review is having a positive effect on the overall quality of letters produced. Our findings show that letters that receive a peer review still have key issues relating to quality, but Areas with higher levels of peer review generally produce and send out letters that have fewer spelling mistakes.

**1.90.** We were informed by a few Areas that whilst they do undertake peer reviews, that staff do not update the case management system (CMS) when the review has taken place. For one Area, one out of 35 letters had a spelling error, but we found that only one peer review was recorded on the CMS. The relevant SOP has been recently updated and now clearly indicates that the CMS should be annotated when peer reviews have been conducted.

**1.91.** All the Victim Liaison Unit (VLU) managers we spoke to confirmed that peer reviews were carried out, and they considered these to add some value and improve the quality of letters sent. CPS Wessex has recently started a review of its peer review findings to assess the overall effectiveness of the process and the resources it uses.

**1.92.** The national guidance *Victim communication letters – Victim Liaison Officer (VLO) checklist* provides guidance for VLOs on completing letters. The guidance covers issues such as spelling, correct names, formatting, whether the Victims' Right to Review (VRR) scheme or meetings apply, as well as whether the explanation is clear, understandable and in plain English. The expectation for when a VLO completes a letter is clear. Our findings show that this guidance is not having an impact.

**1.93.** The *VLM quality assurance framework* provides national guidance for VLU managers on assurance checks related to dip sampling letters written by VLU staff. This includes similar requirements to the VLO checklist but builds on this to include fuller issues such as the letter's flow, tone and empathy. The guidance indicates that VLU managers should dip

sample at least three letters a month for each VLO or Victim Liaison Assistant (VLA). Again, given the findings of this inspection, this assurance checking seems to be having a very limited impact.

**1.94.** Since the 2018 inspection, all Areas have established VLU panels, whose duties include assessing a dip sample of Victim Communication and Liaison (VCL) scheme letters sent. The aim of the panels is to drive improvement by assessing quality and identifying themes for dissemination across the Area.

**1.95.** There are slight differences in how each Area has set their panels up. The panels are mainly led by Area Business Managers (ABMs) and include a selection of operational delivery staff, some lawyers and apprentices. The number of letters looked at depends on the Area and can include the letters that form part of CPS Headquarters' monthly assurance checks. CPS Headquarters told us that the inclusion of lawyers in the panels was a later development and that they are involved more as observers, rather than actively participating. In most Areas, lawyers have now been involved for some time to enable understanding of issues and feed back to others; this contribution is viewed very positively.

**1.96.** All Areas also have established monthly casework quality assurance boards that the VLU panels will feed into. Performance, in terms of the timeliness and quality of VCL letters, is also discussed by Areas' strategic boards. Some Areas – for example, CPS West Midlands and CPS South East – mentioned that VCL letters are assessed as part of wider community engagement through the local scrutiny and involvement panels. Involving the wider community is a good approach to better understanding how letters could be perceived and issues that may require careful handling.

**1.97.** As part of wider assurance checks, CPS Headquarters requires Areas to look at a certain number of VCL letters on a monthly basis and provide the assessment outcomes. The identification and timeliness of VCL letters is also monitored as part of the CPS's quarterly performance reports.

**1.98.** There is commitment from both Area senior management teams and VLUs, and governance structures in place, to drive improvements in the timeliness and quality of VCL letters. Areas have made some individual improvements, although the desired outcomes from the performance monitoring and the actions taken are not yet proving effective across all timeliness and quality outcomes.

## Supporting improvement

### VLU resources

**1.99.** Since the 2018 inspection, there has been a slight change in how VLUs are organised. The pan-London and home counties VLU has been disbanded and succeeded by a pan-London unit (covering London North and London South), a Thames and Chiltern unit and a South East unit, which supports more local ownership. This means there are now 13 VLUs. The level of overall demand for VCL letters has also declined slightly, likely as a result of the reduction in caseload within the criminal justice system.

### The time-consuming additional checks VLUs have to make to identify letters and ensure compliance are not taken into account in the resourcing model

**1.100.** The structure of most VLUs is based on the national resourcing model (NRM), with some Areas making local decisions to resource their VLU above the NRM level to meet their needs. The time-consuming additional checks VLUs have to make to identify letters, and the escalation processes to ensure compliance, are not taken into account in the resourcing model.

**1.101.** Some Areas have trained other Area staff to provide better cover for VLU absences. Some have other Area staff undertaking the peer review checks, to free up resources in the VLU and make the checking process more independent and objective.

**1.102.** Depending on the size of the Area, there are variations in the staffing grades for the VLU, which generally include A2s and B1s. Some Areas have a dedicated B2 VLU manager with sole responsibility for the VLU; in other Areas, the VLU manager is a B1. Where there is no dedicated B2 VLU manager, an Area B2 with other responsibilities has a supervisory role in the VLU. This could mean that the B2 has conflicting priorities. In CPS Cymru–Wales, an overarching Level D business manager is responsible for the VLU. The Area has taken this approach to help drive improvement and manage compliance with processes by prosecutors.

**1.103.** The suitability of the structure and governance of VLUs to enable the production of quality letters was raised by a number of ABMs. The issues raised included whether a dedicated B2 VLU manager was needed to provide greater oversight, regardless of the size of the Area,

and whether the VLUs needed to include more senior level operational delivery staff (more B1s rather than A2s) to strengthen quality. There were also varying views on where the chain of command for the VLU fitted into the overall Area setup, with some thinking that management should be part of the operational business centre, separate from the Area's operational casework delivery, and others expressing the opposite view.

**1.104.** The concern about staffing grades and governance is reflective of the realisation that presently, VLUs are not working effectively, and the question of whether there is sufficient seniority, authority and autonomy to tackle non-compliance and improve quality overall.

**1.105.** One Area commented that it was not the staffing of the unit, but rather the relationship between the lawyers and the VLU that needed to improve. There certainly needs to be good understanding of the roles and responsibilities of each, and positive, constructive relationships that enable appropriate challenge. All Areas recognise the necessity for VLU staff to be capable of having constructive conversations with lawyers about sub-standard paragraphs.

## Training

**1.106.** At the time of the last inspection, mandatory national training was being rolled out for all prosecutors, focusing on the quality of communication and compliance, including reiterating the SOP. In this inspection, most Areas told us that training had been delivered, and that there has been additional training for recently recruited lawyers. Inspectors were also informed that the standard of training is very good, and that new lawyers were more compliant with processes than some who had been in the CPS for a number of years. Inspectors were also informed that a specific VCL letter training package is also being rolled out to lawyers and staff in rape and serious sexual offences (RASSO) units.

**Inspectors were informed that the standard of training is very good, and that new lawyers were more compliant with processes**

**1.107.** Some Areas have also set up VLU familiarisation visits for new prosecutors and those prosecutors who regularly do not send the correct information to the VLU. We were told that there are also other training and feedback mechanisms in place, with VLU staff attending team meetings and discussing performance issues for letters at team

meetings. The pan-London VLU intend on using a VLU manager blog to involve everyone in the VLU process and to engender greater understanding of the VLU's role across the Area. Blog topics that have been drafted so far include a blog on empathy and a plain English blog. This is a good idea.

**1.108.** For VLU staff, an induction pack is available on the intranet with a related training programme. This includes desk-based training and the appointment of a 'buddy'. It is not clear, however, that this is fully utilised by all VLUs.

**1.109.** There is no specific bespoke training for VLU staff related to writing letters, or any specific training to support writing VCL letters, which is a missed opportunity. Inspectors were told that some VLU staff had experienced some difficulty when trying to access the prosecutor VCL course. Some Areas are also considering wider civil service training for VLU staff, and producing local training on wider criminal processes to help staff in the VLU understand the prosecutor's role, to help improve that relationship.

**Annex A**  
**Victim Communication and**  
**Liaison scheme**

A victim in a case is entitled to be informed by the Crown Prosecution Service (CPS) of any decision taken not to prosecute, to stop a case or substantially alter a charge<sup>5</sup>. The victim is entitled to be informed of the reasons for making the decision by letter. The Victim Communication and Liaison (VCL) scheme is the mechanism by which the CPS discharges its responsibilities.

The VCL scheme operates where the CPS prosecutor makes a decision which alters a case or stops it. The scheme aims to encourage direct contact and greater interaction with victims, targeting services to those in greatest need and to take account of the Code of Practice for Victims of Crime (the Victims' Code)<sup>6</sup>.

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

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

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

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<sup>5</sup> Where the CPS makes a decision: to discontinue a charge and proceed on another; to substantially alter a charge; to discontinue all proceedings; to offer no evidence in all proceedings; or not to prosecute.

<sup>6</sup> *Code of practice for victims of crime*; Ministry of Justice; October 2015 (in effect since 16 November 2015)  
[assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/476900/code-of-practice-for-victims-of-crime.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/476900/code-of-practice-for-victims-of-crime.PDF)

<sup>7</sup> An app used by prosecutors, which uploads information to the CMS.

**Victim Communication and Liaison scheme: letters to victims**

Prosecutors should inform the VLU in a timely fashion and confirm whether the victim is entitled to receive their letter within one or five days.

# **Annex B**

## **Inspection framework**

## Inspection framework

The framework for this inspection consisted of an overarching inspection question and three main sections of questions. The inspection question asked whether letters sent to victims under the Victim Communication and Liaison (VCL) scheme were timely and quality letters.

The three main sections of questions were:

### **Are VCL letters identified and timely?**

- Are Victim Liaison Units (VLUs) being notified correctly when letters need to be sent to victims, and whether enhanced or non-enhanced timescales apply?
- Are sent letters timely, including enhanced and non-enhanced letters under the VCL scheme?
- Is performance for the identification and timeliness of letters improving?

### **Are VCL letters of the right quality?**

- Do Area letters provide a quality response?
- Are meetings being offered when appropriate?
- Does the Area have a system for quality assuring letters that is effective?
- Does CPS Headquarters have a system for quality assuring letters that is effective?
- Is the quality of letters being improved as a result of assurance checks?

### **Are systems effective to support the identification, quality and timeliness of letters?**

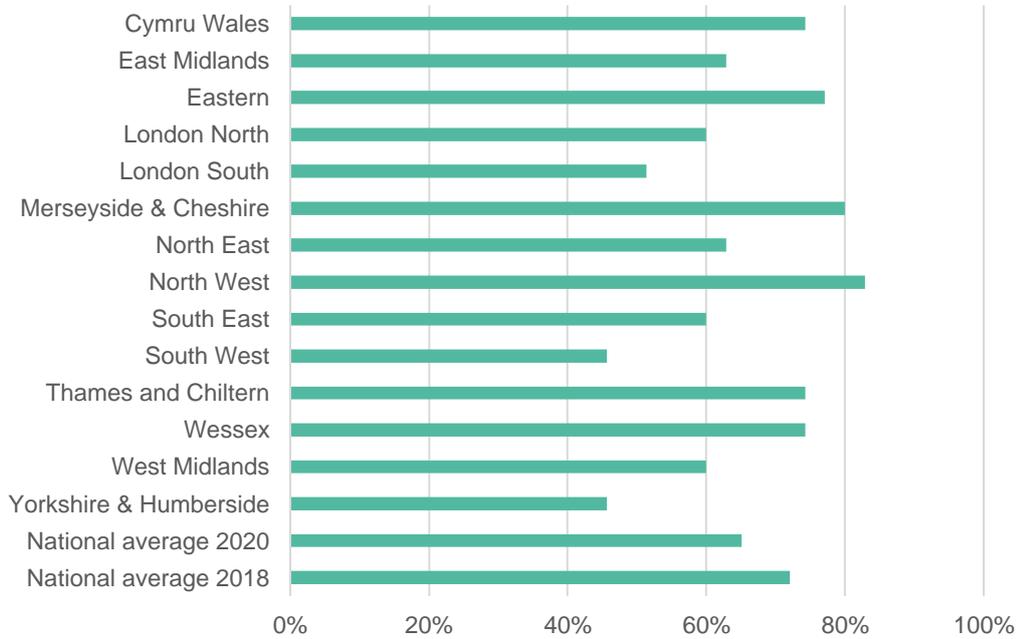
- What improvements have been made by CPS Headquarters to the VCL scheme?
- Has policy and guidance at the national level been successfully introduced to Area practices?
- Is there any evidence of performance improvement for VCL letters at Area and national level? (Letter sample)

# **Annex C**

## **Letter outcomes**

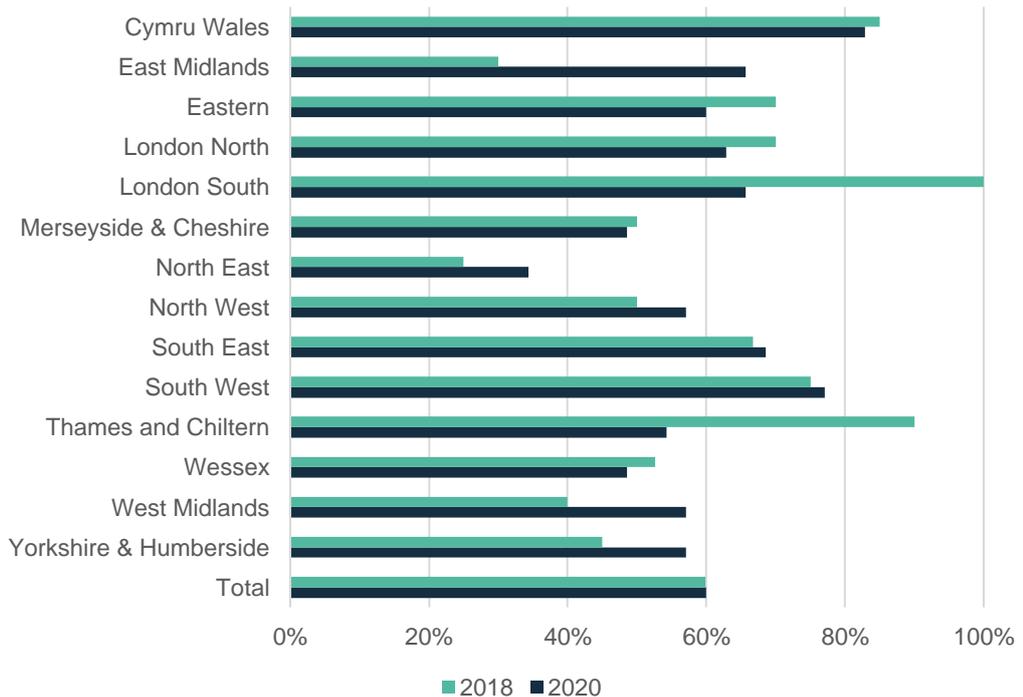
## Timeliness

Figure 1: Overall timeliness of letters in 2020

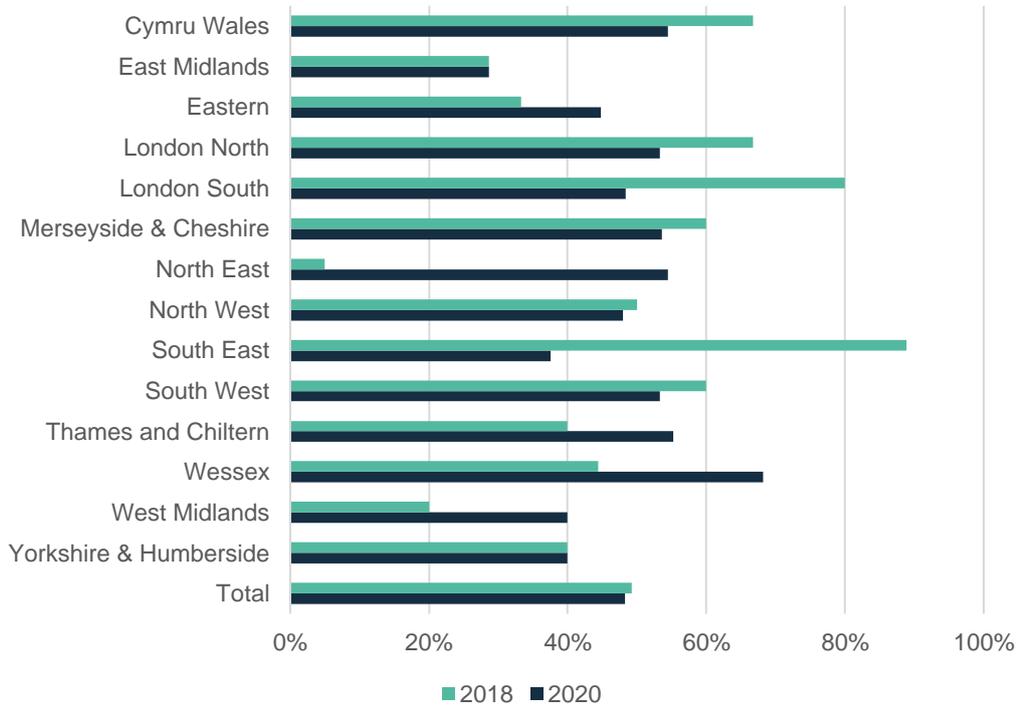


## Information

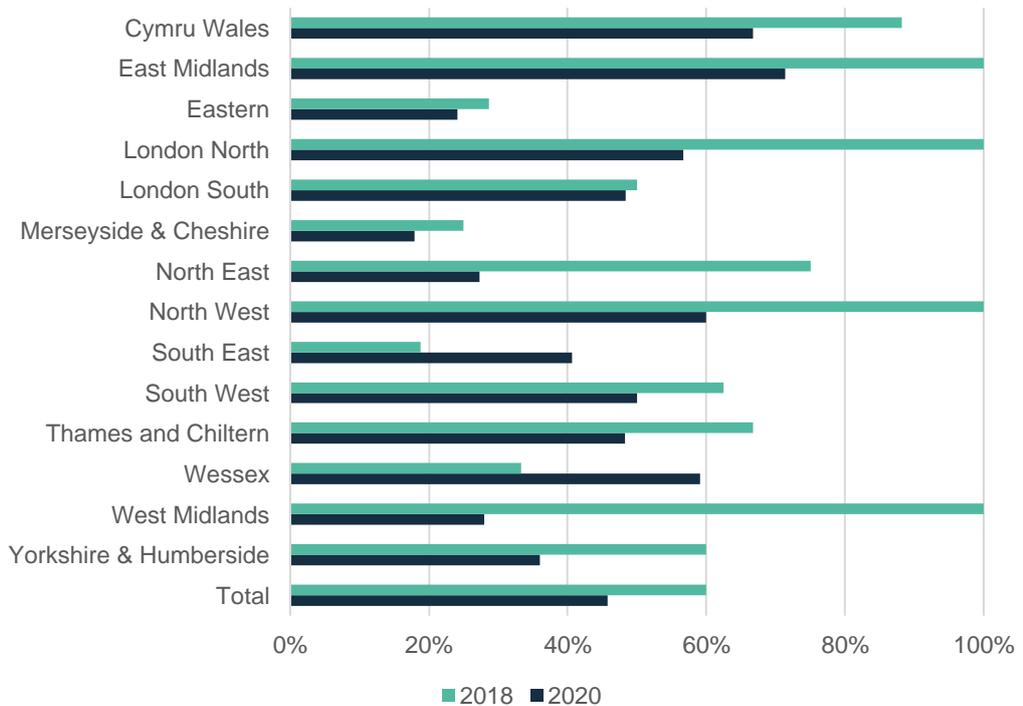
Figure 2: Comparison of volume of information provided by prosecutors to Victim Liaison Units (VLUs)



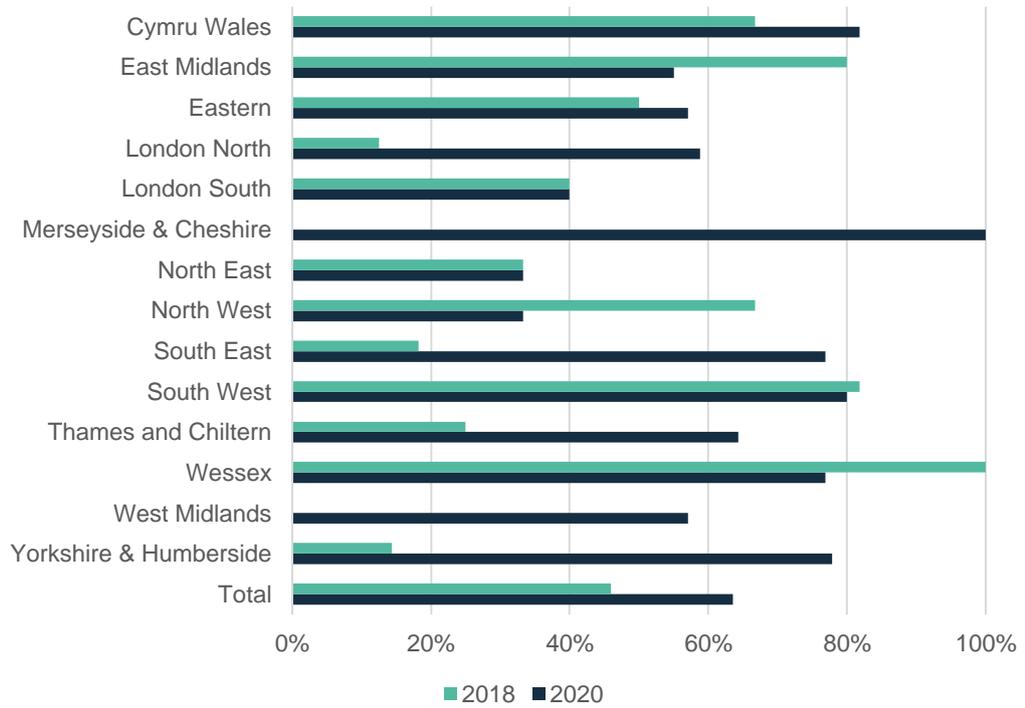
**Figure 3: Comparison of quality of information provided by prosecutors to VLUs**



**Figure 4: Comparison of volume of VLU amendments made to information provided by the prosecutor**

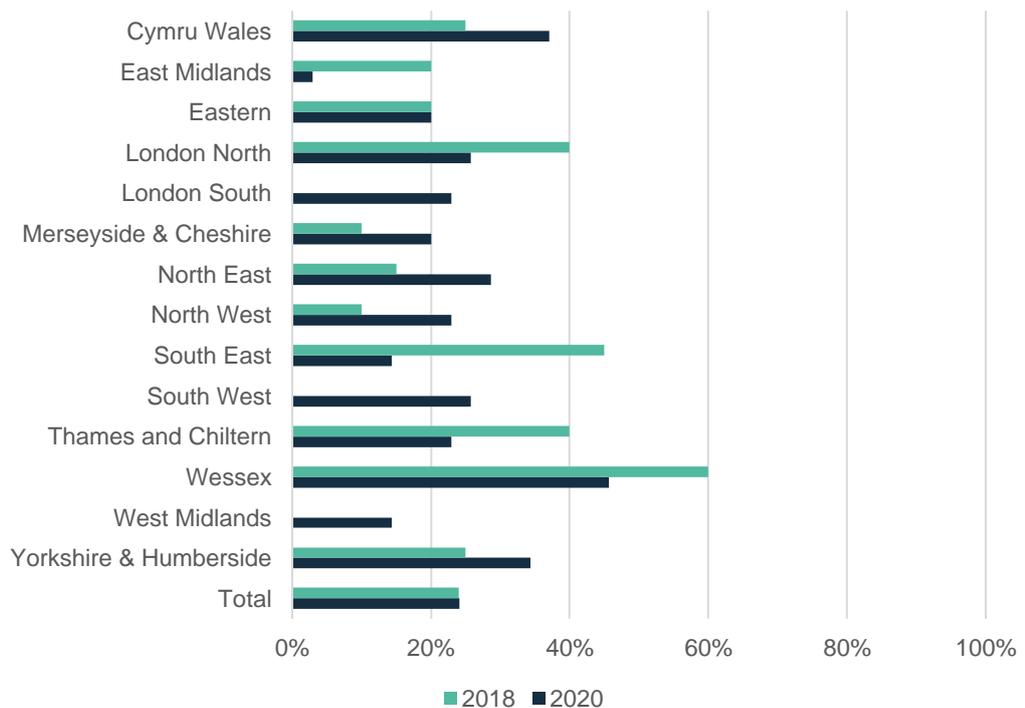


**Figure 5: Comparison of level of improvement made to information provided by the prosecutor**

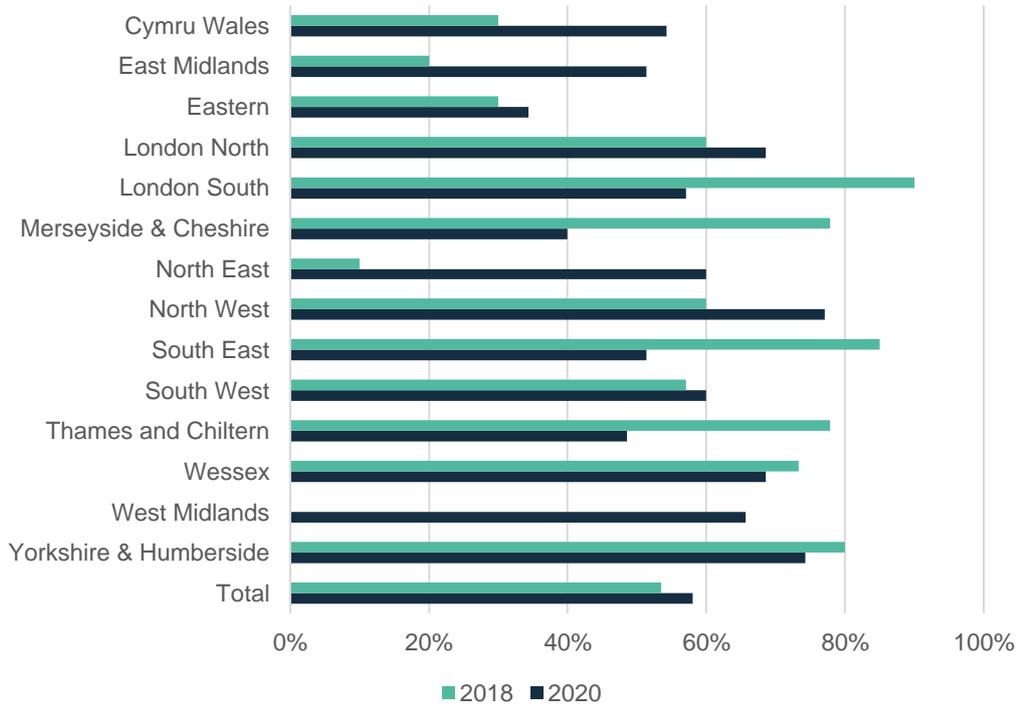


## Letter quality

**Figure 6: Comparison of letters assessed to be quality letters**



**Figure 7: Comparison of letters assessed as having sufficient empathy**



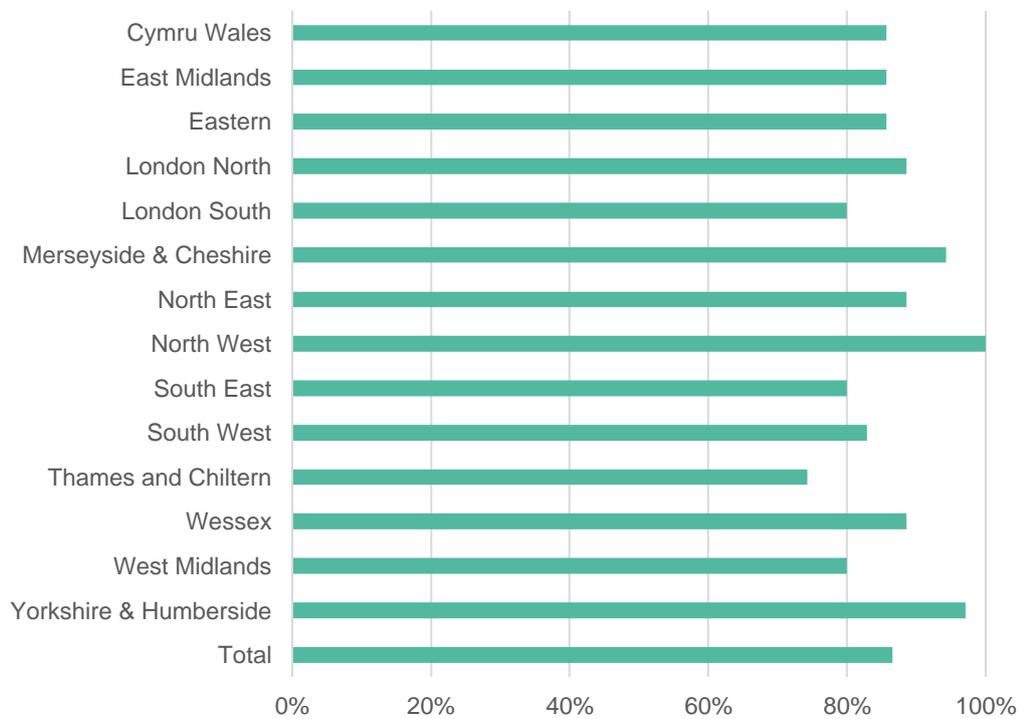
**Figure 8: Letters assessed as being clear/understandable in 2020**



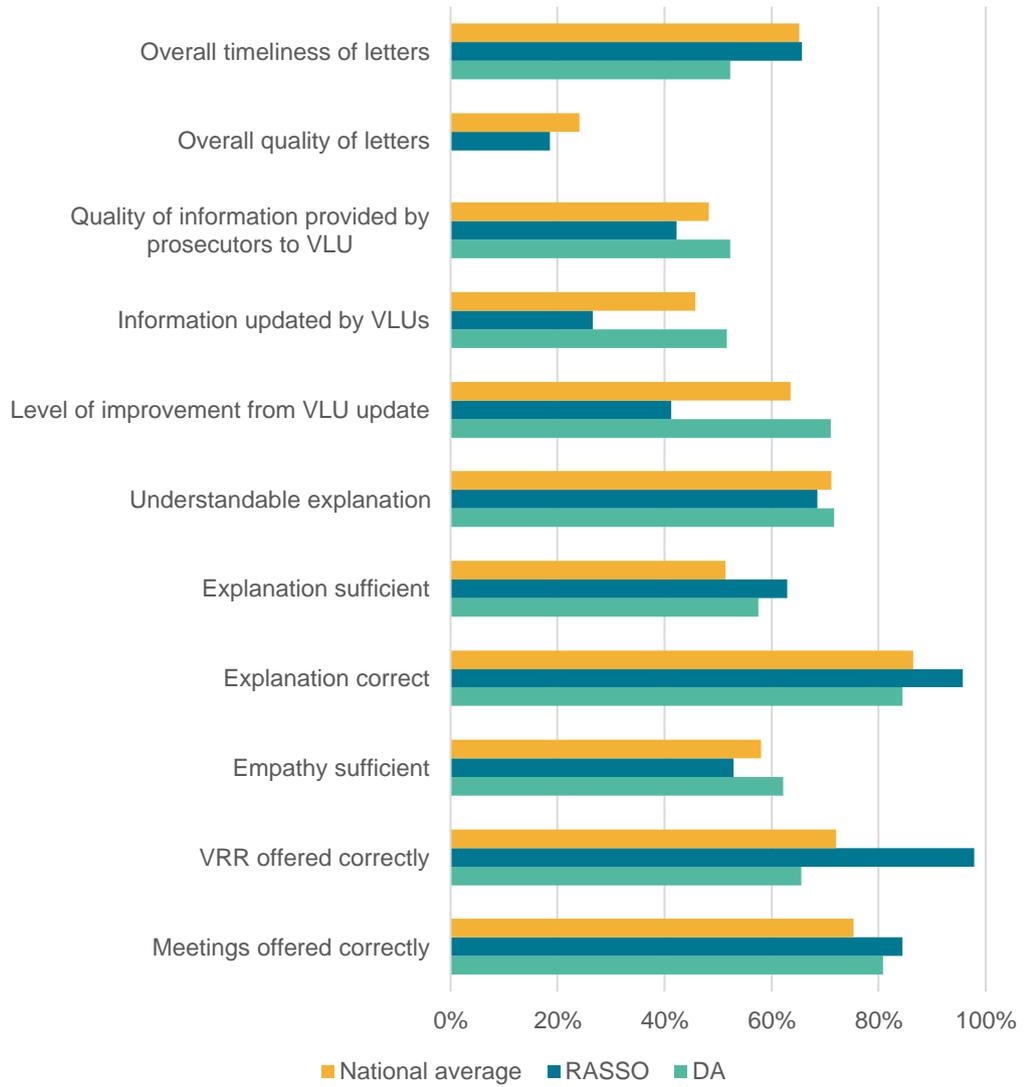
Figure 9: Comparison of letters with a sufficient explanation



Figure 10: Letters with an accurate explanation in 2020



**Figure 11: Comparison of letter performance in domestic abuse (DA) and rape and serious sexual offences (RASSO) cases in 2020**



# **Annex D**

## **Glossary**

## **Area**

The Crown Prosecution Service is divided into 14 geographical Areas across England and Wales. Each Area is led by a Chief Crown Prosecutor, supported by an Area Business Manager.

## **Area Business Manager (ABM)**

The most senior non-legal manager at CPS Area level or Division level. The operational delivery profession lead.

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

The computer system for case management used by the CPS. Through links with police systems, the CMS receives electronic case material. Such material is intended to gradually replace paper files.

## **Crown Prosecution Service (CPS)**

The principal prosecuting authority in England and Wales, responsible for:

- prosecuting criminal cases investigated by the police and other investigating bodies
- advising the police on cases for possible prosecution
- reviewing cases submitted by the police
- determining any charges in more serious or complex cases
- preparing cases for court
- presenting cases at court.

## **Domestic abuse and domestic violence**

Domestic abuse is abuse that occurs in relationships or between family members. Domestic violence is one type of domestic abuse, but domestic abuse also includes other types, such as emotional abuse (like controlling behaviour, isolating and belittling) or threats and intimidation.

## **Enhanced service**

Some victims are entitled to an enhanced service. This includes victims defined as vulnerable, intimidated, victims of the most serious crimes and victims who are persistently targeted. The enhanced service includes an entitlement to receive a letter within one working day of a decision not to prosecute, to stop a case or to substantially alter a charge (a one-day letter).

### **Management information system (MIS)**

A system used by the CPS, which obtains data for interpretation from the case management system.

### **National resourcing model (NRM)**

The analytical resourcing model used to calculate CPS staffing levels.

### **Prosecutor App**

An app used by prosecutors which uploads information to the CPS case management system.

### **Requirements to offer a meeting**

A meeting must be offered in the following case categories where the CPS is responsible for informing the victim of decisions not to prosecute, to discontinue or to alter charges, unless the prosecutor concludes that in all the circumstances a meeting should not take place:

- cases involving a death
- child abuse
- sexual offences
- offences aggravated by hostility based on disability
- racially/religiously aggravated offences
- cases with a homophobic or transphobic or sexual orientation element
- offences motivated by hostility based on age.

### **Victim Liaison Unit (VLU)**

In 2014, the CPS set up Victim Liaison Units in all Areas. The aim of the units is to offer a dedicated professional service to victims, ensuring that they are consistently provided with high quality, timely, effective and empathetic letters. The units deal mainly with communication after the CPS case has come to a conclusion. They are intended to be a 'one stop shop'.

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

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

## **HM Crown Prosecution Service Inspectorate**

### **London Office**

7th Floor, Tower  
102 Petty France  
London SW1H 9GL  
Tel. 020 7210 1143

### **York Office**

Foss House, Kings Pool  
1–2 Peasholme Green  
York, North Yorkshire, YO1 7PX  
Tel. 01904 54 5490

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